



# Software Patents

**Eric Stasik**



## **Software Patents:**

**Software Rights** Gerardo Con Daz, 2019-10-22 A new perspective on United States software development seen through the patent battles that shaped our technological landscape This first comprehensive history of software patenting explores how patent law made software development the powerful industry that it is today Historian Gerardo Con D az reveals how patent law has transformed the ways computing firms make own and profit from software He shows that securing patent protection for computer programs has been a central concern among computer developers since the 1950s and traces how patents and copyrights became inseparable from software development in the Internet age Software patents he argues facilitated the emergence of software as a product and a technology enabled firms to challenge each other s place in the computing industry and expanded the range of creations for which American intellectual property law provides protection Powerful market forces aggressive litigation strategies and new cultures of computing usage and development transformed software into one of the most controversial technologies ever to encounter the American patent system

**Software Patents** Knut Blind, Jakob Edler, Michael Friedewald, 2005-01-01 There has been continued debate in Europe over whether to change the patentability of software or so called computer implemented inventions and to follow the US model of allowing software patents The European debate has shown a severe lack of empirical analysis on the possible impact of software patenting that goes beyond interest driven rhetoric This book seeks to address this shortcoming by taking a two fold approach Firstly a survey of German software companies provides a representative overview of both general strategies to protect inventions and opinions regarding the future IPR regime in the context of innovation strategies including the importance and use of Open Source software Secondly a series of case studies illustrate the varying impacts that patents and other protection strategies can have in specific contexts This book provides both a theoretical overview of the economic impacts and policy implications of software patents and an empirical foundation upon which to base a discussion on how to shape the intellectual property regime for software

**Software Patents** Gregory A. Stobbs, 2012-01-01 Never before has one resource broken down the process for drafting software patent specifications and claims into manageable segments Software Patents Third Edition will show you how to draft accurate complete patent applications applications that will be approved by the patent office and that will stand in court if challenged It discusses what a software patent is and the legal protection it offers who holds software patents and for what inventions and the steps you can take to protect software inventions in the worldwide marketplace The book also explores internet and e commerce patents and information protection using the software patent Completely revised and updated in a new looseleaf format Software Patents Third Edition is your authoritative source for expert guidance on Strategic software patent protection Prior art searches Drafting claims Drafting the software patent specification Requirements for software patent drawings Patent Office examination guidelines International software patent protection Beta testing software inventions Integrating software patents with industry

standards Invalidity defenses in software patent litigation      *Inventing Software* Kenneth Nichols, 1998-04-16 Since the introduction of personal computers software has emerged as a driving force in the global economy and a major industry in its own right During this time the U S government has reversed its prior policy against software patents and is now issuing thousands of such patents each year provoking heated controversy among programmers lawyers scholars and software companies This book is the first to step outside of the highly polarized debate and examine the current state of the law its suitability to the realities of software development and its implications for day to day software development Written by a former lawyer and working software developer *Inventing Software* provides a comprehensive overview of software patents from the lofty perspectives of legal history and computing theory to the technical details and issues of actual patents People interested in the legal aspect of software patents will find detailed technical analysis of actual patented software the legal strategies behind the wording of the patents and an analysis of the ease or difficulty of detecting infringements Software developers will find ways to integrate patent planning into their standard software engineering practices and a practical guide for studying and appraising their competitors patents and safeguarding the value of their own Intended primarily for programmers and software industry executives and managers *Inventing Software* will also be useful illuminating reading for attorneys and software company investors      **Software Patents** Eric Sutton, 2017-07-31 *Software Patents A Practical Perspective* is a concise explanation of software patent law with an emphasis on recent developments in the courts and at the patent office The book is intended to help law students and patent attorneys quickly catch up on these recent developments The book may also be helpful for engineers who already have some familiarity with patents      [European Software Directives and European Software Patents](#) Alexandru Cristian Strenc, 2017-05-17 Derived from the renowned multi volume *International Encyclopaedia of Laws* this monograph provides a survey and analysis of the rules concerning intellectual property rights in European Software Directives and European Software Patents It covers every type of intellectual property right in depth copyright and neighbouring rights patents utility models trademarks trade names industrial designs plant variety protection chip protection trade secrets and confidential information Particular attention is paid throughout to recent developments and trends The analysis approaches each right in terms of its sources in law and in legislation and proceeds to such legal issues as subject matter of protection conditions of protection ownership transfer of rights licences scope of exclusive rights limitations exemptions duration of protection infringement available remedies and overlapping with other intellectual property rights The book provides a clear overview of intellectual property legislation and policy and at the same time offers practical guidance on which sound preliminary decisions may be based Lawyers representing parties with interests in European Software Directives and European Software Patents will welcome this very useful guide and academics and researchers will appreciate its value in the study of comparative intellectual property law      **Biotechnology and Software Patent Law** Arezzo, E. Ghidini, G., Gustavo Ghidini, 2011 The art of editing is to bring contributions together which melt into

