

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

PARUS HOLDINGS INC.,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

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) **CASE NO. 6:21-cv-00570-ADA**
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) **JURY TRIAL DEMANDED**
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PLAINTIFF’S PRELIMINARY INFRINGEMENT CONTENTIONS

Pursuant to the Court’s Order Governing Proceedings – Patent Case, Plaintiff Parus Holdings Inc. (“Parus”) submits its preliminary infringement contentions in the form of charts attached hereto as Exhibits A-1, A-2, and B.

In addition to directly infringing U.S. Patent No. 6,721,705 (“the ’705 Patent”) and U.S. Patent No. 8,185,402 (“the ’402 Patent”) (collectively “the Asserted Patents”), Parus alleges that Defendant Microsoft Corporation (“Microsoft”) also induces at least end users of the accused products by instructing, directing and/or requiring such end users to perform one or more steps of the method claims, either literally or under the doctrine of equivalents of the Asserted Patents, where all of the steps of the method claims are performed either by Microsoft, such end users, or some combination thereof. Microsoft knew or should have known it was inducing others, including at least end users of the accused products, to infringe by practicing, either by themselves or in conjunction with Microsoft, one or more claims of the Asserted Patents. Further, Microsoft knowingly and actively aided and abetted the direct infringement of the Asserted Patents by

instructing and encouraging, at least end users of the accused products, to use the Accused Patents' methods and technology.

At present, Microsoft has provided no discovery regarding the accused products. As such, these contentions are based on the information that is known and publicly available to Parus at this time. Parus reserves the right to supplement, amend, and/or modify these contentions based on additional information obtained through discovery or otherwise relating to the accused products. Parus also reserves the right to amend its contentions based on a change in circumstances, expert discovery, any subsequent claim construction proceedings and/or claim construction rulings by the Court in this case, and any other case or proceedings, if any. In addition, Parus reserves the right to rely upon, at trial or otherwise, any evidence or information from any source hereinafter discovered or obtained.

November 29, 2021

Respectfully submitted,

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Attorneys for Plaintiff Parus Holdings Inc.

CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure and Local Rule CV-5, I hereby certify that, on November 29 2021, all counsel of record who have appeared in this case are being served with a copy of the foregoing via electronic mail.

