

## **Q** Can I patent a way of doing business?

**A** While recent legislation and case law make it more difficult to obtain and enforce business method patents, business methods are still considered patentable in the United States.

Business methods utilizing software or other technology may be easier to patent, while methods reflecting an abstract idea or simple mental process—such as “buy low, sell high”—generally are unpatentable. Examples of patented business methods include methods for electronic shopping, financial transactions, and advertising management.

Business methods also may be protected by other means, such as trade secret law. Whether and how to protect a business method depends on a number of factors. Perhaps more than other innovations, protection of business methods requires careful and experienced legal counsel.

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