



# *The real business of software patents*

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# *Patents and Standards*

*by Alberto Barrionuevo, CEO  
OPENTIA Group  
Ex-President FFII*

**PATINNOVA**  
**UE Presidency - Prague 2009-04-28**

**OPENTIA Group**

Technological Park of Andalusia  
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E-29590 - Malaga - Spain

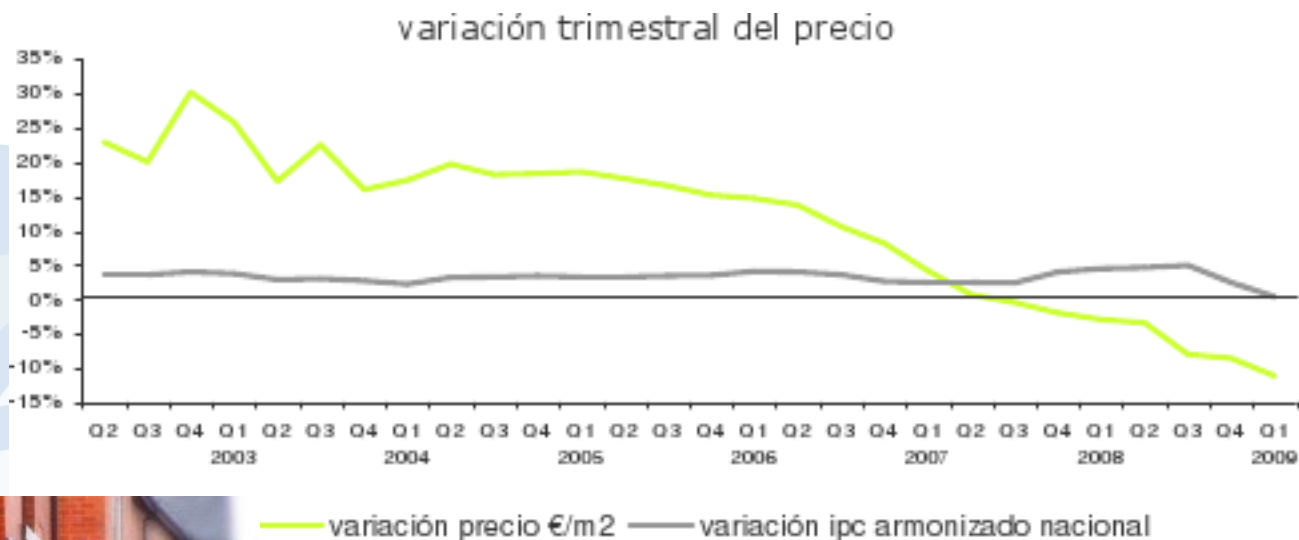
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[www.opentia.com](http://www.opentia.com)

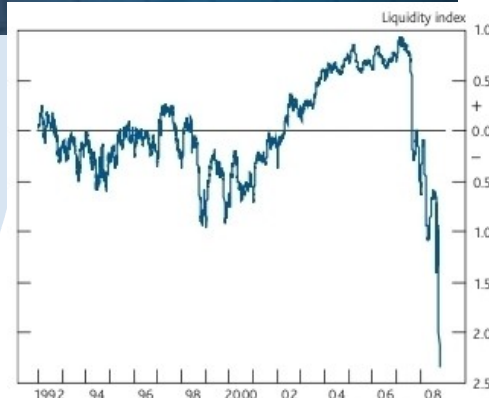
# From the country of the bricks...

## “Houses price never goes down!”



**From the country of the  
subprime derivatives...**

**“Markets auto-regulate themselves!”**



**From the country of the patents...**

## **“Patents promote innovation!”**

**Alcatel Lucent vs. Microsoft** (\$1530 mio.)

**N.T.P. vs. RIM** ( 512.5\$ mio.)

**Eolas vs. Microsoft** (+500\$ mio.)

**Kodak vs. Sun Microsystems** (+100\$ mio.)

**Z4 vs. Microsoft** (115\$ mio.) y **Autodesk** (18\$ mio.)

**ePlus vs. Ariba** (37\$ mio.) y **SAP**

**Microsoft vs. TomTom** (blackmail and secret agreement... vs Linux)

**Acacia Technologies vs. Internet multimedia**

**Microsoft vs. Linux customers** (except Novell's...)

  
**BLACKBERRY**



# **Sure?!!**



**From the country of the patents...**



**Grupo Opentia**  
Interoperabilidad + Software Libre

# “Patents promote innovation!”

Acacia Media Technologies Corporation  
500 Newport Center Drive, Suite 700  
Newport Beach, CA 92660

ACACIA  
MEDIA

Attn: [Redacted]  
Sweden

Invoice #:  
Date:  
Invoice #:  
Reference #:  
Due Date:

## 2005 Annual License Renewal

PAST

Pursuant to the terms of your Licence Agreement with Acacia Media Technologies Corporation ("AMTC"), shall automatically renew for another one (1) year term provided that AMTC receives the Initial Prepaid Royalty (as defined in the License Agreement), covering the period from January 1, 2005 to December 31, 2005 (the "Period"), at least fifteen (15) days prior to the expiration of the current license term ending on December 31, 2004.

Your Initial Prepaid Royalty for the 2004-2005 Royalty Period is due on or before [Redacted] 2004.

Pursuant to Section 3.1 of your Agreement, your Initial Prepaid Royalty payment shall be based upon your representation to AMTC of your Projected Gross Sales (as defined in the License Agreement) during the 2005 Royalty Period and the Initial Prepaid Royalty amount specified in the Royalty Schedule below.

