Hello,

I understand that the close of a request-for-comment period for a discussion surrounding software patents is approaching. As a software developer and engineer, I support a strong stance against the awarding of software patents.

These patents hinder innovation by allowing companies to use them abusively < http://www.techdirt.com/articles/20100708/04230710128.shtml> to halt the work of would-be experimenters and hobbyists, are often foolishly granted for entirely fundamental concepts < http://www.google.com/patents?id=Szh4AAAAEBAJ&printsec=abstract#v=onepage&q &f=false> in computer science that have been understood and in use for 60 years or more, breed a culture of patent trolling firms < http://www.techdirt.com/articles/20100602/0421159656.shtml> who buy up patents from third parties solely for the purpose of litigation with no intent to use the technology, and engender systematic fear and doubt < http://news.cnet.com/2100-1014-5168921.html> among technology companies with regard to the legality of even considering a specific approach to implementation.

Moreover, many companies (such as Sun Microsystems, some years ago) who have/had no intention of seeking patents for their innovations) have been forced into the arms race by others suing under similar terms, bulking up an arsenal simply for the sake of (hopefully) having something to cross-license in the event of a subsequent suit and settlement. For smaller companies and startups, patents are entirely out of reach due to the cost of completing the process.

Taken together, these ill effects potentially hold up the pace of innovation in our industry by a decade or more, contribute to spiraling legal costs and protracted lawsuits driving company profits and valuations down, while providing dubious benefits to patent holders.

A system designed to protect the wealthy incumbents with looming legal warchests is not one designed to foster freedom and discovery. As a developer and engineer, I find that our industry is best served by a culture of innovation and free competition. If the USPTO is considering restricting, ceasing to award, and/or retracting software patents, I would strongly favor this move.

Regards,

- Scott

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