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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	14-DP-CON6
First Named Inventor	Shkedi, Roy
Title	Method and stored program for accumulating...
Express Mail Label No.	n/a - filed via EFS

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☐ **Fee Transmittal Form** (PTO/SB/17 or equivalent)
2. ☑ **Applicant asserts small entity status.** See 37 CFR 1.27
3. ☐ **Applicant certifies micro entity status.** See 37 CFR 1.29. Applicant must attach form PTO/SB/15A or B or equivalent.
4. ☑ **Specification** [*Total Pages* 45] Both the claims and abstract must start on a new page. *(See MPEP § 608.01(a) for information on the preferred arrangement)*
5. ☑ **Drawing(s)** (35 U.S.C. 113) [*Total Sheets* 3]
6. **Inventor's Oath or Declaration** [*Total Pages* 1] *(including substitute statements under 37 CFR 1.64 and assignments serving as an oath or declaration under 37 CFR 1.63(e))*
   - a. ☑ Newly executed (original or copy)
   - b. ☐ A copy from a prior application (37 CFR 1.63(d))
7. ☑ **Application Data Sheet** ** See note below.* See 37 CFR 1.76 (PTO/AIA/14 or equivalent)
8. **CD-ROM or CD-R** in duplicate, large table, or Computer Program (*Appendix*)
   - ☐ Landscape Table on CD
9. **Nucleotide and/or Amino Acid Sequence Submission** (*if applicable, items a. – c. are required*)
   - a. ☐ Computer Readable Form (CRF)
   - b. ☐ Specification Sequence Listing on:
     - i. ☐ CD-ROM or CD-R (2 copies); or
     - ii. ☐ Paper
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ACCOMPANYING APPLICATION PAPERS

10. ☑ **Assignment Papers** (cover sheet & document(s)) Name of Assignee AlmondNet, Inc.
11. ☑ **37 CFR 3.73(c) Statement** (*when there is an assignee*) ☑ **Power of Attorney**
12. ☐ **English Translation Document** (*if applicable*)
13. ☑ **Information Disclosure Statement** (PTO/SB/08 or PTO-1449)
    - ☐ Copies of citations attached
14. ☑ **Preliminary Amendment**
15. ☐ **Return Receipt Postcard** (*MPEP § 503*) (*Should be specifically itemized*)
16. ☐ **Certified Copy of Priority Document(s)** (*if foreign priority is claimed*)
17. ☐ **Nonpublication Request** Under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or equivalent.
18. ☐ **Other:**

***Note**: (1) Benefit claims under 37 CFR 1.78 and foreign priority claims under 1.55 **must** be included in an Application Data Sheet (ADS).
(2) For applications filed under 35 U.S.C. 111, the application must contain an ADS specifying the applicant if the applicant is an assignee, person to whom the inventor is under an obligation to assign, or person who otherwise shows sufficient proprietary interest in the matter. See 37 CFR 1.46(b).

19. CORRESPONDENCE ADDRESS

☑ The address associated with Customer Number: 26362 **OR** ☐ Correspondence address below

Name					
Address					
City		State		Zip Code	
Country		Telephone		Email	

Signature	/Louis J. Hoffman/	Date	07/23/2013
Name (Print/Type)	Louis J. Hoffman	Registration No. (Attorney/Agent)	38918

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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A Descriptive-Profile Mercantile Method

CROSS-REFERENCE TO RELATED APPLICATIONS

This application is a continuation of application Ser. No. 09/593,993, filed 06/14/2000 and entitled A Descriptive-Profile Mercantile Method, which itself claims priority from Israel Application No. 133,489 filed on 12/13/1999. The disclosures of said application and its entire file wrapper (included all prior art references cited therewith) are hereby specifically incorporated herein by reference in their entirety as if set forth fully herein. Furthermore, a portion of the disclosure of this patent document contains material, which is subject to copyright protection. The copyright owner has no objection to the facsimile reproduction by anyone of the patent document or the patent disclosure, as it appears in the Patent and Trademark Office patent file or records, but otherwise reserves all copyright rights whatsoever.

FIELD OF THE INVENTION

The present invention generally relates to a mercantile method.

More specifically, the present invention relates to a mercantile method directed to brokerage of attributes of information.

BACKGROUND OF THE INVENTION

Advances in database technology have given rise to commerce in records, files and databases, per se. For example, paying for a database credit check for an

individual or buying a mailing list have become common practice. These well-known systems do not address the problems of how the database is to collect all of the attributes of information that are contained therein. Often, the contents of a database are the result of massive clerical efforts, which usually represent the product of many calendar years of transactional accumulations.

Sometimes, whole databases are merged to form higher precision data clusters. For example, voting turnout lists may be integrated with census data to produce a register from which a statistical profile of voters may be derived. Another example relates to merging the records of a credit card company with the records of a mortgage company. For those persons having an entry in each of the constituent record sets, the result is a credit profile of more precise resolution. In this example, the actual economic value of merged records exceeds the combined values of constituent records. This would likewise be true for the inclusion of any additional attribute of information to any record.

