From: Phil Budne [e-mail redacted]
Sent: Monday, September 27, 2010 12:48 PM
To: Bilski_Guidance
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Subject: Software Patents

I am writing as software professional of 29 years to offer that I feel software patents, as currently issued are bad for the industry.

1. Software development seldom (if ever) involves the ammount of capital investment required to bring a physical process or invention to market. Therefore long term protection to recoup investment (one of the reasons for patent protection) does not apply to software, and never has.

2. Software based product lifetimes can be very short (often less than four years), which are far outshadowed by patent lifetimes.

3. Patents have been issued for software practices that are neither non-obvious nor novel.

4. Collection and cross-licencing of software patents by large corporations and speculators serve as a barrier to entry for smaller developers.

I believe all of the above have combined in ways that limit creativity, counter competitiveness, and stiffle innovation.

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