

From: Jason Jobe [e-mail redacted]
Sent: Monday, September 27, 2010 10:01 PM
To: Bilski_Guidance
Cc: [e-mail redacted]
Subject: stop software patents

As a small developer, software patents, have a chilling inhibiting effect on all my development. I can't help but worry about what the "big guys" could do if I get even unreasonably close to their IP. Leaving enforcement up to the patent holder and defense means money trumps "right" virtually every time! Most companies just can't withstand the financial toll it would take. Being right is not nearly enough to win such a battle!

I wholly endorse the following (as expressed by the FSF - <http://www.fsf.org/news/uspto-bilski-guidance>)

"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."

I strongly and sincerely urge you to consider acting in accordance with the original intent of patents, "to encourage innovation" and NOT cater to the well financed lobbying of the big players who have no interests other than their own.

Sincerely,
Jason Jobe