

Business Method Patents: The Challenge of Coping with an Ever Changing Standard of Patentability

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INTRODUCTION

In an era in which intellectual property makes up the lion's share of the value of most technology companies, there are few people who have not heard of "business method patents." Unfortunately, most of these people express some level of disdain for these types of patents, even if they do not know why they dislike business method patents or what these types of patents represent.

The unhappiness has at least four different sources. First, there is an intuition among business persons and the patent bar that too frequently the Patent Office issues business method patents that are of inconsistent quality and inconsistent scope. Second, the courts have provided inconsistent analytic frameworks under which to consider whether business methods patents, as well as other

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