



Smart Libraries™

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Two Major Lawsuits Jolt Library Automation Industry

In recent months, two major lawsuits have been filed in the the library automation industry. Queens Borough Public Library filed a complaint on July 2, 2009 against SirsiDynix for breach of contract and 3M has filed suit against EnvisionWare for patent infringement. Both of these lawsuits address interesting issues that bring pivotal library automation legal concerns to the surface. Neither accusation has been proven, and both are still pending legal action or settlement. The complaints filed with the courts stand as public documents exposing the plaintiffs' concerns in detail. The defendant's response to those claims may not become public until the issue comes before a court, or may never be disclosed if the parties settle out of court. While major lawsuits attract much attention, they must be considered skeptically until both sides of the matter can be understood. With these caveats, we review some issues regarding these pending legal matters.

3M vs. EnvisionWare

3M Company and 3M Innovative Properties Companies filed a patent infringement suit against EnvisionWare, Inc. in the United States District Court of Minnesota on July 23, 2009. The complaint deals with patents held by the company related to technologies developed for and exploited by the 3M Library Systems division. 3M Library Systems offers a variety of products related to theft detection for library materials and self-service circulation systems. The company offers a theft detection system that involves exit gates that sound an alarm if patrons attempt to leave the library with library materials that have not been properly charged out. The library plants 3M's Tattle-Tape strips in each of its materials which will trigger the alarm unless deactivated, a routine part of the circulation check-out process. This theft-detection system is based on electromagnetic technologies.

3M also offers products that use RFID technologies. RFID chips replace barcodes as inventory control markers that uniquely identify each physical item in a library's collection. RFID tags can be programmed with a unique identifying number and other data about a given item. In the library context, RFID readers can be used to identify materials during circulation transactions. Unlike barcode readers that require a discrete scan using an optical reader, RFID readers are able to detect multiple tags that come within range simultaneously. In addition to replacing barcodes for inventory identification, RFID tags can also be used for theft detection when paired with appropriately configured exit gates.

These technologies form the basis of a variety of circulation and inventory control-related products that 3M offers to libraries. The company has developed self-checkout workstations with a variety of features that allow patrons to process materials

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that they want to borrow from the library on their own. The self-checkout stations interact with the library's automation system as it processes the circulation transaction. The self-checkout station also deactivates the item for the theft-detection system, whether it uses electromagnetic Tattle-Tape strips or RFID tags. 3M's self-check stations include features that allow them to collect any fines that may be due from the patron.

3M also created a product called the Digital Library Assistant, a portable, hand-held RFID reader that can be used for a variety of functions related to inventory control of library materials. A library worker might use the Digital Library Assistant to scan books on shelves to perform an inventory, to check for proper shelving order, to search for missing items, or to identify items on a list that have been requested by library patrons.

3M applied for and received a number of patents related to these products. United States Patents involved in the suite include: 6,486,780, 6,232,870, and 6,857,568.

EnvisionWare began as a company involved in products related to the management of public library workstations. This included a reservation and scheduling system to allow libraries to manage the use of library computers by their patrons, especially for Internet access, but also for word processing and other applications. EnvisionWare also offers products to manage patron printing, including the ability to meter and charge fees.

In 2006 EnvisionWare entered the self-check and RFID arena, eventually leading to the development of a full line of RFID products for self-check and automated material handling. Its products include OneStop and All-In-One self-service circulation stations and LibraryPDA, a portable device for reading RFID tags and barcodes. These two products, according to the complaint filed by 3M, violate its patents. One of the specific features called out in the complaint involves the collection of fees as part of a self-check workstation.

One of the major contributions that 3M made to the self-check industry that has proven to have exceptionally broad application involves the Standard Interchange Protocol (SIP) which was proposed as an industry standard protocol dealing with exchanging transactions related to patrons and items for circulation. SIP continues to be widely used despite the development of NCIP (NISO Circulation Interchange Protocol). This lawsuit does not challenge the use of SIP.

