From: Marsh Ray [e-mail redacted]
Sent: Saturday, September 25, 2010 6:05 PM
To: Bilski_Guidance
Cc: [e-mail redacted]
Subject: Public input on the topic of software patents

To whom it may concern,

I have been a professional Software Developer for nearly two decades. In fact, my family has worked in and started software companies since I was a small child. With this background it is not surprising that I feel that, at this time, the innovation and skills in software are one of America's greatest economic assets.

Several times a week, if not every day, I think of and implement ideas that are at least as novel as those for which I see patents granted. Certainly others independently discover many of the same, or similar, ideas. It is simply the course of my ordinary work.

It's obviously impractical to search for existing patents as we develop software. There are just so many granted (mostly of highly dubious novelty and non-obviousness) that I cannot write more than a few lines of code without implementing something that's probably covered by a claim on some unknown granted patent.

Even if some idea were to come along which is truly novel and non-obvious, it is absurd to think that locking it away for 20 years will do anything but discourage its adoption. After watching the industry for decades I can't think of a single instance of a software patent actually promoting progress in a useful way.

As I've seen companies (of all sizes) that are innovating and actually producing useful things being hit by infringement lawsuits over absurd claims, it becomes clear that the presence of patents simply creates a minefield for anyone attempting to produce things of economic value.

Creating software is a difficult enough task as it is. Industry statistics have shown that the majority of software projects fail to meet their original requirements, if they are even completed at all.

What businessperson in their right mind would invest money in such an endeavor when it also carried an unpredictable legal risk and open-ended exposure to liability?

I've always loved the expressive freedom to create just about any software that I can think of and feel fortunate that America is a country where it's possible for me to make a living at it. Please don't let the short sighted imposition of some IP framework designed for a slow moving industrial-age economy screw it up! If the simple act of developing useful and interesting software continues to be subject to this ever-increasing and unpredictable legal risk, I'm just going to have to find a new line of work.

Regards,

Marsh Ray
 [e-mail redacted]