From: Collin RM Stocks [e-mail redacted]
Sent: Thursday, September 23, 2010 6:43 PM
To: Bilski_Guidance
Cc: [e-mail redacted]
Subject: Patent guidlines

To whom it may concern:

I am writing concerning the upcoming revisions to the guidance as to which patent applications will be accepted (and which will not). My own opinions concern software patents.

Software patents hurt individuals by taking away our ability to control the devices that now exert such a 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.

As an Electrical Engineering student at The Cooper Union for the Advancement of Science and Art, I would like to point out that, unlike patents on hardware and design patents, software patents actually discourage innovation. Because of the low cost of developing software as compared to the cost of developing hardware, competition in the market is more than enough to spur innovation. However, patents block such open competition, and eventually only those parties with enough money to fend off the others are able to innovate.

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 onset. 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.

Sincerely,

Collin Stocks
[e-mail redacted]
[e-mail redacted]