In the library automation arena, anything involving RFID technologies, such as self-service stations and automated materials handling, represents an area with the strongest growth

Cases such as this one between SirsiDynix and the Queens Borough Public Library illustrate the critical dependence that libraries have on their core library automation systems and the disruption that erupts as products come and go on the market.

potential. While most libraries have a basic library automation system in place, we are in the early phases in the adoption cycle of these technologies. The outcome of this lawsuit could make an impact on this fertile market. Key questions include whether the current and poten-

tial products in this niche of the library automation arena can compete freely and which of them may be subject to licensing from patent-holders like 3M. Patents protect the investments made by individuals or organizations as they create inventions or perform research and development and are a reality for others that want to offer competing products. Competitors must either create products that do not intrude on existing patents or make arrangements to license the intellectual property involved.

No court date has been set for litigation of this case.

Queens Borough Public Library vs. SirsiDynix

The Queens Borough Public Library has taken legal action against SirsiDynix, making claims of damages related to its 2006 procurement of Horizon from Dynix Corporation. Queens ranks as the busiest public library system in the United States with annual circulation transactions topping 23 million. The library went through a procurement process to replace its aging DRA system, which had been in place since 1990, and was no longer being developed by Sirsi Corporation, which had acquired DRA in 2001. Queens' procurement process began in 2005, culminating with the selection of Horizon from Dynix Corporation, with a license agreement signed in March 2006. At about the same time, Dynix Corporation was acquired by Sirsi Corporation, forming a new company that does business as SirsiDynix.

The license agreement signed was between Queens Borough Public Library and Dynix Corporation. At the time of the merger, according to the complaint, Sirsi Corporation signed a guarantee that it would stand by the terms of the license. The complaint specifically names Dynix Corporation and Sirsi Holdings in the lawsuit; SirsiDynix is the current business name of the merged company.

SirsiDynix ultimately withdrew from the development of the new Horizon 8.0 / Corinthian platform for which Queens had contracted. The complaint alleges that the company instead offered the product that it was calling Rome at the time, which

is now marketed as Symphony, which is based on Unicorn. Queens had rejected Unicorn in its procurement process and states in the complaint that it would not be a viable option as its new automation system.

The Queens Borough Public Library has since moved on to implement the Virtua ILS from VTLS. Virtua was put into production replacing DRA in July 2008, following an accelerated implementation project.

The complaint filed by Queens essentially claims that Dynix Corporation breached its contract; and that due to the circumstances of the merger that Sirsi Holdings bears responsibility for causing that breach. The complaint concludes with 10 demands, seven of which request the court to award damages of over \$5 million.

On October 26, 2009, SirsiDynix filed a motion to dismiss several of the demands described in the complaint. The motion mentions specific language in the license agreement dealing with indemnity, warranties, and liabilities and specifies supporting case law. Along with the motion, the license agreement was filed as a supporting document, which is now part of the public record of this case.

In this case, the stakes are high and the opponents formidable. The documents available related to this case provide a wealth of details relating to both sides of this legal contest. As pending litigation, neither side has provided public comments.

If the parties come to an agreement without trial, it's routine for the settlement details to remain private. In the unlikely event that the matter goes to trial, more details may become public. Cases such as this one between SirsiDynix and the Queens Borough Public Library illustrate the critical dependence that libraries have on their core library automation systems and the disruptions that erupt as products come and go on the market.

Copies of the pertinent documents are available on the Web:

Justia: Queens Borough Public Library complaint against SirsiDynix

<http://docs.justia.com/cases/federal/district-courts/new-york/nyedce/1:2009cv02860/293869/1/>

Also available from Library Technology Guides:

<http://www.librarytechnology.org/docs/14288.pdf>

Motion to dismiss:

<http://www.librarytechnology.org/docs/14344.pdf>

License Agreement:

<http://www.librarytechnology.org/lgtg-displaytext.pl?RC=14342>

—Marshall Breeding

dmMonocle: Better Viewing of CONTENTdm Images

Many libraries and library-related organizations use CONTENTdm as database management software, and many of those managed databases contain digital images. These images tend to be historical photos, maps, and documents.

