

**RATNERPRESTIA UPDATE**  
**COMPUTER/ELECTRONICS PATENT PROCUREMENT GROUP**

*SYMBIAN LTD. V. COMPTROLLER GENERAL OF PATENTS*

UK COURT OF APPEALS EASES RESTRICTIONS AGAINST SOFTWARE PATENTS IN THE UK

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The Court of Appeals in the United Kingdom in *Symbian Ltd. v. Comptroller General of Patents* has issued a decision easing the restrictions on obtaining software patents in the United Kingdom. Prior to *Symbian Ltd.*, the UK Intellectual Property Office ("UKIPO") and UK courts had interpreted the UK patent laws and the European Patent Convention ("EPC") as prohibiting many software inventions. The decision in *Symbian Ltd.* should now make it easier for inventors to protect their computer software inventions in the United Kingdom.

The patent application at issue is directed to computer software that organizes shared computer software files. This invention purportedly reduces computer malfunctions associated with prior-art organizational methods, thereby improving system stability and the operational speed of computers. The software at issue is not limited to personal computers, but may be applicable to mobile phones, cameras, etc. The ruling recognizes that at least some software inventions directed at improving the speed and/or reliability of a computer or processor constitute a technical effect and, thus, are patentable subject matter.

In *Symbian Ltd.* the Court of Appeals observed that the prior policy of the UK courts and the UKIPO in rejecting many software inventions was in conflict with that of the European Patent Office ("EPO"), which has interpreted the provisions of the EPC at issue as allowing the patentability of such inventions. The UK court essentially held that the scope of the patentability laws in the UK relating to software inventions is similar to that of the EPO. Thus, inventors now have expanded options in the UKIPO for protecting their software inventions.