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Patent Invalidity Search Report (Sample)

Of

US 8,250,173

“System and method for creating and navigating a linear hypermedia resource program”

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Patent Overview



US 8,250,173

“System and method for creating and navigating a linear hypermedia resource program”

- First Named Inventor: Stuckman; Bruce Edward (Austin, TX)
- Assignee: TQ Alpha, LLC (Austin, TX)
- Family ID: 22607687
- *Application Number: 13/116,421*
- *Earliest Filing Date: May 26, 2011*
- *Issued: August 21, 2012*
- *Related Family - This application is a continuation of U.S. Utility Application Ser. No. 12/426,428, filed Apr. 20, 2009, co-pending, which is a continuation of U.S. Utility application Ser. No. 11/784,305, filed Apr. 6, 2007, now U.S. Pat. No. 7,539,738, which is a continuation of U.S. Utility application Ser. No. 10/884,187, filed Jul. 1, 2004, now U.S. Pat. No. 7,216,155, which is a continuation of U.S. Utility application Ser. No. 09/964,104, filed Sep. 26, 2001, now U.S. Pat. No. 6,779,026, which is a continuation of U.S. Utility application Ser. No. 09/680,899, filed Oct. 6, 2000, now U.S. Pat. No. 6,330,596, which is a continuation of U.S. Utility application Ser. No. 09/167,514, filed Oct. 6, 1998, now U.S. Pat. No. 6,145,000, all of which are incorporated herein by reference in their entirety.*
- **Priority Date: October 6, 1998**
- *Independent Claims: 2*
- *Dependent Claims: 24*

Executive Summary and Claim Technical Scope



The patent under study (US 8,250,173 – hereinafter referred to as the “Searched Subject”) was first analyzed to study its claim technical scope and novelty. Claim 15 of the searched subject was selected for special consideration.

Claim 15 of the searched subject

15. A method for presenting video media elements to a subscriber station by at least one web server, the method comprising:

receiving a web page request from the subscriber station that includes a search criteria;

retrieving a plurality of video media elements based upon the search criteria;

creating at least one web page by the at least one web server for use by a browser of the subscriber station to produce a user interface at the subscriber station that includes:

a map area in which a plurality of icons are presented, each icon representative of a corresponding one of the plurality of video media elements, the plurality of icons available for selection to access corresponding video media elements; and

responding to the web page request by the at least one web server by initiating download of the at least one web page to the subscriber station.

The initial study revealed that the claim had broad coverage and may have several high valued potential reads. The invention teaches a method to search for and display web search results of video media products. The search result is displayed in a map area of the screen that displays selectable icons representing the search results video media elements.

While other assets in the family were narrowing with the limitation that the screen should also have an area to display the selected video, this asset did not have this limitation.

Almost all video streaming services such as YouTube, Yahoo, Netflix, Hulu, Vimeo etc. implement such functionality. Not only the video streaming services, any video search service such as Google, Yahoo as well as Bing are potential reads.

Novelty of the Patent



The description of the patent on the published asset was examined thoroughly including the diagrams.

The file wrapper for the asset was obtained and reviewed. The examination of the file wrapper contents reveal the following novelty revelation as determined by the patent examiner.

The examiner has found that the prior art of record does not teach or suggest or render obvious a specific combination of a method for operating a web server to present video media elements to a subscriber station, comprising: creating/accessing (in response to receiving a web page request) a web page by the web server for use by a browser of the subscriber station to produce a user interface at the subscriber station includes: a viewing area in which a first video media element is presented; and a map area in which a plurality of icons are presented, each icon representative of a corresponding one of a plurality of second video media elements, the plurality of icons available for selection to access corresponding video media elements; and responding to the web page request by the web server by initiating download of the at least one web page to the subscriber station at set forth in the specification and recited in the independent claims.



Invalidation Summary

The objective of this search is to locate prior art documents that can invalidate the Searched Subject.

