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Sent: Monday, September 27, 2010 2:48 PM  
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Subject: Stop issuing software patents!

Software patents hurt me taking away my ability to control the devices that now exert such strong influence on my personal freedoms, including how I interact with other people and other devices. Now that computers are near-ubiquitous, it's easier than ever for me to create or modify software to perform the specific tasks I 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 me as a 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.

By way of a visual example, I take no offence at the patentability of silly-putty. However, granting patents on what I can do or what shapes I can make with it is ridiculous. Just as limited monopoly is allowed for manufacturers of physical electronics hardware, the common man should not be limited in what way he can "mold" or "instruct" legally purchased hardware. Software never exists in essence, in any basic physical form. While it may be encoded in a physical intermediary, it is useless in any physical encoded form. It's only purpose, practical function, and reason for existance is to exist in a meta-physical which I believe is not patentable - just as mathematics is not.