From: DeNigris Sean [e-mail redacted]
Sent: Sunday, September 26, 2010 11:01 PM
To: Bilski_Guidance
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Subject: Please stop issuing software patents

The joke of software patents is that most of the incredible things that computers do today (which corporations are so eager to patent) were lifted from XEROX PARC, which never reaped the profits of inventions like windowing systems - now used by almost every computer on earth.

Alan Kay and company were creating systems decades ago that empowered users to make them work the way *they* needed and wanted, which is more important now than ever. My cell phone, iPad, laptop, desktop all have software that I expect and intend to modify to suit my life. The corporations still don't get that an engineer under fluorescent lights will never be able to come up with software that works for everybody - we're all unique! Let us customize and adapt what we need!!!

In addition, patents create an unsolvable mess for people working for free on open source projects all over the world. If a programmer contributes code to an open source project on their own time with their own computer, that software can be "owned" by the company they work for during the day. Of course no one cares when open source software is not making money, but years later, this company can come out of the woodwork and assert legal rights to code uses all over the world, which they had nothing to do with.

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.

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