one book This is what Emanuela Arezzo and Gustavo Ghidini have achieved with their own critical mind by composing a book of papers in which internationally renowned experts measure the tensions created for the patent system by the needs and problems of protecting biotechnological and software inventions All together they present a comparative law challenge to the very fundamentals of patent protection As such they are or may become a must read Hanns Ullrich College of Europe Bruges Belgium Arezzo and Ghidini have put together a fine collection of essays addressing developments in patent law from general themes to emerging ones in the infotech and biotech sectors It is notable that the international array of authors includes contributions from both established and rising young scholars all of them ably tackling difficult issues that merit our attention Rudolph J R Peritz New York Law School US The new millennium has carried several challenges for patent law This up to date book provides readers with an important overview of the most critical issues patent law is still facing today at the beginning of the twenty first century on both sides of the Atlantic New technological sectors have emerged each one with its own features with regard to innovation process and pace From the most controversial cases in biotech to the most recent decisions in the field of software and business methods patent patent law has tried to stretch its boundaries in a way to accommodate such new and controversial subject matters into its realm Biotechnology and Software Patent Law will strongly appeal to postgraduate students specializing in IP law international law commercial and business law competition law as well as IP scholars academics and lawyers Electronic and Software Patents Steven W. Lundberg, Stephen C. Durant, 2000 Now there is a focused practical reference to help you draft prosecute manage a strong portfolio of patents in the fast changing specialty of electronic software patent law This total strategy guide will help you deal with today s lightning paced technological developments changes in PTO policy pivotal court rulings In this step by step resource more than 30 practitioners handpicked for their experience in this challenging specialty give you perspective tactics including guidance on tough decisions such as whether to seek patent protection at all how to search for evaluate prior art how to use trade secret copyright law in conjunction with your patent strategy how to draft your claims for broad yet distinct interpretation succinct useful lessons on preparing computer related patent applications under Alappat its progeny the PTO s examination guidelines compelling insights on drafting with the appropriate scope the unique software related aspects of the best mode enablement written description requirements of Section 112 candid practice tips traps for each step of the patent prosecution process including the 10 types of patent prosecutions how to deal with each one international survey of the statutes regulations case law of more than 40 nations plus basic global principles of patentability plus two sample patents a timesaving practice checklist a case table an exhaustive topic index No other resource gives you such specific practice oriented guidance for maneuvering through this dynamic I P area Use it to determine when to seek or not to seek a software or electronic patent craft strong defensible patent specifications claims save precious time in the complex patent prosecution process protect competitive information with the full range of I P protections develop manage a strategic powerful portfolio of domestic

foreign patents      *Information Technology Law* Diane Rowland, 2005 Diane Rowland examines recent developments in criminal law tort contract law and intellectual property rights law that have taken place in response to technological advances and innovations      **Patent Failure** James Bessen, Michael James Meurer, 2008 Presenting a wide range of empirical evidence from history law and economics this text is an authoritative and comprehensive look at the economic performance of patents It asks whether patents work well as property rights and if not what institutional and legal reforms are necessary to make the patent system more effective      **Innovation in Global Industries** National Research Council, Policy and Global Affairs, Board on Science, Technology, and Economic Policy, Committee on the Competitiveness and Workforce Needs of U.S. Industry, 2008-05-12 The debate over offshoring of production transfer of technological capabilities and potential loss of U S competitiveness is a long running one Prevailing thinking is that the world is flat that is innovative capacity is spreading uniformly as new centers of manufacturing emerge research and development and new product development follow Innovation in Global Industries challenges this thinking The book a collection of individually authored studies examines in detail structural changes in the innovation process in 10 service as well as manufacturing industries personal computers semiconductors flat panel displays software lighting biotechnology pharmaceuticals financial services logistics and venture capital There is no doubt that overall there has been an acceleration in global sourcing of innovation and an emergence of new locations of research capacity and advanced technical skills but the patterns are highly variable Many industries and some firms in nearly all industries retain leading edge capacity in the United States However the book concludes that is no reason for complacency about the future outlook Innovation deserves more emphasis in firm performance measures and more sustained support in public policy Innovation in Global Industries will be of special interest to business people and government policy makers as well as professors students and other researchers of economics management international affairs and political science      **The Role of Federally Funded University Research in The Patent System**, S. Hrg. 110-470, October 24, 2007, 110-1 Hearing, \*, 2008      **The Role of Federally Funded University Research in the Patent System** United States. Congress. Senate. Committee on the Judiciary, 2008      **Free Software, Free Society** Richard Stallman, 2002 Essay Collection covering the point where software law and social justice meet      *Intellectual Property Rights, Innovation and Software Technologies* Elad Harison, 2008-01-01 This book examines the effects of Intellectual Property Rights IPRs namely patents and copyrights on innovation and technical change in information technologies It provides new insights on the links between markets technologies and legislation by applying a variety of empirical and analytical methods The book also explores the success of the Open Source movement to establish an alternative regime for IPRs by illuminating the rationale behind it and illustrating how Open Source can strategically be used by firms      **Not So Patently Obvious** Eric Stasik, 2007 Not so Patently Obvious provides a brief history of patenting software in the U S and Europe and the Trouble with Patents in the Digital Age When the software industry was young

