From: Paul S. McCarthy [e-mail redacted]
Sent: Thursday, September 23, 2010 9:42 PM
To: Bilski_Guidance
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Subject: Software Patents Stifle Innovation

To: United States Patent and Trademark Office

I am a professional software engineer. Software patents impede my ability to develop innovative new products by making it difficult or impossible to develop software that interacts with other products. When a data compression ALGORITHM is patented, then I cannot write programs that interact with data compressed using that algorithm, because I would be infringing on that patent. When an encryption ALGORITHM is patented, then I cannot write programs that communicate with products using that algorithm without infringing the patent. When a spread-sheet company patents a completely obvious (and logically REQUIRED) ALGORITHM to perform calculations in "natural order", then NOBODY can write a spread-sheet program without infringing yet another ridiculous patent.

Software patents do not promote the development and diffusion of knowledge.
They promote secrecy and litigation.

Most of my recent employers have had "patent strategies". These are attempts to pump up the number of software patents with obvious algorithms, for the sole purpose of defensive and offensive litigation.

The patent system does not incentivize the people who develop software algorithms. The patent system incentivizes lawyers. The "bonuses", "benefits" and "rewards" for software patents to software developers are a pittance. The creative people inventing these algorithms are not the people who are reaping the rewards of the patents.

Most of the "infringing" is the result of the fact that patents have historically been issued for trivial and obvious ALGORITHMS. Small independent developers do not have the financial resources to mount patent challenges against these ridiculous patents.

1) All software is exclusively composed of mathematical algorithms which should never have been considered as patentable material in the first place.

2) Many of the patents that have been issued for software have been for completely obvious algorithms, which therefore should never have been considered as patentable material in the second place.

Sincerely,
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