

Case Study:

Media Players in a peer to peer environment

TRACKING THE PRDODUCT EVOLUTION

CHALLENGE

An NPE had asserted a patent on almost all renowned computer manufacturers to such an extent that a joint defense group had to be formed to get relief from the infringement suit. Clients had hired several search firms including a few crowd sourcing research firms. We were even given few prior arts which the client had obtained from various other search firms. As it is said, when all the players are in the fray, your quality and capability happen to be under a litmus test. Our search team excitedly embarked on the search project with the aim to live up to the expectation of the client and exemplify why we stand apart from other search firms.

The subject matter of the patent under litigation related to streaming and sharing of media content in a peer to peer network. Invention disclosed a media player with specific software searching for another media player with the same software running thereon. After the search is complete, the contents of the media player can be streamed by other media player while the search for another media player is on.

APPROACH

We started the search with conventional method which itself is very exhaustive and reliable in nature. Nonetheless, we couldn't get all the elements in a single reference. We, however, did find 6 patents and 3 non patent literatures very relevant to the subject matter but nevertheless "searching the media player with the similar software" was not explicitly disclosed in any of the said prior arts.

We, after an internal deliberation, traced the backgrounds of all existing media players and even those which are now obsolete. After enlisting all the media players (video players, audio players, mp3 players) the mechanism of sharing and streaming content were deeply analyzed. In that process in one of a technical blogs, we found that there existed a media sharing application which disclosed all but one element. The company website which had rolled out the said application was no longer active and the domain thereof was offered for sell. We later on found that the company went out of the market because of copyright violation in sharing copyrighted music. As accessing the website yielded no information to us, we started to unearth the history of the website pages with the help of a way-back machine archive.org . This website is duly recognized by USPTO for verifying the dates of prior arts available in electronic forms only. In the FAQ part of the said application, internal specification and working mechanism was explicitly given. We easily located the missing element by this. Although the website was no longer in existence at the time of search, we did what others couldn't. The client appreciated for the unparalleled assignment we did.