

From: Brian Lyttle [e-mail redacted]  
Sent: Sunday, September 26, 2010 12:49 PM  
To: Bilski\_Guidance  
Cc: [e-mail redacted]  
Subject: End Software Patents

Dear Sir/Madam,

As a software developer my ability to make a living is directly impacted by software patents. When I am writing code I have to make an effort to avoid falling foul of patents which may cover an entirely obvious construct/algorithm. In many cases these software patents seem to be granted without full consideration of prior art. This leaves me and my users at risk from malicious "patent trolls".

Narrowing the issue of software patents will reduce my costs, and in turn foster increased innovation. Rather than spending time reviewing patents I'll be able to spend time writing code which benefits others.

I feel that this paragraph provided by the Free Software Foundation is very important for you understand:

"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 take action to improve the situation for software developers by narrowing the boundaries of patent eligibility.

Yours faithfully,

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