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**Sent:** Saturday, September 25, 2010 5:48 PM  
**To:** Bilski\_Guidance  
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**Subject:** Please support small business by fair patent policy

I am a Web developer/programmer - a one-man shop making products for my customers because they need specific solutions to their specific problems. How can I possibly stay viable if I am forced to pay licensing for techniques that i have developed on my own just because someone else has secured the patent before me? I am not opposed to software companies protecting their investments - they should have that right. However, patenting programming methods/solutions is like patenting a style of driving a motor car. You may have thought up the idea of driving under 60MPH to save gas mileage but that doesn't mean it belongs to you when so many will figure that out on their own or are already doing it.

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.

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