/s/ Michael J. McNamara
Michael J. McNamara

Exhibit B

U.S. Patent No. 8,185,402

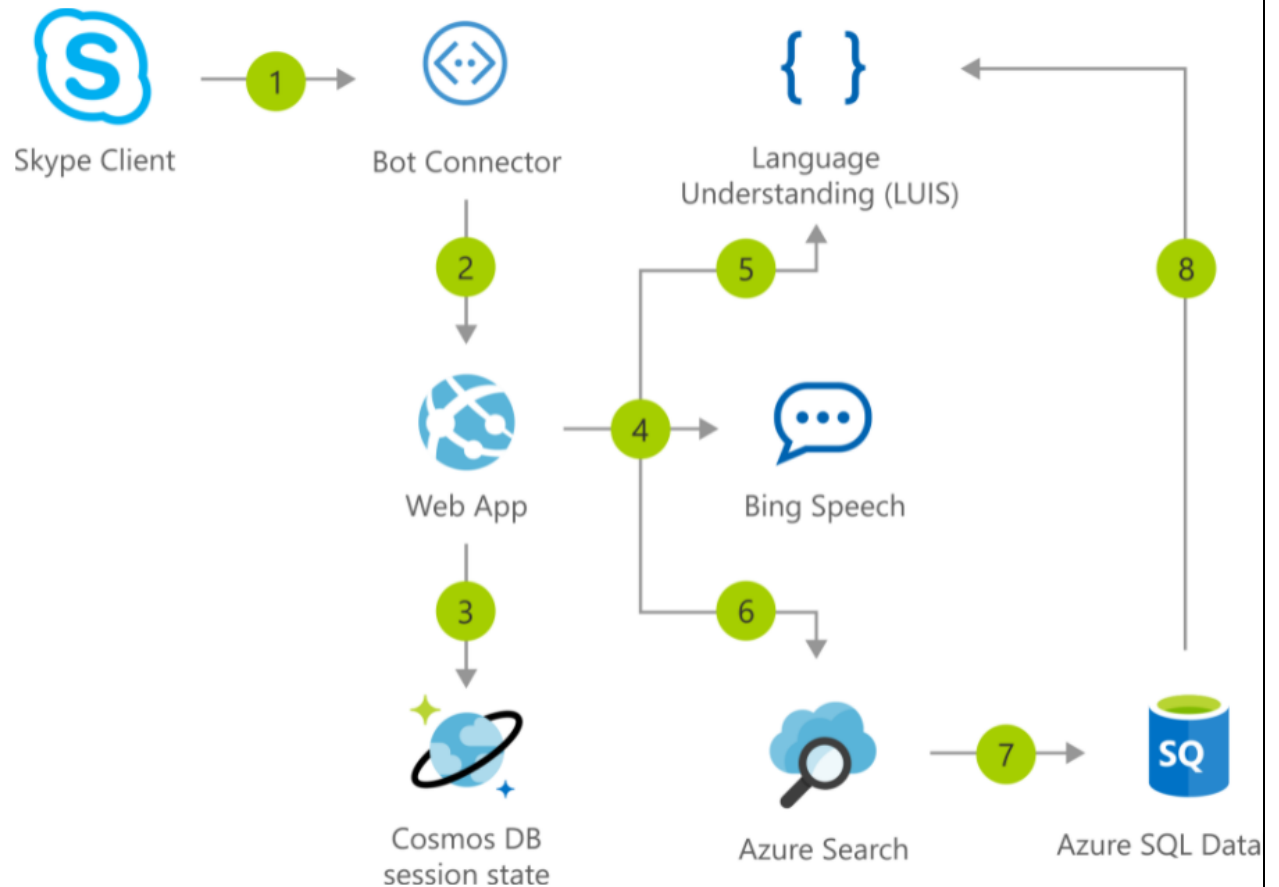
Microsoft Products

"6. The method of claim 1 further comprising the step of periodically polling each said web site to determine whether said web site contains said information to be retrieved."

6. The method of claim 1 further comprising the step of periodically polling each said web site to determine whether said web site contains said information to be retrieved.	<p>The Microsoft Product includes/practices the method of claim 1 further comprising the step of periodically polling each said web site to determine whether said web site contains said information to be retrieved.</p> <p>For example, the Microsoft Product retrieves information from websites that have been indexed. Microsoft's web browsing server has an agent that extracts information that matches a request (relevant data that is identified). The indexed websites associate the speech command with relevant content descriptors. The agent that fetches the relevant data that is identified. Finally, on information and belief Microsoft's web browsing server has content descriptor files as part of the indexing. Microsoft practices receives digital data messages provided by its media server (converted from speech commands) and accesses a website with highest rank number to retrieve the information and deliver the search results.</p>
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"6. The method of claim 1 further comprising the step of periodically polling each said web site to determine whether said web site contains said information to be retrieved."

Architecture of the IVR app



Download an [SVG](#) of this architecture.

See, e.g., <https://docs.microsoft.com/en-us/azure/architecture/solution-ideas/articles/interactive-voice-response-bot>.

"6. The method of claim 1 further comprising the step of periodically polling each said web site to determine whether said web site contains said information to be retrieved."

How Bing ranks your content

Bing search results are generated by using an algorithm to match the search query a user enters into the search engine with content in our Bing designs - and continually improves - its algorithms to provide the most comprehensive, relevant and useful collection of search results available.

See, e.g., <https://www.bing.com/webmasters/help/webmaster-guidelines-30fba23a>.

Search Engine Optimization is a legitimate practice which seeks to improve technical and content aspects of a website, making the content to find, relevant, and more accessible to search engine crawlers. The majority of SEO practices render a website that is more appealing to however, performing SEO-related work does not guarantee rankings will improve or sites will receive an increase in traffic from Bing. Further taken to extremes, some SEO practices can be abused which result in penalties by search engines.

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Further, for example, Microsoft's Bing crawlers discover and index the websites. Once a website is indexed it is a polled website. Bing accesses websites in an order that is determined by ranking until the requested information is retrieved. The ranking order changes (e.g., decreased) if either no response is received, an unexpected response is received, or if a response is longer than another website.

For example, Microsoft shares the guidelines with website providers on the criteria considered. Website rankings are reduced to zero and the website is delisted in some instances when abusive tactics are used, an example of "an unexpected response." Alternatively, if no response is received, for example a website is slow in responding, the ranking would be decreased. Websites that are faster to respond, i.e., load faster rank higher and those that do not will rank lower.

