

From: [e-mail redacted]
Sent: Monday, September 27, 2010 5:09 AM
To: Bilski_Guidance
Subject: Please End Software Patents

As a semi-professional programmer for several years, it's disheartening to repeatedly see software patents granted to obvious and even trivial modifications of prior art and common code or to obvious and well-known interface design applications.

Software patents effectively reward litigiousness rather than encourage engineering excellence. Software patents certainly dampen overall scientific and engineering progress.

I certainly agree with the Free Software Foundation's stance on this topic:

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'm against software patents in general, but regardless of my opinion, your office should should apply the law in the narrowest of terms for software patents. That is, software patents should be rare and extremely short-termed. Three years should be the longest a software patent should ever be granted.

I think that copyright law is sufficient to protect authors and industry. Software patents have a negative impact on American economic strength and provide too few too benefits to society while artificially denying the vast majority rights that should never be abridged.

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