You hereby represent to AMTC that your projected Gross Sales during the 2005 Royalty Period are estimated to be as follows: (Please indicate your 2005 Projected Gross Sales and Initial Prepaid Royalty amount with an "X" in the appropriate box below):

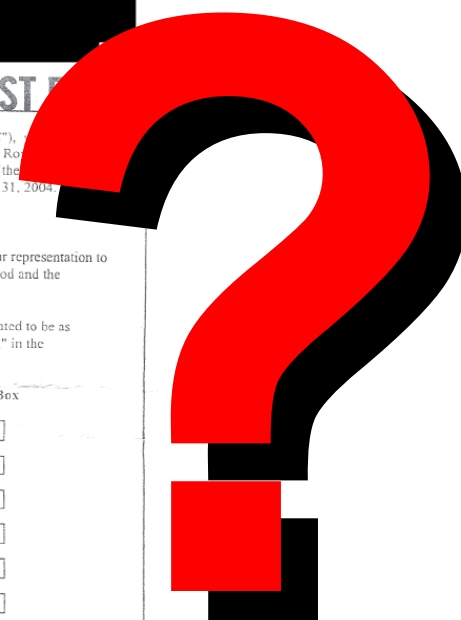
Projected Gross Sales	Initial Prepaid Royalty	Check Box
\$1 to \$50,000	\$1,500	<input type="checkbox"/>
\$50,000 to \$100,000	\$3,000	<input type="checkbox"/>
\$100,001 to \$250,000	\$5,000	<input type="checkbox"/>
\$250,001 to \$500,000	\$10,000	<input type="checkbox"/>
\$500,001 to \$1,000,000	\$20,000	<input type="checkbox"/>
Over \$1,000,000	Call AMTC	<input type="checkbox"/>

Signature of Authorized Representative: \_\_\_\_\_ Date: \_\_\_\_\_

Please return this invoice with the information requested along with your payment. Thank you for your renewal payment.

Please Remit Payment To:  
Acacia Media Technologies Corporation  
Attn: Accounts Receivable  
500 Newport Center Drive, Suite 700  
Newport Beach, CA 92660

Total Amount Due: \$ \_\_\_\_\_  
Payment: \$ \_\_\_\_\_  
Balance Due: \$ \_\_\_\_\_



**From the country of the  
patents...**

***“Patents promote innovation!”***

**US innovative  
economy**

**=**

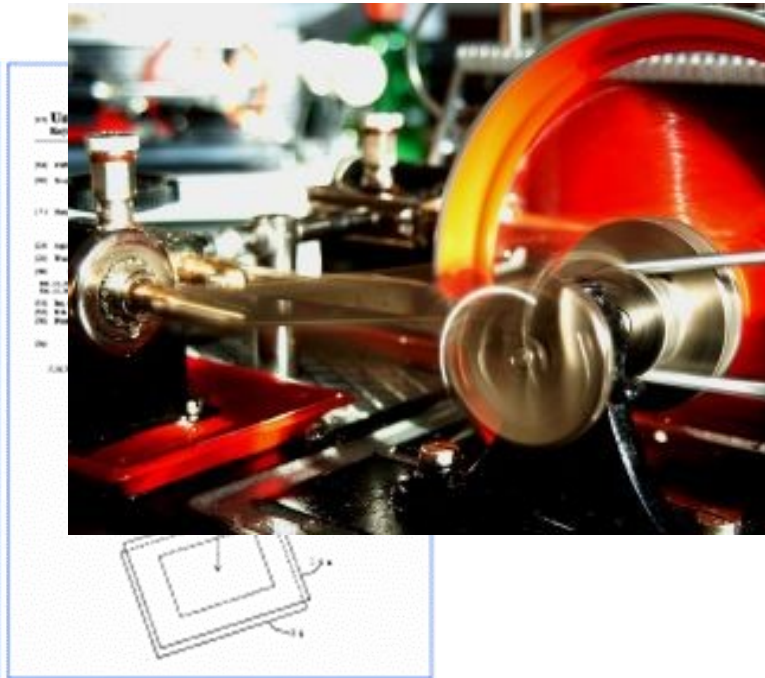
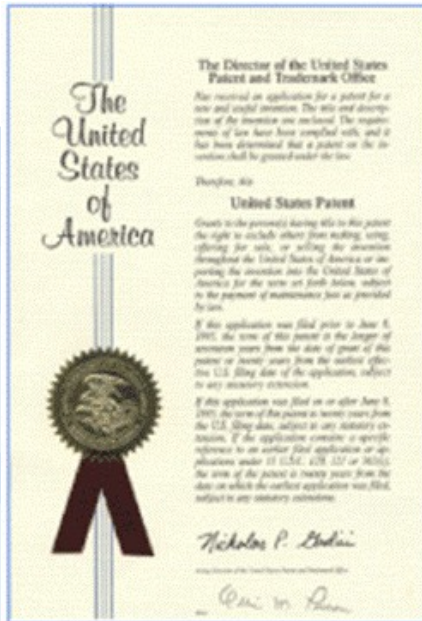
**UK financial  
engineering  
economy**



# Vapour engine: 20 years later...

## “Patents promote innovation!”

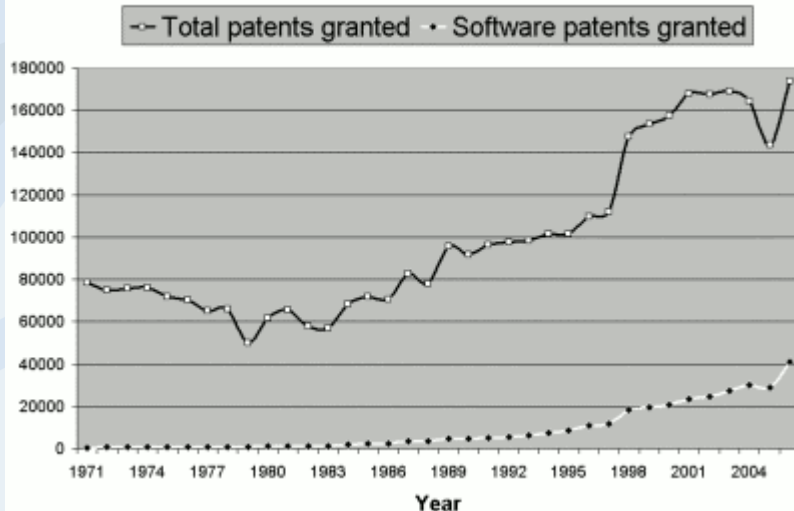
**...but  
20 years  
late...**



**At least we can build today an engine thanks to the patent documentation... Maybe it was worth...**

## “‘CLI’ patents unveil the knowledge!”

US granted software patents by year



Europäisches Patentamt  
European Patent Office  
Office européen des brevets

(11) EP 0 807 891 B1

(12) EUROPEAN PATENT SPECIFICATION

(45) Date of publication and mention of the grant of the patent:  
17.05.2000 Bulletin 2000/20

(51) Int. Cl.: G06F 17/30

(21) Application number: 97201861.6

(22) Date of filing: 24.12.1996 → 1996

(54) Stateless shopping cart for the web  
Zustandsloser Einkaufswagen für das Netz  
Charlot sans états pour le web

