From: Baker, Nathan [e-mail redacted]
Sent: Monday, September 27, 2010 2:58 PM
To: Bilski_Guidance
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Subject: Patent guidance re: Bilski v. Kappos

USPTO and other concerned parties:

Allowing software design to be patentable stifles innovation and fair competition by preventing companies, startups, and individuals from choosing the most natural solution. Software patents fail to protect individuals from businesses, small businesses from large corporations, or large corporations from each-other. While this is surely not the intended outcome of declaring software patentable, the fact that the USPTO do not seem to discriminate between obvious, straightforward, or natural implementations and those which are the result of sustained research and development efforts and monies has effectively turned software patents into a farce.

Patenting a software design or algorithm is akin to patenting a mathematical formula or a phrase in the English language. While all three might require significant mental undertaking to produce, in no case does it make sense to assign ownership of these concepts to a particular individual or entity. Just as writing would suffer if authors had to pay royalties for phrases first patented by other authors or theoretical science would grind to a halt if use of certain formulae could be restricted by corporations, the entire field of programming is a minefield littered with patents, and indeed most (if not all) corporations with a code base of any size have no doubt unknowingly violated any number of patents simply through the individual developers choosing what, to them, was the most straightforward implementation.

I absolutely applaud the request for public opinion, and strongly urge the USPTO to consider completely abolishing or at least strongly curtailing patent protection on software.

Nathan