

From: Rick Crawford [e-mail redacted]
Sent: Friday, September 24, 2010 1:01 PM
To: Bilski_Guidance
Cc: [e-mail redacted]
Subject: Please take a stance against software patents

At this point it is difficult for me to pursue new software ventures without the threat that I might independently develop a technology that unknowingly infringes a software patent. At this point they do little more than stifle new development. Please take a stance against awarding new software patents.

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.

Best,
Rick Crawford
ISInc (916-920-1700)