



Business Method Patents

Bronwyn H. Hall



Business Method Patents:

Business Method Patents Gregory A. Stobbs, 2011-10-25 In a landmark decision the Federal Circuit Court of Appeals in *Signature Financial v State Street Bank* held that business methods may be patented Recently the US Supreme Court in *Bilski v Kappos* left the door open for the availability of patents for business methods These holdings together with the explosive growth of electronic commerce and technology make the business method patent an important growth area of intellectual property Now in a revised Looseleaf format this completely updated Second Edition of *Business Method Patents* is your guide to the unique opportunities and risks in this emerging area of intellectual property law *Business Method Patents Second Edition* is your authoritative source for expert guidance on The landmark Supreme Court decision in *Bilski v Kappos* USPTO view on business method patents including an overview of BPAI rulings Mechanics of the patent application Prior art searches Drafting claims for business method or model and e commerce inventions Drafting the complete specification Drawings required for business method patents Building a strategic patent portfolio Litigating business method patents International protection for business methods *Business Method Patents* United States. Congress. House. Committee on the Judiciary. Subcommittee on Courts, the Internet, and Intellectual Property, 2001

An Assessment of the Patentability of Business Methods in the US and European Jurisdictions and an Evaluation of the Implications Li Sun, 2013 Advances in information technology have enabled the design and development of innovations in business methods This is particularly felt with IT enabled innovations such as Sun Microsystems stateless shopping Cart for the web which is a Web shopping cart system that does not require any data files to be maintained on either the client or the server Firms attempt to leverage these innovations to gain competitive advantages through cost reduction and other quality improvements which may also pass some benefits on to consumers However such competitive advantages are increasingly difficult to sustain because business method innovations are often easy to copy or imitate Quick and cheap imitation of innovative products and processes may reduce the incentives for firms to invest further in innovation Thus patent protection for business method inventions became a live issue with different outcomes as between the US and Europe At present in the US business method patents are legally recognised since the *State Street Bank* decision 149 F 3d 1368 US Court of Appeals for the Federal Circuit 1998 However the European Patent Office EPO still is noncommittal although some business method related inventions have been granted de facto protection by EPO such as Hitachi Ltd's automatic trading method and apparatus EP 567 291 the Western Union Company's method and system for performing money transfer transactions EP 848 361 etc John Stuart Mill 1909 said the superiority of one country over another in a branch of production often arises only from having begun it sooner 1 So it seems that the uncertainty of EPO's attitude to business method patents may result in a serious negative impact in European industry and economy This thesis sets out to examine what precisely are the attitudes of the US and European institutions to business method patents and to explain what is the present law and how it has arisen

The author thereafter carries out an evaluation of the rationed economic and social effects of allowing disallowing Business Method Patents and to address the question of whether Europe should adopt patent protections for business method related inventions To address these questions the research focuses on the following questions 1 under the current legal framework provided by EPC what business method related inventions can be granted European patent 2 whether business method related inventions are worth protecting by the patents in Europe To answer the latter question the thesis not only analyses the predictable economic and social effects of allowing or alternatively disallowing business method protections generally but we also discuss patent quality which is used by US patent economists to analyse whether business method inventions have a sufficient value to justify the granting of exclusive patent rights in return for disclosure of the inventions specifications to the public In analysing the predictable and likely economic and social effects of allowing or alternatively disallowing business method protections the US position in patenting business method related inventions needs to be considered therefore the thesis also evaluates the US patent legal framework for business method patents and contrasts it with the European position Through analysis of the relevant provisions and decisions the research has concluded that under the current legal framework business method apparatus inventions are patentable in Europe if they can meet the patentability requirements of the European Patent Convention EPC To the effect that if a business method process invention is achieved by a technical means solves a technical problem or achieves a technical effect it is often patentable in Europe provided it meets the EPC patentability requirements However turning to the evaluation of the economic effects of business method patents economic analysis cannot find strong evidence to support increasing the current protections for business method patents At the same time the economic analysis also cannot find strong evidence to oppose present protections for business method patents But when the US position is considered infringement risk would favour it for it appears on balance that there may be some reason to think that Europe should adopt stronger protections for business method patents Furthermore the value of disclosing patented business method related inventions specifications seems also to show that accepting business method patents is an appropriate choice for Europe 1 Mill J S 1909 Principles of Political Economy 7th ed London Longmans Green p 78 *The Business Method Patent Myth* John R. Allison, Emerson H. Tiller, 2014 Although business methods previously had been patented the Court of Appeals for the Federal Circuit first gave them formal recognition as patentable subject matter in 1998 Internet business method patents have been roundly criticized by most observers as being singularly inferior to most other patents Many have even argued that business methods should not be patentable subject matter As a result Congress and the Patent and Trademark Office PTO singled them out for special treatment All of these criticisms were voiced without empirical support We gathered data on most Internet business method patents issued through the end of 1999 and compared them with a large contemporaneous data set of patents in general We also compared them with patents in fourteen individual technology areas within the general patent data set Our comparison focused on several metrics that we believe serve as good

