From: STeve Andre' [e-mail redacted]
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To: Bilski_Guidance; [e-mail redacted]
Subject: "Bilski_Guidance" comment

   To whom it may concern:

Software patents are a horrid idea: they hurt individuals, in
that they take away the rights of individuals to intelligent
devices they have, and cast a pall of uncertainty upon all
software developers, as to whether their code infringes upon
an existing patent.

Many similar concepts in software arise from independent
sources when solving a problem, because it is often the case
that simple logic dictates a certain way of doing something.
A patented algorithm is usually not un-obvious, but the logical
conclusion of work towards a goal. Many, many algorithms
comprise a large software package such as a word processor
or operating system. Looking back at previous source code
for projects reveals that things are done over and over again
sometimes nearly identically.

The concept of software patents is toxic. It makes any software
endeavor a possible patent mine, and disagreements over a
piece of code being infringing is far harder than determining
a physical object that may infringe. What is the standard
for determining uniqueness--

   Lines of code that are different?

   Code that is different from the patented item, but which
performs a complex task with identical results?

   What of the case of possible infringement when the
challenged code is written in a radically different language?

   What standard can be set for the size or complexity of a
patentable item?

Given the length of the computer industry, the length of
patents is an absurdly long time. What happened five years
ago is a long time, yet patents last several times that.
With "patent trolls" on the rise, virtually all software
projects are at the mercy of interests whose primary interest
is money. This has the side effect of stifling innovation,
from those without the resources to withstand a legal barrage.

I do not believe the Supreme Court has ever ruled on this
concept. Software patents are not American--they are fueled
by greed. The USPTO should not grant these patents.

Stephan F. Andre'
Ann Arbor, Michigan
[e-mail redacted]