

# **EXHIBIT 9**

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## **U.S. to Release Patent Data On a World Wide Web Site**

**By JOHN MARKOFF**

In a new plan for making Government information freely available over the Internet, the Clinton Administration will announce today that it will make the full data base of the nation's patents since 1976 and trademark text and images starting from the late 1800's available on the World Wide Web beginning in August.

The project, which will create the largest Government data base on the Internet, is to be announced by Bruce A. Lehman, Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, in a speech to the American Bar Association's section on intellectual property law in Williamsburg, Va.

The decision to make the data base freely available is a result of a fierce debate that has gone on for years between public interest advocates who argue that Government information should routinely be made available on the Internet and companies that purchase the data from Government agencies to resell.

Indeed, the Clinton Administration's action came less than a week before a deadline imposed by Carl Malamud, an independent Internet pioneer, who in May said he planned to purchase the data from the Patent and Trademark Office and make it publicly available if the Government failed to act.

After imposing the deadline in a letter to Vice President Al Gore Jr. and the Commerce Secretary, William M. Daley, Mr. Malamud said that he had received an anonymous donation to support his project and that he was developing his own system of patent and trademark records.

Mr. Lehman, however, said that his agency had already made a commitment to Mr. Gore to make the data base available as part of the Vice President's "reinventing government" program.

Mr. Malamud said today that he had decided to shelve his plans.

"Our site was a backup in case the Administration refused to budge," he said. "We very pleased with the outcome of this five-year struggle. The American public gets the data they deserve, and the Clinton Administration has shown real responsiveness by reversing its earlier policy."

In January 1994, Mr. Malamud's group, the nonprofit Internet Multicasting Service, posted the full text of filings made by corporations to the Securities and Exchange Commission and several years of the patent data base over the objections of the S.E.C. and the Patent and Trademark Office. His organization later added data bases from the General Services Administration, the Federal Election Commission, the Federal Reserve Board and the Government Printing Office.

In a telephone interview, Mr. Lehman said that it had long been his intention to make both data bases available on the Internet but that he needed first to meet a range of technical and policy criteria.

"Creating a 1.3-terabyte searchable data base is a big technical feat," he said. A terabyte is one trillion characters of information, equivalent to about a million copies of "Moby Dick."

First, he said, such a system requires tight security provisions to isolate it from the Patent and Trademark Office's internal computer network. In addition, he said, his agency had to perform an economic analysis on how

the decision would affect both the Patent and Trademark Office and the information industry.

"We have no interest in competing with the private sector," he said, adding that his agency's analysis had shown that the private-sector offers added value beyond the patent and trademark documents.

The new data bases will be available at the Patent and Trademark Office's Web site beginning in August, when trademark text will go on line. Trademark images and patent text will follow in November. Patent images linked to the text of the patents will be made available by March 1999, he said.

The data base of more than two million patents will be searchable by key word, as will more than 800,000 registered trademarks and 300,000 pending trademarks. The entire data base will be made up of 21 million documents.

Currently the Patent and Trademark Office makes abstracts of patents available, a system that is already providing users with more than three million pages of patent material a month.

The Patent and Trademark Office received 237,045 patent applications in the most recent fiscal year -- a 14.9 percent annual increase -- and approved about 114,000 patents. Trademark applications grew by 11.8 percent, to 224,355.

The new data base on the World Wide Web is a significant step forward, Mr. Lehman said, adding that his plan calls for completely automating the nation's patent system by 2003.

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**Organizations mentioned in this article:**

Patent and Trademark Office

**Related Terms:**

Inventions and Patents; Freedom of Information; Computers and Information Systems; Internet and World Wide Web; Trademarks and Trade Names

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