

A Twist on Invalidating Patents

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BountyQuest, an online corporation that existed from 2000 through early 2003, was a company that introduced an innovative search method to the field of patent law. Companies would contact BountyQuest when they needed to find certain documents in order to prove that a patented invention was in fact not a new idea. The search for this material, known as prior art, was made open to the general public, with a reward of \$10,000 - \$50,000 going to the first person to provide substantial evidence that would invalidate a patent. The reward amount was based on the sum (or "bounty") the company was willing to pay for these documents. Although BountyQuest went out of business in only three years due to financial troubles, it had a large impact on the patent research process and inspired other companies and third party individuals to become actively involved in the activity of legitimizing patents.

One such third party research company is the Electronic Frontier Foundation (EFF), which was originally founded in 1990 but broke into the patent-busting field with its Patent Busting Project (PBP) much later. The PBP focuses on finding prior art for "bogus" patents; however, the EFF does not provide rewards for finding documents that predate a patent. Instead, the company uses the evidence gathered to challenge the patent's validity in court. The Patent Busting Project attempts to involve the public because of the "general public endangerment" and will fight for re-examinations of most patents after the discovery of related prior art. The PBP focuses mainly on internet and software related patents; for more information see <http://w2.eff.org/patent/>.

Article One Partners, an online company formed in November 2008, has a general business plan nearly identical to that of BountyQuest. Article One Partners displays patents submitted by companies looking to invalidate those patents with prior art, opens the prior art search to anyone interested, and offers rewards of \$10,000 - \$50,000 for effective prior art.

Despite these similarities, Article One Partners is not a carbon copy of BountyQuest; a new aspect to the business model that Article One Partners has introduced is the idea of "Advisor Points." At the end of each year, the company plans to distribute approximately five percent of its annual net profits to its active "Advisors." To become an official Advisor, an individual must earn 1,000 points from the company before December of the current year. To earn the points, the individuals complete certain activities on the company's website, including: submitting new prior art, referring friends to submit prior art, participating in forum discussions, and supplying feedback on the BETA page. The prior art submitted must add quality information to the overall search, but does not have to win the overall reward offered in order to earn points. For more information see <http://www.articleonepartners.com/featured.php>.

Article One Partners recently won "Startup of the Year," the top award given at the Startup 2009 Conference during Internet Week New York. At the time, the company was only a little over six months old and was chosen from over 150 entrants. Article One Partners appears to be succeeding where BountyQuest could not: to involve the general public in the third party patent research process and to promote interest in the company.

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