

# Tenebris

Fear and loathing in publishing and self-publishing: ruthless coverage of intellectual (and not so intellectual) property issues on the web. Books, ebooks, and such. The weblog of Stephen Fraser. The unofficial blog of Lulu.com.



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## Books printed while you wait?

[Instabook](#) is the company that has managed to arouse a fair amount of publicity by putting on-demand book production kiosks in a couple of bookstores, but truthfully this is not progress. A good Kinkos with a binding machine provides the same service. The real story remains the marriage of affordable, fast, print on demand technology with the unprecedented distribution power of the Internet.

By the way, the in-store book printing kiosk was actually the idea at the heart of the [POD patent suit](#) that was lost a few months ago by Amazon.com and Lightning Source. Harvey Ross, the founder of [On Demand Machine Corporation](#), originally requested a patent on the idea of an on-demand book kiosk that would produce out of print titles while customers waited. He didn't foresee the emergence of the Internet as a distribution platform for books. But the court upheld an interpretation of the patent that covered the essential system (database, book metadata, printing mechanism--very basic system) being described rather than a particular machine design. Stretching credulity even further, the court then found Amazon.com and Lightning Source--two completely different companies, mind you--to have colluded to create a system that knowingly infringed upon the core idea protected by the patent. This despite the fact that one or the other company on its own would not have risen to the level of infringer, and despite the fact that Ross himself never actually created a sustainable business model based on his idea.

Madness.

Monday, June 21, 2004 in [Intellectual Property](#) | [Permalink](#)

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## Comments

Instabook, unlike Lightning Source has patents on its in store printing process and model.

What strikes me is Lightning Source's almost total lack of Patents. Didn't they forsee a need to protect their process? In any case the lawsuit is ludicrous and should be thrown out on appeal. Until then Instabook may be the only POD source that is not "infringing" on Book Machines IP.

Posted by: [Avery](#) | June 23, 2004 11:47 AM

I think there is probably something to the argument made by On Demand Machine Corporation that Lightning Source was well aware that the print-on-demand process was patented, which may have discourage them from pursuing further patents--the question of couse is whether a business process, vaguely outlined, is sufficient basis for a patent at all. As currently interpreted, my understanding is that the process of printing any book on demand would fall under the ODM patent. That includes Lulu.com and anyone else doing business with POD books. That's not a legal opinion, mind you, but I have taken the time to read the court documents. The process outlined is really quite vague.

Posted by: [Stephen](#) | June 23, 2004 08:44 PM

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