

USPTO to stage two forums for software community

January 7 2013, by Nancy Owano



(Phys.org)—Let the conversations begin. The United States Patent and Trademark Office (USPTO) intends to stage two roundtable discussions with developers on the East and West coasts next month to talk about software patents. The notice appearing in the Federal Register, titled "Request for Comments and Notice of Roundtable Events for Partnership for Enhancement of Quality of Software-Related Patents," invites software developers to express their opinions. The patent office meetings will take place in California and New York. The West Coast roundtable will be held at Stanford University on February 12 and the East Coast event will be held at New York University in New York City on February 27.

According to the notice, "While public attendees will have the opportunity to provide their individual input, group consensus advice will not be sought...." As *The Verge* interprets this, "This is about examining and potentially tweaking the process, not changing the laws."

Nonetheless, the [patent office](#) engaging with the [software](#) industry on patent issues may prove to be quite beneficial. The conversation may produce concerns by [software developers](#) about unjustifiable protections and the need to clarify the vague and broad terms at times evidenced in the filing language used. According to the Register notice, "The USPTO seeks comments on how to more effectively ensure that the boundaries of a claim are clear so that the public can understand what subject matter is protected by the patent claim and the patent examiner can identify and apply the most pertinent prior art."

Software community members who want to attend the meetings need to register by February 4 via e-mail to SoftwareRoundtable2013@uspto.gov but entry will be on a first-come first serve basis. Those applying will need to specify which of the two events they plan to attend. They need to provide their names, titles, and if applicable company organizations, along with their addresses, phone

numbers and e-mail addresses. The organizers are also asking those who seek to register to state if they want to make an oral presentation, its topic, and the presentation's desired length.

Both roundtables are to be webcast. Written comments are invited; the deadline for written comments is March 15, after the events have taken place.

Already, web site postings of the USPTO's intentions to invite dialogue through the two events have produced hundreds of comments from software developers. The reactions indicate how heated the topic of software patents has been and will be in the realm of intellectual property. The comments mirror the opinions among those in the software business who have been saying for some time that patents for software are untenable; that they are innovation killers; and that they hurt small businesses that don't have the deep pockets of software magnates. On the other side, software patent defenders think that patents help, not hinder, innovators by protecting them.

The reactions can be summarized as pro, con, and middling. "As a full-time owner of a small software business... the best way to fix them is to ban them," said one typical anti-patent response. "They are so counter-productive I wouldn't know where to start." Another recent respondent said he is sticking to his corporate job rather than doing a startup for fear that somebody is going to try to shake him down for copying what he did not copy.

There does appear to be a middle ground between heatedly pro and heatedly con software players.

"Nuking software patents is too broad a solution," wrote one of the recent respondents to news of the forums, recommending instead that efforts to improve software patents be made by involving software

engineers as patent examiners.

More information: [www.federalregister.gov/article ... nt-of-quality-of/h-4](http://www.federalregister.gov/article/-of-quality-of/h-4)

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