Viewing them using the embedded viewer in CONTENTdm can be a bear. You often want to zoom in closely to the image and navigate around quickly and easily, especially if the image is a map or a photo with many interesting details.

Brian Egan, the Web/Multimedia Designer at the UNLV Libraries, recently released dmMonocle, a better viewer for navigating and viewing images in CONTENTdm.

dmMonocle is a stand-alone image viewer designed to serve as a better substitute for the default image viewer that comes with CONTENTdm (versions 4.x and 5.x). It was written in JavaScript using jQuery (the underlying requirements for dmMonocle to work include, obviously, CONTENTdm 4.x

or 5.x and jQuery). dmMonocle has been tested and appears to work well with the following browsers: Internet Explorer 6+, Firefox 2+, Safari 3+, Google Chrome 2+, and Opera 9+.

dmMonocle makes it easy to zoom in and out and to pan across an image using the grab and pull in any direction functionality that Google maps made popular. Users also can double-click on a part of the visible area to re-center the view. Users can rotate images on the fly, in increments of 90 degrees, without reloading the entire page. Like Google Maps, dmMonocle divides large digital images into smaller square tiles, then loads only the square tiles in the current view, thus making all functions and features perform faster. This tiling activity seems to be the real power of dmMonocle.

dmMonocle also features a thumbnail-sized navigator, quickly showing the user which part of the complete image he or she is currently viewing. This can be particularly useful when the user has zoomed in closely to a small part of a detailed

image or map. The thumbnail navigator can also be used to quickly move to another section of the complete image.

Not only is the dmMonocle viewer a delight to use, but the instillation instructions are delightful, too. Here is a sample droll text from the text instructions:

We realize that in the same way nobody enjoys stabbing themselves in the eye with a fork, nobody likes working with the CONTENTdm templates. This example will try to get the job done as quickly as possible, although it still won't be quick enough. It may be helpful to use a text editor that shows line numbers, and find something hard to bite down on before you begin.

If you would like to see dmMonocle in action, my favorite installation is the "Welcome Home, Howard!" collection of digital images from the UNLV Libraries, which features the career of Howard Hughes intertwined with the Las Vegas area.

The only thing dmMonocle needs now, besides widespread adoption, is a cute mascot sporting a monocle that can make appearances in the exhibit halls at professional conferences and be marketed as a plush toy. It's a pity Mr. Peanut already is taken.

— Tom Peters

More Info. @:

<http://code.google.com/p/dmmonocle/>

<http://digital.library.unlv.edu/hughes/>

Collections for Portable eReading

Approximately ten years ago, during the waning years of the last decade, century, and millennium, a host of dedicated eBook reading appliances hit the market. Despite the many new eReaders that have emerged since then, the Rocket eBook is still the device closest to my heart.

Now, during the waning years of this first decade of the new millennium, another passel of dedicated portable eReading appliances are on the market. This time, however, in addition to devices from startup companies, several large corporations—Amazon, Sony, and Barnes & Noble—have devices for sale.

While the current crop of devices is getting some much-needed scrutiny, we need to remember that a compelling portable eReading experience is a combination of device and content. These major players are constructing some sizable collections of eBooks. The recently announced BookServer from the Internet Archive claims to have 1.6 million

titles in ePub and DAISY file formats. Brewster Kahle from the Internet Archive has also announced that these 1.6 million titles are readable on the XO laptop



from the folks at One Laptop per Child. Sony claims to have over 1 million titles available for the Sony Reader family of devices. These are primarily books in the public domain scanned by Google. Sony is making them available free of charge.

Soon Barnes & Noble plans to offer approximately 1 million eBook titles for its new Nook, which began shipping in

late November. When Google Editions launches in early 2010, at least 500,000 eBook titles will be available. Google Editions will be readable on any Internet-connected device with a browser.

Kindle Editions from Amazon currently offers approximately 350,000 titles. OverDrive, which seems to be the primary library vendor of eBooks focused on the portable eReading experience, currently has approximately 160,000 titles.

