

ASR Asserting Infringement on Google & Social Media Sites

Executive Summary

ASR is asserting infringement on Google and other social media sites under ASR's U.S. Patent 8,849,807 Awarded 2014, Australian Patent 2011258449 Granted 2015 and Canadian Patent CA 2836700 Issued 2017.

The patent describes a method of influencing, positive or negative, the ranking of the search results with search engine websites and social media profiles based on the promoters' of websites or social media profiles engagements (activity).

Two of the twenty-eight activities that are defined in the patent that influence rankings are: 1) promoters logging into their accounts and 2) promoters creating accounts with the search company or any company affiliated with the search company.

Example 1: A claim in the patent defines that if the promoter of the website logs in or does not login to their search engine account, their website position is influenced in the search results.

Google has clearly stated on their website that if the promoter of the website does not login to their Google account after a period of time, their website is ranked lower in the search results.

The following are statements directly from Google's website:

if you're a business owner and you haven't logged into your Google My Business account in over a year, you may receive an email from us soon asking you to sign in and confirm your business information.
[Activity]

If your account remains inactive after receiving a notice from us, then it could run the risk of being de-verified, or in rare cases, removed from Google Maps. [Activity Influencing Position]

We recommend that all Google My Business users check on your business information by logging into your account at least once every six months [Staying Active]

These statements demonstrate a core functionality within Google's local search algorithm.

Example 2: A claim in the patent states that if the promoter of the website creates an account with the search engine their website position is influenced in the search results.

Many SEO experts agree that creating a Google account is required to be ranked well on Google's local search results. They also state that creating an account is the most effective way to improve your local SEO (Search Engine Optimization, aka ranking.)

These statements demonstrate another core functionality within Google's local search algorithm.

All references can be found in ASR's presentation.

<https://www.activesearchresults.com/news/whatisasr.pdf>

There are 28 different activity details listed in the patent where many of them cover social media activities. Some of the activity types in addition to logging into and creating an account are: making or removing social media friend connections; posting pictures and messages on social media websites; uploading textual content, images or personal information to their account; opening emails; clicking on links; submitting URLs for indexing; performing searches; referring people; posting reviews; adding links; providing end user feedback about owner's website; registering domain names; submitting press releases, articles or book(s); purchases of products or services and uses services to maintain their website(s).

All activity details can be found in ASR's patent starting at the top of column 6.

<https://www.activesearchresults.com/news/patent.pdf>

<https://www.activesearchresults.com/news/patentwithhighlights.pdf>

All of the claims in ASR's patent are matched line for line, word for word and are highlighted in ASR's Claim Chart located at:

<https://www.activesearchresults.com/news/claimchart.pdf>

The claim chart is asserting infringement on Google's local search feature. As detailed in ASR's presentation, Google's local search feature produces 2.3 Trillion searches per year and earns Google over \$90 Billion per year in revenue.

Abstract From Patent

Systems and methods for storing data regarding activities of a person and/or people associated with a website that is indexed in a search engine. Data regarding such activities is used to calculate a weighting factor that is combined with a relevance score for the website. The combined weighting factor and relevance score influences the relative position of the website among other websites in search results.

Inventor's Background and Timeline Leading to ASR's Page Ranking Technology and Infringement

In the late 1980's, Mark McLellan became familiar with Banyan VINES networking. In 1990, he started installing computer networks using Novell NetWare for multiple law firms, Court of Chancery, multiple accounting firms and dozens of business entities in Wilmington, Delaware. In 1991 McLellan earned his coveted Certified Network Engineer (CNE) certification. During 1995, with his introduction to the Internet in graduate school at the University of Delaware, he began crawling websites using PERL and the LWP modules.

Also, during this time frame, McLellan earned his Microsoft Certified Systems Engineer Plus Internet (MCSE+I) certification in 1997 and his Cisco Certified Network Associate (CCNA) Certification in 1999.

Using this technical networking and programming knowledge, in 1997, McLellan independently developed two websites in the basement of his home. The websites included a search engine and a website monitoring service.

In 1998, McLellan used the search engine website as his research project for graduate school – Completed M.S. in Computer Science 1999; West Chester University; West Chester, PA.

In 2000, McLellan turned both websites into a business and brought in a professional team to help formalize and grow the business into what became known as, InternetSeer.com Corp. InternetSeer.com quickly grew to become the world's largest website monitoring service providing reliable and affordable monitoring to over 1 million businesses for over 22 years. InternetSeer.com was partially funded by Mind Drivers LLC, Thornton, PA, and received early funding from Ben Franklin Technology Partners, Philadelphia, PA.

McLellan created his first search engine technology patent under InternetSeer.com which was awarded in 2005. He was the primary inventor of Awarded Patent US 6854074 B2 – “Method of Remotely Monitoring an Internet Web Site”.

