From: David Koontz [e-mail redacted]
Sent: Saturday, September 25, 2010 8:06 PM
To: Bilski_Guidance
Subject: [e-mail redacted]

USPTO,

As a software developer I am writing to you to urge you to consider the negative impact software patents have on myself and other software developers.

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.

Software patents, when left unchecked lead to abuses at all levels.
This can be seen in many situations, from patent "licensing" companies that exist solely to extort money from legitimate companies to the necessity of large institutions to create patent libraries that support cross-licensing agreements. Both of these situations stifle creativity and innovation, especially amongst startups.

Sincerely,

David Koontz