(84) Designated Contracting States:  
DE FR GB NL SE

(30) Priority: 11.01.1996 US 583877

(43) Date of publication of application:  
10.11.1997 Bulletin 1997/47

(82) Document number(s) of the earlier application(s) in accordance with Art. 76 EPC:  
9620701 & 9 784 279

(73) Proprietor: SUN MICROSYSTEMS, INC.  
Palo Alto, California 94042 (US)

(72) Inventors:  
Levine, Frederick E.  
Boulder, CO 80302 (US)  
Carter, Bruce A.  
Almaden, CA 94501 (US)

(74) Representative: Hanna, Peter William Derek et al  
Tomkins & Co.,  
5 Dartmouth Road  
Dublin 6 (IE)

(56) References cited:  
• PROCEEDINGS OF THE FIRST USENIX WORKSHOP OF ELECTRONIC COMMERCE, NEW YORK, NY, USA, 11-12 JULY 1995, BERKELEY, CA, USA, USENIX ASSOC. USA, pages 147-164, XP00079443 HAUSER R ET AL: "Generic extensions of WWW browsers"  
• INTERNET RESEARCH, 1996, MCB UNIVERSITY PRESS, UK, vol. 6, no. 1, ISSN 1066-2243, pages 61-91, XP00070652 ROWLEY A: "Installing and shopping on the Internet"  
• DIRECT MARKETING, FEB. 1996, USA, vol. 57, no. 10, ISSN 0012-3186, pages 23-26, XP000670672 FRIED-CASSORLA A: "Successful marketing on the Internet: a user's guide"

EP 0 807 891 B1

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Printed by Jouve 7300 PARIS (FR)

Once I asked in front an audience of ~1000 IT engineers who ever used patents as a way to design a solution? Just one!

**Software documentation is  
“source code”**



**Grupo  
Opentia**  
Interoperabilidad + Software Libre

**“‘CLI’ patents unveil the knowledge!”**

```
/* nfdtt.c Author: Charles M. Hannum <cmh@effi.com> */
/* Thanks to Phil Connolly <phil@effi.com> for additional tweaks. */
/* DVD-logs shaped version by Alex Bowley <alex@hyperspeed.org> */
/* Usage is: cat title-key scrambled.vob | nfdtt >clear.vob */

#define m(i) (a[i]*s[i+94])<<

unsigned char a[5] = ".y.#[2048];main(
n){for( read(0,w,3 );read(0,w ,s#2048
); write(1 ,s,m) );if(s
[13]#8+20) /26#4 ==1 ){int
k#m( 1)17 *256 #m(0) s,k #m(2)
0,j# m(4) 17* m(3) s*k 2-k#8
*s,k #0,c #26;for (k[y] --#16:
--0;)+2)k# a*2*16 1,1#4 /2*#61
<<2#;for(j)= 127; ++j#m;#m#>
}
}

#m#1/8*#>>4*#>>12,
1=#>>8*y<<17,a*#>>14,y#*a#*#<<#,a#
>>8*y<<8,k#>[j],k #*7#m*#C_#216*#k
#7)+2**<#2#>#>#;#>#/#. *[#>>4]*2*k*257/
8.#[j]*k* (#k#*263#)+6*#>#y
;}}

WWW.EFFI.ORG
```



**Can a software patent 'service' compete against this  
unveiling of knowledge?**

# Touchscreens: 20 years later...



Grupo  
**Opentia**  
Interoperabilidad + Software Libre

## “‘CLI’ patents promote innovation!”

# Why... now?!



iPhone  
MobileBrowser.de  
esperML



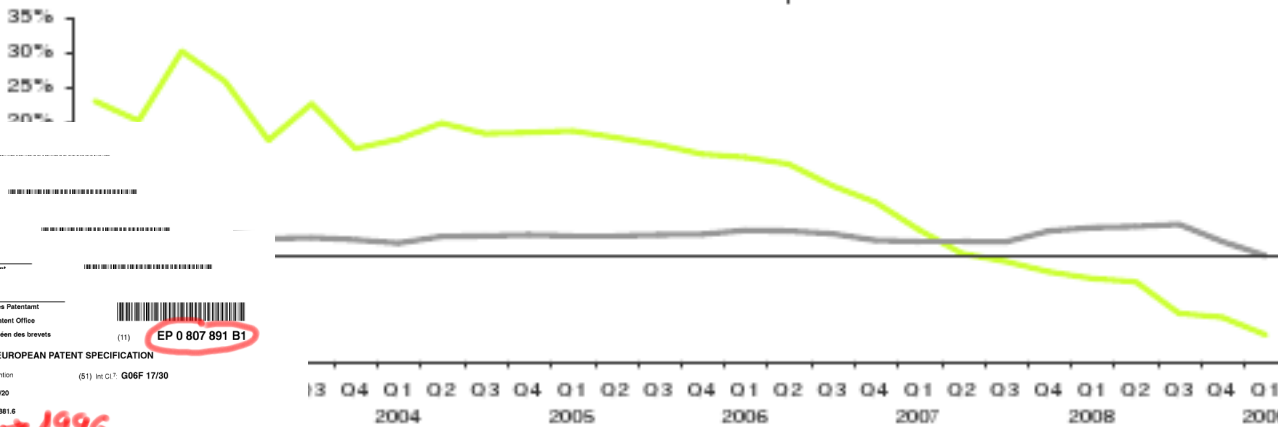
## NOKIA TOUCH-SCREEN



# Value of software patents?

## “Patent portfolios have a value!”

variación trimestral del precio



— variación precio €/m2 — variación ipc armonizado nacional

# Sure? How much?!



EP 0 807 891 B1

Europäisches Patentamt  
European Patent Office  
Office européen des brevets

(19) EP 0 807 891 B1

(12) EUROPEAN PATENT SPECIFICATION

(43) Date of publication and mention of the grant of the patent: 17.06.2000 Bulletin 2000/20

(21) Application number: 97201881.6

(22) Date of filing: 24.12.1996 → 1996

(54) Stateless shopping cart for the web  
Zustandslos Einkaufswagen für das Netz  
Charriot sans états pour le web

(51) Int. Cl.: G06F 17/30

(74) Representative: Hanna, Peter William Derek et al  
Tomkine & Co.,  
5 Dartmouth Road  
Dublin 6 (IE)

