

Re: Where would we be without these important patents?

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- *From:* Richard Tanzer <mr_reznat_@xxxxxxxxxx>
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"sinister" <sinister@xxxxxxxxxxxxxxxx> wrote in
news:38ednfEVX761BY_Z4p2dnA@xxxxxxxxxx:

From
<http://www.washingtonpost.com/wp-dyn/content/article/2006/03/10/AR2006031001918.html> "Government Sides Against EBay in Patent Dispute,"
Washington Post, 2006 Mar 11:

[Uncle Sam argues] that eBay willfully infringed on patents held by ... MercExchange LLC and should be enjoined from using its 'Buy It Now' feature, which allows users to buy goods at fixed prices rather than compete in auctions. Goods sold using that system account for about a third of eBay's business."

There's absolutely no way a method like "Buy It Now" would have been developed without the prospect of patent protection.

LMAO...

The referenced article states:

If the court finds that violating a patent automatically triggers a shutdown, "that has a big impact," said Stephen Maebius, a patent attorney in Washington who is not affiliated with either side of the case. The issue is whether violation of a single patent should be grounds for shutting down complex software systems that millions of people depend on, he said.

Yes, that is one issue in this case, but not necessarily THE issue. In many of these cases it is reported that a "troll" is unreasonably holding up big business, doing all kinds of damage. Of course in most cases the patent holder tried to negotiate in good faith before litigation, but the big companies were unwilling to deal.

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Based on some news reports, it would have been a disaster if Blackberry had to shut down. Hurricane Katrina was a disaster, the Johnstown flood was a disaster, the attacks of September 11, 2001 were disasters ? Blackberry shutting down, no Buy It Now feature on E-bay, NOT disasters.

Consider the position of an individual or relatively small company with a commercially valuable patented technology. In many situations a large company can afford to implement and market the technology, but the little guy can not. That's a great licensing opportunity – potentially a money maker for both parties. But if the patent holder loses the ability to get an injunction, big business can keep practicing the technology, gain market share and destroy the little guy's ability to license the technology to another party.

It's a complex issue.

Richard Tanzer

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