

From: William Chan [e-mail redacted]
Sent: Monday, September 27, 2010 8:08 PM
To: Bilski_Guidance
Cc: [e-mail redacted]
Subject: comment on software patents

Dear USPTO:

I am a software programmer based in the San Francisco Bay Area. I humbly submit my opinion on how best to structure software patents.

I strongly encourage the USPTO to either stop issuing software patents entirely or to stop issuing overly broad software patents. In my experience, the dynamics of software patents have been entirely detrimental to innovation. Though the original intent of patents was to protect an inventor's creation, in practice patents have degenerated to just another tool in corporate war chests. This is especially problematic to small, innovative companies when larger, richer companies decide to drag smaller companies through expensive litigation processes. In all of the cases I have seen, the alleged patent violations were against solutions to software problems that all parties had arrived at independently without any foul play. The alleged patent violations in the Guidewire Software case are a case-in-point. It is against the common interest to allow such scorched earth tactics to continue.

All software is a configuration of logic. It is not unlikely that two programmers seeking to solve the same problem write very similar software. Hence, I believe that the USPTO should stop issuing software patents altogether.

Sincerely,
William Chan