

From: Roland Smith [e-mail redacted]
Sent: Monday, September 27, 2010 3:54 PM
To: Bilski_Guidance
Cc: [e-mail redacted]
Subject: I Am Against Software Patents

Gentlemen:

Software patents are stifling the development of systems and applications that can have a tremendous impact on our personal lives. The proliferation of computing capability in all facets of our lives has made it increasingly easy for individuals to develop software systems to perform specific tasks. However, a software patent often presents an insurmountable barrier for many developers.

The Supreme Court of the United States has never ruled in favor of the patentability of software. Further, the past practices of the USPTO have far too loosely applied the tests of whether or not the algorithm is inventive or is non-obvious.

The Supreme Court's decision in *Bilski c Kappos* demonstrates that they expect the boundaries of patent eligibility to be drawn much more narrowly than past practice. This is not a narrow decision, but is intended to have a broad application.

Software consists only of mathematics (which is not patentable). The combination of mathematics and a computer (which does nothing except mathematics) is certainly obvious. All software is based on logic which can be reduced to mathematical formulae. If it cannot be so reduced, it cannot provide a valid result and by definition would not be useful or valuable.

The US Constitution states that the purpose of patents is to "promote the progress of science and useful arts". The practice of software patents has been shown through numerous studies to retard progress and have great cost to the economy.

The arguments against software patents can go on for quite some length. The arguments for software patents are, however, purely based on using the USPTO to stifle progress and kill competition. That stand is clearly in violation of the constitutional purpose of the USPTO.

Regards,
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