

From: lars damerow [e-mail redacted]
Sent: Friday, September 24, 2010 4:08 PM
To: Bilski_Guidance
Subject: A view against software patents

Hello,

I'm a software developer, systems administrator and avid computer enthusiast in strong opposition to patents on software. My hope is that the USPTO will interpret the Supreme Court's position on Bilski as an affirmation that patenting software should not be permitted.

When I explain my opinion of software patents to people, I often liken programming to cooking. Cooks use many techniques to combine ingredients into dishes. Anyone is free to learn those techniques from a friend, from a cooking show, or from a book, and they can try to make any sort of food they like in the process. A cook can independently discover an improvement in their technique and use it or teach it to others.

All of this is also true with programming. However, thanks to software patents, the techniques we learn, share, improve upon or come up with independently are often arbitrarily unavailable for us because they have been patented, and to make matters worse, those patents are often so broad that they cover every possible expression of an idea. As a result, we can't practice our craft without violating the law every day.

The argument inevitably arises that the courts are the mechanism by which bad patents like these get handled. But how can a hobbyist or lone entrepreneur possibly afford to litigate or defend themselves against a patent suit, which cost millions? As it stands now, our choice is to stop working or bankrupt ourselves trying to regain access to an abstract idea. How many of our successful and world-renowned technology corporations started in home offices and garages? If they were doing so in an atmosphere of software patents, how could they ever have gotten off the ground? I'm sad to see that even they have lost sight of this, or simply fear the great advances that can come from talented individuals, and now they snap up whatever software patents they can get out of the USPTO.

Those companies rose to astounding heights without needing the crutch of patented ideas. They competed on the quality of their end products, used copyright and trade secrets to protect their ideas, and those methods are still wholly appropriate and powerful. Claims that patent protection are the only incentive for advancing the state of the art in software are simply baseless.

Thanks for considering my opinion.
Lars Damerow