My experience as a Distinguished Member of Technical Staff at places like Bell Labs (where I worked for 22 years) taught me that big companies take advantage of a myriad of counterproductive patent laws and practices in ways that stifle innovation. This must stop.

My work in large companies, small companies, and as an independent software engineer and consultant has showed me firsthand how the patent game at best distracts people, and at worst destroys innovative small companies and locks up great ideas. No one ever reads patents in order to get good ideas for what they should use in their software.

Quite the opposite. And the push to actually innovate and get software solutions in front of people is so strong that any extra incentive from the ability to patent software adds nothing. And the danger of being thwarted by a software patent prevents people from getting involved or distracts them from their work. It is an enormous risk that is growing.

The RSA patent is a great example. Of course it was an innovative idea. But the way the patent game played out, it took far longer for this crucial technology to be used in the real world in effective ways.

Standardization is important in the computing world, and standards organizations know the importance of both open source code and royalty-free terms for standards. Patents again muck up the works.

The purpose of patents is supposed to be "to promote the progree of science and useful arts". Software patents clearly don't. Please eliminate or restrict them in all ways at your disposal.

Mathematics is not patentable. Software is simply one of the most advanced form of mathematics we have, and shouldn't be patentable either. Only physical machinery (which can't be open source) should be patentable.

Neal McBurnett
http://neal.mcburnett.org/