

From: Jason McCampbell [e-mail redacted]  
Sent: Saturday, September 25, 2010 6:23 PM  
To: Bilski\_Guidance  
Cc: [e-mail redacted]  
Subject: Bilski feedback

Hello,

As a software engineer and entrepreneur for the last 15 years I would like to encourage the USPTO to end software patents. I say this for three reasons:

1 - Patents are intended to encourage innovation by granting exclusivity to the inventor for a period of time. This works well in mature industries where industry leaders have a sustainable competitive advantage over smaller companies in terms of brand recognition and economies of scale. This does not apply to software and other IP based industries that are often classified as 'hyper competitive' because the cost of entry is low and the pace of innovation very high. In these industries patents instead provide a means for incumbents to slow down smaller innovators though expensive legal maneuvering while they catch up.

2 - In order to protect themselves, startup companies are often forced into filing patents, often of questionable value, simply to build up a defensive bulwark to help avoid the legal attacks in (1). This means that small companies are spending valuable time and money on legal maneuvering instead of developing new products. The cost of filing and particularly defending patents is small compared to the revenue of a Fortune 500 company, but a very expensive undertaking for a company of 5 or 10 people. Manufacturing companies are necessarily large due to the size of the capital investment needed, but software companies can be started for well under \$1m. The scale of the legal costs associated with patents is far larger than these companies can absorb.

3 - We risk reducing the competitiveness of the US software industry relative to countries with more restrictive rules against software patents. Companies in these countries are more likely to be able to grow and develop without the threat of legal attacks until they are large enough to enter the US market with the resources to compete legally. This puts US software companies at a potential disadvantage in the future.

For these reasons I strongly encourage the patent office to eliminate software patents.

Sincerely,  
Jason McCampbell

Sent from my iPad