From: Ray Racine [e-mail redacted]
Sent: Saturday, September 25, 2010 8:28 AM
To: Bilski_Guidance
Cc: [e-mail redacted]
Subject: Bilski Guidance

To whom it may concern,

As a software developer of large scale e-commerce sites, as well as participating in small software startups, I have experienced first hand, and on numerous occasions, the unfair burden and restrictions of software patents; patents which are not new, obvious, useful or advance society's collective knowledge by their disclosure in exchange for exclusivity over basic mathematical algorithms and obvious functions.

Levered in the most egregious manner by those with power, means and great monetary resource, software patents are used to inflict great and unfair burden on the class of small, entrepreneurial companies and individuals as a means to unfairly restrain competition and fair trade. In this area software patents do great harm to society and the individual without honoring the "spirit" and original tenets of the patent system. The USPTO can, and should, exclude software from patent eligibility as software consists only of mathematics, which is not patentable, and the combination of such software with a general-purpose computer is obvious.

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.

Thank you,

Raymond Racine
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