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• INTERNET RESEARCH, 1996, MCB UNIVERSITY PRESS, USA, vol. 6, no. 1, ISSN 1086-2243, pages 81-91, XP00070622 ROWLEY J: "Retailing and shopping on the Internet"  
• DIRECT MARKETING, FEB. 1996, USA, vol. 57, no. 10, ISSN 0012-3185, pages 23-26, XP000707375 PRIDD-CARDOLINA A: "successful marketing on the Internet: a user's guide"

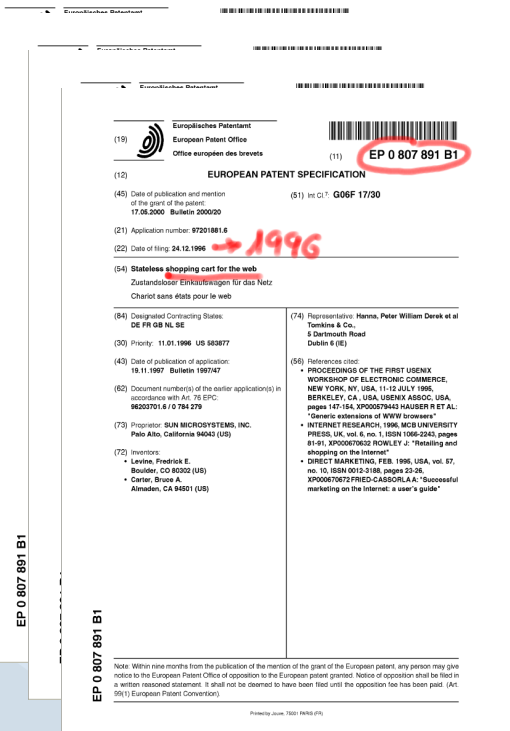
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Priority June 7, 2000 (US)

## “Patent portfolios have a value!”

## “Banks are looking for patent experts”

– David Yukerwich, CRA International  
Dec. 4<sup>th</sup>, Brussels IP Summit 2008



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EP 0 807 891 B1

Europäisches Patentamt  
European Patent Office  
Office européen des brevets

(11) EP 0 807 891 B1

EUROPEAN PATENT SPECIFICATION

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Chariot sans états pour le web

(84) Designated Contracting States:  
DE FR GB NL SE

(30) Priority: 11.01.1996 US 583877

(43) Date of publication of application: 19.11.1997 Bulletin 1997/47

(56) Document numbers of the earlier applications in accordance with Art. 75 EPC:  
9620701.6 / O 784 279

(73) Proprietor: SUN MICROSYSTEMS, INC.  
Palo Alto, California 94304 (US)

(72) Inventors:  
• Levine, Fredrick E.  
Boulder, CO 80302 (US)  
• Carter, Bruce A.  
Atmaden, CA 94501 (US)

(74) Representative: Hanna, Peter William Derek et al  
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• INTERNET RESEARCH, 1996, MCB UNIVERSITY PRESS, UK, vol. 6, no. 1, ISSN 1086-2243, pages 81-91, XP00070022 ROWLEY J: "Retailing and shopping on the Internet"  
• DIRECT MARKETING, FEB. 1996, USA, vol. 57, no. 10, ISSN 0012-3185, pages 23-26, XP00070073 PRIDD-CARDOLLA A: "Successful marketing on the Internet: a user's guide"

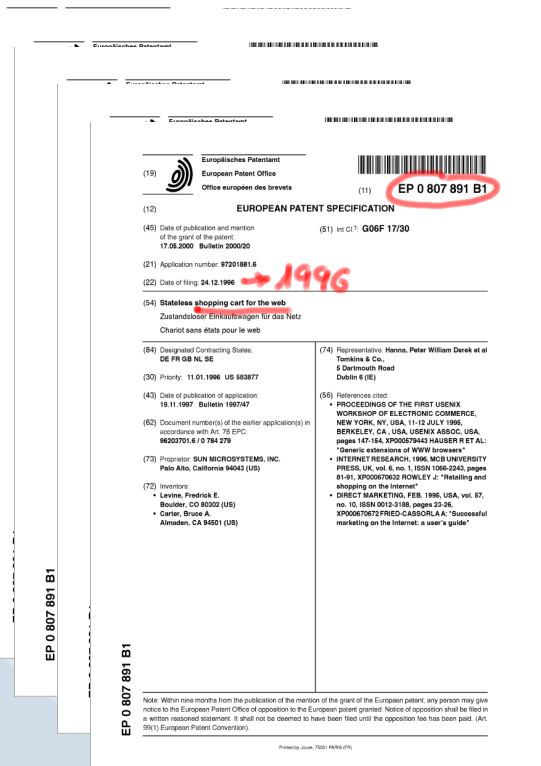
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Priority June 7, 2001 (US 6,516,275)

## “Patent portfolios are not a risk”

**Forced Patent Litigation Insurance:  
Insurance companies rejected to  
have customers forced to buy  
insurance! Too much risk & cost.**

— European Commission Study  
2003



EP 0 807 891 B1

Europäisches Patentamt  
European Patent Office  
Office européen des brevets

(11) EP 0 807 891 B1

(12) EUROPEAN PATENT SPECIFICATION

(43) Date of publication and mention of the grant of the patent: 17.06.2000 Bulletin 2000/20

(21) Application number: 97201881.6

(22) Date of filing: 24.12.1996 → 1996

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(30) Priority: 11.01.1996 US 583877

(43) Date of publication of application: 19.11.1997 Bulletin 1997/47

(62) Document numbers of the earlier application(s) in accordance with Art. 79 EPIC:  
9620701.6 / O 784 279

(73) Proprietor: SUN MICROSYSTEMS, INC.  
Palo Alto, California 94040 (US)

(72) Inventors:  
• Levine, Frederick E.  
Boulder, CO 80302 (US)  
• Carter, Bruce A.  
Atmenen, CA 94501 (US)

(74) Representative: Hanna, Peter William Derek et al  
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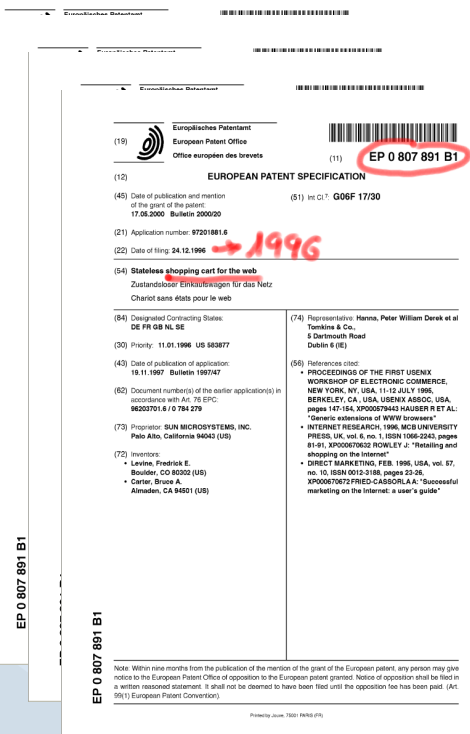
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Priority June 7, 2001 (94/5) (97)


## “Patent portfolios are not a risk”

“[...] a patent may look like an asset in your hands, but it is a liability, present or potential, to everybody else.”