"6. The method of claim 1 further comprising the step of periodically polling each said web site to determine whether said web site contains said information to be retrieved."

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Abusive tactics that aim to inflate the number and nature of inbound links such as links buying, participating in link schemes (link farms, link spamming and excessive link manipulation) can lead to your site being penalized and delisted from the Bing index.

Below is a high-level overview of the main parameters Bing uses to rank content. These are listed in general order of importance, but please note that Bing's complex ranking systems use many criteria to deliver search results, and the relative importance of each of the parameters described below may vary from search to search and may evolve over time.

- **Relevance:** Relevance refers to how closely the content on the landing page matches the intent behind the search query. This includes matching terms directly on the page as well as terms used in links referring to the page. Bing also considers semantic equivalents, including synonyms or abbreviations, which may not be exact matches of the query terms but are understood to have the same meaning.
- **Quality and Credibility:** Determining the quality and credibility of a website includes an evaluation of the page itself, including such factors as the author's or site's reputation, the level of discourse (for example, an article with citations and references to data sources is considered higher quality than one that does not explain cite data sources; Bing may demote content that includes name-calling, offensive statements or uses derogatory language to make a point), the completeness of the content, and transparency of authorship.
- **User engagement:** Bing also considers how users interact with search results. To determine user engagement, Bing asks questions like: Did users click through to search results for a given query, and if so, which results? Did users spend time on these search results they clicked through to or did they quickly return to Bing? Did the user adjust or reformulate their query? The Bing Webmaster Dashboard will provide insights into how users interact with your webpages.

U.S. Patent No. 8,185,402: Claim 6

"6. The method of claim 1 further comprising the step of periodically polling each said web site to determine whether said web site contains said information to be retrieved."

- **Freshness:** Generally Bing prefers content that is more "fresh" – meaning that the page consistently provides up-to-date information. In many cases, content produced today will still be relevant years from now. In some cases, however, content produced today will go out of date quickly.
- **Location:** In ranking results Bing considers where the user is located (country and city), where the page is hosted, the language of the document, or the location of other visitors to the page.
- **Page load time:** Slow page load times can lead a visitor to leave your website, potentially before the content has even loaded, to seek information elsewhere. Bing may view this as a poor user experience and an unsatisfactory search result. Faster page loads are always better, but webmasters should balance absolute page load speed with a positive, useful user experience.

