

**From:** bflores [e-mail redacted]  
**Sent:** Monday, October 18, 2010 11:10 PM  
**To:** Bilski\_Guidance; [e-mail redacted]  
**Subject:** Patent abuse

> 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.

sincerely  
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