— Tom Peters

More Info. @:

<http://www.archive.org/bookserver>

<http://ebookstore.sony.com/google-ebooks/>

<http://www.barnesandnoble.com/nook/>

<http://www.amazon.com/kindle-store-ebooks-newspapers-blogs/b?ie=UTF8&node=133141011>

<http://www.overdrive.com/>

SkyRiver Ramps up as a new Bibliographic Service Business

SkyRiver, a new company delivering bibliographic services in competition with OCLC, formally announced its launch in early October 2009. The company offers a suite of software and services that compete with the cataloging services of OCLC. The service includes a bibliographic database of MARC records, a cataloging client, and a set of services for record delivery and enhancement. The SkyRiver database has initially been populated with bibliographic and authority records from a variety of sources including the Library of Congress, the British Library as well as with records from the current cataloging activities of a broad set of libraries. The service includes record delivery for those not immediately available in the database and notification when enhanced records become available. SkyRiver's goal is to offer a competitive product at a subscription cost around 40 percent lower than what libraries would otherwise pay to OCLC.

SkyRiver is backed by Jerry Kline, who also co-founded Innovative Interfaces and serves as its President and CEO. Leslie Straus, former Vice President of Worldwide Sales for Innovative, leads SkyRiver as its President. Straus retired from Innovative in 2006.

Since the initial announcements were made last month, SkyRiver has made progress in appointing individuals to additional leadership positions and bringing in new customers.

Michael Markwith, a major figure in the serials and subscription services arena, joined SkyRiver as a sales executive. Previous positions include serving as President of TDNet, Inc., the US subsidiary of the Israel-based company; Markwith also led the academic sales team for WT Cox Subscriptions, has also worked for Swets Blackwell as VP for Academic Sales, and was CEO for Swets & Zeitlinger. Markwith brings a broad background as an executive with organizations specializing in providing services to libraries to SkyRiver.

SkyRiver has also announced its first customer libraries. Michigan State University Libraries, a member of the Association of Research Libraries, and University Library at

"For my staff it was a change, but not a big change. It was transformative in that we were not under the constraints of OCLC and could seriously think about doing cataloging in a different way. We have worked with OCLC cataloging for years, so the biggest change for us involves more about questions regarding cataloging and what is best for our library. In some sense this whole experience has been liberating. How often do you get a chance to do something this exciting?"

—Nancy Fleck, Associate University Librarian for Technical Services, Michigan State University on SkyRiver

California State University Long Beach both served as development partners with SkyRiver and are fully operational on the service.

The deployment of SkyRiver in libraries provides the opportunity to begin gathering comparisons with other services, like OCLC's WorldCat cataloging service. According to Nancy Fleck, Associate University Librarian for Technical Services, Michigan State University began using SkyRiver in August 2009, with OCLC still

available when needed. On November 1, the library switched to the exclusive use of SkyRiver for cataloging. Fleck confirmed that the SkyRiver cataloging client functions much like the OCLC Connexion client, requiring very little retraining of staff. Catalogers especially like the searching capabilities of SkyRiver, which offers results returned according relevancy rankings with facets that help users identify records for their materials. Catalogers at MSU have been surprised at the high percentages of records that match the materials in their cataloging stream. The MSU libraries express such satisfaction with SkyRiver that they have moved from being development partners to day-to-day users of the system. Fleck commented, "SkyRiver is functioning, usable, and very easy to use. For my staff it was a change, but not a big change. It was transformative in that we were not under the constraints of OCLC and could seriously think about doing cataloging in a different way. We have worked with OCLC cataloging for years, so the biggest change for us involves more about questions regarding cataloging and what is best for our library. In some sense this whole experience has been liberating. How often do you get a chance to do something this exciting?"

As a new company, SkyRiver faces many challenges. OCLC, with its WorldCat cataloging service, stands as a formidable competitor that currently dominates this business arena. Yet, in these times of constrained budgets, libraries must find ways to identify savings. If SkyRiver proves itself able to deliver comparable services at lower costs, it may find a fertile niche.

