From: Justin Ryan [e-mail redacted]
Sent: Saturday, September 25, 2010 7:41 PM
To: Bilski_Guidance
Cc: [e-mail redacted]
Subject: Software Patents

Hello from a concerned professional software engineer,

I am writing in support of the abolishment of software patents, and to request that the USPTO stop issuing them immediately.

Intellectual Property laws have poorly evolved as technology has, and laws which were once used to protect "inventors" from being scooped before they could complete their prototype and move into production, now most commonly protect large multinational corporations from competition from independents. Many software and business patents have been provided for ideas which become self evident after much time with a given problem, and in many cases completely ignoring or failing to seek out prior art.

Software patents 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.

According to Wikipedia:

  "Computer software, or just software, is the collection of computer programs and related data that provide the instructions telling a computer what to do."

A computer is nothing but a machine for performing mathematical calculations, so by clear definition software is nothing but a complex description of a mathematical formula and associated variables.
Mathematics itself, being a self-evident force of nature, cannot be copyrighted or patented, and following that it should not be possible to patent computer software programs.

Thanks in advance for understanding the needs of the American People!

Justin Alan Ryan
Software Engineer, 15 years