From: Scott Parish [e-mail redacted]
Sent: Friday, September 24, 2010 7:01 PM
To: Bilski_Guidance
Subject: Please exclude software from patent eligibility

The Constitution enacted patents specifically to promote "sciences and useful arts", yet this is exactly the opposite effect that patents exhibit in the software space where patents are largely only used by either established non-innovative players trying to maintain their position in the market as well as non-players who's sole purpose is to hold and litigate using software patents, but who have no products and do no innovation.

I worked as a software engineer at IBM when SCO was attempting to sue IBM over patents. While IBM is an established player and had the resources to fight the litigation, it drastically impacted the innovation of my colleagues who got tied up in discovery and other phases of the litigation process. It cause IBM to cancel projects that it would have worked on otherwise. This, and countless other examples, continue to show that software patents provide no incentive to innovate and weapons to be used against those who do.

Furthermore, in the context of software, most things which are patented are obvious to anyone who's in the same situation. This is why it is so easy to unknowingly infringe on other's patents. Most software developers have little or no knowledge of what patents exist, but will end up infringing as they will end up "inventing" the same solution when they are faced with the same problem.

Please exclude software from patent eligibility. I'd also strongly encourage the read of the book "Against Intellectual Monopoly" by Michele Boldrin and David K Levine who much more eloquently make the case against patents then I am able to.

Thank you
Scott R Parish
Senior Software Engineer