—Marshall Breeding

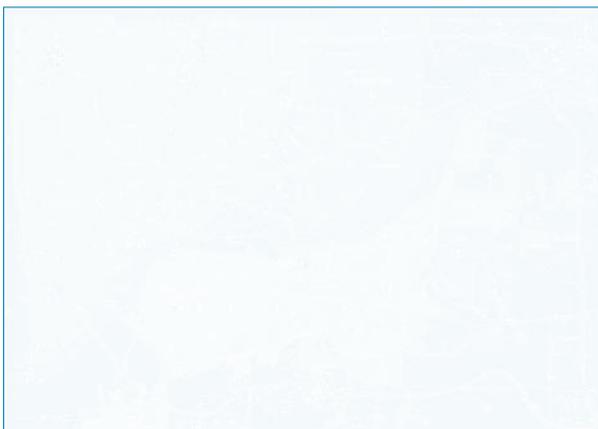
ATLAS: One Route to a More Interactive Collection of Digital Images

Before the current wave of mass digitization projects were even a gleam in the eye of Silicon Valley entrepreneurs, many libraries were already engaged in a variety of digitization projects. These early projects often involved the digitization of historical images, maps, and documents that were centered around a particular place or historical period. The projects were very innovative at the time and significantly improved access to these documents. As soon as a resource is made freely available online, users tend to emerge from various locations and demographic subpopulations.

One example of this type of pioneering digitization project was “*Early Illinois Women and Other Unsung Heroes: The First One Hundred Years 1818-1918*” (<http://www.alliancelibrarysystem.com/IllinoisWomen/index.cfm>), which was created in 1997–1998 from the collections of ten libraries in west central Illinois. The project was led by the Alliance Library System (ALS), one of the regional library systems in Illinois. The goal of *Early Illinois Women* was to capture and convey digitally the experiences of Illinois women during the first century of statehood. Images and text from participating libraries were grouped generally according to topic: women pioneers, public life, religion, work, medicine, education, arts and entertainment, and war. Librarians from participating libraries selected images, scanned them and wrote accompanying text.

More than ten years later, this collection is still heavily used, even though the website is primarily static (there are a few re-enactment videos) and not very interactive. “*Early Illinois Women and Other Unsung Heroes*” was cutting edge at the time, but is not today. Through no fault of the original project team, over time the website had become dated and frumpy. Because time on the Internet and the Web is measured in dog years, the design, functionality and overall look and feel of online resources become old quickly. Over the past decade, the growth and maturation of the Web, coupled with rising user expectations based on the emergence of various Web 2.0 tools and resources, has created a need for this valuable web resource to be refreshed, revamped, and revitalized.

A year later, ALS was awarded an IMLS grant to build



“*Illinois Alive! The Heritage and Texture of a Pivotal State during the First Century of Statehood 1818-1918.*” (<http://www.alliancelibrarysystem.com/illinois-alive2/index.html>). Twenty-eight libraries participated in this project, which is designed to build on the success of *Early Illinois Women*. Categories for the material were expanded to agriculture and business, early Illinois authors, the Civil War, the African American experience, and emigration/immigration. The

Illinois Alive website is still heavily utilized, but, again, the need for the resources to undergo a revitalization process had become apparent.

This year ALS partnered with LearningTimes (LT) and several of the ALS member libraries to undertake the ATLAS project—Alliance’s Trail to Learning Casts and Syndicated Sites (<http://www.atlaspodcasts.org>). The goal of the ATLAS project is to repurpose and revitalize these existing, aging digital assets of proven public interest and worth to make them more interactive and engaging in ways that users of Web 2.0 and Library 2.0 resources have come to expect. The first phase of the project, which concluded on June 30, 2009, was funded by an LSTA grant awarded by the Illinois State Library, Illinois Secretary of State Jesse White, and the State Librarian.

