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Sent: Saturday, September 25, 2010 3:07 PM
To: Bilski_Guidance
Cc: [e-mail redacted]
Subject:

To whom it may concern:

Please reject any future software patents.

Software patents hurt individuals and small businesses (which are constantly referred to as the “job engine of our economy”) 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 is easier than ever for an individual or small business 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, and have the right to market and sell their efforts. But a single software patent can put up an insurmountable, and unjustifiable, legal hurdle for many would-be developers. It already has had a chilling effect on open source developers, who constantly have to worry about “patent trolls” suing them for infringement on patents that are either obvious, or for which prior art exists, but the patent was granted regardless.

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.

It is my computer. I should be able to develop and sell whatever software I want without fear of being sued for patent infringement by “meganational corporation” with billions of dollars in resources or “patent trolls” with millions of dollars in resources. It is not just a matter of policy, it is a major of justice, and freedom.

PLEASE GIVE ME AND EVERY INDIVIDUAL AND COMPANY IN THE UNITED STATES THAT FREEDOM.

Jeffrey Harris