

Software Patents

DOROTHIE LAGUERRE SMITH

IPS LEGAL GROUP, P.A.

Email: info@orlandopatentattorneys.com

Phone: 407-574-6008

Social Media: [@thepatentplug](#)



DISCLAIMER

This presentation is intended to provide general information only, and is for educational purposes. It is not intended as legal advice and cannot be relied upon as such.

Patent law is a complex subject, and in addition is constantly changing and evolving. Persons should seek professional legal advice regarding their specific fact situation

HOW TO PROTECT SOFTWARE?

Some computer software can be protected by multiple mechanisms:

- **Patent**
- **Copyright** (source or object code)
 - Does not protect methods of operation
- **Trade secret**
 - No protection against reverse engineering
- **Contracts**

WHAT IS A PATENT?

A Patent is an exclusive **monopoly** granted by a Government to an inventor over his invention for a limited period of time.

- **Limited time** (typically 20 years).
- **Limited territory** (issuing country).
- The patentee is given a market monopoly and **the invention is disclosed to the public.**

COPYRIGHTS

PATENTS

Copyright does not protect ideas. It protects expression

Protects ideas that have been reduced to practice

Long term protection

Short term protection

Fair Use

No Fair Use

Protects against copying

Innocent infringement not a defense

Protection is automatic (no formalities)

Extensive examination process

Originality

Novelty and Nonobviousness

WHAT CAN BE PATENTED? IN THE UNITED STATES?

- Utility patents
 - Machine
 - Composition of matter (pharmaceuticals)
 - Method, Process
 - Software, Method of doing business
 - An article of manufacture
 - An improvement of an invention that fits within one of the first four categories
- Design patents
- Plant patents

WHAT IS A BUSINESS METHOD?

The expression "**business methods**" refers to a broad category of subject matter which often relates to financial, marketing and other commercial activities

- Business methods are frequently implemented using computers
- Historically, “methods of doing business” were not patentable until **1998** under the court case *State Street Bank & Trust Co. v. Signature Financial Group, Inc.*

PATENTING ALGORITHMS

- ❖ Algorithms in the abstract are not patentable
- ❖ An algorithm embedded in a **general purpose computer** becomes a patentable machine
- ❖ **Flow Charts Key**

A CLAIMED PROCESS IS PATENT ELIGIBLE IF

❖ It is tied to a **particular machine** or apparatus

or

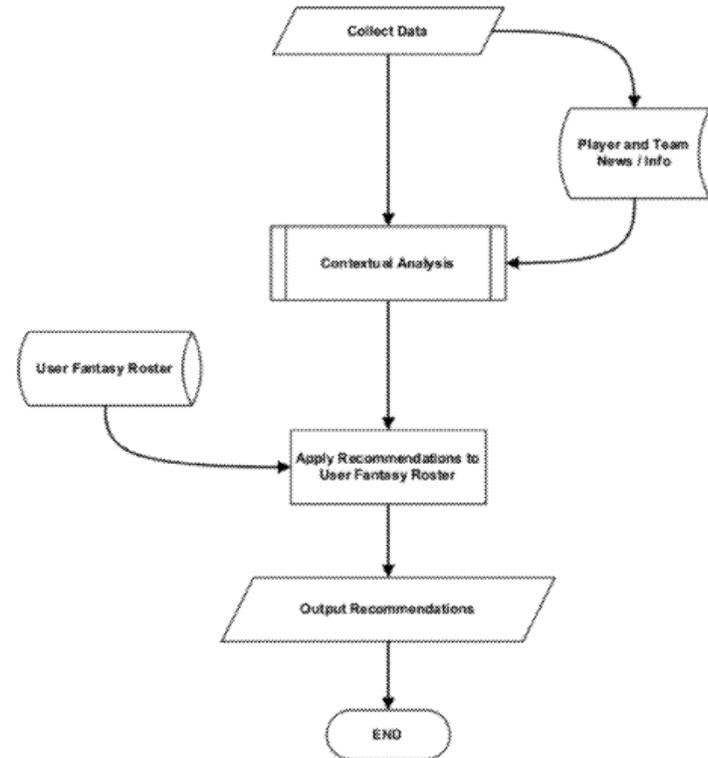
❖ It **transforms** a particular article into a different state or thing.

