From: Eric Black [e-mail redacted]
Sent: Sunday, September 26, 2010 9:07 PM
To: Bilski_Guidance
Cc: [e-mail redacted]
Subject: Software Patents

To Whom It May Concern,
I'm writing to express my opinion regarding software patents. I am completely against software patents. Corporations should be able to sustain themselves and their proprietary interests with copyrights of software packages, not software algorithms.

Software wouldn't be where it is today, in fact, the information age most likely wouldn't have happened if many of the companies, government agencies, universities, and individuals had the ability to apply patents to their software algorithms.

As a direct comparison, where would science be today if Einstein had patented his Theory of Relativity. He was granted patents for his mechanical inventions, but not for his most important contributions to science. If he had been, his theories would need to be paid for before they could be discussed, tested, or utilized. His work, which influenced millions around the world and grew into specialized areas of study may have languished in the hands of a few.

Similarly, if Maurice Wilkes, Stanley Gill, and David Wheeler had patented the concept of subroutines in the early fifties, one of the most basic processes in computer programming, complex software could not have evolved to the state it is in now because that knowledge would have been unavailable to most, if not all of the programmers who developed further innovations with that knowledge.

Another reason that I would never support software patents is that it would cripple our economy in comparison to the rest of the world. If even a handful of capable countries were able to thrive in software innovation without the hindrance of patents, our country would quickly fall behind. First, those capable countries would prosper under their innovations, then those innovations would not be available in this country because they may be derived from U.S. patented works, or conflict with existing patents.

Finally, I'd like to say that I personally have benefited from free, non-proprietary software for the past 15 years. I'm a programmer that learned computer science in C, Perl, and Java, all open source languages. I have been a proponent of open source products since the start of my career because in many cases, the companies I worked for would not spring for cost of similarly-priced proprietary software.

U.S. productivity and most likely, the entire world's productivity has increased, not because of new ideas in the boardroom, or faster hands on the assembly line, because of the use of unpatented, open-source software that was available to IT personnel like myself. Millions of individuals as well as small, medium, and large companies benefit everyday from the innovations and sharing of information that we all experience now. Software patents would benefit only a small portion of the economic sector while depriving the rest of us.

Thank you,

Eric Black
Open-source Software Professional