From: Richard Lawrence [e-mail redacted]
Sent: Monday, September 27, 2010 12:59 PM
To: Bilski_Guidance
Subject: Please end software patents

Dear USPTO,

I am writing to encourage you to end the practice of granting patents on software.

I have personally been negatively affected by the current practice of granting software patents. I choose to run a GNU/Linux operating system and free programs on my computer. Software patents (for example, those on popular media codecs) prevent programmers from implementing and distributing software that would allow my system to operate in the same way as proprietary operating systems. I cannot, for example, watch many videos on the Web, or listen to audio files encoded via MP3, without using software that either restricts the freedom and security of my system, or is of dubious legal status.

Software patents also 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.

Please, end the practice of patenting software.

Sincerely,
Richard Lawrence