AN EXAMPLE

Data Processing System For:

- (a) MONITORING
- (a) RECORDING
- (b) MODIFYING

INFORMATION RELATING TO FANTASY SPORS TEAMS
FANTASY SPORTS LINEUPS
MAKING CALCULATIONS FOR ASSISTING FANTASY OWNERS IN
MANAGING THEIR TEAMS



AN EXAMPLE

A GAME SIMULATION FOR RANKING USERS

- ❖ USERS ARE ASSOCIATED WITH A **PARAMETERS** IN A SPORTING EVENT
- ❖ USERS **INPUT** DATA INDICATING A PREFERENCE
- ❖ THE INPUT **INDICATES A PREFERENCE** OF THE USER FOR HOW THE PARAMETERS ARE TO BE EVALUATED
- ❖ OVERALL VALUE FOR THE PARTICIPANTS IS **INDICATED**

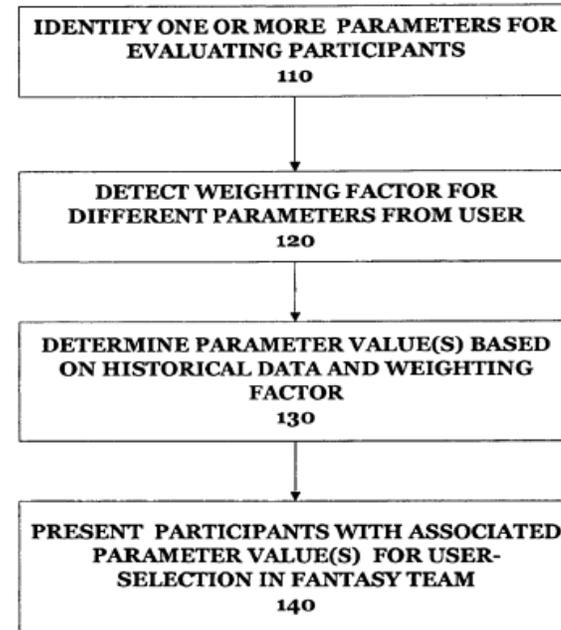


FIG. 1

RECENT ERA 2020

Airbnb

Automated determination of booking availability for accommodation listings

The patent describes a system and method for updating a **booking entry for an accommodation listing and reservation system** using a model that determines the probability that the accommodation listing would be able to be booked.

RECENT ERA 2020

Coinbase

The patent describes a system and method for **transaction of bitcoin**, which allows bitcoin to be sent to an email address with no miner's fee. The system utilizes the private key of a Bitcoin address, then splits and distributes the key to keep the vault secure. Allowing merchants and customers to instantly exchange bitcoin and lock in a local currency price.

RECENT ERA 2020

Doordash

Invention describes an automated vehicle for improving **last-mile delivery of real-time, on-demand orders for perishable goods**. The invention includes a body with a storage compartment for storing perishable goods accessible by a user upon authentication, a sensor module to assist in navigating the automated vehicle, and an onboard computer system that processes the data needed to navigate the automated vehicle along roadways and pedestrian routes.

RECENT ERA 2020

Facebook

A system and method which utilizes social data to present users with a variety of mask options, some of which were previously selected by friends, and applying the mask to the user.

