To:
Enlarged Board of Appeal
European Patent Office
Erhardtstrasse 27
80331 MUNCHEN
Germany

Regarding: Communication from the Enlarged Board of Appeal concerning case G 3/08

In response to case G3/08 I would like to respond as a 'one-man company' in the line of software development and system administration for small and mid size companies in the Netherlands.

If a computer program as you stated can be patented, the large companies with huge budgets and expensive lawyers have the means to patent their software programs. This 'so called' right can and will be used to 'exchange' these rights among major companies so they can survive claims. This is happens in the USA for things and reasons that we European must stand above.

The smaller companies are unable to 'fight' against these companies, and therefore I would like you to consider dropping these so called 'software patents', because it suppresses the 'geniuses' in this world. What if I write a 'solution' for my customer, or fix a problem for my customer and this fix is patented? I could get sued and my customer. The languages patents are described is can be interpreted in many ways, so it would cost me lots of time (or an expensive lawyer) to find out if I can write a solution? This is the world up-side-down.

I can understand a company gets a patent for a machine like say; Philips Senseo, this is a real invention. But a computer program is a set of commands (instructions) glued together, creating a program. In a computer program you can solve a problem in several ways.

Lets presume I invent software that calculates all PRIME numbers within 10 seconds and could patent it. Someone else writes an other program with same result, but using completely other command-set. What is leading? the commands (Note those commands cannot be viewed because software is compiled and it shows only the input and ouput) of the function! The copyright laws protect these programs already, so why do we need these patents!

Hope you understand my point.

Note: I would suggest; use more 'natural language' so the cases can be better understood, for 'normal' people like me.

Bladel, 7 april 2009

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E-genius.
The Netherlands