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From: Scott Jordan

Sent: Friday, January 04, 2013 6:39 PM

To: SoftwareRoundtable2013

Cc: Patty's Pioneers

Subject: Comment on software patents

Dear Sirs:

Thank you for the opportunity to comment on this important topic.

As I understand it: classically, ideas aren't patentable but mechanisms are.

Software is in a grey area in-between, and it's getting greyer. I can, for example, implement an algorithm on my computer screen and then press a button and have that transformed into silicon through the magic of Field-Programmable Gate Arrays (FPGAs).

Is the result software or hardware?

Speaking as a guy with several software patents, I am admittedly biased on the topic. My fondest work involved an approach to improving the resolution of a common electronic component, a digital-to-analog converter (DAC) chip, by as much as five orders of magnitude. This can be implemented in software or hardware, both conventional and FPGA. Gray area! But either way, it achieves something that was formerly viewed as impossible. Why discriminate against one implementation or the other? A nifty, valuable trick is a nifty, valuable trick either way.

In exchange for temporarily exclusivity, I have happily undertaken the obligation to disclose and teach others how to do it. They are similarly motivated to develop their own innovations.

So I have serious misgivings regarding today's calls for simple-minded prohibitions against "computer programs" as patentable. Pull that thread, and many of today's burgeoning fields of innovation will be stifled. I really see no difference between a program which sequences operations and a clacking cogworks which sequences operations. But that artificial distinction risks being codified into law. Big mistake.

Sure, there have been some silly software patents granted. There have been silly patents in many fields. Let's not throw the proverbial baby out with the silly-patent bathwater.

Thank you again for the chance to make my voice heard.

Best regards,

--Scott Jordan
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