

From: Nick [e-mail redacted]
Sent: Monday, September 27, 2010 2:15 PM
To: Bilski_Guidance
Subject: Software Patents.

To Whom it May Concern,

My father was a chemist, with several patents issued on the behalf of a large company. He used to talk about the patent process; how rigorous it was, how important to protecting innovation, and how fair it was. Unfortunately, this process, a cornerstone of encouraging American ingenuity, has been subverted by powerful companies to stifle innovation and competition.

Patents should be applied only to methodology, not ideas, not features, but process. Software is an expression of features, of mathematics in action. By it's very nature. software will share external features, and ideas from each other without sharing the same implementation.

Software is nothing more than a series of basic operations triggered by some sort of data input to create a specific output. The particular process for generating output cannot be proven by the output itself therefore, software patents that apply to output are, in essence, applying to ideas, which goes against the prime tenant of the Patent Office.

As it stands, If I create a device that produces the same result as another device, but has different inner-workings, I am fine, however that is not true for software. This allows for companies to amass large, broadly defined patent portfolios, and stifle innovation from smaller entities.

Please end the practice of software patents, or at least force companies to patent very specific methodologies. That way independent software developers can feel free to innovate, without fear of needless retaliation.

Thank you for your time, diligence, and attention in this matter.

Sincerely,

Nicholas A. Gasper.