From: Jay McGavren [e-mail redacted]
Sent: Sunday, September 26, 2010 3:02 AM
To: Bilski_Guidance
Cc: [e-mail redacted]
Subject: Software patents limit the scope of my career!

To whom it may concern:

I have countless ideas for new software that I would like to implement. I would love to go into business for myself, to publish new, novel, and useful software. Maybe I'd make a little money in the process, but mostly what I want is a place in the hearts and minds of devoted users, who benefit from my designs every day.

But every time I come up with a new idea, I stop myself. I do a quick mental check of the underlying technologies I would need to build on top of. Basic ones, ones we all take for granted. And almost every time, one of those basic technologies is currently in litigation over some overly broad patent, often a patent issued despite obviousness or the existence of prior art. And I drop my idea, because I'm not willing to risk my career and my family's future on a venture that can be shot down at any moment by a huge corporation's legal team.

Rulings from the Supreme Court of the United States have never validated the patentability of software. Bilski v. Kappos shows that the historic interpretation of patent eligibility is far too broad.
The machine-or-transformation test is not suitable as the sole basis for determining patent eligibility. Software consists of mathematical computations, and combining software with a general-purpose computer is obvious. As such, software should never be considered patentable.

Sincerely,
Jay McGavren
Mesa, AZ