Section 102 embodies the concept of novelty—if a device or process has been previously invented (and disclosed to the public), then it is not new, and therefore the claimed invention is “anticipated” by the prior invention. . . . Because the hallmark of anticipation is prior invention, the prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements “arranged as in the claim.”

The best prior art reference will have a publication date less than a year prior to the application filing date, hence it will be open to being overcome under [37 CFR 1.131](#).

An invalidating prior art must meet the following requirements –

- The prior art reference must be patented, described in a printed publication, or in public use, on sale, or otherwise available to the public before the effective priority date of the claimed invention.
- All elements of the claim must be disclosed in the document
- All elements in the document must be arranged as in the claim
- Ideally be published at least a year prior to the claimed invention

The search commenced with an analysis of the invention. The analysis covered understanding the invention family, determining the novelty, identification of claim for special consideration, claim quality, basic study for potential reads and the determination of keywords relating to the claim limitations of the Searched Subject. Global patents, patent applications and international patent applications were searched using USPTO, WIPO, Google Patents, MineSoft PatBase, Reuters Thomson Innovation, and LexisNexis TotalPatent. Non-patent literature was searched with Google Scholar, Scirus, JSTOR, HighBeam, ProQuest, and Wiley Online Library. The search utilized general queries relating to “web video search and icons” together with the priority date criteria. The results of more general queries were narrowed down by adding terms relating to the claim limitations.



Invalidation Summary

This process was systematically repeated by varying the search terms, combining search terms, and using classification codes to reduce the results to manageable datasets. Forward and backward citations (spider search) of related art were also investigated throughout the project. Relevant assignees and inventors were determined and searched.

Once the invalidating prior art reference was determined, further research was carried out to determine that all requirements for the prior art were met for the selected document.

This report would bring forth that US 8,250,173 may be invalidated because of the prior art document identified. This report would show that the prior art reference was publicly available prior to the invention priority date, all limitations and claim elements, in the same order, were known and publicly available prior to the invention.

This document presents in the following pages evidence of the existence of prior art by providing documentary proof that the prior art was publicly available prior to the invention and an element by element matching of an independent claim of the claimed invention to the teachings of the identified prior art research paper (namely, Columbia University, Technical Report #459-96-25. Published 08/19/1996).

Search strategy, the results of the search on various search engines and analysis of the results is given in the appendix of this report.



Exemplary Invalidation Chart

8,250,173

Priority Date: October 6, 1998

and

Columbia University
Department of Electrical Engineering
Center for Telecommunication Research
Technical Report #459-96-25
August 19, 1996

Searching for Images and Videos on the World-Wide Web

John R. Smith and Shih-Fu Chang

Department of Electrical Engineering and
Center for Image Technology for New Media,
Columbia University,
New York, N.Y. 10027

{jrsmith, sfchang}@itnm.columbia.edu

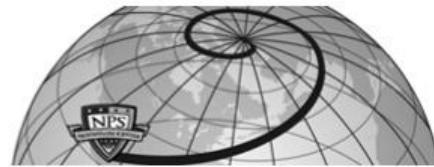
Center for Telecommunications Research
Technical Report #459-96-25

August 19, 1996



Evidence # 1 of public availability of prior art reference

A March 1997 research paper titled “Finding Photograph Captions Multimodally on the World Wide Web” by Neil C. Rowe and Brian Frew, Code CS/Rp, Department of Computer Science, Naval Postgraduate School, Monterey, CA USA 93943 obtained from the Institutional archive of the Naval Postgraduate School cites the prior art as a reference.



Author(s)	Rowe, Neil C.; Frew, Brian
Title	Finding Photograph Captions Multimodally on the World Wide Web
Publisher	Monterey, California. Naval Postgraduate School
Issue Date	1997-03
URL	http://hdl.handle.net/10945/36948

7. References

Frankel, C.; Swain, N. J. P.; and Athitsos, B. 1996. Web-Seer: An Image Search Engine for the WorldWide Web. Technical Report 96-14, Computer Science Dept., University of Chicago, August.