During July of 2007, InternetSeer.com was sold to Landmark Communications Inc. for \$7,000,000 USD. Landmark Communications, at that time, owned The Weather Channel and Weather.com, in addition to hundreds of local and national print, broadcasting and online businesses.

Before and during the sale of InternetSeer.com, McLellan was researching for search engine page ranking factors that were not being used or defined on the Internet and had potential for future applications. It was at that time he identified the absence of search engine page ranking factors based on the activities of website promoters.

For example, a company could be shut down (no promoter activity) but the website would still be up and running and ranking on Google's first search engine results page (SERP). McLellan experienced this behavior first hand; which led him to believe, that a website should rank lower to no ranking at all if there is no activity or bad (black hat) activity from promoters, or rank higher if the promoters are actively promoting their business in a legitimate manor.

After a considerable amount of research, McLellan designed a new page ranking algorithm and implemented Active Search Results Page Ranking Technology (ASR PRT) as proof of concept as the primary page ranking technology in a new search engine that he named, the Active Search Results Search Engine.

As mentioned earlier, McLellan first filed for a patent in 2010 with ASR's PRT and was then awarded a US patent in 2014. Within the next 3 years the patent was also awarded in Australia and Canada. This was his second awarded patent in the search engine industry.

2014 - US Patent awarded - US 8,849,807 B2

2015 - Australian patent granted -2011258449

2017 - Canadian patent issued - CA 2836700

ASR's PRT is a search engine page ranking algorithm that provides a vehicle for search engines to rank search results higher or lower for websites where the promoters of those websites have a history of performing or lack of performing actions defined as Activity. For example, activity could be defined as a promoter logging into their search engine account after a period of time and/or creating an account with a search engine. These are types of activities performed by promoters of websites and are included in ASR's patent.

The goal of ASR's PRT, as defined in the patent, is to rank websites higher or lower in organic search results based on real active people supporting or not supporting their websites, i.e. types of activities.

ASR's PRT is just one of the many ranking factors that a search engine can use; but, at the same time, it can also be a major determining factor of whether the website gets ranked at all. For example, the claim chart will show if promoters of local businesses do not login to their Google account after a period of time, their rankings will decrease, and even worse, take the chance of not being ranked at all. Also, Google requires an account to be setup within Google to get started with ranking. These two activities, "logging into" and "creating an account," are explicitly defined activities in ASR's PRT patent that directly affect the rankings in Google's Local Search Core Ranking Algorithm.

ASR's PRT patent defines a total of 28 activities that can influence rankings. The claim chart under discussion highlights just 2 of the activities that Google acknowledges using. There are other examples with other search engines (Bing, etc.) and social media (TikTok, Tinder etc.) companies, but they are out of scope of this brief introduction.

One use case with ASR's PRT is similar to someone walking into a store where there are no employees to provide customer service, such as answering questions or taking product returns. This is a store with low activity. On the contrary, a store with multiple people providing prompt customer service is a store with high activity.

It is easy to identify this type of promoter activity when you physically walk into a brick-and-mortar store but is very difficult to recognize when you visit an online store. ASR's PRT offers the tool to rank a website higher or lower in the search engines' results pages based on the website's promoter activity.

Another use case example is when a company is not operating, is shut down or is out of business. The website for that company should not be ranked high or possibly not even be displayed in the search results at all.

As demonstrated in ASR's patent claim chart, McLellan clearly outlines that Google is infringing on ASR's PRT patent in two distinct areas: "logging in" and "creating an account."

The claim chart is asserting infringement on Google's local search feature. As detailed in ASR's presentation, Google's local search feature produces 2.3 Trillion searches per year and earns Google over \$90 Billion per year in revenue.

At this time, McLellan is looking for a team to confirm his assertion of infringement and move forward with a remedy for the infringement of his intellectual property.

Documents

The following documents can be found on ASR's website.

1. Patent no Highlights
<https://www.activesearchresults.com/news/patent.pdf>
2. Patent with Highlights
<https://www.activesearchresults.com/news/patentwithhighlights.pdf>
3. Claim Chart
<https://www.activesearchresults.com/news/claimchart.pdf>
4. ASR Presentation with Infringement Details
<https://www.activesearchresults.com/news/whatisasr.pdf>
5. Executive Summary and Inventor's Background with Timeline (This Document)
<https://www.activesearchresults.com/news/summary.pdf>

Conclusion

Active Search Results is seeking a partner that will be able to lead in monetizing ASR's patent. ASR is open to selling, licensing and litigation.

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Founder and Owner Active Search Results

Active Search Results Page Ranking Technology

<https://www.activesearchresults.com>

U.S. Patent No. 8,849,807 Active Search Results Page Ranking Technology