

United States - Software

- United States Patent Office (USPTO) has granted software patents since the early 1970s.

US 3,552,738, US 3,553, 384, US 3,996,354, Earlier patents may exist.

- In a 1972 decision, *Gottschalk v Benson*, the United States Supreme Court found that “patent[s] for any program servicing a computer” are not precluded from patentability. source: 409, U.S. 63 (1972)
- In 1996, USPTO issued “Final Computer Related Examination Guidelines” stating “computer related inventions are statutory subject matter”.

1996 Software Patents

**Knut Blind, Jakob Edler, Michael
Friedewald**



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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

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

Journal of the Patent and Trademark Office Society, 2006 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, 2008-06-12 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 *BNA's Patent, Trademark & Copyright Journal*, 2005-05 **Software Rights** Gerardo Con Diaz, 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 Diaz 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 *Index of Patents, 1996, Issued from the United States Patent and Trademark Office* United States Government Printing Office, 1999 [Official Gazette of the United States Patent and Trademark Office](#), 1998 **Patent Strategies for Business** Stephen C. Glazier, 2000 Strategies for business to use patents to make money software patents business method patents internet patents Patent asset management

Patents, Thickets, and the Financing of Early-stage Firms Iain Cockburn, Megan MacGarvie, 2007 The impact of stronger intellectual property rights in the software industry is controversial One means by which patents can affect technical change industry dynamics and ultimately welfare is through their role in stimulating or stifling entry by new ventures Patents can block entry or raise entrants costs in variety of ways while at the same time they may stimulate entry by improving the bargaining position of entrants vis vis incumbents and supporting a market for technology which enables new ventures to license their way into the market or realize value through trade in their intangible assets One important impact of patents may be their influence on capital markets and here we find evidence that the extraordinary growth in patenting of software during the 1990s is associated with significant effects on the financing of software companies Start up software companies operating in markets characterized by denser patent thickets see their initial acquisition of VC funding delayed relative to firms in markets less affected by patents The relationship between patents and the probability of IPO or acquisition is more complex but there is some evidence that firms without patents are less likely to go public if they operate in a market characterized by patent thickets *Rutgers Computer & Technology Law Journal*, 1997 [Inventing Software](#) Kenneth Nichols, 1998 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 **The IP Litigator** ,1996 **Annual Report** American Bar Association. Section of Intellectual Property Law,2000 *New Zealand Patent Office Journal* ,1998 **Multimedia and the Law** ,1997 **Annual Internet Law Institute** ,1997 Martindale-Hubbell International Law Directory ,1993 Martindale Hubbell Law Directory Martindale-Hubbell,2003-12 *Governance Issues in the Digital Economy* Frédérique Sachwald,2002

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