Guglielmo, E. and Rowe, N. 1996. Natural-Language Retrieval of Images Based on Descriptive Captions. *ACM Transactions on Information Systems*, 14, 3 (July), 237-267.

Maybury, M. (ed.) 1997. *Intelligent Multimedia Information Retrieval*. Palo Alto, CA: AAAI Press.

Simpson, P. K. 1990. *Artificial Neural Systems*. New York: Pergamon Press.

Smith, J. R., and Chang, S.-F. 1996. Searching for images and videos on the World Wide Web. Technical report CU/CTR/TR 459-96-25, Columbia University Center for Telecommunications Research.

Source:

http://calhoun.nps.edu/public/bitstream/handle/10945/36948/Rowe_Finding_Photograph_Captions.pdf?sequence=1



Evidence # 2 of prior art public availability

BibTex Reference shows that the document was publicly available for reference in 1996

DVMMlab
digital video | multimedia laboratory

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■ news ■ links ■ downloads ■ events ■ directions ■ contacts ■

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smithChangTR459-96-25

John R. Smith, Shih-Fu Chang. **Searching for Images and Videos on the World-Wide Web**. CU/CTR Technical Report #459-96-25 Columbia University, 1996.

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Abstract

We describe a prototype visual information system for searching for images and videos on the World-Wide Web. New visual information in the form of images, (1) capabilities of current text-based Web search engines. The key to cataloging it is the marriage of text-based processing and content-based visual analysis of the agents, (2) processed in both text and visual feature domains, (3) catalogued and (4) indexed for fast search and retrieval. We introduce an image and video search and videos. Finally, we provide an initial evaluation based upon the cataloging of over one half million images and videos collected from the Web

Contact

[John_R. Smith](#)
[Shih-Fu Chang](#)

BibTex Reference

```
@TechReport{smithChangTR459-96-25,
  Author = {Smith, John R. and Chang, Shih-Fu},
  Title = {Searching for Images and Videos on the World-Wide Web},
  Institution = {Columbia University},
  Year = {1996}
}
```

EndNote Reference [help]

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Claim Charts

Claimed Invention

15. A method for presenting video media elements to a subscriber station by at least one web server, the method comprising:

receiving a web page request from the subscriber station that includes a search criteria;

retrieving a plurality of video media elements based upon the search criteria;

creating at least one web page by the at least one web server for use by a browser of the subscriber station to produce a user interface at the subscriber station that includes:

a map area in which a plurality of icons are presented, each icon representative of a corresponding one of the plurality of video media elements, the plurality of icons available for selection to access corresponding video media elements; and

responding to the web page request by the at least one web server by initiating download of the at least one web page to the subscriber station.

Prior Art reference

We recently developed a prototype visual information retrieval system¹ to fulfill this need. The system collects images and videos from the Web and provides tools for browsing and searching through the collection. The system is novel in that it utilizes text and visual information synergistically to provide for cataloging and searching for the images and videos. The complete system possesses several powerful functionalities, namely,

- searching using content-based techniques,
- query modification using content-based relevance feedback,
- automated collection of visual information,
- compact presentation of images and videos for displaying query results,
- image and video subject search and navigation,
- text-based searching,
- search results lists manipulations such as intersection, subtraction and concatenation.



Claim Charts

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Prior Art reference

Abstract

We describe a prototype visual information system for searching for images and videos on the World-Wide Web. New visual information in the form of images, graphics, animations and videos is being published on the Web at an incredible rate. However, cataloging this visual data is beyond the capabilities of current text-based Web search engines. The key to cataloging it is the marriage of text-based processing and content-based visual analysis of the images and videos. In this paper, we describe a complete system by which visual information on the Web is (1) collected by automated agents, (2) processed in both text and visual feature domains, (3) catalogued and (4) indexed for fast search and retrieval. We introduce an image and video search engine which utilizes both text-based navigation and content-based technology for searching visually through the catalogued images and videos. Finally, we provide an initial evaluation based upon the cataloging of over one half million images and videos collected from the Web.

