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Intellectual Property Analysis of Bayard Chimney Rock, LLC Visually Enhanced Search Engine Portfolio

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## A Brief Background of the Patent System

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: Visually Enhanced Search Engines

As the Internet has grown and matured over time, so also has its capabilities. With the advent of ubiquitous broadband internet, bandwidth constraints become less oppressive in defining the guidelines of one's internet experience. The role of search engines in organizing and guiding users through the ever-increasing troves of information available to them is more important than ever; search providers must differentiate themselves in ways that secure their market share and relevance within the fast-paced web environment. Advanced search algorithms go a long way in garnering consumer loyalty, but oftentimes it is something as simple as distinctive visual cues and touches that tip the balance in favor of one search provider or another. One such visual enhancement involves providing thumbnail preview graphics search results, allowing for the user to get a sense of a page's content before they even have to visit it. Visual cues can help a user determine the relevance of a search result faster and more efficiently than relying merely on textual cues; in addition, "viewing" a search result from a user interface perspective is a more natural way to peruse search results when compared to simply reading a short description. By providing a more seamless experience for end users, innovators can deliver a superior search product that further differentiates them from their competitors in a highly contested and lucrative market.

## Intellectual Property Analysis

Bayard Chimney Rock, LLC currently possesses intellectual property concerning a visually enhanced search engine with priority dating back to 2000. This intellectual property describes a search system which enhances the display of search results by incorporating small "snapshots" of web pages as they appeared when captured and stored by the system. Such a system provides a useful and quick means for a user to sift through search results and immediately determine whether or not further investigation of links are warranted. While it is not transparent to the market what commercial intent Bayard Chimney Rock, LLC has for this patent, it is reasonable to assume that they will pursue sales or licensing models. Entities interested in Bayard Chimney Rock, LLC's holding 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

As of March 2010, according to the electronic output of the United States Patent and Trademark Office's Public PAIR system reports on patent assignment, Bayard Chimney Rock, LLC holds one granted U.S. patent.

### ***Bayard Chimney Rock, LLC U.S. Patent Holding related to Visually Enhanced Search Engines:***

<u>Document #</u>	<u>Title</u>	<u>Assignee Name</u>	<u>Priority</u>	<u>File</u>	<u>Issue</u>
US 6,643,641	Web search engine with graphic snapshots	Russell Snyder	27-Apr-00	27-Apr-00	4-Nov-03

Analysis of the Bayard Chimney Rock, LLC patent 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 a visually enhanced search engine similar to the one described. 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 Bayard Chimney Rock, 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 Visually Enhanced Search Engines:**

<u>Document #</u>	<u>Title</u>	<u>Assignee Name</u>	<u>Priority</u>	<u>File</u>	<u>Issue</u>
US 6,356,908	Automatic web page thumbnail generation	International Business Machines Corporation	30-Jul-99	30-Jul-99	12-Mar-02
US 6,078,917	System for searching internet using automatic relevance feedback	International Business Machines Corporation	18-Dec-97	18-Dec-97	20-Jun-00
US 6,230,168	Method for automatically constructing contexts in a hypertext collection	International Business Machines Corp.	26-Nov-97	26-Nov-97	8-May-01
US 4,888,646	Optimal image-quality selection apparatus	NEC Corporation	29-Jan-88	25-Jan-89	19-Dec-89
US 6,456,307	Automatic icon generation	International Business Machines Corporation	9-Sep-98	9-Sep-98	24-Sep-02
US 5,832,504	Automatic enhanced report generation system	Xerox Corporation	3-May-94	22-Jul-96	3-Nov-98
US 6,088,480	Image forming apparatus and image forming method	Fuji Xerox Co., Ltd.	8-Jan-97	22-Dec-97	11-Jul-00
US 6,785,429	Multimedia data retrieval device and method	Matsushita Electric Industrial Co., Ltd.	8-Jul-98	6-Jul-99	31-Aug-04
US 6,694,484	Relating a HTML document with a non-browser application	International Business Machines Corporation	3-Jun-97	3-Jun-97	17-Feb-04
US 6,144,944	Computer system for efficiently selecting and providing information	Imgis, Inc.	24-Apr-97	22-Apr-98	7-Nov-00
US 6,131,110	System and method for predicting user interest in unaccessed site by counting the number of links to the unaccessed sites in previously accessed sites	International Business Machines Corporation	11-Jul-97	11-Jul-97	10-Oct-00
US 6,208,986	Web interface and method for accessing and displaying directory information	International Business Machines Corporation	15-Dec-97	15-Dec-97	27-Mar-01
US 6,037,935	Web page exploration indicator and method	International Business Machines Corporation	28-Apr-98	28-Apr-98	14-Mar-00
US 6,028,838	Navigation apparatus	Fujitsu Limited	28-Oct-96	23-May-97	22-Feb-00
US 6,195,666	Web interface and method for displaying directory information	International Business Machines Corporation	15-Dec-97	15-Dec-97	27-Feb-01
EP1152375	Displaying and manipulating information of multiple kind in the form of thumbnail images	SONY CORPORATION	1-May-00	27-Apr-01	7-Nov-01
EP1152374	Displaying moving thumbnail image	SONY CORPORATION	1-May-00	27-Apr-01	7-Nov-01
EP1098254	Method and apparatus for searching data	Hitachi, Ltd.	2-Nov-99	24-Oct-00	9-May-01
EP1089198	Content-based image searching	HEWLETTPACKARD COMPANY	30-Sep-99	12-Sep-00	4-Apr-01
EP1253530	System and method for automatically updating product data in an electronic catalog	SIEMENS AKTIENGESELLSCHAFT	26-Apr-01	18-Apr-02	30-Oct-02
WO200246953	METHOD AND APPARATUS FOR PROVIDING WEB SITE PREVIEW INFORMATION	ARICHA AMIRAM	7-Dec-00	7-Dec-01	13-Jun-02
WO200133426	IDENTIFYING WEB SITES	INTEL CORPORATION	29-Oct-99	4-Oct-00	10-May-01
WO200239207	A FRAMEWORK FOR PROVIDING VISUAL CONTEXT TO WWW HYPERLINKS	GIRAF.COM INC.	8-Nov-00	6-Nov-01	16-May-02

## Conclusion

One of the highest aspirations of technological advancement is met when users stop realizing the technology is present at all; incorporating innovation seamlessly into workflows keeps technology from getting in the way of the tasks they were created to facilitate. Incorporating visual confirmation alongside textual descriptions to aid in determining relevance goes a long way towards developing a natural, intuitive search interface that people want to use. Innovators around the globe continue to aim for improvement to the status-quo. Incorporating public domain technologies into ongoing efforts to enhance the way we find and process information can give existing research and development initiatives a head-start, provide cost savings over proprietary alternatives, minimize licensing costs, and stimulate overall innovation in this 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 Bayard Chimney Rock, LLC patent contains 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 technology not only in the United States but across the globe.

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