

From: Walker Hale IV [e-mail redacted]
Sent: Sunday, September 26, 2010 6:58 PM
To: Bilski_Guidance
Cc: [e-mail redacted]
Subject: My Argument Against Software Patents

I develop software for a living. My software helps people become more efficient, which makes the world a better place. The code I write varies from the mundane to the brilliant, and probably most of it is in violation of various software patents. I have no idea which pieces are in violation.

During a typical coding session, I decide to fix a bug or implement a feature. In other words I am trying to solve some problem that one of my users has. I implement a fix or feature by writing code that is the simplest thing that could possibly work while being consistent with best practices in my field. Then I save my solution and move on to the next bug or feature. Like any profession, this is all harder than it sounds and there is a continual need to be more efficient.

Note that in the previous paragraph I never mentioned doing a patent search to see if my new code is covered by an existing software patent. It is reasonable to expect that many of my obvious pieces of code are in violation of existing patents. The problem is that doing the patent search will take much longer than developing the code. If I and all the other computer programmers like me had performed these searches, development of new software would have ground to a near halt, and the information age that you know would not come into existence until a long time in the future.

The current rules say that I should sacrifice progress for the sake of a mis-applied patent system. I argue that the current patent system stands in the way of progress.

I can respect the existence of software patents and get almost nothing accomplished, or I can ignore them, hope for the best, and make the world a better place with the software that I write.

--

Walker Hale [e-mail redacted]