

July 24, 2008

Dear Friends,

As we await a decision on *In re Bilski*, the **New Economy Patents Alliance** continues to monitor the debate on this landmark case. We have noted lately that many patent practitioners and observers have erroneously minimized the potential threat posed by the U.S. Patent and Trademark Office's (USPTO) position on business method patents, as argued in *Bilski*, as only affecting a few, limited inventions.

However, in a recent piece – *The Death of Google's Patents?* – Professor John F. Duffy¹ shows that *Bilski* is just the beginning of the threat. Two new cases from the USPTO Board of Patent Appeals and Interferences surfaced in the past two months – *Ex parte Langemyr* and *Ex parte Wasynczuk* – which announce rather stark and surprising positions on what does, and does not, count for patentability in the computer arts.

By Professor Duffy's analysis, following these key post-*Bilski* actions, most software patents, including the inventions that power Google's search prowess, would be rendered invalid. The USPTO has clearly launched a rearward attack on the innovations that are driving the world economy and ensuring U.S. leadership in it. Indeed, it appears the other shoes are dropping.

Please read this important piece and the underlying troubling decisions by the USPTO. I look forward to discussing these issues with you next week in New York at the 5th Annual Patents and the Financial Services Conference.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wayne Sobon', is written in a cursive style.

Wayne Sobon
Founder of **New Economy Patents Alliance**
Associate General Counsel and Director of Intellectual Property, Accenture

¹ Oswald Symister Colclough Research Professor of Law, George Washington University Law School. Presented an amicus curiae brief for *In re Bilski* in support of the appellants.