ATLAS uses podmaps (that is, an interactive map of Illinois which users can use to find podcasts, images, and other historical information), YouTube videos, and other Web 2.0 tools to bring historical information to life for all citizens of Illinois.

The development of a podmap was crucial to the success of ATLAS. Here is how the podmap works: When a user launches the podmap from the ATLAS homepage, he or she is presented with an interactive map of Illinois. During the first phase of the ATLAS project, all of the podcasts are centered in central Illinois, so a decision was made to make the area of the state that includes Peoria, Bloomington, and the Quad Cities the visible initially upon launch. Users can then zoom in and out on the map as they wish. They also can drag the map in any direction to get a view of a different section of the state at the same zoom level. The ATLAS podmap works in ways similar to Google Maps and other web-based maps, thus building on the

existing experiences and expectations of online users. On the map, existing podcasts are displayed as flashing signals or “hot spots.” If a user moves his or her mouse over one of the hot spots, a popup window displays the title of the podcast, a thumbnail view of the historical image, and the options to add the podcast to “My Playlist” or to listen to the podcast immediately.

The lower right corner displays a mini-map of the entire state in a shaded area, thus enabling the user to stay oriented. When a user clicks on a hot spot, a popup window containing one or more smaller versions of digital images (which can be enlarged with one click) appears, along with some text about the hot spot which generally adheres to the script of the podcast as the audio podcast begins playing back.

Members of the general public are also encouraged to submit either finished podcasts (with associated images, if available) or ideas for additional podcasts that would complement the existing collection. The “Add Your Podcast” webpage on the ATLAS site (<http://www.atlaspodcasts.org/addpodcast/>) explains how to submit a finished podcast or idea, and offers a form to help gather the necessary information and files. When podcasts are submitted by members of the general public, they are reviewed by members of the project team before they are made available in ATLAS.

The ATLAS project demonstrates that existing historical digital images and other content could be re-purposed and revitalized through a collaborative effort that, while labor-intensive, is manageable. While not all early digitization projects are ame-

The ATLAS project repurposed and revitalized proven popular historical digital images of Illinois places and people by creating, deploying, and testing a new modular model for collaborative digital image and sound collections.

both “controlled” access that is predefined by professionals with carefully chosen subject groupings, as well as “uncontrolled” access via user-defined groups and route-maps through the resource continue to make sense. The two basic access methods complement each other, rather than compete with or replace the other. Most users seem to appreciate this choice.

The ATLAS project repurposed and revitalized proven popular historical digital images of Illinois places and people by creating, deploying, and testing a new modular model for collaborative digital image and sound collections.

The ATLAS project provided one realizable method for repurposing existing historical digital content so that it becomes more interactive using Web 2.0 tools that have become popular in the last few years. Libraries, museums, historical societies, and other cultural institutions in Illinois, nationwide, and worldwide with existing historical digital collections could replicate the ATLAS model to refresh and revitalize their digital assets.

—Tom Peters

More Info. @:
<http://www.atlaspodcasts.org>

Large-scale ILS Implementations: Open Source and Proprietary

In recent times, we have seen an increasing number of broad-based ILS implementations, often spanning entire states or provinces. Two recent implementations illustrate of this trend, one an open source system for provincial school libraries and another a large consortium of libraries in Tasmania.

In the province of Prince Edward Island, funding for the implementation of the open source Koha ILS in all of its public school libraries has been

approved. As reported in *The Guardian*, a newspaper covering the province, a total of \$400,000 in provincial funds has been allocated to the project. Koha will be phased in over a two-year period. According to *The Guardian*, Koha is already in place in many of the intermediate and high schools in the province. In addition to funding the Koha project, an additional \$230,000 targets improvement in the collections of the public school libraries.

In the island state of Tasmania, the Tasmanian Automated Library Information System, or TALIS consortium, has recently implemented SirsiDynix Symphony. TALIS includes 240 school, government agency, and college libraries. SirsiDynix announced the selection of Symphony in January 2009 to replace an aging Geac PLUS system in place since 2000.

—Marshall Breeding



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Smart Libraries Newsletter

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