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24/7 Real Media Wields Patent Cudgel

By [Brian Morrissey](#)

24/7 Real Media ([Quote](#), [Company Info](#)) said on Tuesday that one of its patents applies to most companies in the booming paid listings industry, and says it intends to go after patent violators.

The interactive marketing technology company wants paid listings companies to enter a licensing agreement; otherwise, they could face legal action, said Mark Moran, 24/7 Real Media's general counsel.

"We're going to continue to talk to companies that we believe should take a license to the patent and try to develop ways to exploit these assets to drive shareholder value," he said. "We think it's likely it applies to almost all of them" in the paid listings business.

The patent is No. 6,026,368, filed in 1995 and issued in 2000, broadly covering an online system for delivering advertising to targeted viewers. 24/7 Real Media has licensed the patent to competitors like DoubleClick, ValueClick and Advertising.com, on the basis of ad-serving systems that adjust campaign priorities to take into account whether they are under- or over-delivering.

Now, however, 24/7 Real Media has concluded that the patent also applies to paid listings, since the order in which keyword links are displayed is tied into advertiser bid prices.

Moran said 24/7 Real Media has only engaged in preliminary talks with paid search companies and had yet to issue any licenses. He said legal action would be the last resort.

"That's always there," he said. "It's not our preferred route."

Yet it's a route 24/7 Real Media has traveled extensively. 24/7 Real Media engaged in patent battles with DoubleClick, with each company filing patent-infringement cases against each other in 1999 and 2000. The rivals [settled the cases in November 2000](#). In June 2002, 24/7 Real Media [settled another patent-infringement case](#), this one against Advertising.com. Finally, in January, it [settled a yearlong patent case](#) against ValueClick with an agreement for ValueClick to license 24/7 Real Media's technology.

The company left open further patent claims, saying its review concluded that a recently acquired patent, No. 5,446,919, applied to cable operators that target advertising by audience demographics to TVs with set-top boxes. 24/7 Real Media bought the patent in the past year, Moran said.