proxies for patent quality and value We found that Internet business method patents appear to have been no worse than the average patent and possibly even better than most They also appear to have been no worse and possibly even better than patents in most individual technology areas These findings lead us to question the conventional wisdom that these patents were uniquely deficient We briefly explore some possible explanations for the chasm between the accepted view and what we believe to have been the reality including the possibility that negative opinions about these patents may have been characterized by an information cascade More important we believe that efforts to single out these patents for special treatment not only lacked sound justification in the particular case but also reveal more fundamental problems associated with ex ante definitions to carve out any particular technology area for different treatment Business Method Patents United States. Congress. House. Committee on the Judiciary. Subcommittee on Courts, the Internet, and Intellectual Property, 2001

The Impact of Bilski on Business Method Patents, 2009 The Impact of Bilski on Business Method Patents is an authoritative Insider's perspective on representing clients and understanding recent developments in this area of law Featuring parents from some of the nation's leading law firms these top attorneys outline the recent Federal Circuit decision and discuss the controversies related to that decision including the procedural changes the new legal standard for patent eligibility and the intended and unintended effects of Bilski From describing the conceptual evolution of business method patents to predicting how the Supreme Court might rule in the recent appeal of the Bilski decision these authors discuss the uncertain future of this type of patent protection Additionally these top lawyers offer innovative tips and strategies for filing patents within the current legal environment The different niches represented and the breadth within the current legal environment The different niches represented and the breadth of perspectives presented enable readers to get inside some of the great legal minds of today as these experienced lawyers offer up their thoughts around the keys to navigating this ever evolving area of the patent law E-commerce, Business Method Patents, and the USPTO Q. Todd Dickinson, 2001

Business Method Patents Sam Ricketson, 2003 Introductory comments Protecting methods and schemes some examples What is a business method patent Manner of manufacture within the meaning of s 6 of the Statute of Monopolies The history of s 6 of the Statute of Monopolies Mere new uses of entities or methods which are well known The public interest general inconvenience Should business methods be protected the continuing problem of definition National need International obligation How to proceed Concluding remarks **Business Method and Software Patents** Morgan D. Rosenberg, Richard J. Apley, 2012-03-22 Business Method and Software Patents addresses the drafting of business method and software patents in the wake of the U S Supreme Court decision in Bilski v Kappos Morgan Rosenberg and Richard Apley offer a review and analysis of all relevant case law and guidelines presented by the United States Patent and Trademark Office USPTO With the use of actual patents filed by the authors this work provides practical information and guidance on the drafting of successful patent applications Business Method Patents and Patent Floods Michael J. Meurer, 2014

Technological breakthroughs occasionally set off floods of inventions and associated patents. The decline of the business method exception to patentability is likely to increase the frequency of patent floods. Future technological breakthroughs might now cause two different patent floods: a flood of patents covering the relevant technology and a flood of patents covering business methods in the new market opened by the breakthrough. Furthermore, a technological breakthrough is no longer a precondition for a patent flood. Any factor that opens a new market might cause a future flood of business method patents. A flood of related patents in a new market creates special problems for competition in addition to the usual problems that arise from market power associated with individual patents. Patent floods strain the resources of the Patent Office and adversely affect the quality of issued patents. Of particular concern, reduced patent quality increases uncertainty about the scope and validity of patents and increases the frequency of patent litigation. The fragility of the many start-ups in new markets makes them vulnerable to strategic patent litigation. Furthermore, a thicket of patents may stultify development of technology because of the cost of securing patent licenses from the large numbers of patent owners. Cross license agreements and patent pools mitigate problems caused by floods but such agreements could be difficult to reach in response to future business method patent floods. The heightened risk of patent floods is a problem unique to business method patents and justifies exceptional treatment of business method inventions. It is probably socially desirable to use the subject matter and nonobviousness standards for patentability to restrict grants of business method patents.

Business Method Patents, Innovation, and Policy Bronwyn H. Hall, 2015. The trickle of business method patents issued by the United States Patent Office became a flood after the State Street Bank decision in 1998. Many scholars, both legal and economic, have critiqued both the quality of these patents and the decision itself. This paper discusses the likely impact of these patents on innovation. It first reviews the facts about business method and internet patents briefly and then explores what economists know about the relationship between the patent system and innovation. It concludes by finding some consensus in the literature about the problems associated with this particular expansion of patentable subject matter, highlighting remaining areas of disagreement and suggesting where there are major gaps in our understanding of the impact of these patents.

