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Sent: Sunday, September 26, 2010 4:09 PM  
To: Bilski\_Guidance  
Cc: [e-mail redacted]  
Subject: Regarding Software Patents

Hi,

As I understand it, you are currently deliberating on which kinds of patents to accept and reject. I'd like to take this opportunity to express my strong disagreement with the current state of software patents in America. There are, of course, the legal arguments - for one, software is definitely a form of mathematics (the whole idea of computability and the original programming languages stemmed directly from the work of mathematicians and the original programming languages were in fact never used to program computers but were simply used to solve problems in mathematical proofs (see the work of Alonzo Church and Alan Turing)), and to draw a line between software and math is entirely arbitrary. Secondly, the Supreme Court has never ruled in favor of the patentability of software and their latest decision in the Bilski case show that they expect the current definitions of software patentability to be redefined.

But even if it did make sense to patent software from a legal standpoint, software patents cripple new developers, entrepreneurs, and open source technologists, which in turn directly cripples the economy of this country. Our creative advantage in technology is one of the few areas where America has a competitive advantage over the rest of the world, and one that, if we let flourish, cannot be overcome easily. This country is years ahead of others in creating the necessary environment and infrastructure for any person with an interest in programming to create something truly remarkable and change the world within a matter of months. But for these budding geniuses to change the world, they need to be able to have the freedom to program their own computers as they wish - to experiment and learn so that they can build upon the knowledge others have derived to create their own great products - without the fear of legal ramifications of their actions. To allow large companies (and it is mostly large companies that have the money and resources to file software patents - I am currently part of a small 2 person startup, and

though we have innovated a lot, we have neither the time nor the money to patent our innovations and I don't feel that our competition should be kept down merely through unjust patents) to bully small, disruptive businesses with legal issues instead of true merit will hurt our country.

I'm confident, though, in the abilities of the current USPTO team and that you will come to the correct decision after giving this a lot of thought. Thank you for taking your time to read my opinions on the matter.

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