

From: Chuck Falzone [e-mail redacted]
Sent: Saturday, September 25, 2010 4:22 PM
To: Bilski_Guidance
Cc: [e-mail redacted]
Subject: I am against software patents

Good afternoon,

I'm writing to offer my feedback as a U.S. citizen that new patent application guidelines should include a strong stand against software patents.

Software patents harm us by taking away our ability to use devices we own as we wish. Mobile computing devices in particular now exert a strong influence on our personal freedoms, including how we interact with each other. Now that computers are near-ubiquitous, it's relatively easy to create or modify software to perform the specific tasks as one wishes, and it's important than ever that we are able to do so. But a single software patent can put up an insurmountable, 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 should also 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 considering my letter as you draft new guidelines.

Chuck Falzone
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