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Software Patent Abstraction Hits Social Media Platforms

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January 16, 2015

The process of creating "link relationships" between documents and personal profiles used by Facebook, LinkedIn, and other social media platforms came under fire in October 2012 via a patent infringement suit filed by technology company Bascom Research, LLC. Facebook, LinkedIn, and three other network software companies were named as defendants in that suit. More than two years later, and in the wake of the seismic ruling issued by the U.S. Supreme Court in Alice Corp. v. CLS Bank Int'l, Bascom's challenge came to an unsuccessful end when the U.S. District Court for the Northern District of California determined that Bascom's patents for the linking technology were invalid as being drawn to abstract ideas.

Bascom's patents at issue (U.S. Patent Nos. 7,111,232, 7,139, 974, 7,158,971, and 7,389,241) generally covered a method of creating a directory of electronic data describing relationships between first and second "document objects", a.k.a. "link relationships", such that a user can access the second document object using the first document object as a starting point. Bascom alleged that this was the same basic method used by the defendant social media platforms, i.e. in LinkedIn's "social graph" function, which shows a user the relationships among all of her connections.

In response to the challenge, LinkedIn and the other defendants asked the court to find Bascom's patents invalid. The court complied, stating that "[e]stablishing relationships between document objects and making those relationships accessible is not meaningfully different from classifying and organizing data," which "is a common, ago-old practice" akin to organizing books in a library, and which can also be performed mentally. Such court decisions have become increasingly more common in the wake of Alice Corp., and operate to progressively broaden the category of software processes that fall under the patent-ineligible, "fundamental concept" or "commonplace practice" banners. As technology progresses, and operations like social graphic become more and more commonplace, its developers should look forward to fewer and fewer opportunities to keep that technology to themselves.