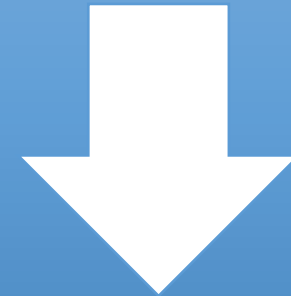


1. Doesn't exist yet (*New*)
2. Is not obvious (*Inventive*)
3. Useful (*Industrially applicable*)



Exceptions:

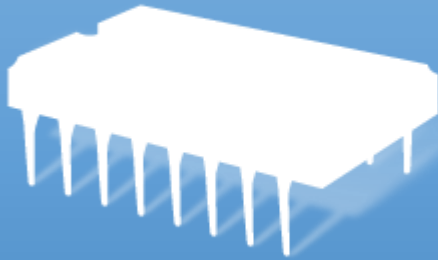
- ...
- **Programs for computers *as such***
- ...



20 yrs



€€€



Trigger function



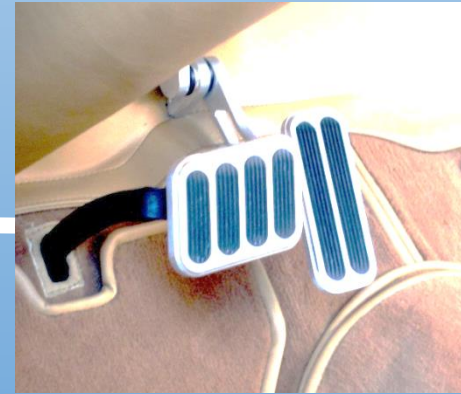
Monitor variable x



If $x < \text{threshold}$



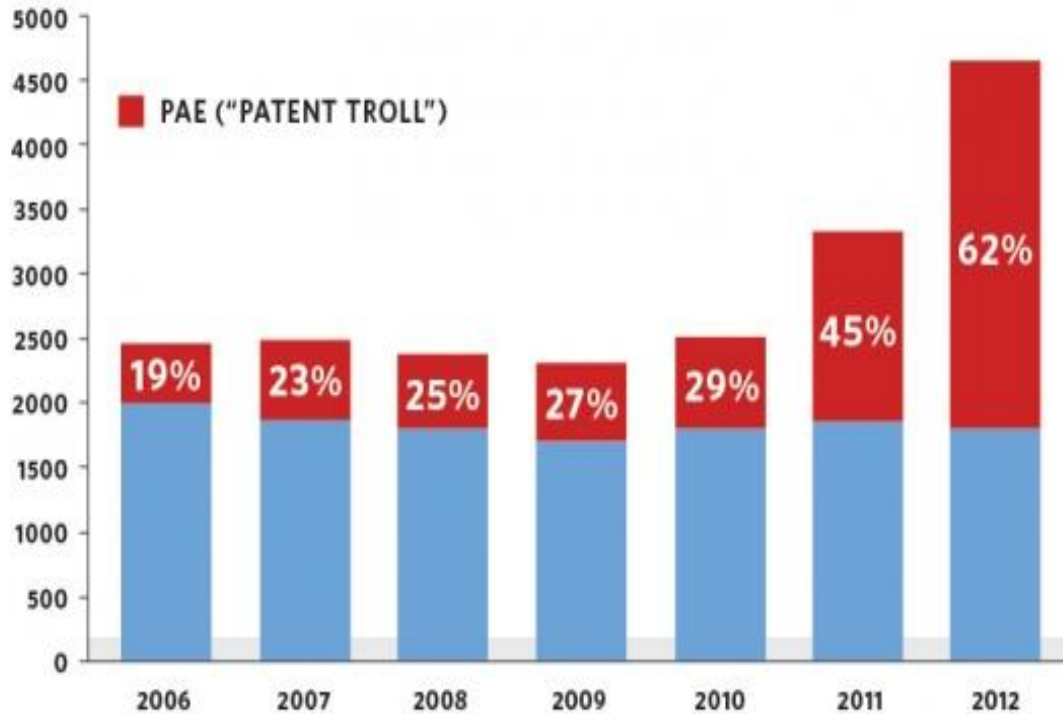
Set variable y



Is there a problem ?

THE RISE OF PATENT TROLLS

TOTAL NUMBER OF PATENT CASES COMMENCED



Accused Products	Product Type	Asserted Patents and Claims							
		U.S. Patent No. 5,666,502	U.S. Patent No. 5,946,647	U.S. Patent No. 6,847,959	U.S. Patent No. 7,761,414	U.S. Patent No. 8,014,760	U.S. Patent No. 8,046,721	U.S. Patent No. 8,074,172	U.S. Patent No. 8,086,604
		1-2, 4-5, 8, 11, 13-17, 20, 22-24, 26	1-2, 4, 6, 8-9	1-5, 9-12, 14-17, 19-20, 22-25, 27-30, 32-33	1-2, 4, 6-7, 10-12, 14, 16-17, 20-24, 26-28, 30-32	1-5, 7-22	1-15	2-6, 9-12, 17-21, 23-25, 27-37	1, 6, 11, 16-21
Admire	Phone	X	X	X	X	X	X	X	X
Captive Glide	Phone	X	X	X	X	X	X	X	X
Conquer 4G	Phone	X	X	X	X	X	X	X	X
Dart	Phone	X	X	X	X	X	X		X
Exhibit II 4G	Phone	X	X	X	X	X	X	X	X
Galaxy Nexus	Phone	X	X	X	X	X	X	X	X
Galaxy Note	Phone	X	X	X	X	X		X	X
Galaxy Note 10.1	Tablet	X	X		X				
Galaxy Note II	Phone	X	X	X	X	X			X
Galaxy Player 4.0	Music Player	X	X	X	X			X	X



Some numbers (Europe)



274.000 Patent Applications per year



3-4 days of examination to final decision



3-5 years' time to final decision

Which issues come to light through «software patents» ?

1. Cost of creation, code is the description → Scalability of the examination process.
2. Little to no barriers for combination & integration → Scalability of the inventive step test
3. Abstraction in patent v. code → Likelihood of infringement
4. Product – Patent is a one-to-many relationship → No correlation to value of product
5. Industry with low capital investment → Unbalanced litigation risks disproportionate for market

Conclusions

- What is the issue ?
 - Not patentability of computer programs
 - Patent system in context of enormous changes in IT over last 20-30 years.
- Would the issue be solved by excluding computer programs from patentability ?

