From: Adam Jensen [e-mail redacted]
Sent: Sunday, September 26, 2010 11:19 AM
To: Bilski_Guidance
Cc: licensing@fsf.org
Subject: Comments on software patents

To whom it may concern:

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.

Abuses of patent law make it difficult, and often dangerous, for students, researchers, and entrepreneurs to innovate. If the United States wishes to return to the forefront of scientific and technological progress, then eliminating the practice of granting software patents, for the reasons given above, is a clear and desperately-needed step forward.

Thank you,

Adam Jensen
Computer Science Researcher
Michigan State University