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Sent: Saturday, September 25, 2010 4:54 PM
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Subject: Software Patententability

I develop software but only on a very small scale. Sometimes what I develop is useful to others, especially these days with some many computers embedded in so many things. But a single software patent can put up an insurmountable, and unjustifiable, legal roadblock to my work.

Please pay careful attention to the Supreme Court decision in *Bilski v. Kappos* which 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 for these reasons: software consists only of mathematics, which is not patentable, and the combination of such software with a general-purpose computer is obvious.

Thank you for taking my comments under consideration.
-David