**From:** Moses Hohman  [e-mail redacted]
**Sent:** Monday, September 27, 2010 2:37 PM
**To:** Bilski_Guidance
**Cc:**  [e-mail redacted]
**Subject:** Please abolish software patents

Dear Sir or Madam:

It's imperative that the USPTO use this opportunity with Bilski v. Kappos to address the serious problems caused by the software patents it has issued in the past.

The purpose of the patent mechanism in general is to "to promote the Progress of Science and useful Arts". While this mostly works for some industries, it's no secret that companies routinely use patents to the opposite effect, by securing IP rights to something they have no intention of pursuing as a useful product or service, instead litigating others for money and influence. There is probably no industry where this is more prevalent than the software industry.

The software value creation lifecycle is significantly different than that for more industrial age products. It is common knowledge in software entrepreneurship circles that the primary value of a work of software does not lie in the idea--i.e., in the commonly patented IP--rather in the executed software design and code and in the relationship that the software organization and the software has to its user base. However, once IP has been patented, it is possible for an organization with those rights to prevent others from developing an idea into something valuable. This harms everyone (except the patent holder).

In fact, even when the patent holder does develop a useful product, it's hard to see how the software patent benefits the holder. For example, it's hard to argue that Amazon would be substantially harmed if it did not have exclusive rights to 1-Click.

Furthermore, a lot of what gets patented in software should not be patentable. Too many software patents are issued for obvious and trivial but alarmingly broad claims; as such, the organizations with the largest legal budgets win. It's clear that existing patent laws and guidelines are not appropriate for works of software. Therefore, until such time as the USPTO has enough properly trained staff and guidelines appropriate to our digital age, please consider abolishing software patents altogether. It is far and away the lesser of two evils.

Best regards,

Moses Hohman
Chicago, IL