— Dr. Brian Kahin  
University of Michigan



Europäisches Patentamt  
European Patent Office  
Office européen des brevets

(19)  EP 0 807 891 B1

(12) EUROPEAN PATENT SPECIFICATION

(43) Date of publication and mention of the grant of the patent: 17.08.2000 Bulletin 2000/20 (51) Int. Cl.<sup>7</sup>: G06F 17/30

(21) Application number: 97201881.6 (22) Date of filing: 24.12.1996 → 1996

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5 Dartmouth Road  
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(30) Priority: 11.01.1996 US 583877

(43) Date of publication of application: 19.11.1997 Bulletin 1997/47 (56) References cited:  
• PROCEEDINGS OF THE FIRST USENET WORKSHOP OF ELECTRONIC COMMERCE, NEW YORK, NY, USA, 11-12 JULY 1996, BERKELEY, CA, USA, USENET ASSOC. USA, pages 147-164, XP000573443 HAUSER R ET AL: "Generic extensions of WWW browsers"  
• INTERNET RESEARCH, 1996, MCB UNIVERSITY PRESS, UK, vol. 6, no. 1, ISSN 1066-2243, pages 81-91, XP0007002 ROWLEY J: "Retailing and shopping on the Internet"  
• DIRECT MARKETING, FEB. 1996, USA, vol. 87, no. 10, ISSN 0912-3188, pages 23-26, XP000700737 PRINCE-CASBIS/ALAI: "successful marketing on the Internet: a user's guide"

(72) Inventors:  
• Levine, Frederick E.,  
Boulder, CO 80302 (US)  
• Carter, Bruce A.,  
Alhambra, CA 94501 (US)

(73) Proprietor: SUN MICROSYSTEMS, INC.,  
Palo Alto, California 94040 (US)

(57) Claim(s)  
1. A method for providing a stateless shopping cart for the web, comprising:  
a. receiving a request from a user to create a shopping cart;  
b. creating a shopping cart for the user;  
c. storing the shopping cart in a database;  
d. receiving a request from the user to view the shopping cart;  
e. retrieving the shopping cart from the database;  
f. displaying the shopping cart to the user.

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Priority June 7, 2001 (US)

## “Granted 'CLI' patents are an asset”

“technical”?

“software as such”?

“further”?

**arbitrariness can change  
in any moment:**

**To draw the line:**

- Brimelow's referral
- “The return of the MEPs”
- Court case law...

Europäisches Patentamt  
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(19) (11) EP 0 807 891 B1

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• PROCEEDINGS OF THE FIRST USE/EX WORKSHOP OF ELECTRONIC COMMERCE, NEW YORK, NY, USA, (1-12 JULY 1996, BERKELEY, CA, USA, USE/EX ASSOC, USA, pages 1-47-164, XP000573443 HAUSER R ET AL: "Generic extensions of WWW browsers"  
• INTERNET RESEARCH, 1996, MCB UNIVERSITY PRESS, UK, vol. 6, no. 1, ISSN 1066-2240, pages 81-91, XP00070622 ROWLEY J: "Retailing and shopping on the Internet"  
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Priority from: 7020 8450 (US)

EP 0 807 891 B1

**“As such or not as such”**

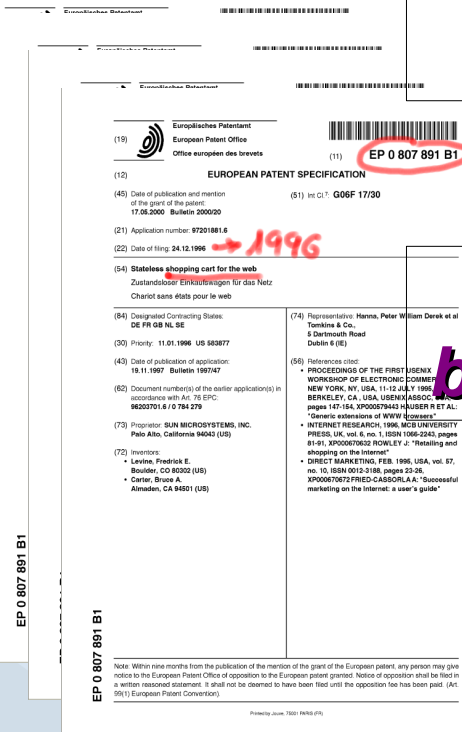
**“Granted 'CLI' patents are an asset”**

**“A horse is a horse,  
but a white horse is not a horse”**

— Chinese say

**“A software is a software  
but a software as such is not a software”**

— EPO say



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Priority June 7, 2001 (P45) (P)

# Why as much interest in to legalize software patents?

## The real business of software patents



EP 0 807 891 B1

Europäisches Patentamt  
European Patent Office  
Office européen des brevets

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(43) Date of publication and mention of the grant of the patent: 17.06.2000 Bulletin 2000/20 (51) Int. Cl. G06F 17/30

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Charter sans états pour le web

(84) Designated Contracting States: DE FR GB NL SE (74) Representative: Hanna, Peter William Derek et al  
Tomkins & Co.,  
5 Dartmouth Road  
Dublin 6 (IE)

(43) Date of publication of application: 19.11.1997 Bulletin 1997/47 (56) References cited:  
• PROCEEDINGS OF THE FIRST USENIX WORKSHOP OF ELECTRONIC COMMERCE, NEW YORK, NY, USA, 11-12 JULY 1996, BERKELEY, CA, USA, USENIX ASSOC. USA, pages 147-164, XP000573443 HAUSER R ET AL: "Generic extensions of WWW browsers"  
• INTERNET RESEARCH, 1996, MCB UNIVERSITY PRESS, UK, vol. 6, no. 1, ISSN 1088-2243, pages 81-91, XP00070622 ROWLEY J: "Retailing and shopping on the Internet"  
• DIRECT MARKETING, FEB. 1996, USA, vol. 87, no. 10, ISSN 0912-3188, pages 23-26, XP000706753 PRIDD-CARDOLLA A: "Successful marketing on the Internet: a user's guide"

