

**From:** Clay Alberty [e-mail redacted]  
**Sent:** Friday, September 24, 2010 9:43 PM  
**To:** Bilski\_Guidance  
**Cc:** [e-mail redacted]  
**Subject:** Guidance in regards to Bilski and software patents

To Whom It May Concern:

I am writing to advocate the prohibition of new software patents by the USPTO. As a professional software developer, I have observed many instances of currently accepted patents that have been both obvious and for which there is ample prior art, leading me to believe that the very nature of a patent for a software-based solutions is inherently flawed.

At its core, software is mathematics. The rendition of a mathematical function or algorithm in software is, in reality, a version of that function or algorithm itself, which cannot be patented. The entire framework behind modern computer software - e.g. the personal computer, the internet, and all individual applications built thereon - are build solidly and squarely on the foundations of mathematical discovery from ancient times through and up to the modern day. An individual piece of software must therefore represent a new permutation or composition of one or more of these fundamental concepts - a new piece of mathematics.

As to the application of mathematics to business, software development is a rapidly paced and ever-changing field with many participants. What appeared new and innovative even six months ago may be obvious and well-known territory today. Often seemingly new developments are, in reality, merely rediscoveries of something already proven and in wide use, hearkening back to the mathematical reality of software. It is my belief that if the current body of software patents were to be uniformly enforced by the holders, no software could be written that was not in violation of some patent. It would be impossible and unreasonable for the individual working in the field of software development to educate himself on any current trends and technologies, and then to apply this knowledge, without being in knowing and willful violation of the law. This is an ideal time for the USPTO to re-evaluate its stance on this issue and stop the issuance of new software patents. To continue to issue software patents will have a chilling effect on the ability of the United States to continue to innovate and lead the world in software production.

Sincerely,

Clay Alberty  
2760 Riverview Drive  
Riva, MD 21140  
[e-mail redacted]