From: Sean Unruh
Sent: Friday, January 04, 2013 3:14 PM
To: SoftwareRoundtable2013
Subject: Comments for the Software Patent Discussions Docket No. PTO–P–2012–0052

Dear Sir/Madam,

As a software developer for over 20 years, I am dismayed by the detrimental effects that software patents have had in the US software industry. Software is created to solve problems. Every developer knows that given a set of requirements or problems to solve, independent developers may come up with innovative yet very similar solutions. If those solutions can emerge independently, then by definition they are obvious solutions to the problem at hand. In another take on the subject, if I can look at the input and output of a given program, and create my own ground up implementation that provides the same output for the given input, a software patent should not be applicable.

If someone builds a machine to produce ravioli using a unique machine, and another manufacturer independently produces a completely different machine that uses the same ingredients (input) to produce ravioli that looks and tastes the same (output), should a patent on the first machine be enforced against the 2nd manufacturer even though the apparatus is completely different?

Trade secrets and source code are the apparatus and should be protected by law against theft. If the logic used by the software is obvious and easily duplicated, it should not be allowed a patent.

The current process for software patents broken. It is allowing too many obvious, over generalized or previously implemented solutions to be given the protection of a patent. The owners of the patents are treating and trading them like currency instead of using them to protect real innovations.

Sincerely,

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