BIO664
IP and Tech Transfer Case

Publisher seeks patent

A scientist XXX in an academic institution has filed for a patent for an online peer-review and open-access scientific publishing. The international patent has broad claims for interactive real-time evaluation of papers and a high degree of automation, of the publishing process from submission and review through to publication.
"Software matches articles to potential reviewers, and authors and referees discuss comments and revisions in an online forum…", seen already in moderated internet discussion groups, with anonymous referees, who are only revealed upon the publication of the paper. Other internet metrics, such as number of downloads, and weighted "likes" will be used to promote the most relevant papers.
Such "business methods" patents have come to existence since 1998 for computerized business models (think amazon, ebay) and are more readily awarded in the United States.

The business model is such that in addition to revenues from advertisements, the journal authors are charged a fee to publish, although a fraction of the fee may be subsidized by a non-profit Research Foundation headed by the scientist XXX.

Adapted into case format from the article
http://www.nature.com/news/2010/100507/full/news.2010.229.html

- How would you argue the non-obviousness if you were the patent applicant? (or come up with a non-obvious inventive online scientific publishing patent)
- What would be some existing prior art in scientific publishing?
- You are the Supreme Court of the United States – would this constitute a patentable invention?