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Sent: Sunday, September 26, 2010 1:07 PM
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Subject: Patent Guidance for Software Patents

As a software developer, I often find that many existing software patents create a fearful environment for myself and fellow developers in the community. It is rarely the case that the patents we discover while working on some system protect truly unique ideas. It often seems as though companies patent the most general and broad techniques for solving something, but those techniques tend to be so obvious and full of common knowledge that they have no right to patent it.

Another situation I've noticed pertains to real-time physics engines, such as Havok. Many companies that produced these engines have patented parts of the algorithms behind the system. They were not the inventors of the algorithm or the complex mathematical analysis they must perform. Instead there are hundreds of research papers produced by graduate students and professors that have provided these companies with the foundation they needed. If I chose to implement such a physics engine based on the publicly available research, it is very likely that some patent attorney could find a way in which I was violating a patent of one of the physics middleware companies.

In general, I think that the patent model is not appropriate for the field of software engineering. Perhaps if patent attorneys and officials behaved more appropriately and created/demanded more strict and specified patents it would be acceptable. Instead, software patents are now created solely for defensive, counter-suing purposes and to facilitate patent trolling.

Thank you for taking the time to listen,
Michael Ludwig