

From: michael [e-mail redacted]
Sent: Friday, September 24, 2010 11:34 AM
To: Bilski_Guidance
Cc: [e-mail redacted]
Subject: Please make a stand against software patents

Hello,

My name is Michael Donohoe and I am increasingly concerned about the motion of Software Patents. As a software developer and a consumer I've seen first hand how the patent system has affected my life.

Over the years I have seen what are common-sense ideas, or natural evolution of systems, being subject to patenting. The classic example in my mind is Amazon.com's patent of the One-Click to Purchase button.

If this trend continues it will stifle innovation and development on the internet. It will hinder the costs of entry to do business, to do something different, as companies will be scared off by the mere threat of litigation or have to acquire a number of patents to protect themselves.

To quote the following:

"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"

I agree completely with those last two paragraphs. Software patents are a bad idea. They hurt innovation, they hurt business, and the individual loses as a result.

Please weigh the opinions of the people above those of the attorneys with vested interests in the current system.

Sincerely,

Michael Donohoe
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