From: Matt Thomas [e-mail redacted]
Sent: Saturday, September 25, 2010 8:09 AM
To: Bilski_Guidance
Subject: Ending software patents

I'm writing today to strongly urge the USPTO to stop issuing software patents.

I work for a company called Automattic, which was founded on the principle of sharing software freely. We are a multi-million dollar business with 60 employees, and we've built our business solely on the strength of the software we develop, without patenting a single piece of it. Our most popular product, WordPress, is estimated to power about 1/4th of all web sites in the world. That translates to millions of users, none of whom have ever had to pay a dime to license the WordPress software. And yet our company is doing great. We are profitable, and have never had to lay off an employee. We have done all of this without ever needing to patent our software.

As you know, 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.

Regards,
Matt Thomas