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Intellectual Property Analysis of Austen Services, LLC Real-Time Networked Multimedia Polling 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: Real-Time Networked Multimedia Polling

The growing convergence of broadband internet and television has created applications and customer experiences that were unheard of only a few years ago. As the line between computer and television blurs, consumers demand more interactivity out of what has up to this point been a one-way communications platform. Televisions, set-top boxes, and gaming consoles have integrated the internet into their basic capabilities. Some Blu-ray players, for example, support BD-Live content, in which internet chats, opinion polling, and multimedia are seamlessly integrated into the movie

viewing experience. Viewers want the ability to chime in and speculate with the world at large in real-time during season premiers and finales, awards shows, and breaking news events. A robust and scalable data management framework is essential to effectively manage the many streams of multimedia traffic on the network.

Intellectual Property Analysis

Austen Services, LLC currently possesses intellectual property concerning real-time networked multimedia polling with priorities dating back to 2000. These intellectual properties describe methods to facilitate a polling network that provides real-time feedback to the user. Feedback may be transmitted simultaneously or staggered and is distributed across clients before being sent to a central server as a load-balancing measure. This provides a robust system that avoids data loss without sacrificing content delivery speed. Solutions such as these are attractive to content providers who desire systems that extended their capabilities in an efficient and reliable manner. While it is not transparent to the market what commercial intent Austen Services, LLC has for these patents, it is reasonable to assume that they will pursue sales or licensing models. Entities interested in Austen Services, LLC’s holdings would likely also be interested in similar innovations that lie in the public domain, some of which are listed in the following section.

Patent Information

Austen Services, LLC holds one granted U.S. patent and two pending U.S. patent applications.

Austen Services, LLC U.S. Patent Holdings related to Real-Time Networked Multimedia Polling:

<u>Document #</u>	<u>Title</u>	<u>Assignee Name</u>	<u>Priority</u>	<u>File</u>	<u>Issue</u>
US 7,254,605	Method of modulating the transmission frequency in a real time opinion research network	Austen Services LLC	26-Oct-00	26-Oct-00	7-Aug-07
US20070266086	System, method, and computer program product for modulating the transmission frequency in a real time opinion research network	Austen Services LLC	26-Oct-00	20-Jul-07	15-Nov-07
US20070260680	System and computer program product for modulating the transmission frequency in a real time opinion research network	Austen Services LLC	26-Oct-00	13-Jul-07	8-Nov-07

Analysis of the Austen Services, 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 aspects of real-time networked multimedia polling. 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 Austen Services, 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 Real-Time Networked Multimedia Polling:

Document #	Title	Assignee Name	Priority	File	Issue
US6980977	System for acquiring and analyzing personal profile data and providing the service of delivering various information	Internode INC	5-Nov-01	5-Nov-01	27-Dec-05
US6813475	Interference attenuating remote audience survey system and method	David G. Worthy	9-Nov-00	9-Nov-00	2-Nov-04
US6807606	Distributed execution coordination for web caching with dynamic content	International Business Machines Corp.	18-Dec-00	18-Dec-00	19-Oct-04
US6691153	Method and system for process interaction among a group	Zaplet, Inc.	30-Aug-99	14-Jan-00	10-Feb-04
US6477704	Method of gathering and utilizing demographic information from request-based media delivery system	Lawrence Cremia	21-Jun-99	21-Jun-99	5-Nov-02
US6405259	Data processing system and method for transmission of a network packet specifying a group identifier identifying a selected plurality of clients	International Business Machines Corporation	8-Dec-98	8-Dec-98	11-Jun-02
US6304574	Distributed processing of high level protocols, in a network access server	3Com Corporation	7-Jun-95	14-Nov-97	16-Oct-01
US6182084	Method and apparatus of data comparison for statistical information content creation	Williams Communications, Inc.	26-May-98	26-May-98	30-Jan-01
US6119098	System and method for targeting and distributing advertisements over a distributed network	Guyot; Patrice D.	14-Oct-97	14-Oct-97	12-Sep-00
US6115390	Bandwidth reservation and collision resolution method for multiple access communication networks where remote hosts send reservation requests to a base station for randomly chosen minislots	Lucent Technologies, Inc.	22-May-98	22-May-98	5-Sep-00
US6081690	Bias compensating remote audience survey system and method	David G. Worthy	10-Mar-98	10-Mar-98	27-Jun-00
US6011578	System for collecting audience response data	Consumer Dynamics LLC	20-Nov-97	20-Nov-97	4-Jan-00
US6014644	Centrally coordinated communication systems with multiple broadcast data objects and response tracking	PP International, Inc.	22-Nov-96	22-Nov-96	11-Jan-00
US5226177	Real-time wireless audience response system	Viewfacts, Inc.	27-Mar-90	3-Aug-92	6-Jul-93
US5007017	Method and apparatus for data communication through composite network	Hitachi, Ltd.	4-Apr-86	6-Apr-87	9-Apr-91
GB2394386	Multicast data transfer	Nokia Corporation	16-Oct-02	16-Oct-02	21-Apr-04
US6980983	Method for collective decision-making	International Business Machines Corporation	7-Aug-01	7-Aug-01	27-Dec-05
US6934137	Peer-to-peer control and decision making system	Radiant Power Corporation	20-Feb-01	20-Feb-02	23-Aug-05
US6937603	Optimizing buffer latency in a streamed packet delivery session	Intel Corporation	2-Jun-00	2-Jun-00	30-Aug-05
US6795808	User interface/entertainment device that simulates personal interaction and charges external database with relevant data	Koninklijke Philips Electronics N.V.	30-Oct-00	30-Oct-00	21-Sep-04
US6761636	Real time data exchange system	Fucom Company, Ltd.	16-Jan-01	16-Jan-01	13-Jul-04
US6738849	Real-time communications for speeding up packet transmission	Milton E. Morgan	5-Sep-00	24-Apr-01	18-May-04
US6728679	Self-updating user interface/entertainment device that simulates personal interaction	Koninklijke Philips Electronics N.V.	30-Oct-00	30-Oct-00	27-Apr-04
US6715005	Method and system for reducing latency in message passing systems	International Business Machines Corporation	29-Jun-00	29-Jun-00	30-Mar-04
US6665568	Internet wide distributed data control system	Brandt P. Hott	16-Feb-99	6-Aug-01	16-Dec-03
US6633724	Realtime data recording method	Hitachi, Ltd.	25-Feb-98	25-Feb-99	14-Oct-03

Conclusion

The market's demand for new and novel ways to communicate and interact will only continue to grow over time. As new technologies enter the consumer market and bridge the divide between old and new media, the importance of flexible, resilient networks and communication pathways behind the scenes becomes paramount. 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 Austen Services, 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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