From: Enedino Fernandez [e-mail redacted]
Sent: Thursday, September 23, 2010 7:56 PM
To: Bilski_Guidance
Cc: [e-mail redacted]
Subject: Software patent application guidelines

Dear Sirs:

There are a few things that I, as a U.S. Citizen, consumer, and software user feel should be brought to your attention:

> 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.

Thank you for your attention to this matter.

-Enedino Fernandez