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Subject: A citizen's opinion on software patents

Software patents, like any other form of unjustified restriction, limits innovation, diversity, tinkering, and control over the program being patented. The entire basis for the Internet, its technology, and inter-connected information (that the government as well as the citizens enjoy) as-it-is today, is a result of open academic sharing and the "wild west" nature of the software ecosystem.

Individuals who entrust their personal lives, data, information, and knowledge to these programs should have the ability to modify, control, and even publish revised/updated versions of such software for the betterment of their peers and the Internet as a whole.

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.

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