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To whom it may concern:

As someone who sees the harm that can be done by improperly granted patents, I welcome patent reform. One area where the America Invents Act falls short, however, is in granting patent protection for things which should not be patented. One area specifically is software. I write software, and I understand the thought process and inventiveness that comes from trying to tackle problems in software. The trouble is, the solutions to these problems are based on mathematics. So patenting software is like patenting ideas. And this has a chilling effect on innovation.

For example, I was reading a software patent which sounds like a complicated issue. It was basically removing expired items from a hash table. That sounds complicated. But to put it in plain English, imagine that you went into your fridge to get some milk, and in the course of doing so, you noticed some mold growing on a banana. You only knew it was a banana because it was in that spot where you put your bananas. So you threw it out. Imagine if you had to pay some inventor 5 dollars everytime you did that. Everytime you go to the fridge, and you notice something rotten, you have to pay this inventor \$5 for patent infringement. Why was this patent allowed? Because a person at the patent office didn't realize that his refrigerator is a hash table (basically a place to store items) with a hash code (big items go on the big shelves) and each item has an expiration date. So the patent examiner, who knew nothing about software, couldn't find any prior reference to this technology and granted a patent. So the America Invents Act should address this.

There is something seriously wrong when software companies can patent obvious things that we do everyday, and yet there is another company doing just that. The company is called Lodsys, and they want to patent "in-app purchasing" in software applications. In-app purchasing is just a means to let a person who has a free-app pay for a version that has more features. There is no innovation here. Drug dealers have used this model since at least 1980 because I remember the "Just Say No" campaign and learning about how drug dealers say the first is always free. So when a person gives you a free app, and then asks you if you want to pay for more fun, there is no obvious there. Instead, our country is paying judges in Eastern Texas to hear these ridiculous complaints. So the America Invents Act should do something about this.

Those are my comments.

Patrick