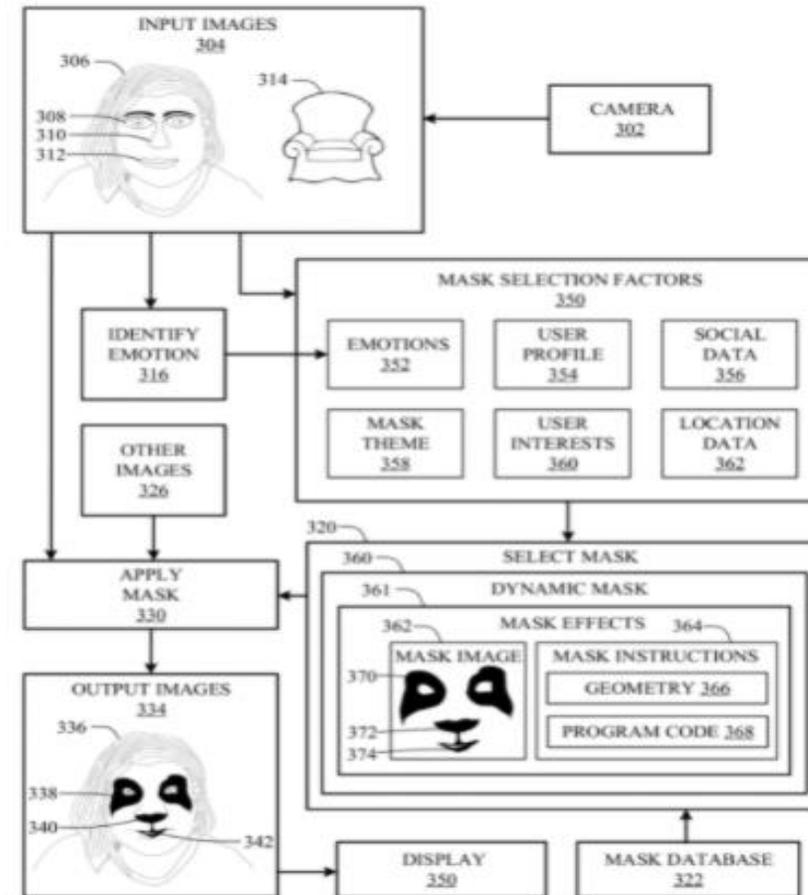
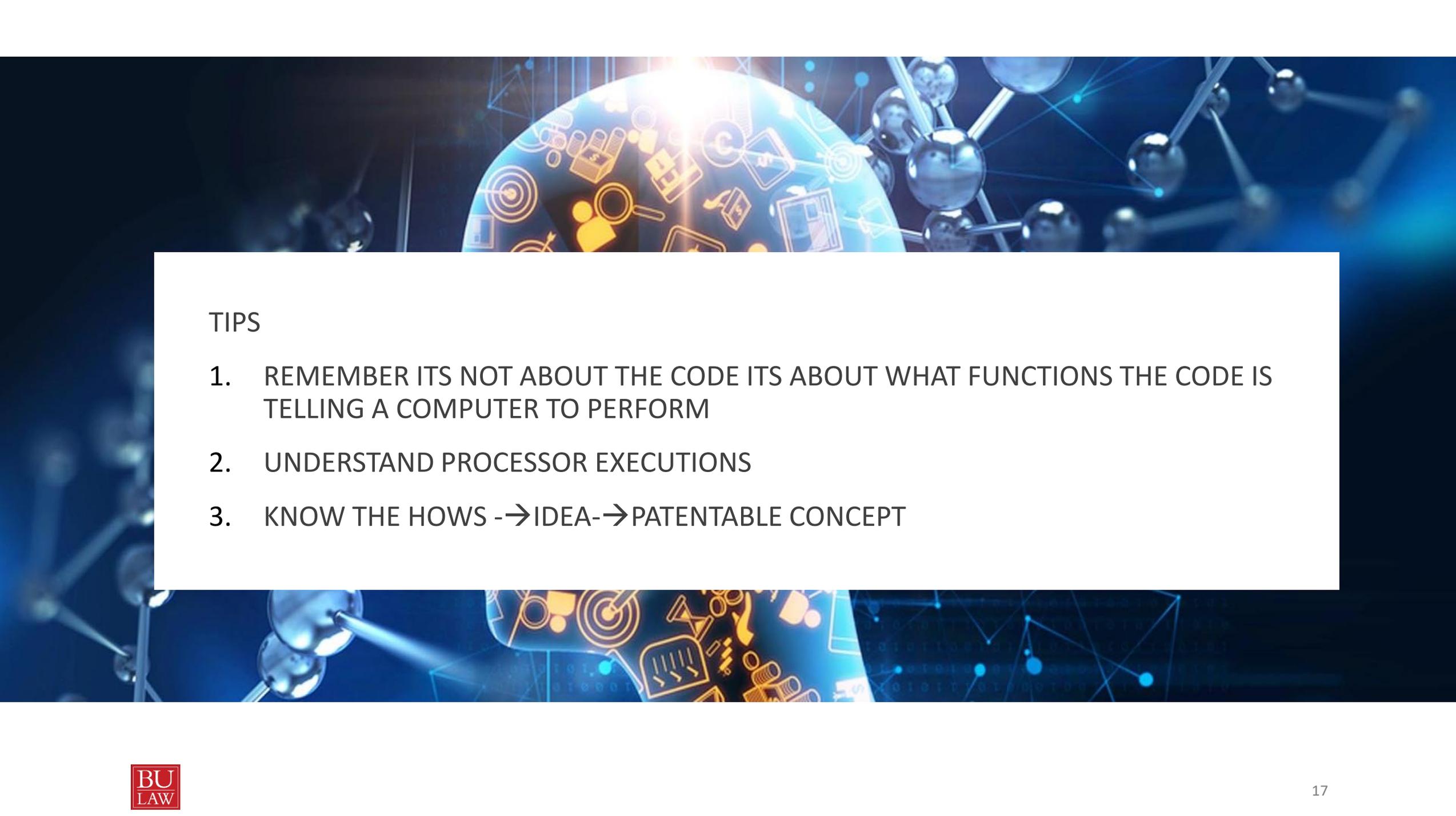


FIG. 3



TIPS

1. REMEMBER ITS NOT ABOUT THE CODE ITS ABOUT WHAT FUNCTIONS THE CODE IS TELLING A COMPUTER TO PERFORM
2. UNDERSTAND PROCESSOR EXECUTIONS
3. KNOW THE HOWS ->IDEA->PATENTABLE CONCEPT

Additional Resources:

 IPS Legal Group, P.A.

407-574-6008

info@orlandopatentattorneys.com

