

From: NFN Aaron [e-mail redacted] **On Behalf Of** Aaron
Sent: Monday, September 27, 2010 1:26 PM
To: Bilski_Guidance
Subject: Restrict or eliminate Software Patents

Software patents are a drag on the economy and a drag on innovation.

That software patents are associated with a "machine," the computer, is merely a wink and a nod between parties. There is nothing unique about the machine, from patent to patent.

A computer is merely a tool, like a pencil. Patents for making reservations in a certain way, or calculating a tip between participants of a business lunch, or the like, are *exactly the same* as if those patents involved a pencil to do the same things.

The only thing that software patents accomplish is to pad a company's patent stockpile, in case they get sued for patent infringement by another company. They're only for retaliation, and serve no useful purpose.

Any small company or individual who develops software and runs afoul of a large patent holder's legal department will suffer certain death, because of the cost of litigation. You may be right, but the proof will kill you. In this sense, software patents are merely a legal tool to restrain trade and competition.

Please do away with software patents. I admit the possibility that a software patent might describe something novel *and non-obvious*, but the barrier of proof and approval should be much, much higher than it is.

Besides, you could eliminate your patent review backlog at one go. Bonus!

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Aaron