From: scott plummer [e-mail redacted]
Sent: Monday, September 27, 2010 9:04 PM
To: Bilski_Guidance
Cc: [e-mail redacted]
Subject: Bilski

To whom it may regard,

Inappropriate software patents hurt individuals by taking away our ability to automate mundane tasks and leveraging our best qualities. Now that software is 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.

Additionally, I am concerned about patents being created based upon relatively obvious theoritically automation of standard processes. There should really be a much higher bar for patents.

Best regards,
Scott Plummer

20 years in the software industry