

From: Jonathan Max-Sohmer [e-mail redacted]
Sent: Sunday, September 26, 2010 5:31 PM
To: Bilski_Guidance
Subject: +1 for vote against software patents

As a professional software engineer, I feel that software patents discourage for-profit companies from putting the time and effort into creating quality software. Because a software patent prevents anyone else from developing similar software, the inherent limitation of competition reduces the incentive for a company which has successfully secured a patent for its software to go through the trouble of making that software robust, stable, and highly usable. The practice is a textbook example of an anti-competitive process. The idea behind a software artifact may be unique and a thing of inspiration, but the implementation of that software is an equal challenge of far greater cost and necessary skill. It is the implementation of the software—the user interface, the algorithms, the architecture—which should be protected, not the concept itself.

Note that I'm not against the patenting the above implementation items (although copyright may be the more appropriate mechanism of protection). Patenting a specific algorithm does not prevent someone else from developing a better algorithm to tackle the same problem, so it would be more appropriate than a broad software "idea" patent. The same holds true for a user interface design. But patents should protect against ripping off a specific product, not preventing the competition from developing a better one.

Sincerely,
Jonathan Max-Sohmer