

From: Matt Proud [e-mail redacted]
Sent: Saturday, September 25, 2010 4:18 PM
To: Bilski_Guidance
Cc: [e-mail redacted]
Subject: End the Nonsense Known as Software and Business Process Patents

Hello,

As an engineer who works for a top-tier technology company in the United States, I respectfully request that software and business processes do not become patentable:

- Our economy does not need further hindrance by de facto or de jure cartels or intellectual property trolls.
- It increases barriers to entry by shutting out small-time folks and hurting participants in cottage industries.
- The bureaucracy that oversees the processes as they are now is out-of-touch with economic and technological realities.
- Furthermore, let's not increase our society's level of collective litigiousness.

Sincerely,

Matt T. Proud

Boilerplate:

""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.""

--

"Personally, I think that the unique and supreme delight lies in the certainty of doing 'evil,' and men and women know from birth that all pleasure lies in evil." - Charles Baudelaire