

# Re: [opensuse] Re: [SLE] Novell–Microsoft: What They Aren't Telling You

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*Source:* <http://linux.derkeiler.com/Mailing-Lists/SuSE/2006-11/msg01799.html>

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- *From:* Kai Ponte <[kai@xxxxxxxxxxxxxxxxxxx](mailto:kai@xxxxxxxxxxxxxxxxxxx)>
  - *Date:* Sun, 12 Nov 2006 18:50:08 –0800
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On Saturday 11 November 2006 20:17, Randall R Schulz wrote:

On Saturday 11 November 2006 20:21, M Harris wrote:

On Sunday 05 November 2006 05:24, you wrote:

Re: software patentability:  
I ask this in all seriousness; I don't have a particular  
pre-conceived bias one way or the other:

Why would assembling a collections of "objects" (as in  
C-objects)  
together to perform some function be any different that  
assembling  
a collection of resistors, capacitors and active devices  
together  
to form a "circuit" (which is certainly patentable)?

hi Tony,

Great question. I asked it also, as I was thinking through  
this...

The answer is simple, but in order to answer it you need to ask  
another question.... how is "software" like or unlike a collection of  
resistors and capacitors assembled on a circuit board... compare and  
contrast.

The circuit board containing resistors and capacitors is a  
physical (meta-physical) construction comprised of real objects  
manufactured from "stuff" that we generally call matter (we can touch  
it). Software is text.

Software is not text. Software is the pure essence of mechanism  
operating only on information. Text is just a means of encoding  
information.

Huh?

Software is text. I have been writing it for over twenty years. My tired wrists tell me so. :)

In fact, that's how – IIRC – Phil Zimmerman avoided being prosecuted by the US government. He published his PGP software code on Usenet (or some BBS, I forget). Because he didn't send the compiled code, just the text, it couldn't be considered a munitions export violation.

I need to look that up to be sure.

In any case, I have always strongly felt that software can be copyrighted. Even if the copyright acts let the copyright holder to keep the copyright for a gazillion years, one could write a similar code that doesn't infringe on the copyright.

Using c–like construct, a company could write...

```
main()
{
for(;;)
{
cout << "Hello World! ";
}}

```

...I could then write very easily...

```
int main()
{
std::cout << "Hello, world!\n";
}

```

...which could not be considered plagiarism.

That's why I love software. As a language tool (I consider logic and math to be language–based) It provides a seemingly infinite range of possibilities to build the same mousetrap.

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kai  
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