From: Mike Ebert [e-mail redacted]
Sent: Saturday, September 25, 2010 4:14 PM
To: Bilski_Guidance
Cc: [e-mail redacted]
Subject: Regarding Software Patents

Dear Sirs,

I'm writing to ask you to take a narrower view of what software patents should be granted.

Software patents hurt individuals by taking away our ability to control the devices that now exert such strong influence on our personal freedoms, including how we interact with each other. Now that computers are near-ubiquitous, it's easier than ever for an individual to create or modify software to perform the specific tasks they want done -- and more important than ever that they be able to do so. But a single software patent can put up an insurmountable, and unjustifiable, legal hurdle for many would-be developers.

The Supreme Court of the United States has never ruled in favor of the patentability of software. Their decision in Bilski v. Kappos further demonstrates that they expect the boundaries of patent eligibility to be drawn more narrowly than they commonly were at the case's outset. The primary point of the decision is that the machine-or-transformation test should not be the sole test for drawing those boundaries. The USPTO can, and should, exclude software from patent eligibility on other legal grounds: because software consists only of mathematics, which is not patentable, and the combination of such software with a general-purpose computer is obvious.

Indeed, software, as a function of language, should be under the realm of copyright law. No one should be able to directly copy someone else's code, but they should be able to code a similar program, just as two authors can write fiction books with similar plots, about spies or romance or what have you, as long as they don't plagiarize the other's text.

Please act to establish sane criteria regarding software patents and support an innovative software programming environment.

Sincerely,

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