(73) Proprietor: SUN MICROSYSTEMS, INC.  
Palo Alto, California 94040 (US)

(72) Inventors:  
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Boulder, CO 80302 (US)  
• Carter, Bruce A.  
Alhambra, CA 94501 (US)

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Priority from: 7020 8452 (US)



# The great business for great businesses only [step 1]



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## The real business of software patents

### 1) Get a patent

Europäisches Patentamt  
European Patent Office  
Office européen des brevets

(11) EP 0 807 891 B1

(12) EUROPEAN PATENT SPECIFICATION

(43) Date of publication and mention of the grant of the patent: 17.08.2000 Bulletin 2000/30 (51) Int. Cl.: G06F 17/30

(21) Application number: 97201881.6

(22) Date of filing: 24.12.1996 → 1996

(54) Stateless shopping cart for the web  
Zustandslos-Einkaufswagen für das Netz  
Charriot sans états pour le web

(84) Designated Contracting States: DE FR GB NL SE

(30) Priority: 11.01.1996 US 583877

(43) Date of publication of application: 19.11.1997 Bulletin 1997/47

(62) Document number(s) of the earlier application(s) in accordance with Art. 79 EPIC: 96203701.6 / O 784 279

(73) Proprietor: SUN MICROSYSTEMS, INC.  
Palo Alto, California 94304 (US)

(72) Inventors:  
• Levine, Frederick E.  
Boulder, CO 80302 (US)  
• Carter, Bruce A.  
Altamend, CA 94501 (US)

(74) Representative: Hanna, Peter William Derek et al  
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• INTERNET RESEARCH, 1996, MCB UNIVERSITY PRESS, UK, vol. 6, no. 1, ISSN 1066-2240, pages 81-91, XP00067002 ROWLEY J: "Retailing and shopping on the Internet"  
• DIRECT MARKETING, FEB. 1996, USA, vol. 57, no. 10, ISBN 0912-3185, pages 23-26, XP00067075 FRED-CASBISLA A: "Successful marketing on the Internet: a user's guide"

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Priority June 7/97 (45) (78)

EP 0 807 891 B1



# The great business for great businesses only [step 1]



Grupo **Opentia**  
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## The real business of software patents

### 1) Get a patent

# Not enough!

Europäisches Patentamt  
European Patent Office  
Office européen des brevets

(19) (11) EP 0 807 891 B1

(12) EUROPEAN PATENT SPECIFICATION

(43) Date of publication and mention of the grant of the patent: 17.08.2000 Bulletin 2000/20 (51) Int. Cl.: G06F 17/30

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(85) Document number(s) of the earlier application(s) in accordance with Art. 79 CPC: 96203701.6 / O 784 279

(73) Proprietor: SUN MICROSYSTEMS, INC.  
Palo Alto, California 94304 (US)

(72) Inventors:  
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Priority June 7/97 (45) (76)

EP 0 807 891 B1



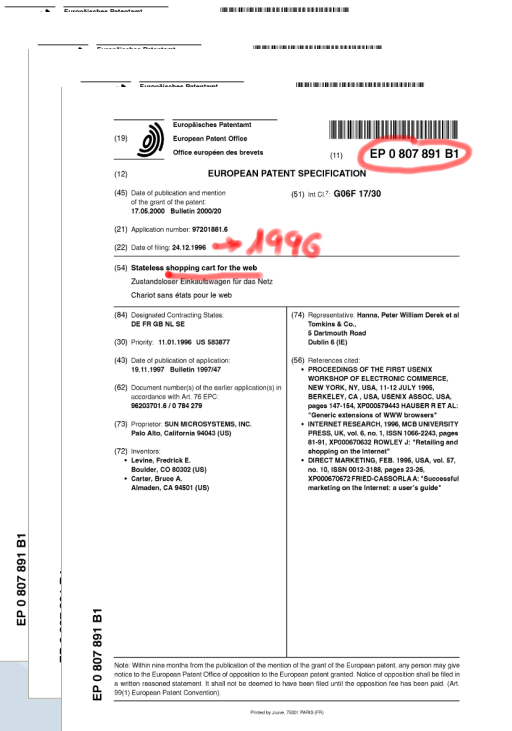
The great business for great businesses only [step 2]



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# The real business of software patents

- 1) Get a patent
- 2) Get a patent portfolio



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European Patent Office  
Office européen des brevets

The great business for  
great businesses only [step 3]



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# The real business of software patents

- 1) Get a patent
- 2) Get a patent portfolio
- 3) Get your patents in a standard

EP 0 807 891 B1

EP 0 807 891 B1

Europäisches Patentamt  
European Patent Office  
Office européen des brevets

(11) EP 0 807 891 B1

(12) EUROPEAN PATENT SPECIFICATION

(43) Date of publication and mention of the grant of the patent: 17.08.2000 Bulletin 2000/32

(51) Int. Cl.: G06F 17/30

(21) Application number: 92201881.6

(22) Date of filing: 24.12.1996 → 1996

(54) Stateless shopping cart for the web  
Zustandsloser Einkaufswagen für das Netz  
Charriot sans états pour le web

(84) Designated Contracting States:  
DE FR GB NL SE

(30) Priority: 11.01.1996 US 583877

(42) Date of publication of application: 19.11.1997 Bulletin 1997/47

(52) Document number(s) of the earlier application(s) in accordance with Art. 76 EPIC:  
96203701.6 / O 784 279

(73) Proprietor: SUN MICROSYSTEMS, INC.  
Palo Alto, California 94043 (US)

(72) Inventors:  
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(74) Representative: Hanna, Peter William Derek et al  
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• INTERNET RESEARCH, 1996, MCB UNIVERSITY PRESS, UK, vol. 6, no. 1, ISSN 1088-2343, pages 81-91, XP00070632 ROWLEY J: "Retailing and shopping on the Internet"  
• DIRECT MARKETING, FEB. 1996, USA, vol. 57, no. 10, ISSN 0012-3188, pages 23-26, XP00070725 FRIED-CASARILIA A: "Successful marketing on the Internet: a user's guide"