Keywords – content-based visual query, image and video storage and retrieval, World-Wide Web.



Claim Charts

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Prior Art reference

4 Search, Browse and Retrieval

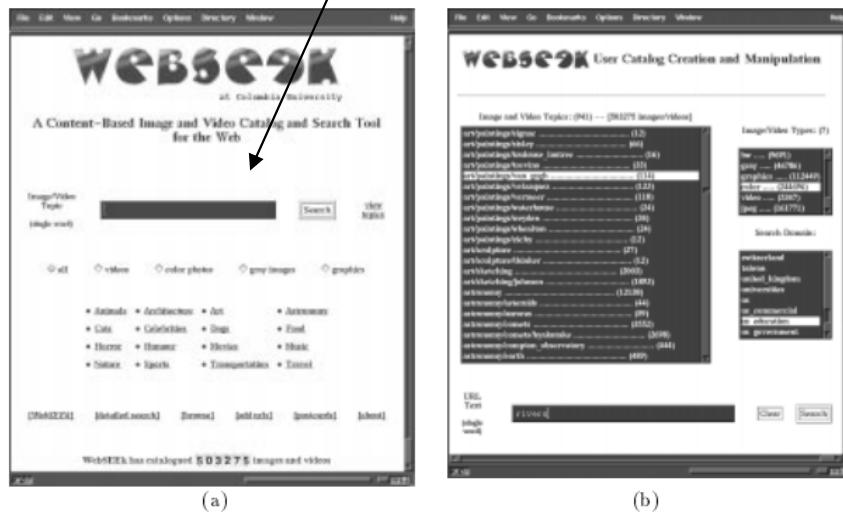


Figure 5: Main screens for (a) searching by selecting from several subjects or by text, (b) detailed subject navigation.

To search for images and videos, the user issues a query, which extracts items from the catalog. The user-interface and main search screens are illustrated in Figure 5(a) and (b). The user may initiate the search by entering terms or by selecting subjects directly. The overall search process and model for user-interaction is depicted in Figure 6. As illustrated, a query for images and videos produces a search results list, list A, which is presented to the user. For example, Figure 7(a) illustrates the search results list for a query for images and videos related to "nature", that is, A = Query(SUBJECT = "nature"). The user may manipulate, search or view A.



Claim Charts

Claimed Invention

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responding to the web page request by the at least one web server by initiating download of the at least one web page to the subscriber station.

Prior Art reference

4.3 Search Result List Views

The user has several options for viewing search results. Since the visual information requires more communication bandwidth than text, the user is given control in viewing and browsing the search results to enable them to be inspected quickly. The default view presents for each catalog record a small (approximately 96×96 pixels) icon for each image and video scene in addition to other relevant fields, see Figure 7(a) and (b). Alternatively, the user can select to eliminate the display of the icon altogether, in which case the name of the image/video is displayed. Only $\mathcal{L} = 15$ records at a time are presented to the user in the view. The system gives the user controls to navigate the list by getting the *next*, *previous* and *top \mathcal{L}* records. The user may conveniently select an item for full download, which retrieves the image/video from the original *URL* to the user.



Claim Charts

Claimed Invention

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responding to the web page request by the at least one web server by initiating download of the at least one web page to the subscriber station.

Prior Art reference



Figure 7: (a) Search results for SUBJECT = "nature", (b) content-based visual query results for images/videos \simeq "red race car".



Claim Charts

Claimed Invention

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Prior Art reference

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Search History

APPENDIX

Patent as well as published literature search was conducted using the search queries below using various databases as shown below. The results obtained from the search were analyzed selectively. The read and analyzed results along with our comments are also provided.

