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To: Bilski_Guidance
Subject: Software Patents Input

Software patents hurt individuals and American businesses by stifling innovation. Nearly all new software is built upon existing software. If software patents continue, innovation will only be possible by large corporations that have the resources to barter their software patent portfolios with other patent holders. Innovation by small and medium sized businesses and independent software developers will no longer be an option. A single software patent can put up an insurmountable, and unjustifiable, legal hurdle for many would-be developers.

Additionally, the investment in software development is nothing near the investment required for a new machine, manufacture, or composition of matter. There are thousands of software developers around the country creating open source software that they give away freely. This is evidence that the cost of creating innovative software is normally not high enough to justify protecting them with patents because of the incremental innovation nature of software development. The purpose of patents is to protect the inventor and provide incentives to invest in innovation. When the primary cost associated with software innovation becomes risk mitigation related to patent infringement, then innovation is slowed and American businesses suffer.

Please support rapid innovation and make software non-patentable.

Best regards,

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