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**Sent:** Monday, September 27, 2010 4:45 PM  
**To:** Bilski\_Guidance  
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**Subject:** Bilski interpretation: narrow the patentability of software

As an individual engaged in software development, I strongly support any interpretation of the Bilski decision that **narrows** the patentability of software.

Specifically, I encourage the patent office to deny patents that lack any innovative use of a machine. If a patent's innovation lies entirely in some abstract form, and is merely attached to an obvious machine in an obvious fashion for the purpose of passing the machine-or-transformation test, that patent should not be granted. This policy appears consistent with the Supreme Court's finding that the "machine-or-transformation" test is not absolutely binding, as well as previous rulings that mathematics is not patentable.

The software industry has a uniquely low barrier to entry, so we see a lot of innovation from individuals and small companies. Unfortunately, larger companies are able to take advantage of the USPTO's limited resources by filing numerous patents for obvious "inventions". The threat from these patent trolls has a chilling effect on innovation, contradicting the very purpose of patents. Please help encourage innovation by respecting individual entrepreneurs.

Kevin Harness