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Intellectual Property Analysis of Corps of Discovery, LLC Network Management Patent Portfolio

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Background

When most people consider the patent system, they often think of a structure in which large corporations make money selling products based on proprietary knowledge, licensing the technology to others, or suing others who infringe on the patent rights behind their most cutting-edge products. In recent years, the importance of patents and intellectual property rights as an important variable in the marketplace has come to the forefront of the public consciousness as world leaders declare their country's lead in the innovation race. The temporary nature of patents is a reflection of the implicit social contract that dictates that these innovations be used for the public good once their time-limited monopoly has expired.

Key elements of the patent system hinge on the rights bestowed upon the general public. In the United States, patent terms are limited to 20 years from the date of application. By statutory intention, once a patent has expired, the patent holder loses the right to exclude others from utilizing the invention described within the patent. Likewise, a large number of patents are "abandoned" when owners discontinue paying patent maintenance fees. Even when maintained and within their statutory term, patents only provide protection in the country for which the patent is filed. Accordingly, an innovation disclosed in a European patent, for example, can be utilized anywhere in the world other than the European market. Whether through expiration, abandonment or non-filing, once these innovations enter the public domain, they are fair game, requiring no license or sale to implement. As demonstrated by the Global Innovation Commons (G.I.C.), using intellectual property legally available in the public domain reduces, if not eliminates, the need to pay licensing fees – particularly to those entities whose sole business interest is to intimidate (through threat of litigation or International Trade Commission action) other businesses into licensing or purchasing IP that is invalid or has lost its value to a public domain option.

Until the recent emergence of the G.I.C., many companies failed to leverage the numerous public domain options that may provide alternatives to the purchase or license of costly cutting-edge technologies. By overlooking these options, companies all too often incur costs and burden which impugn their business at best or, at its worst, keep globe altering solutions out of the world's hands. This scenario, which has defined the landscape for solution abundance against a backdrop of inaction, could be potentially avoided entirely thanks to the vast trove of viable technologies available for the taking, free of cost, in the public domain.

Technology Area: Network Management

The past five years have seen a sharp increase in broadband internet penetration across the United States, as well as across the world. As network infrastructure and capabilities become more robust, applications designed to take advantage of these advances have logically followed. Bandwidth-intensive usage involving Peer to Peer (P2P) technologies such as BitTorrent as well as streaming HD video content have created complications at an ISP level when attempting to adequately manage bandwidth and combat network congestion and degradation. Sophisticated Quality

of Service (QoS) protocols and other network management techniques aim to alleviate these problems and as such are of immense value to major carriers in the communications and digital distribution industries.

Intellectual Property Analysis

Corps of Discovery, LLC currently possesses intellectual property concerning broadband network management with priority dates ranging from 1994 to 2000. These intellectual properties describe methods to analyze, classify, and track data packets across a network in a scalable fashion, as well as methods to dynamically route data packets according to classification. Effective and efficient management of the overwhelming amount of data traversing across a network on a packet-by-packet level can result in cost savings and additional efficiencies for network providers, as well as provide a critical solution to doing business in an increasingly bandwidth-hungry world. The Corps of Discovery, LLC patents describe methods of network management using distributed systems and QoS embodiments. While it is not transparent to the market what commercial intent Corps of Discovery, LLC has for these patents, it is reasonable to assume that they will pursue sales or licensing models. Potential buyers or licensees should be aware of similar innovations that lie in the public domain, some of which are listed below.

Patent Information

Corps of Discovery, LLC holds seven granted U.S. patents and three granted European patents.

Corps of Discovery, LLC U.S. Patent Holdings related to Network Management:

<u>Document #</u>	<u>Title</u>	<u>Priority</u>	<u>File</u>	<u>Issue</u>
US 6,832,249	Globally accessible computer network-based broadband communication system with user-controllable quality of information delivery and flow priority	19-May-00	18-May-01	14-Dec-04
US 6,563,793	Method and apparatus for providing guaranteed quality/class of service within and across networks using existing reservation protocols and frame formats	25-Nov-98	25-Nov-98	13-May-03
US 6,452,924	Method and apparatus for controlling bandwidth in a switched broadband multipoint/multimedia network	10-Nov-97	15-Nov-99	17-Sep-02
US 6,400,710	Network with hot button for providing switched broadband multipoint/multimedia intercommunication	9-Jul-99	9-Jul-99	4-Jun-02
US 6,272,127	Network for providing switched broadband multipoint/multimedia intercommunication	10-Nov-97	10-Nov-97	7-Aug-01
US 5,812,779	Storage medium and system for managing and distributing data objects of different types between computers connected to a network	21-Oct-94	24-Feb-97	22-Sep-98
US 5,634,010	Managing and distributing data objects of different types between computers connected to a network	21-Oct-94	21-Oct-94	27-May-97
EP1138139	METHOD AND APPARATUS FOR PROVIDING GUARANTEED QUALITY/CLASS OF SERVICE WITHIN AND ACROSS NETWORKS USING EXISTING RESERVATION PROTOCOLS AND FRAME FORMATS	25-Nov-98	18-Nov-99	22-Apr-09
EP1070436	METHOD AND APPARATUS FOR PROVIDING GUARANTEED QUALITY OF SERVICE IN A LOCAL OR WIDE AREA NETWORK	14-Apr-98	9-Apr-99	25-Jun-08
EP1031215	Network for providing circuit switched broadband multipoint multimedia communication	10-Nov-97	10-Nov-98	30-Aug-06

Analysis of the Corps of Discovery, LLC patent portfolio has led to the identification of a number of innovations from multiple assignees residing in the public domain due to abandonment or expiration that also concern network management. A sampling of these patent holdings is included in the table below. Any process or technology specifically designated in these patents is available for public domain use and is not subject to any restrictions from Corps of Discovery, LLC. Please note that the assignee shown is the assignee to which the patent was originally granted.

