

From: Gregory Gerard [e-mail redacted]
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To: Bilski_Guidance
Subject: software patents

I would like to provide comment towards software patents.

As a software practitioner of over 20 years, I find software patents in general do not provide a benefit to society and certainly not warranting cost of supporting litigation borne by society in terms of lost productivity (for example, working around granted patents that are obvious to even inexperienced or ordinary practitioners).

In such a rapidly changing field, patents with their long terms serve to retard real innovation by encouraging defensive over-patenting thus driving out smaller entrepreneurs and creating a stagnant population of software providers who can freely trade in the currency of patent collections.

The US tax payer is hurt by this because of lost sales opportunities and a lack of real innovation of products produced.

I can only provide anecdotal observation, but the granted software patents I've read are trivial and demonstrably non-unique.

The bar for software patents must be substantially higher than it currently stands. The extraordinary protection provided by a granted patent should require an extraordinary and thoroughly investigated claim.

Sincerely,
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