From: Billy Sanders [e-mail redacted]
Sent: Monday, September 27, 2010 8:35 PM
To: Bilski_Guidance
Subject: Please do not allow software patents.

I had some other info from the news outlet I got the news of your rule changing. I'm putting it in here as well as my own complaints. One word edited for courtesy. I'd much rather the entire English language be embraced.

Software is probably the most changing and updated system we have at this time. Granting patents on this stuff is pointless because of this. Even then it is quite possible to lock down core things which can be as simple as how the SEND button in this email works in the current system. In the end all software is an algorithm (this is NOT patentable). Most software is beyond obsolete in 5 years and often is not longer supported by its developers, however they still hold the keys to using it and won't give them up even if they don't even sell it anymore and haven't for several years.

I might as well mention that atrocity the MPAA did of trying to issue DMCA take downs of sites that posted the first cracked HD-DVD encryption key. It was a long chain of numbers and letters. I think the best description of this kind of patent technique was best said by one of my grandfather's late acquaintances, "How many ways are there to make a ****ing hamburger?" He was referring to the order of which the stuff put on it were there. It's still a hamburger. Same thing applies to that SEND button i mentioned earlier. No matter which way the order of stuff is done the thing is still going to have to call up the send protocol so you get this.

   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.