

From: [e-mail redacted] **On Behalf Of** Jason Tholstrup
Sent: Monday, September 27, 2010 3:57 PM
To: Bilski_Guidance
Subject: Software patents: Bilski v. Kappos,

Hello,

This note is in response to your request for input from the public regarding the Bilski v. Kappos case. I believe that software patents should not be granted unless their duration is greatly shortened (3 to 5 years). As I am sure you are aware, the computer industry is still in it's infancy, or at best it's adolescence. As such, there is still a lot of discovery and innovation in the field as we try to figure out the right way to do things. Currently we are construction the building blocks of computing and things are moving fast. To hinder development with patents only retards this innovation and progress.

Currently patents are being used only as a barrier to entry from smaller start-ups by larger conglomerates. The likes of IBM, Oracle, Microsoft, Apple, and Google use patents to squash competition or simply stock pile them in the event they are sued so that they can defend themselves. Basically at this point, so much is new in the computer space that it's hard to implement something without creating something patentable. As this is the case, what you have is coincidental patent infringement all over the software industry. If nothing else the USPTO needs to significantly raise the bar as to what qualifies as patentable. Many of the patents granted are laughable and have easily findable prior art sometimes decades old. This gives way to the so called "patent trolls." Firms that exist only to sue people for patent infringement. While some of these firms hold legitimate patents, often times they are suing over what really seems like an obvious solution to a problem. The EOLAS patent for "Distributed hypermedia method for automatically invoking external application providing interaction and display of embedded objects within a hypermedia document," is a prime example.

Basically, display an object in a web page that isn't text. You basically use this for web videos and when you can read a pdf or word doc inside of your browser. This is not an innovation, this is just how you would do it. It's like patenting building a deck with oak, and everybody who builds an oak deck owes me \$40. So please, either set the bar higher or just do away with these patents altogether.

Thanks for you time,
Jason Tholstrup
Software Engineer