In December 2008, General Patent Corporation<http://www.generalpatent.com/> announced that it was working on behalf of Worlds.com<http://www.worlds.com/> to enforce its patents on “Scalable Virtual World Chat Client-Server System” and “System and Method for Enabling Users to Interact in a Virtual Space,” which date back to 1995. Attorney Sean Kane, writing in his “Virtual Judgment” blog, commented, “Therefore, it would seem that General Patent Corporation and Worlds.com are taking the position that the above-referenced patents cover the idea of the computer architecture for a three-dimensional graphical multi-user interactive virtual world systems. If so, this announcement is arguably a very thinly veiled notice to the virtual world industry that infringement suits are forthcoming for those companies who do not enter into a licensing deal with General Patent Corporation and Worlds.com.”


If you think that the US Patent and Trademark Office (USPTO)<http://uspto.gov/> desperately needs help to clean the earwax out of its cerebral sulci, there’s an excellent example from the world of Linux that would bear watching and emulating in other fields.

The Open Invention Network<http://www.openinventionnetwork.com/>, the Software Freedom Law Center<http://www.softwarefreedom.org/> and The LINUX Foundation<http://www.linux-foundation.org/> are sponsoring an organization called the LINUX DEFENDERS<http://linuxdefenders.org/> which has three key projects described as follows (quoting from their Web page):

- Peer to Patent<http://linuxdefenders.org/projects?tab=1>

Peer-to-Patent is a historic initiative by the United States Patent and Trademark Office (USPTO) that opens the patent examination process to public participation for the first time. Peer-to-Patent is an online system that aims to improve the quality of issued patents by enabling the public to supply the USPTO with information relevant to assessing the claims of pending patent applications. Peer-to-Patent provides an opportunity to open up the closed patent review process to more information and enable better decision making and improve the patent system by avoiding the issuance of overly broad patents. Linux Defenders is working in cooperation with the established Peer-to-Patent program to create a portal for the Linux and open source community to participate in the program.
and provide parallel initiatives with the same common goal of improving patent quality and enabling freedom of action/freedom to operate.


Post-Issue Peer-to-Patent takes a community-based approach to peer review for issued patents. In recent years the USPTO has at times been overwhelmed by the number of patent applications being filed in areas of new technology, such as software and business methods. Lacking access to comprehensive prior art in these subject matter areas, the USPTO had little choice but to grant patents that would otherwise have failed the test of patentability had relevant prior art been before the examiner. The rigor is provided by the community of peer reviewers who elect to participate in the review of issued patents and support the invalidation of poor quality patents and the patent office’s goal of improving the quality of future issued patents.


Defensive publications, which are endorsed by the USPTO as an IP rights management tool, are documents that provide descriptions and artwork of a product, device or method so that it enters the public domain and becomes prior art upon publication. This powerful preemptive disclosure prevents other parties from obtaining a patent on a product, device or method that is known though not previously patented. It enables the original inventor to ensure access to the invention across the community by preventing others from later making patent claims on it.

These efforts can serve as models for the entire high-technology industry to marshal our intellectual resources to stop abuse of the patent system.

It’s time to organize to fight the trolls.

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For a series of articles about patent law and egregious cases of patent-based extortion, see

- PanIP has rights < http://www.networkworld.com/newsletters/sec/2003/0414sec1.html >

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