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From: Dan

Sent: Saturday, January 05, 2013 2:32 AM

To: SoftwareRoundtable2013

Subject: Software patent enhancement: An inventiveness-scaled protection term.

Hi there,

My name is Dan, and I am a computer hobbyist from New Zealand.

Firstly, I endorse the idea that software should be patentable. However, the current state of software patents in the United States negatively affects me through artificial limitations in the software and hardware I use. I therefore believe that some changes are necessary.

My suggestion is very simple: Retain precisely the same patent system as is currently in place, but with the addition of an inventiveness-scaled protection term; that is to say, a non-inventive patent might expire after six months, whereas a highly inventive patent might expire after five years (the definition of inventiveness in this instance is that of the European Patent Convention).

I believe the proposal is fundamentally logical: It rewards the time taken to develop an idea (in the form of inventiveness) with time allocated to benefit exclusively from use of the idea (the protection term). Programming techniques evolve rapidly, hence the relatively short durations suggested above.

The benefits of implementing this proposal would be that the vast majority of the patent application process would not need to be changed, nor would a complex overhaul of the patent system be required. The only difference would be the addition of the inventiveness-scaled protection term.

The only problem with this proposal is one endemic to all such systems: Interested parties will always have differing assessments of exactly how inventive any given idea is, and the consequent duration of the protection term conferred. The solution to this problem is a matter that would require further discussion.

I'd just like to thank your office for their decision to examine and improve the software patent system, and for giving interested parties such as myself the opportunity to contribute to the discussion.

Best wishes,
Dan.