Response to White House Task Force on High-Tech Patent Issues

date   June 4th, 2013

The White House, Office of the Press Secretary, made a release today titled, "Fact Sheet: White House Task Force on High-Tech Patent Issues". It outlines legislative priorities with a recommendation of solutions for seven problems, as well as a list of five executive actions, to which the second reads:

> **Tightening Functional Claiming.** The AIA made important improvements to the examination process and overall patent quality, but stakeholders remain concerned about patents with overly broad claims — particularly in the context of software. The PTO will provide new targeted training to its examiners on scrutiny of functional claims and will, over the next six months develop strategies to improve claim clarity, such as by use of glossaries in patent specifications to assist examiners in the software field.

To improve the quality of software patents, the USPTO moderated a roundtable in Silicon Valley on February 12th, 2013, there was a common theme among the presentations on improving functional language to include source code as a part of the claim on software. While I support the improved disclosure, I feel that this will only disadvantage U.S. software engineers, as foreign businesses would step ahead that are not expected to abide by the U.S. granted monopoly. I would recommend legislation that provides alternative grants to encouraging disclosure for software and to exclude software from patent-ability. This could be expanded to include tax-credits and other incentives for contributing to software libraries, and other innovations in software that benefit the U.S. public, such as video compression technology. We should be working together to solve the challenges we face moving forward with software.

Sincerely,
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