

From: Lawrence Greenfield [e-mail redacted]
Sent: Monday, September 27, 2010 10:49 AM
To: Bilski_Guidance
Cc: [e-mail redacted]
Subject: software patents after Bilski

To whom it may concern at the United States Patent Office:

I write in response to your request for comments on Interim Bilski Guidance. I am a software developer with over 10 years of industry experience, working in areas including e-mail servers, web search, mobile phone software, and large data storage systems. I am a co-inventor on several US patent applications, including 11/024977 and 11/138670, and currently employed by Google, Inc; this letter represents my opinion and not necessarily Google's.

I am concerned that the patent office is not correctly interpreting the decision as ruling out patents on pure mathematical abstractions such as software.

Patents on software threatens our ability to innovate and communicate freely. Software is capable of being created and modified by anyone with a computer, and computers are cheap and everywhere, making large numbers of people programmers. Computer programmers regularly rediscover algorithms and methods used by others and do so in the normal course of their work, but a single software patent can create insurmountable legal hurdles for individuals attempting to innovate and make the world a better place. I am not aware of a single software patent that has aided my colleagues or myself in creating our work but significant effort has been expended finding non-infringing alternatives when we have inadvertently and unknowingly implemented algorithms covered by patents. While theoretically software patents might boost innovation, in practice they retard it.

The Supreme Court decision in *Bilski v. Kappos* demonstrates that the Court supports a more narrow reading of software patents than the patent office has been taking in recent years. They do not require software patents to be granted at all, and as software is merely mathematical in nature, the patent office should reject patent eligibility for software. Merely tacking on a general purpose computing device should not be sufficient to create a patentable idea, as applying general purpose computing to algorithms is now quite obvious.

thank you,
Lawrence Greenfield