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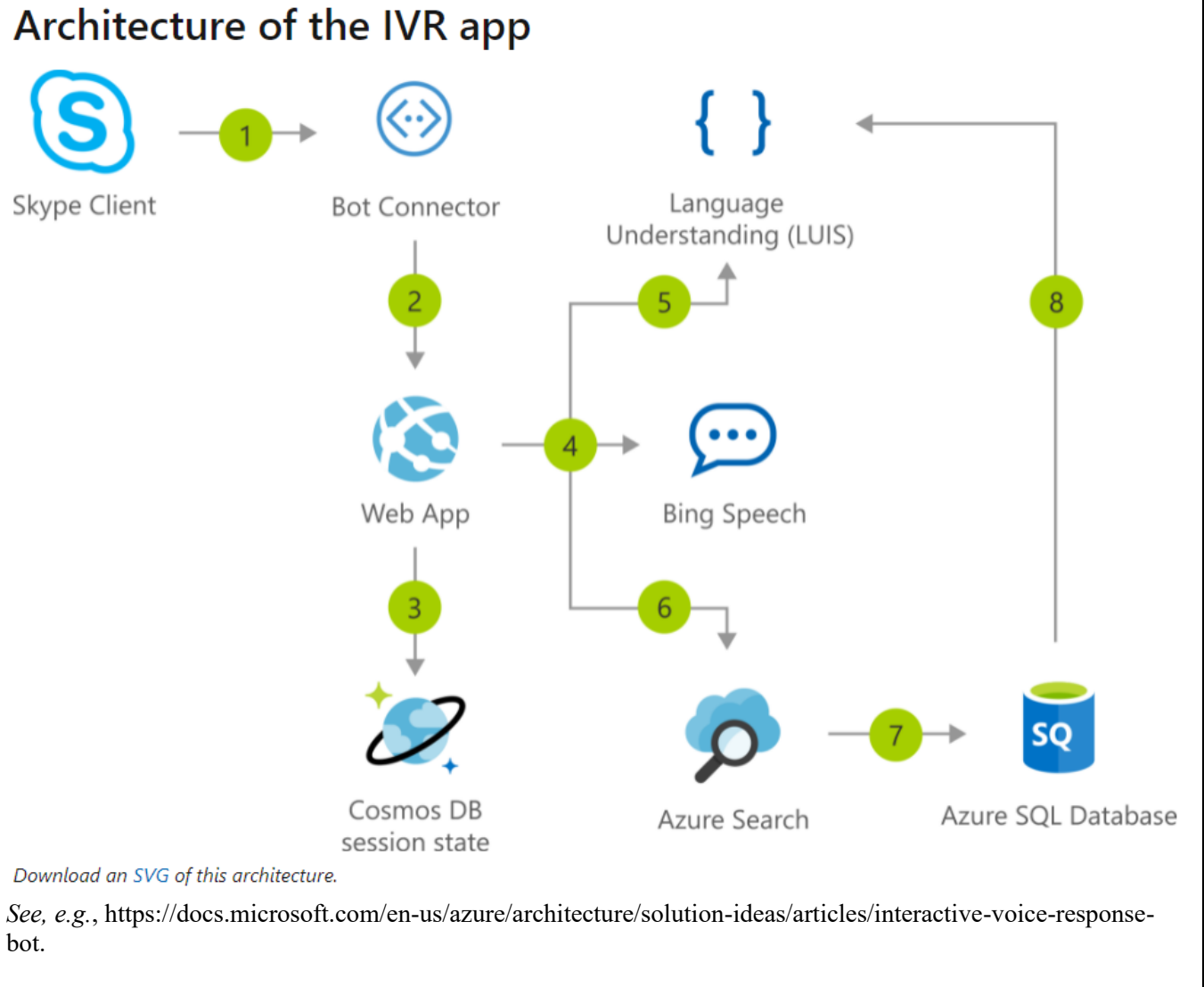
If it is determined that the Microsoft Product does not literally practice this claim limitation, such product practices under the doctrine of equivalents. The above-described functionality of the Microsoft Product is at most insubstantially different from the claimed functionality and performs the same function in the same way to achieve the same result.

U.S. Patent No. 8,185,402: Claim 7

"7. The method of claim 6 wherein the computer periodically polls each said web site without being instructed by said user to determine the availability of each said web site, the duration of time for each said web site to respond to a request from said computer, and changes to the location of said information to be retrieved from each said web site, said computer creating a ranking of said plurality of web sites based on said periodic polling."

<p>7. The method of claim 6 wherein the computer periodically polls each said web site without being instructed by said user to determine the availability of each said web site, the duration of time for each said web site to respond to a request from said computer, and changes to the location of said information to be retrieved from each said web site, said computer creating a ranking of said plurality of web sites based on said periodic polling.</p>	<p>The Microsoft Product includes/practices the method of claim 6 wherein the computer periodically polls each said web site without being instructed by said user to determine the availability of each said web site, the duration of time for each said web site to respond to a request from said computer, and changes to the location of said information to be retrieved from each said web site, said computer creating a ranking of said plurality of web sites based on said periodic polling.</p> <p>For example, the Microsoft Product retrieves information from websites that have been indexed. Microsoft's web browsing server has an agent that extracts information that matches a request (relevant data that is identified). The indexed websites associate the speech command with relevant content descriptors. The agent that fetches the relevant data that is identified. Finally, on information and belief Microsoft's web browsing server has content descriptor files as part of the indexing. Microsoft practices receives digital data messages provided by its media server (converted from speech commands) and accesses a website with highest rank number to retrieve the information and deliver the search results.</p>
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U.S. Patent No. 8,185,402: Claim 7

