

From: Aaron ALAI [e-mail redacted]
Sent: Saturday, September 25, 2010 1:01 PM
To: Bilski_Guidance
Subject: USPTO 2010 Consultation

Greetings, I am writing in regard to the upcoming interpretation of the Supreme Court's recent Bilski decision. I will keep this email short and concise while expressing my opinion on the subject as I assume there is a plethora of literature to sort through. The primary ideas I want to convey in this email are a concern for a loss in functional novelty and citizen authority with regard to software. The diversity which exists within software communities will diminish thus stifling novelty and competition from citizens; for example (this example can be applied to any number of software packages): currently I can access the internet and select from almost an endless number of free compilers for any number of computer languages; if I prefer a particular compiler I can donate money to the individual or team that developed it.

I believe that if interoperated incorrectly the court's ruling could create an environment in which my selection choice (and the selection choices of everyone) could be damagingly limited because of reduced novelty and lack of power held by the citizen. This is because larger companies may have a greater capacity to patent code or ideas that are used in most compilers (and free software in general) when compared to the citizen, and as a result the citizen will not have the capacity to develop similar software without fear of litigation. The problem is temporally magnified and creates a feedback loop where the citizen eventually loses any capacity to compete against large establishments because the establishments have patented most of the logical avenues with regard to tackling a particular coding problem. I beg you to consider software as something that is not patentable; software is something everyone can write with a minimal amount of resources, software creation is a platform in which all players can be evenly matched (one individual can create and distribute a software package that competes against even the largest of corporations), and society as a whole benefits from the abundance of software choices because there are more people working on a particular software problem freely which results in more novelty being introduced into the software landscape.

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