

One-click ordering - January 2008

| [Next](#)

It was back in 1997 that Amazon.com applied for the so-called “one-click ordering” patent, but its repercussions rumble on.

I was reminded of it by a notice on the European Patent Office’s web site stating that EP 927945, a granted patent which they called the “gift order patent”, had been revoked after opposition by three parties, including the Foundation for Free Information Infrastructure (FFEI). The notice stated that this patent was not to be confused with the “one-click” patent.

Confusion there certainly seems to be. The original one-click patent was granted in the USA in 1999 as US 5960411, and the Inpadoc database shows that its “family” of related documents includes three European patent documents – including the same EP 927945. Not only that, they share the same title, “Method and system for placing a purchase order via a communications network”, with the American patent. This suggests that the application was divided into three portions by the Europeans (the others being EP 902381 and EP 1134680).

Small wonder that the Digitalmajority.org site has erroneously stated that FFEI was opposing the one-click patent in Europe – when it’s slightly different. That, EP 902381, was withdrawn before grant in 2001.

Before heads start splitting let’s look at the American patent, my [Patent of the Month](#).

Jeff Bezos, the CEO, is given as one of the inventors. This is the patent which means that you can visit a site, fill in a form, and the next time you visit it, it remembers details about who you are via an identification number kept on a cookie on your PC. You simply click on “Buy now”. It saves time and money and, incidentally, avoids losing sales to frustrated customers. It has been said that half of all attempted purchases online are abandoned. 19 pages of description and diagrams it explains in great detail just what happens when you try to order an item. It includes mentions of shopping carts and the checkout and the like, just like a “real” store. There may have been modifications since.

This is a patent dependent for its workings on software, and that means that the patent blocks any such method in the USA. Enforcing copyright would only mean that the specific code which was used by a proprietor was protected from deliberate copying, and other code which did much the same thing would be acceptable. The USA allows patents for software, but they are not accepted in Europe (some patent

attorneys claim that you can get a patent if you know the right strategy).

All this means problems for rival companies. There was a big fuss at the time by customers those who said, for example, that royalties should not be expected for “an important and obvious idea for e-commerce” (to which a reply might be that it wasn’t all that obvious if it hadn’t been done before). BarnesandNoble.com was taken to court in Seattle during the Christmas 1999 spendfest for using method by which a single click enabled pre-registered customers to use an “Express lane”.

The preliminary injunction was overturned in February 2001 when the United States Court of Appeals for the Federal Circuit pointed to a CompuServe Trend System for one-click ordering and to a Web-Basket System that stored information via a cookie. This cast doubt on its novelty. There is also obviousness, and this is not established by proving that each component of an invention was previously known. The courts also require proof there was a "motivation or suggestion" to combine these components as they are in the invention, and that this should be new. The Court said such a motivation arguably already existed in the 1996 book, *Creating the Virtual Store*, which stated "Merchants also can provide shoppers with an Instant Buy button ... enabling them to skip check-out review." While not actually saying the patent was invalid, it overturned the injunction.

A settlement in March 2002 ended the dispute, but as it was undisclosed the outcome is uncertain. It may well have meant adding a second click to the procedure. Meanwhile, in 2007 Amazon.com ended up settling with IBM over claims that Amazon was using IBM’s property for among others including the use of recommendations to suggest other products to people who buy things on Amazon, a familiar feature on the site.

| [Next](#)

 [Back to top](#)