

From: Doc Sheldon [e-mail redacted]
Sent: Sunday, September 26, 2010 7:40 PM
To: Bilski_Guidance
Cc: [e-mail redacted]
Subject: Request, concerning software patentability question

To whom it may concern:

Software patents are rapidly beginning to choke productivity, and are allowing large corporate entities to exert unprecedented control over the day to day actions of an increasing number of citizens and businesses. As a novice developer, and a full-time power user, I feel this control daily. I feel that allowing such control is totally against the standards which the USPTO is supposed to establish.

I fully support protection of the inventors of technology from theft, and the protection of their intellectual property. But how does a software engineer justify filing for a patent on a mathematical formula?

Were he alive today, would you grant Pythagoras a patent for his mathematical theory and formula? If your answer is yes, then perhaps the problem has been identified. If no, then I think you have just decided your stance on the issue, as being against software patents, as well.

I would submit that the USPTO's job, in granting a patent, is NOT to protect against intellectual theft. There are already laws in place for such protection, and the means of redress. Your function, I hope you will agree, is to decide whether or not the idea or device proposed is worthy of a patent being granted.

Can you justify patenting a mathematical formula, that by its inherent nature, has existed for eons? The language of a proprietary program by which such formula is processed, I can see. However, I don't believe your present hierarchy really breaks down to that level, so I would further submit that the USPTO needs to hold off granting any more software patents, and establish a realistic subdivision under which a specific program, NOT a "type of process", can be patented.

The specificity of such patentability standards should, I think, preclude most of the software patents your office has approved or is considering. Make them meet your standards, if they wish to hold a patent... don't lower your standards, in order not to deny them.

I sincerely hope that you will make the right decision at this critical point, as either way, it will undoubtedly set the stage for future developments. One possible outcome, should you continue to allow software patents, is truly frightening. Even the side-effects are potentially catastrophic. The end result may be much, much worse.

Thank you for your time.

Sincerely,

Sheldon L. Campbell