From: JB Smith [e-mail redacted]
Sent: Saturday, September 25, 2010 6:56 PM
To: Bilski_Guidance
Cc: [e-mail redacted]
Subject: Software Patents should be invalidated.

USPTO,

Please consider this my contribution, to the fight against software patents that are destructive to creativity, and only protect patent squatting abusers.

The ideas that are used to create software need to remain as open and unfettered as possible.

ANY idea or process that might be creative or unique can currently overlap with existing, speculative claims, forcing creative software solutions to be cross checked against a massive array of obvious, and unoriginal patents of software.

Some existing patents on software are absurdly obvious and incredibly vague, severely hampering new ideas from being pursued.

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.

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.

Kind Regards,

JB Smith
San Diego, CA 92101
561.715.8216