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To: Patent_Quality_Comments
Subject: Re: Spark of originality verification

Most of the "bad" patents are a result of applications to patent things that are pretty obvious to anyone familiar with the field covered by the patent.

We could vastly improve the quality of patents by requiring an originality test. On submitting a patent application, the applicant would post an "originality bounty" of perhaps 1000 x current federal minimum wage. This bounty would be offered to any qualified team of originality challengers, each of whom are either professionals in the field covered by the patent application or who have obtained at least an accredited baccalaureate degree in that field. Challengers would be drawn at random from the pool of qualified challengers for that patent's field, (to prevent the patent applicant from providing challengers of their own choosing). The challengers would be provided with a list of claims of the putative invention, but not the details of the invention which fulfills those claims. The challengers would have a set period of time to provide broad descriptions of any inventions they can think of that would satisfy the patent application's claims.

If any of the solutions submitted by the challengers is seen to be substantially identical to the invention described in the patent application, then the putative invention is deemed obvious to competent practitioners of that art and to lack the necessary spark of unique genius; thus no patent is awarded. The bounty is then split by the challengers.

If, on the other hand, the challengers do not provide a substantially identical invention, then the bounty is refunded to the applicant and the patent is clear for further consideration.

This all-or-none administration of the bounty would motivate challengers to put in a good effort. The bounty cost should be high enough to motivate challengers and to make potential patent applicants pause to consider just how original their design is before applying. Challengers would have to be isolated from the patent applicant, both physically and by statute, to prevent possible corruption, (in much the same way jurors are isolated from news about