PART I – PATENT DATABASE SEARCHES

European Patent Office – Worldwide database Search

#	Search String	Results	Comments
1	<i>Title or Abstract : Web and video and icon and search</i>	4	<i>All post dated</i>
2	<i>Title or Abstract : video and icon and search</i>	9	<i>All post dated</i>

USPTO Search

#	Search String	Results	Comments
1	<i>(SPEC/(((web AND video) AND icon) AND search)</i>	8031	
2	<i>SPEC/((((web AND video) AND icon) AND search) AND select)</i>	7153	
3	<i>SPEC/((((web AND video) AND icon) AND search) AND selectable)</i>	2484	
4	<i>(SPEC/((((web AND video) AND icon) AND search) AND selectable) AND PPPD/19900101->19970512)</i>	0	
5	<i>(SPEC/((((web AND video) AND icon) AND search) AND selectable) AND PRAD/19900101->19970512)</i>	4	<i>Read and analyzed</i>

Google Patents

#	Search String	Results	Comments
1	<i>(SPEC/(((web AND video) AND icon) AND search) AND PRAD/19971006)</i>	0	
2	<i>Title or Abstract : video and icon and search</i>	9	<i>All post dated</i>



Search History

Delphion

#	Search String	Results	Comments
1	ALLD=(web and video and icon and search) AND PRD<=(19971006)	128	
2	ALLD=(web and video and icon and search) AND PRD<=(19971006)	29	<i>Highest Relevance Score = 80%. Analyzed</i>

Analysis of Searched Related Patents

The following patents have been also identified as being peripheral to the focus of the searched subject.

Patent Number	Search Engine	Date	Title	Assignee	Comments
US6546399	Delphion	02/28/1994	<i>Multimedia Search System</i>	<i>Encyclopaedia Britannica, Inc.</i>	<i>Provides search for text, pictures, audio and animated data. Claims do not indicate search results displayed in selectable icons. M+F</i>
US6788709	USPTO	11/20/1997 (PCT)	<i>Method for transmitting and displaying information and device for displaying information</i>	<i>Kabushiki Kaisha Infocity (Tokyo, JP)</i>	<i>Television System Search. Icons not representative of video element</i>
US6732170	USPTO	02/13/1996 (JP)	<i>Network managing method, medium and system</i>	<i>Hitachi, Ltd. (Tokyo, JP)</i>	<i>Claims do not mention selectable icons</i>
US6622306	USPTO	09/17/1997	<i>Internet television apparatus</i>	<i>Access Co., Ltd. (Tokyo, JP)</i>	<i>M+F claims. Icons not representative of video media elements</i>



Search History

PART II – LITERATURE DATABASE SEARCHES

HighBeam

#	Search String	Results	Comments
1	(web and video and icon and search and select)	171	
2	(web and video and icon and search and select) and Date<19971006	6	<i>Icons not selectable or icons not representative of video media elements</i>

JStor

#	Search String	Results	Comments
1	(web and video and icon and search) AND (year:1997 AND month:10 and day:[01 to 06])	192	<i>Most Relevant is the identified prior art reference selected in this study</i>
2	(web and video and icon and search and select) AND (year:1997 AND month:10 and day:[01 to 06])	100	<i>Most Relevant is the identified prior art reference selected in this study</i>
3	(web and video and icon and search and select and server) AND (year:1997 AND month:10 and day:[01 to 06])	22	<i>High Relevancy articles and books were studied. Did not find them relevant to the searched subject.</i>



Search History

Google Scholar

#	Search String	Results	Comments
1	(web and video and icon and search and select)	121,000	Most Relevant is the identified prior art reference selected in this study
2	(web and video and icon and search and select) and Date<19980101	6,930	Most Relevant is the identified prior art reference selected in this study

An analysis and read of the Google Scholar search results provided us with our selected prior art reference.

(namely, [Columbia University, Technical Report #459-96-25. Published 08/19/1996](#)).