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Over the past decade, thousands of patents have been granted for what are called business methods. Amazon.com received one for its "one-click" online payment system. Merrill Lynch got legal protection for an asset allocation strategy. One inventor patented a technique for lifting a box.

在过去十年中，数千项所谓的商业方法被授予专利。亚马逊凭借其“一键式”在线支付系统获得了一项专利。美林证券的一项资产配置策略获得了法律保护。一位发明家获得了一项提起箱子的技术的专利。

Now the nation's top patent court appears completely ready to scale back on business-method patents, which have been controversial ever since they were first authorized 10 years ago. In a move that has intellectual-property lawyers abuzz the U.S. court of Appeals for the federal circuit said it would use a particular case to conduct a broad review of business-method patents. In re Bilski, as the case is known, is "a very big deal", says Dennis D. Crouch of the University of Missouri School of law. It "has the potential to eliminate an entire class of patents."

如今，美国最高专利法院似乎已完全准备好缩减商业方法专利的授权，这些专利自 10 年前首次获得授权以来就一直备受争议。美国联邦巡回上诉法院表示，将利用一个具体案例对商业方法专利进行广泛审查，此举令知识产权律师们议论纷纷。密苏里大学法学院的丹尼斯·D·克劳奇表示，该案被称为“比尔斯基案”，是“一件大事”。它“有可能消除一整类专利”。

Curbs on business-method claims would be a dramatic about-face, because it was the federal circuit itself that introduced such patents with its 1998 decision in the so-called state Street Bank case, approving a patent on a way of pooling mutual-fund assets. That ruling produced an explosion in business-method patent filings, initially by emerging internet companies trying to stake out exclusive rights to specific types of online transactions. Later, move established companies raced to add such patents to their files, if only as a defensive move against rivals that might beat them to the punch. In 2005, IBM noted in a court filing that it had been issued more than 300 business-method patents despite the fact that it questioned the legal basis for granting them. Similarly, some Wall Street investment firms armed themselves with patents for financial products, even as they took positions in court

cases opposing the practice.

限制商业方法专利的申请将是一个戏剧性的转变，因为正是联邦巡回法院在 1998 年所谓的“道富银行案”中引入了此类专利，该案批准了一项关于共同基金资产池化方法的专利。该裁决引发了商业方法专利申请的激增，最初是由新兴互联网公司发起的，他们试图获得特定类型在线交易的独家权利。后来，一些老牌公司也竞相将此类专利添加到他们的申请文件中，哪怕只是为了防御可能抢先一步的竞争对手。2005 年，IBM 在一份法庭文件中指出，尽管它质疑授予这些专利的法律依据，但它已获得 300 多项商业方法专利。同样，一些华尔街投资公司也用金融产品专利武装自己，即使在法庭案件中表明反对这种做法的立场。

The Bilski case involves a claimed patent on a method for hedging risk in the energy market. The Federal circuit issued an unusual order stating that the case would be heard by all 12 of the court's judges, rather than a typical panel of three, and that one issue it wants to evaluate is whether it should "reconsider" its state street Bank ruling.

比尔斯基案涉及一项关于对冲能源市场风险方法的专利。联邦巡回法院发布了一项不同寻常的命令，规定该案将由法院全部 12 名法官审理，而非通常的三人合议庭。该法院希望评估的一个问题是，是否应该“重新考虑”其对道富银行的裁决。

The Federal Circuit's action comes in the wake of a series of recent decisions by the supreme Court that has narrowed the scope of protections for patent holders. Last April, for example the justices signaled that too many patents were being upheld for "inventions" that are obvious. The judges on the Federal circuit are "reacting to the anti-patent trend at the Supreme Court", says Harold C. Wegner, a patent attorney and professor at George Washington University Law School.

联邦巡回法院的这一行动是在最高法院近期一系列裁定之后做出的，这些裁定缩小了专利持有人的保护范围。例如，去年 4 月，法官们表示，太多显而易见的“发明”被支持。专利律师、乔治华盛顿大学法学院教授哈罗德·C·韦格纳表示，联邦巡回法院的法官们正在“对最高法院的反专利趋势做出反应”。

26. Business-method patents have recently aroused concern because of

26. 商业方法专利近期引发关注，原因如下：

[A] their limited value to business

[A] 其商业价值有限

[B] their connection with asset allocation

[B] 其与资产配置的关联性

[C] the possible restriction on their granting

[C] 其授权可能受到限制

[D] the controversy over authorization

[D] 授权争议

27. Which of the following is true of the Bilski case?

27. 以下哪项关于 Bilski 案的表述是正确的?

[A] Its ruling complies with the court decisions

[A] 其裁决符合法院判决

[B] It involves a very big business transaction

[B] 涉及一项非常大的商业交易

[C] It has been dismissed by the Federal Circuit

[C] 该案已被联邦巡回法院驳回

[D] It may change the legal practices in the U.S.

[D] 这可能会改变美国的法律实践

28. The word "about-face" (Line 1, Para 3) most probably means

28. "beautiful" (第 1 行, 第 3 段) 一词很可能意味着

[A] loss of good will

[A] 丧失善意

[B] increase of hostility

[B] 增加敌意

[C] change of attitude

[C] 改变态度

[D] enhancement of dignity

[D] 提升尊严

29. We learn from the last two paragraphs that business-method patents

29. 从最后两段我们了解到，商业方法专利

[A] are immune to legal challenges

[A] 不受法律挑战的影响

[B] are often unnecessarily issued

[B] 经常不必要地被授予专利

[C] lower the esteem for patent holders

[C] 降低专利持有人的尊严

[D] increase the incidence of risks

[D] 增加风险的发生率

30. Which of the following would be the subject of the text?

30. 下列哪项是本文的主题？

[A] A looming threat to business-method patents

[A] 商业方法专利面临的迫在眉睫的威胁

[B] Protection for business-method patent holders

[B] 对商业方法专利持有人的保护

[C] A legal case regarding business-method patents

[C] 一起关于商业方法专利的法律案件

[D] A prevailing trend against business-method patents

[D] 反对商业方法专利的普遍趋势