Sample of Patent Holdings in the Public Domain related to Network Management:

<u>Document #</u>	<u>Title</u>	<u>Assignee Name</u>	<u>Priority</u>	<u>File</u>	<u>Issue</u>
US 6,801,506	Method and apparatus for providing fast spanning tree re-starts	Cisco Technology, Inc.	31-Mar-99	31-Mar-99	5-Oct-04
US 6,587,457	Method for connecting data flows	Nokia Mobile Phones Ltd.	31-Mar-98	30-Mar-99	1-Jul-03
US 6,496,479	Network resource reservation control method and apparatus, receiving terminal, sending terminal, and relay apparatus	Sony Corporation	26-Sep-97	24-Sep-98	17-Dec-02
US 6,343,326	System and method of transferring internet protocol packets using fast ATM cell transport	NEC USA, Inc.	20-Dec-96	18-May-98	29-Jan-02
US 5,764,920	System and method for routing administrative data over a telecommunications network to a remote processor	Sprint Communications Co. L.P.	17-Mar-95	17-Mar-95	9-Jun-98
US 5,751,706	System and method for establishing a call telecommunications path	Signal Global Communications, Inc.	5-Jun-96	5-Jun-96	12-May-98
US 5,208,811	Interconnection system and method for heterogeneous networks	Hitachi, Ltd.	6-Nov-89	1-Nov-90	4-May-93
US 5,167,035	Transferring messages between nodes in a network	Digital Equipment Corporation	8-Sep-88	13-Feb-92	24-Nov-92
US 5,155,808	System for cooperatively executing programs by sequentially sending a requesting message to serially connected computers	NEC Corporation	11-Jul-88	11-Jul-89	13-Oct-92
US 5,027,269	Method and apparatus for providing continuous availability of applications in a computer network	International Business Machines Corporation	27-Apr-89	27-Apr-89	25-Jun-91
WO200111837	METHOD OF AND SYSTEM FOR PROVIDING QUALITY OF SERVICE IN IP TELEPHONY	MCI WORLDCOM INC	9-Aug-99	8-Aug-00	15-Feb-01
US 6,954,429	Bandwidth control system	Dyband Corporation	5-Apr-00	4-Apr-01	11-Oct-05
US 6,947,996	Method and system for traffic control	Seabridge, Ltd.	29-Jan-01	29-Jan-01	20-Sep-05
US 6,938,097	System for early packet steering and FIFO-based management with priority buffer support	SonicWALL, Inc.	2-Jul-99	30-Sep-03	30-Aug-05
US 6,934,250	Method and apparatus for an output packet organizer	Nokia, Inc.	14-Oct-99	14-Oct-99	23-Aug-05
US 6,925,482	Archival database system for handling information and information transfers in a computer network	Slam Dunk Networks, Inc.	14-Apr-00	18-Dec-00	2-Aug-05
US 6,920,112	Sampling packets for network monitoring	Cisco Technology, Inc.	29-Jun-98	29-Jun-98	19-Jul-05
US 6,912,561	METHOD AND APPARATUS FOR USING CLASSES, ENCAPSULATING DATA WITH ITS BEHAVIORS, FOR TRANSFERRING BETWEEN DATABASES AND CLIENT APPLICATIONS AND FOR ENABLING APPLICATIONS TO ADAPT TO SPECIFIC CONSTRAINTS OF THE DATA	International Business Machines Corporation	22-May-98	23-Dec-98	28-Jun-05
US 6,907,463	System and method for enabling file transfers executed in a network environment by a software program	AudioGalaxy, Inc.	19-Oct-99	20-Oct-00	14-Jun-05
US 6,891,794	System and method for bandwidth protection in a packet network	Cisco Technology, Inc.	23-Dec-99	23-Dec-99	10-May-05
US 6,882,642	Method and apparatus for input rate regulation associated with a packet processing pipeline	Nokia, Inc.	14-Oct-99	14-Oct-99	19-Apr-05
US 6,882,625	Method for scheduling packetized data traffic	Nokia Networks Oy	14-Dec-00	14-Dec-00	19-Apr-05
US 6,871,233	Method and apparatus for use in specifying and insuring service-level quality of service in computer networks	Lucent Technologies Inc.	5-Jul-00	5-Jul-00	22-Mar-05
US 6,870,813	Architectures for evolving traditional service provider networks and methods of optimization therefor	Nortel Networks Limited	7-Sep-00	7-Sep-00	22-Mar-05

Conclusion

The market's demand for rapid transmission of ever-increasing volumes of data will only continue to grow over time. In light of this reality, the ways in which system administrators and service providers direct, shape, and reroute this steady flow of digital data across various networks is critical in maximizing the utilization of available bandwidth. In pursuing this goal, it is imperative that this innovation space, like all others, consider publicly available innovations when designing content delivery platforms and media mechanisms. The use of public domain which translates to significantly cheaper costs, should aid the effort to encourage widespread public adoption, minimize licensing costs, and overcome other existing barriers to entry entrenched in such an active and vibrant technology area.

Without an informed knowledge of the surrounding landscape, efforts to move forward in any discipline are prone to go off-course. By cultivating awareness of the full spectrum of options available from the public domain as they advance their research, technology innovators are empowered to create truly novel solutions to the world's problems. To that end, M•CAM's analysis has shown that the Corps of Discovery, LLC patents contain innovations that may be approximated in part by innovations that currently lie in the public domain. Accordingly, we believe that it is in the public's best interest to see these innovations integrated into today's solutions to improve the accessibility and effectiveness of a technology that is intended to be utilized as a global standard.

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