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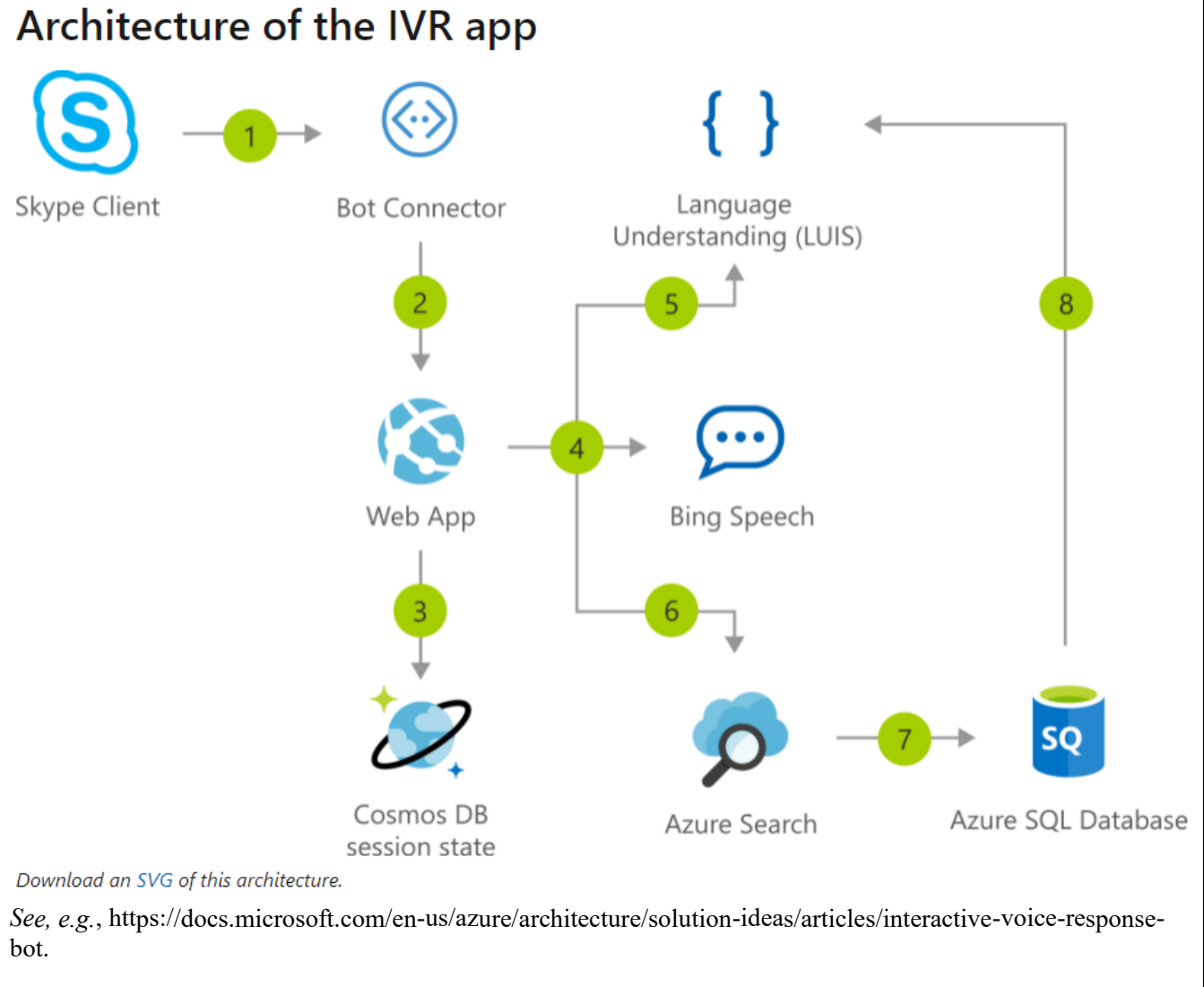
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"8. The method of claim 1 further comprising the step of periodically searching said internet to find new web sites containing said information to be retrieved, and adding said new web sites to said plurality of web sites."

<p>8. The method of claim 1 further comprising the step of periodically searching said internet to find new web sites containing said information to be retrieved, and adding said new web sites to said plurality of web sites.</p>	<p>The Microsoft Product includes/practices the method of claim 1 further comprising the step of periodically searching said internet to find new web sites containing said information to be retrieved, and adding said new web sites to said plurality of web sites.</p> <p>For example, the Microsoft Product retrieves information from websites that have been indexed. Microsoft's web browsing server has an agent that extracts information that matches a request (relevant data that is identified). The indexed websites associate the speech command with relevant content descriptors. The agent that fetches the relevant data that is identified. Finally, on information and belief Microsoft's web browsing server has content descriptor files as part of the indexing. Microsoft practices receives digital data messages provided by its media server (converted from speech commands) and accesses a website with highest rank number to retrieve the information and deliver the search results.</p>
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