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Patentamt  
European  
Patent Office  
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The great business for great businesses only [step 3]

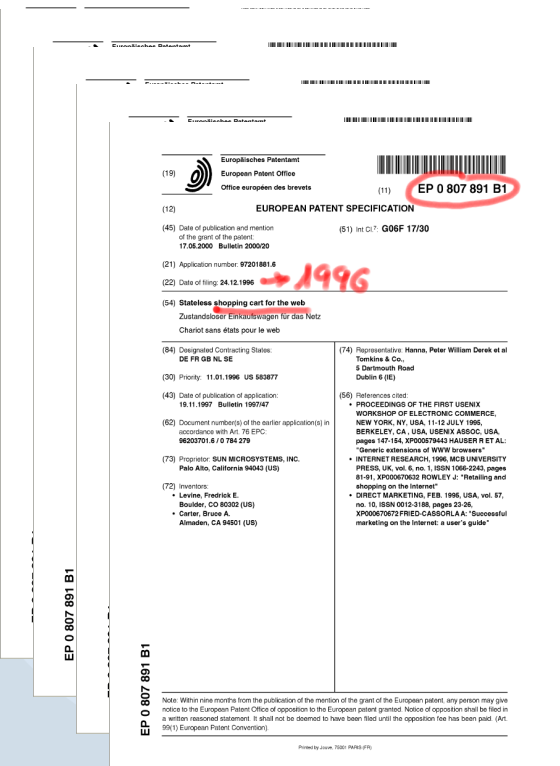


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# The real business of software patents

- 1) Get a patent
- 2) Get a patent portfolio
- 3) Get your patents in a standard

**Not enough!**



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European Patent Office  
Office européen des brevets

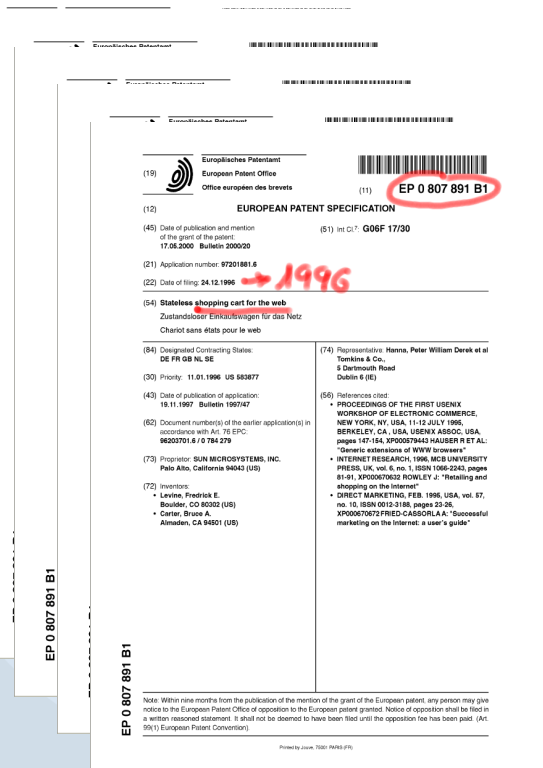
The great business for great businesses only [step 4]



Grupo **Opentia**  
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# The real business of software patents

- 1) Get a patent
- 2) Get a patent portfolio
- 3) Get your patents in a standard
- 4) Get your patents in as many standards as possible



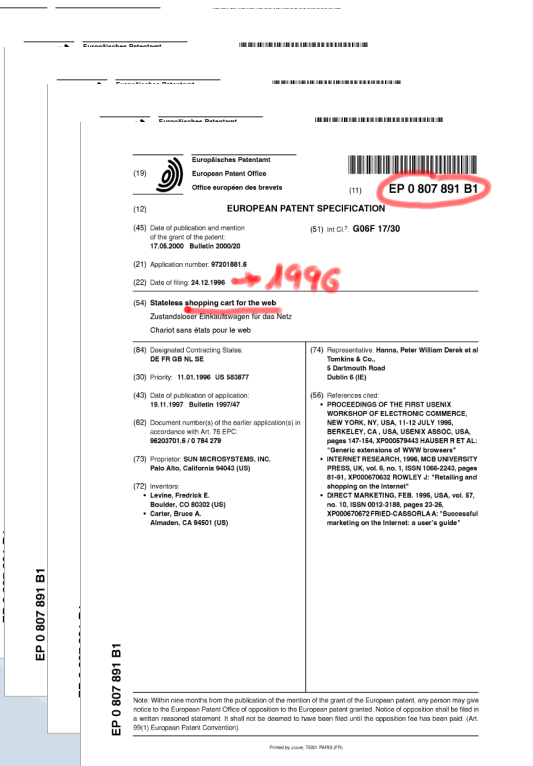
The great business for great businesses only [step 5]



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# The real business of software patents

- 1) Get a patent
- 2) Get a patent portfolio
- 3) Get your patents in a standard
- 4) Get your patents in as much standards as possible
- 5) Get a "RAND" licensing fee



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European Patent Office  
Office européen des brevets

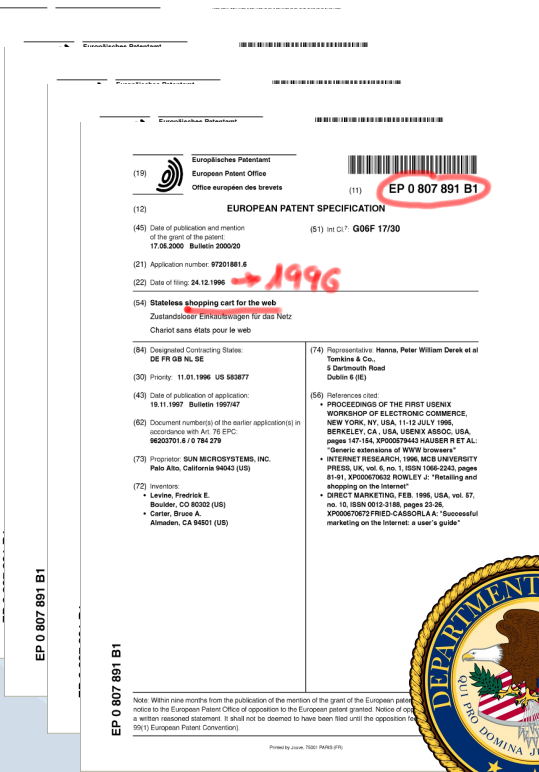
The great business for great businesses only [step 6]



