

From: Kieran Levin [e-mail redacted]
Sent: Tuesday, September 28, 2010 12:29 AM
To: Bilski_Guidance
Subject: Please take a strong position against software patents.

Dear USPTO,

As a researcher and student I find that most software patents that I find are both trivial and unwarranted on the grounds of originality. When I read a patent I want to see something that says aha, wow what a great original idea, I would not have thought of that. However in my experience many software patents issued are of things that have been in use for years or something that could be trivially created by almost anyone. Thus they have little ground for patentability. While a poor implementation of patent law is not grounds to eliminate patents in and of itself it creates a very strong case to do so.

Furthermore most software today does one of two things, it either implements an algorithm, or implements a specific feature in a specific manner.

For software that implements an algorithm, it can easily be equated to a computer performing a mathematical computation similar to giving a human a piece of paper and computing the algorithm in their head. However historically we have not patented the logical calculation of mathematical algorithms, and I firmly believe that we must not allow the patentability of performing calculations.

For software that implements a specific method or function, this is akin to patenting a process. However in light of the USPTO's poor performance in patenting trivial software as noted above, I strongly believe that our country would be better off without the USPTO allowing for frivolous and arcane patent lawsuits to both destroy small businesses as well as cost big companies lots of money, as well as destroying small companies who do not have the resources to fight frivolous patent lawsuits. The Issue of software patents can bankrupt entrepreneurs and small business owners, so I think that for this reason alone software patents do more harm than good.

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