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BIG DATA STRATEGY

Twitter's Big Data Patents



Robert Plant, Associate Professor, School of Business Administration, University of Miami
 10/30/2013
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Analysts are trying hard to establish the value of Twitter before its IPO, yet one key aspect is causing more problems than the company's leadership probably expected: its patent inventory.

Twitter's apparent lack of patents
 Twitter has **only nine patents**, compared to Facebook's 774 prior to its IPO. Central to this relative scarcity is Twitter's adoption of the "Innovator's Patent Agreement."

The IPA does two things: It promises that the company will only use its patents for defensive purposes; and for offensive purposes the patent inventor's permission would be required. This clearly differs from the current state of affairs in most firms, where employees sign away most of their rights to employers when their innovation is patented.

The resulting low number of patents assigned to Twitter is thus a conundrum to the analysts. Is it a positive, that the company will retain creative employees, thus develop and maintain a positive innovation culture? Or will it become an albatross? Compared to IBM's 6,478 patents in 2012 it seems paltry.

In fact **IBM headed the patent table for the 20th consecutive year**. In the 2012 rankings it was followed by Samsung (5,081), Cannon (3,174), Sony (3,032), Panasonic (2,769), then Microsoft (2,613). Interestingly, Google ranked only 65th with 1,151 patents in 2012, a **170 percent increase over 2011**. However, with its patent bank estimated to have increased by more than **17,000 new items through the acquisition of Motorola**, it is set to become an IP titan.

Cloud, retailer, and media big data firm Amazon in 2012 moved its patent offensive capabilities up a gear by both actively searching for an intellectual property "Acquisition and Investment Leader" and calling for the government to **reform the IP arena**, which CEO Jeff Bezos considers a threat to innovation and even society.

Clearly, tech and big data firms are more than ever attempting to find patent strategies. While the "mutually assured destruction" litigious model has its pluses, the negatives are slowed innovation, huge costs, brand fallout, and unhappy customers.

Google's big data patent stance
 Within this climate Google has developed an interesting strategy. It is an associate member of the **Open Invention Network**, whose members include Sony, IBM, NEC, Red Hat, Philips, and Novel. Its "mission is to further software innovation by acquiring patents to be used for cross-licensing purposes to defend the Linux System - making them available on a royalty-free basis."

As an extension to this involvement and as part of its overall IP strategy, Google has adopted a new model, the **"Open Patent Non-Assertion Pledge"** in which it commits "not to sue any user, distributor or developer of open-source software on specified patents, unless first attacked."

In Google's **Open Source Blog**, the company's patent counsel states: "Our goal was to encourage pro-competitive, defensive uses of patents to support open-source innovation."

Significantly for the big data community, within that set of patents is patent number PCT/US2012/030897, **"Processing data in a MapReduce environment,"** and nine other MapReduce patents that **Google holds**.

As Hadoop is part of the Apache open-source project it would be a **significant legal incident** involving major technology and F500 companies should Google ever decide to enforce its patent rights, potentially triggering an ugly and drawn-out fight involving billions of dollars.

So, as analysts ponder Twitter's nine patents, they may just be counting the number of patents on the head of a pin. With so many firms armed to the teeth in a MAD IP model, perhaps it is the nimble IP



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model that works best in such a climate. While Twitter is not exactly the Belgium of the IP battlefield, it could in effect have created a workforce armed with a positive IP culture without the costs, so perhaps that makes it Switzerland, a highly valued territory that seems to get everyone's approval.

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 Susan Fournané, User Rank: Blogger
11/6/2013 | 12:38:07 AM

Re: Lack of Patents
SharCo,

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Twitter doesn't need as many patents as Apple, Nokia, or Samsung either.

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"I think about Apple and the many patents they have that have somehow caused issues to others down the line."

In the same way others have caused issues to Apple. Apple is not the bad in the movie.

-Susan

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 SharCo, User Rank: Petabyte Pathfinder
11/5/2013 | 12:15:10 PM

Re: Lack of Patents

You're right, Susan. Sometimes too many patents cause problems. When I hear about patents these days, I think about Apple and the many patents they have that have somehow caused issues to others down the line.

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 Susan Fournané, User Rank: Blogger
11/5/2013 | 10:38:18 AM

Re: Lack of Patents
Saul,

It sounds like a good idea to me.

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-Susan

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 Saul Sherry, User Rank: Blogger
11/5/2013 | 9:59:20 AM

Re: All the ideas cannot earn a Patent

@Pradeepta maybe that paucity in patents stems from a confidence that those 9 cover exactly what makes them tick - where as other orgs blanket cover ideas on a 'just in case basis' (which to be honest, isn't too bad an idea either... if Apple had done it and Samsung hadn't, that would be one hell of an uneven brawl).

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 Saul Sherry, User Rank: Blogger
11/5/2013 | 9:57:18 AM

Re: Lack of Patents

@Susan - it seems like a cultural choice. Twitter are keeping their core staff engaged by not tying their ideas up in legal red tape.

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 Susan Fournané, User Rank: Blogger
11/4/2013 | 8:51:43 AM

Re: Lack of Patents
dcawrey,

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If they don't have more patents is probably because they don't need them. Sometimes patenting too much can cause confusion, and certain problems.

50% 50%

-Susan

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 Saul Sherry, User Rank: Blogger
11/1/2013 | 7:47:53 AM

Re: Lack of Patents

It's a funny world we live in @Daniel - that approach to patents probably fosters more innovation yet scares off investors... what pain.

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 WaqasAltaf, User Rank: Exabyte Executive
10/31/2013 | 9:41:47 PM

Re: All the ideas cannot earn a Patent

Pradeepta, we must look the number of Twitter's patents in the light of Innovator's Patent

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Agreement that Twitter is a part of that restricts filing for certain patents unless deemed unavoidable. I see Twitter entering that agreement for a greater good which needs to be appreciated. Not necessary valuers of business will appreciate that.

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Daniel Gutierrez, User Rank: Blogger
10/31/2013 | 2:36:11 PM

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Re: Lack of Patents

From the first time I saw Twitter, I was puzzled by the seemingly low-cost-of-entry for someone wanting to compete with them. Twitter seems pretty simple to replicate, so I assumed they were protected by a number of patents. If not, why hasn't someone like Yahoo made a knock-off yet? 9 patents may be fine depending on how broad they are. Again, there doesn't seem to be much technology to protect for Twitter. This could be a warning sign for potential investors, stockholders.

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Pradeepta Mishra, User Rank: Exabyte Executive
10/31/2013 | 2:04:56 PM

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All the ideas cannot earn a Patent

There are certain norms for filing a patent; each and every idea cannot be awarded a patent. Twitter is a simpler social media than FB. Though I am surprised to know that twitter has only 9 patents, it is not a precondition to be recognized as an elite organization. I am sure that most people will agree with me that out of 6K odd patents IBM filed in 2012, how many of them earning revenue for the company in real terms. Sometimes looking at future competition one organization may file a patent but at times it is not warranted.

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