From: Sean Coleman [e-mail redacted]
Sent: Saturday, September 25, 2010 11:59 AM
To: Bilski_Guidance
Subject: I speak code

Just as we use language to communicate ideas and information, programmers speak code. Software patents diminish our ability to communicate.

If I am working at my desk and come up with a reasonable solution to a programming challenge, and that solution happens to have a patent associated with it, it's like I am being asked to speak while avoiding certain combinations of words. The problem with patentable software is that solutions to problems are often obvious once they are discovered. Some solutions just fit perfectly. If these solutions are tied up by patents, only huge companies that can afford to pay patent holders will be able to build good software.

When innovation happens in software, everyone should benefit. The vocabulary for all programmers should improve. This is what my profession -- what our industry is built on. The programming greats, the founders of Unix and developers of algorithms that make things possible such as the Internet and email contributed solutions to software challenges to the world. They didn't patent these ideas. The building blocks that we use to do our work should not be patentable.

Imagine if the fashion industry allowed patenting of techniques related to assembling clothing. If you wanted to get started in fashion, you would have to navigate through which stitches you are allowed to use, and which materials you can pair together without violating a patent.

Imagine if chefs had to avoid certain combinations of spices -- if a company in Japan owned the patent to raw fish served in bite-sized pieces over rice.

The building blocks of software should be no more patentable than a dovetail joint is patentable in furniture construction.

In software, everything that programmers use is based on composition. It's not practical to build modern software using only truly raw ingredients. The raw ingredients of software are zeros and ones, and no professional programmer I know could do anything interesting at that low level.

We all rely on previously composed structures to do our jobs. We piece them together in new ways to make bigger components. Then those bigger components are put together again. If these components can be patented, we will end up in a place where programmers are handcuffed. Innovation will be stymied.

I don't want to program in a world where the building blocks, the recipes, the stitches, the joints that I need to do my job are tied up in patents. I love programming; don't destroy it for me.

Thanks,
Sean Coleman