

From: Robert Sheldon
Sent: Friday, June 17, 2011 10:44 PM
To: reexamimprovementcomments
Subject: in regards to software patents and patent 'trolls'

To Whom It May Concern,

I have a few comments on software patents, the length of Intellectual Property rights, and so-called patent 'trolls.' For software patents, the idea that software can be patented to ensure inventive ideas stay protected in an open market, while not being in the best of spirits of engineering and end-user experiences, is a viable option for the near future. However, the development of intangible goods happens at a much faster pace, and as such the scope of a software patent needs to be drastically reduced in order to encourage innovation. While allowing safe harbor for ideas is the original use of a patent, the secondary use for a large company is litigation against other, smaller companies who cannot afford a long court battle, to siphon funds. I believe software patents should be limited to an effective span of 1-5 years. Relatedly, many organizations are created to patent nebulous ideas that can pertain to a wide variety of healthy software markets and products already in existence. For instance, Walker Digital patented a 'database driven online distributed tournament system,' more commonly known as an online 'computer game,' and sued two of the largest money makers in the computer game market. These 'patent trolls' create their funds off of exploiting the judicial and patent systems (and subsequently slowing them down) with no intention nor means to produce any of the products they patent, usually patenting widely used ideas in the public domain and almost always funneling their suits through the texas legal department for their liberal rulings towards trolls. This is not business, and only hinders what true business their is pertaining to these patents. As such, i believe the patent filer must give conclusive evidence that the idea does not currently exist in the public domain, and I might even suggest that the filer gives evidence of intent and ability to distribute or sell. If you got this far, thank you for reading and please let my and others opinions be heard on the matters of software patents.

Sincerely,
Robert Sheldon
Senior Computer Science student