

From: Nicholas Hebb (BreezeTree) [e-mail redacted]
Sent: Sunday, September 26, 2010 11:54 AM
To: Bilski_Guidance
Subject: Please put an end to the faulty software patent system

Dear USPTO,

It is my opinion that the US software patent system is broken. There is too much at stake for the future of software development in the United States. Small software houses do not have the resources to guard against patent trolls, and the system as it stands now does not have the means to assess whether software patent submissions are truly original work or innovative and unique.

Below is the boilerplate from the Free Software Foundation, and no doubt you have seen many copies of it. I do not support all of the FSF's initiatives, but they have had an immeasurable positive impact on the economic growth of tech sector in the US and abroad. On this issue, I stand with them in support of the massive software patent reforms needed in the United States.

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.*

Regards,

Nicholas Hebb
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