From: Paul Richard Ramer [e-mail redacted]
Sent: Monday, September 27, 2010 2:20 AM
To: Bilski_Guidance
Cc: [e-mail redacted]
Subject: Please exclude software from patent eligibility

Dear Sir or Madame,

Software patents cork innovation, because developers can no longer develop software in its traditional and natural way--building upon the ideas of others. If I were to make the next "killer app", I would suffer legal uncertainty as to whether some other company would have patents that they could enforce against me because of the enormous number of issued software patents.

Furthermore, software patents increase the costs of doing business. For example, to refute a patent threat is a great expense, and too many threats (no matter how bogus) could bankrupt a small company or force it to go out of business because it can't compete.

As a user of software, patents negatively affect me, because they limit one of the great things of this country--competition. I don't get a choice of multiple competing programs in a number of things, because some company is using patents to threaten others who would compete with it. Or I suffer increased cost due to licensing or patent lawsuits.

Rejecting software patents clearly falls within the scope of the Supreme Court's ruling in Bilski v. Kappos. The Court has never ruled in favor of software patents, and this recent decision has shown that the Court believes that the "machine or transformation" test isn't sufficient in all cases to determine the eligibility for a patent. Finally, software should be excluded from patent eligibility for at least the following
grounds: software is an algorithm, and an algorithm is an idea, and an idea is not an invention.

-Paul R. Ramer

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