

From: Eric Garrido [e-mail redacted]
Sent: Tuesday, September 28, 2010 1:05 AM
To: Bilski_Guidance
Cc [e-mail redacted]
Subject: Re: Against software patents

[+ correct address]

On 2010-09-27 10:25pm, Eric Garrido wrote:

> Bilski Guidance,
>
> I write to you to encourage that new guidance regarding software
> patents should take a much more narrow approach to granting such
> patents.
>
> 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.
>
> Please update software patent guidance to reflect these facts.
>
> Thanks,
> Eric Garrido