

The Remarkable Power of Software Patents

by

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ABSTRACT:

What is a software patent? Well, "software" consists of an algorithm instantiated in a program running on a machine. But algorithms can be abstract ideas, mathematical truths, and/or natural phenomena, none of which are patentable. Programs, as written text, are protected by copyright. Machines, including computers, are patentable by themselves, without any software. Software patents, therefore, apply to the abstract (but not too abstract!) METHOD behind the running program.

Because they separate the method from the machine, software patents have been used as the "thin edge of the wedge", allowing some inventors to patent methods such as managing mutual funds, or even selecting the right golf ball! Can the US patent system be saved? Well, I won't spend too much of this talk debating those issues. Rather I will illustrate the essential nature of software patents using one specific (pending) example: *my own*.



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