

From: Steve Yelvington [e-mail redacted]  
Sent: Saturday, September 25, 2010 5:20 PM  
To: Bilski\_Guidance  
Cc: [e-mail redacted]  
Subject: Software patents are counter to the Constitution

In Article 1, Section 8, the framers of the Constitution granted Congress the power to "promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries."

The practice of granting patents for software runs counter to the intent of this clause.

Actual software -- the kind of software that really exists, and executes on real computers -- is easily protected by copyright.

By extending patent protection to software, the United States Patent and Trade Office opens Pandora's box, enabling a system of widespread abuse in which non-creators can obtain patents on nonexistent software, then intimidate and extort from the creators of actual software.

The abusive and extortionate attacks by "patent trolls" promote no progress, produce no value, and exist only to torment the actual authors and inventors of software. By enabling such practices, the USPTO denies to individuals and to society the benefit of the creative work of actual programmers.

The decision of the Supreme Court of the United States in *Bilski v. Kappos* should serve as a wake-up call to the USPTO that it has abandoned good sense in application of its Constitutional mandate.

The best service to the public is a policy that encourages the creative energies of software developers, not a policy that encourages the avarice of lawyers and speculators.

It is past time for the USPTO to clamp down on the abuse, to return to its Constitutional mandate: Promote the "Progress of Science and useful Arts."

Steve Yelvington  
[e-mail redacted]  
Evans, Georgia