Grupo **Opentia**  
Interoperabilidad + Software Libre

# The real business of software patents

- 1) Get a patent
- 2) Get a patent portfolio
- 3) Get your patents in a standard
- 4) Get your patents in as much standards as possible
- 5) Get a "RAND" licensing fee
- 6) Get a public endorsement



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European Patent Office  
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The great business for great businesses only [step 7]



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# The real business of software patents

7) RELAX!..... (money coming)



EP 0 807 891 B1

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(11) EP 0 807 891 B1

(12) EUROPEAN PATENT SPECIFICATION

(43) Date of publication and mention of the grant of the patent: 17.08.2000 Bulletin 2000/20

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(84) Designated Contracting States: DE FR GB NL SE

(30) Priority: 11.01.1996 US 583877

(43) Date of publication of application: 19.11.1997 Bulletin 1997/47

(56) Document numbers of the earlier applications in accordance with Art. 75 EPC: 96203701.6 / O 784 279

(73) Proprietor: SUN MICROSYSTEMS, INC.  
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(72) Inventors:  
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• INTERNET RESEARCH, 1996, MCB UNIVERSITY PRESS, UK, vol. 6, no. 1, ISSN 1360-2343, pages 81-91, XP00070620 ROWLEY J.: "Retailing and shopping on the Internet"  
• DIRECT MARKETING, FEB. 1996, USA, vol. 57, no. 10, ISSN 0012-3188, pages 23-26, XP00070757 FINEO-CASADILLA A.: "Successful marketing on the Internet: a user's guide"

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The great business for great businesses only [step 7]



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# The real business of software patents

7) RELAX!..... (lots of money)



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European Patent Office  
Office européen des brevets

(11) EP 0 807 891 B1

EUROPEAN PATENT SPECIFICATION

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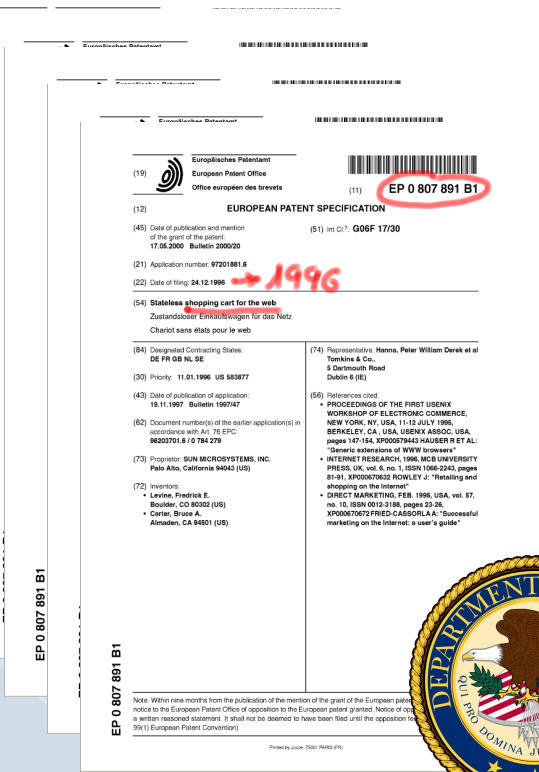
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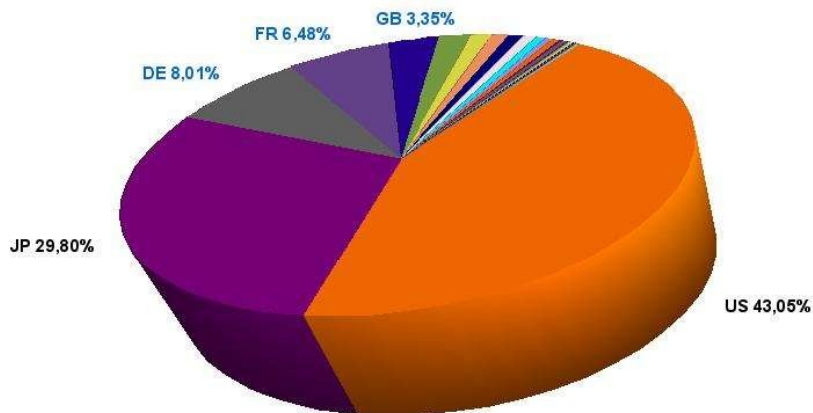
## The real problems of software patents

- a) Market monopolization
- b) SMEs: too high entry barrier
- c) RAND licensing mess
- d) Innovation stalled, risk raised
- e) Citizens pay the bill
- f) Private tax on public goods
- g) Chinese innovators come!!!



## “Qui Prodest?”

**Cake of Software Patents at the EPO...**



US	IE	CL
JP	NO	DD
DE	KY	NZ
FR	ZA	PA
GB	LU	PL
NL	SG	SL
IT	LI	GI
BE	BS	UA
CH	HK	AR
SE	VG	YU
CA	GR	
FI	AN	
KR	BR	
IL	RU	
AU	SU	
AT	HU	
DK	IN	
ES	BB	
TW	BY	

**...Breadcrumbs for European Countries**



## **MONOPOLY MARKET**

### **Chain effect and vicious circle**

#### **1) Interoperability (limited)**

*Agreements between pairs or RAND standards. Only a subset of applications can interact and be replaced (proprietary interfaces: mandatory to be “compatible” with the dominant player)*

#### **2) Maximum entry barrier**

*Interoperability: only can play who has money to “license and litigate”*

#### **3) Competition (tiny)**

*Bigger barrier → less operators = less competition = higher prices*

#### **4) Innovation (reduced)**

*Less competition → less effort to stay in the market = less innovation → increasing number of monopolies and less interoperability [RETURN 1]*

## **FREE MARKET**

### **Chain effect and virtuous circle**

#### **1) Interoperability (maximum)**

*Open Standard → allows to all the applications to interact and to be replaced in any moment (open interfaces)*

#### **2) Minimum entry barrier**

*Interoperability: everybody can develop an interface to interact and indeed replace an existing piece software*

#### **3) Competition (maximum)**

*Lower barrier → more operators = more competition = lower prices*

#### **4) Innovation (raised)**

*More competition → more effort to stay in the market = more innovation  
→ existing open standards improves and new ones are created [RETURN 1]*

## *Which is the source of the problem?*



Europäisches  
Patentamt

European  
Patent Office

Office européen  
des brevets

# ***Which is the solution?***



**...thank you  
for reaching  
to here!**



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