



Business Method & Software Patents

Morgan D. Rosenberg, Richard J. Apley

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Business Method and Software Patents authored by Morgan D. Rosenberg & Richard J. Apley: In its 2010 decision in *Bilski v. Kappos*, the U.S. Supreme Court redefined patentable subject matter for business methods and computer software, but did so without imposing definitive tests and definitions, effectively leaving such guidance for future court decisions and the United States Patent and Trademark Office (USPTO). As a result, the law is essentially being written at present, and will continue to be written and narrowed over the next decade.

Business Method and Software Patents addresses the drafting of business-method and software patents in the wake of *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.

Features

- A practical "how to" guide on the drafting of business method applications, particularly claims in U.S. patent applications
- Covers in detail the mechanics of assembling both basic and complex business method and software applications
- Provides helpful illustrations taken from issued U.S. patents and examples of published U.S. patent applications
- Offers a wide variety of examples of different claim types and styles, as well as templates and checklists

Reviews

"Business Method and Software Patents is a must-read for any patent practitioner. Morgan Rosenberg and Richard Apley are two stalwarts in the field of difficult-to-obtain business method and software patents, and their book demonstrates why, in addition to being busy, talented practitioners, Rosenberg and Apley are also both teachers at heart. Apley practically wrote the early law during his tenure at the USPTO, and with Rosenberg in this volume describes the constantly changing landscape of this very complex subject matter. This book is an up-to-date, easy-to-digest, post-Bilski guidebook that should be on every patent practitioner's bookshelf."

--Robert J. Kimmer, Esq.

Senior Trademark and IP Attorney, Rader, Fishman & Grauer

"Over the years, there has been an ongoing question as to whether business methods and/or software rise to the level of patentable subject matter under 35 USC ?101. Central to the debate is the question of whether business methods and software are 'abstract concepts,' which have long been accepted as excluded from patent protection. In Business Method and Software Patents: A Practical Guide, Morgan Rosenberg and Richard Apley provide, not only the legal framework underlying patentability issues, but also clearly explain techniques and strategies for successfully writing and prosecuting business method and software patent applications. This text is a valuable resource for navigating these still murky waters and should be on the bookshelf of novice and experienced patent practitioners alike."

--David R. Wood, Founder and President, Wood & Associates, LLC

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