Transitional Program for Covered Business Method Patents - Definitions of Covered Business Method Patent and Technological Invention (US Patent and Trademark Office Regulation) (PTO) (2018 Edition) The Law Library, 2018-12-06. The Law Library presents the complete text of the Transitional Program for Covered Business Method Patents: Definitions of Covered Business Method Patent and Technological Invention, US Patent and Trademark Office Regulation, PTO 2018 Edition. Updated as of May 29, 2018. The United States Patent and Trademark Office (USPTO) is revising the rules of practice to implement the provision of the Leahy-Smith America Invents Act (AIA) that requires the Office to issue regulations for determining whether a patent is for a technological invention in a transitional post-grant review proceeding for covered business method patents. The provision of the AIA will take effect on September 16, 2012, one year after the date of enactment.

The AIA provides that this provision and any regulations issued under the provision will be repealed on September 16 2020 with respect to any new petitions under the transitional program This ebook contains The complete text of the Transitional Program for Covered Business Method Patents Definitions of Covered Business Method Patent and Technological Invention US Patent and Trademark Office Regulation PTO 2018 Edition A dynamic table of content linking to each section A table of contents in introduction presenting a general overview of the structure *Business Method Patents for U.S. Financial Services* Robert M. Hunt,2007 Nearly a decade after the Federal Circuit decision in State Street patents on computer implemented methods of doing business have become commonplace To date there is little evidence of any effect on the rate of innovation or R D among firms in financial services Indeed measuring such effects presents difficult problems for researchers We do know that some of these patents are successfully licensed and others are the subject of ongoing litigation Looking ahead a number of recent Supreme Court decisions are likely to have a significant effect on how business method patents are enforced Congress is also considering significant reforms to U S patent law Business Method Patents: Cumulative Supplement Gregory A. Stobbs,2004-11-01 Business Method Patents Jeffrey A. Berkowitz,2002-01-01

Business Method Patents and U.S. Financial Services Robert M. Hunt,2021 A decade after the State Street decision more than 1 000 business method patents are granted each year Yet only one in ten is obtained by a financial institution Most business method patents are also software patents Have these patents increased innovation in financial services To address this question we construct new indicators of R 2 the importance of standard setting and 3 the strong network effects exhibited in many areas of finance Even today litigation is not uncommon we sketch a number of significant examples affecting financial exchanges and consumer payments The legal environment is changing quickly We review a number of important federal court decisions that will affect how business method patents are obtained and enforced We also review a number of proposals under consideration in the U S Congress **Business Method Patents** Gregory A. Stobbs,2003

Patentability of Business Methods, Software and Other Methods ,2015 **Emerging Trends in Business Method Patents** ,2012 Emerging Trends in Business Method Patents provides an authoritative insiders perspective on key strategies for keeping up to date on recent developments in the area of business method patents Featuring partners from some of the nations leading law firms these experts guide the reader through the process of interpreting relevant decisions and legislation in order to develop an effective patent strategy These top lawyers reveal their advice on navigating the post Bilski environment determining patent eligibility and overcoming patent drafting challenges From CyberSource Corp v Retail Decisions Inc to Ultramercial LLC v Hulu et al these authors discuss recent case law that will affect patent applicants going forward These leaders also share their strategies for understanding Section 101 and the machine or transformation test as well as implications of the America Invents Act The different niches represented and the breadth of perspectives presented enable readers to get inside some of the great legal minds of today as these experienced lawyers offer up their thoughts

around the keys to success within this ever evolving area of law *The Impact of Bilski on Business Method Patents* James Bollinger, Troutman Sanders, Ilan Barzilay, Seyfarth Shaw, Robert S Blasi, Christopher R Hutter, 2010-12 *The Impact of Bilski on Business Method Patents* provides an authoritative insiders perspective on best practices for understanding the influence of the Supreme Courts recent Bilski decision on business method patent law Featuring partners from some of the nations leading law firms these experts offer tips on advising clients post Bilski navigating new legal standards for patent eligibility and deciding on alternatives to the machine or transformation test From educating clients about changes to implementing new legal strategies these top lawyers reveal their advice on staying up to date on current trends to better serve clients These authors also discuss navigating the recent USPTO guidelines overcoming new challenges in securing patent protection and understanding the role of business method patents in the global economy The different niches represented and the breadth of perspectives presented enable readers to get inside some of the great legal minds of today as these experienced lawyers offer up their thoughts around the keys to navigating this ever evolving area of patent law

The Enigmatic Realm of **Business Method Patents**: Unleashing the Language is Inner Magic

In a fast-paced digital era where connections and knowledge intertwine, the enigmatic realm of language reveals its inherent magic. Its capacity to stir emotions, ignite contemplation, and catalyze profound transformations is nothing lacking extraordinary. Within the captivating pages of **Business Method Patents** a literary masterpiece penned with a renowned author, readers attempt a transformative journey, unlocking the secrets and untapped potential embedded within each word. In this evaluation, we shall explore the book's core themes, assess its distinct writing style, and delve into its lasting impact on the hearts and minds of those that partake in its reading experience.

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