software patents did not exist The USPTO didn't issue its first software patent until 1981 Since then tens of thousands of software patents have been issued on both sides of the Atlantic Anyone can be an infringer and many are Microsoft is reported to be at any given time defending themselves against 30 to 35 patent infringement lawsuits It has been suggested that the Linux kernel might infringe as many as 283 U S patents Blockbuster awards such as the 450 Microsoft was ordered to pay a tiny patent holding company named Eolas are fundamentally changing the way the software industry does business Economists politicians scientists academics legal experts engineers and computer programmers are all asking if this proliferation of software patents makes any sense There is a growing unease that the patent system has derailed and is going to take the software industry off the tracks with it At the same time it is increasingly clear that without patent protection it is impossible to protect the competitive advantages that result from technical innovations in software technology These two points of view collided last year in the European Parliament's debate over the European Commission's Directive for Computer Implemented Inventions A bitter and implacable row erupted over the Commission's Directive which was defeated with both sides claiming victory This book steps away from the rancour of the debate over software patents and takes a fresh look at the issue Eric Stasik author of *Patent or Perish* and founder of the patent engineering firm Patent08 [www.patent08.com](http://www.patent08.com) takes the reader through a brief history of software patents explains some of the problems this has created and illustrates why society still struggles with what Thomas Jefferson described as the difficulty of drawing a line between the things which are worth the public embarrassment of an exclusive patent and those which are not As Jefferson realized the answer is not so patently obvious

*Legal Protection for Computer-Implemented Inventions* Sabine Kruspig, Claudia Schwarz, 2016-04-24 As a result of the incorporation of computer software into countless commercial and industrial products the patentability of software has become a vital issue in intellectual property law This indispensable book provides an overview on the current status of computer implemented inventions in patent law across Europe and major jurisdictions worldwide A hugely practical field research tool with guidance based on case law it examines the major hurdles in each particular country and describes the best practice to be adopted Clearly showing how enforceable software patent applications can be competitively drafted and how a patent portfolio for computer implemented inventions can be established in several countries without spending money unnecessarily on problematic examination proceedings this book covers such issues and topics as the following claim categories for patent applications sufficient level of abstraction breadth of the claimed invention fundamental terms of computing and terminological traps probability for patents dependent on software application areas and patents in core areas of computing With separate chapters for the key countries Germany the United Kingdom France the United States China Korea Japan India and the European Patent Office the legal situation for computer implemented inventions in each country or region this book includes guidance on prosecution under national law analyses of relevant court decisions practice checklists and an outlook on future developments The authors describe claim formulation

based on actual cases and on principles of computer science in order to show what might be or might not be patentable in each jurisdiction With this incomparable resource patent attorneys and patent professionals in companies will get a basis for making decisions about the most appropriate jurisdictions in which to file patent applications This book will also be of great value to computer professionals who are affected by the protection of software or who are actively involved in the protection of software by patent law     The Politics of Digital India Pradip Ninan Thomas,2019-07-11 Transforming India into a digital state has been an objective of successive governments in India However the digital by its very nature is a capricious multi dimensional entity Its operationalization across multiple sectors in India has highlighted the fact that the digital compact with publics in India is a two edged sword On the one hand devices such as mobile phones have enabled access and efficiencies and on the other they have increased the scope for surveillance capitalism and the expansion of governmentality The digital is at the same time a resource commodity and process that is absolutely fundamental to most if not all productive forces across multiple sectors As a part of the Media Dynamics in South Asia series this volume explores the making of digital India and specifically deals with the contradictions of an imperfect democracy internal compulsions and external pressures that continue to play crucial roles in the shaping of the same Mindful of the key roles played by political economy and context and based on conversations with theory and practice it makes a case for critical understanding of the digital embrace in India

*The Patentability of Software* Anton Hughes,2019-02-18 This book explores the question of whether software should be patented It analyses the ways in which the courts of the US the EU and Australia have attempted to deal with the problems surrounding the patentability of software and describes why it is that the software patent issue should be dealt with as a patentable subject matter issue rather than as an issue of novelty or nonobviousness Anton Hughes demonstrates that the current approach has failed and that a fresh approach to the software patent problem is needed The book goes on to argue against the patentability of software based on its close relationship to mathematics Drawing on historical and philosophical accounts of mathematics in pursuit of a better understanding of its nature and focusing the debate on the conditions necessary for mathematical advancement the author puts forward an analytical framework centred around the concept of the useful arts This analysis both explains mathematics and therefore software s nonpatentability and offers a theory of patentable subject matter consistent with Australian American and European patent law     **Patent Protection for Computer Software** ,1989



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