Unfortunately, the current state of information commerce is focused on the sales of whole databases, whole records, or evaluations based on single or clusters of records. In commercial applications where specific attributes of information strongly affect the value of evaluations, there is a need in the art for commerce in such attributes. For example, in targeted advertising, every attribute, which substantially affects the probability of that advertisement's success, innately has a discrete economic value. Likewise, in actuarial calculations, how precisely a client can be profiled determines what the probability of profiting from such a client.

More specifically, there remains a need in the art for assigning values to information attributes or for managing value assignments to information attributes. In the absence of such assignments or management, the commerce in information attributes, per se, is substantially precluded; especially in client-specific advertisement profiling, client-specific actuarial targeting, and the like.

NOTICES

The present invention will forthwith be described with a certain degree of particularity, however those versed in the art will readily appreciate that various modifications and alterations may be carried out without departing from either the spirit or scope, as hereinafter claimed.

In describing the present invention, explanations are presented in light of currently accepted theories and models; be they scientific, economic, sociological, etc. Such theories and models are subject to changes, both adiabatic and radical. Often these changes occur because representations for fundamental component elements are innovated, because new transformations between these elements are conceived, or because new interpretations arise for these elements or for their transformations. Therefore, it is important to note that the present invention relates to specific technological actualization in embodiments. Accordingly, theory or model dependent explanations herein, related to these embodiments, are presented for the purpose of teaching, the current man of the art or the current team of the art, how these embodiments may be substantially realized in practice. Alternative or equivalent explanations for these embodiments may neither deny nor alter their realization.

GLOSSARY

Profile: A collection of attributes that describe a person or an organization or any other entity that can be described by a combination of data. For example, a person profile could be a collection of the following attributes: the person's gender, the person's age, the person's education, the person's interests as reflected in his behavior or as reported by the person or as reflected from his membership in a specific club and so forth. An organization profile could be a collection of the following attributes: number of employees, activities the organization maintain whether business activities or other activities, the organization's revenues, the organization's gross profit, the organization's operating profit, the organization's net profit, the organization's

equity and so forth. It should be mentioned that profile attributes include, among other things, attributes that enable the identification of the entity described by the profile such as name, address, URL, cookie. In addition, profile attributes may include information learned about the entity described by the profile from a communication protocol such as the information learned about the visitor to a web site from its http header.

User: any entity that owns attributes contained in at least one partial profile. The entity could be a web site that has a database of its visitor profiles, an organization with a database of partial profiles or the subject described by the profile itself.

Cookie: A text (or alphanumeric) string that is put on a computer hard disk of a visitor to a web site by the web site's server. The cookie enables the identification of the specific computer on its future visits to the web site. Each cookie is reported (by the computer browser) only to the web site server that installed that cookie. Therefore, it should be clearly understood that the only way for a third party to acquire cookie data is to receive that data from the server that installed that cookie, or from another third party who so acquired the data from a chain of parties going back to that cookie setting server, etc.

Contract: An agreement between a user and a system incorporating the method of the present invention wherein ownership of an attribute or a right to represent an attribute is transferred from one party to another for an agreed consideration. Generally, examples include a purchase of an attribute for cash or credit, or an acceptance of an attribute according to a brokerage fee schedule. More specifically, since there are many problems in assigning the value of an attribute, the system of the present invention may simply agree to store new attributes with the proviso that users wishing to acquire a copy of these attributes will transfer a payment specified by the original attribute

provider (the royalty payment) to that provider and a brokerage fee for providing this service payable to the system's account. Alternatively, the attribute provider or the system may elect to assign a value to an attribute using a formula which factors in such parameters as newness of the attribute, geographical extent wherein the attribute is of presumable value, veracity of the attribute, etc.

SUMMARY OF THE INVENTION

The present invention generally relates to a descriptive-profile mercantile method, for use at a juncture in a data-communications topology having associated therewith a maintained databank of partial profiles, the method including the steps of:

(a) from a user, receiving a transaction having therein a first partial profile;

(b) using the first partial profile, searching a databank having a plurality of second partial profiles, wherein is included in said databank at least one null profile so that said searching will always yield at least one proximate second partial profile to the first partial profile;

(c) between the user and the databank, contracting:

   i. for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter said databank incorporating the agreed portion of the first profile into at least one second partial profile; or

   ii. for the user to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter the databank transmitting to the user the second mutually agreed portion of the second profile.

The present invention comes to provide a means for making viable the economic commerce in information attributes. Since the value of such attribute will

only become well understood with the implementation of the present method in the electronic commerce marketplace, the present best enabling mode for the present invention operates on a brokerage representation model. According to this model, a typical use of the present invention may be according to the following scenario.

An electronically facilitated visitor to an Internet web-site presents his credentials. These credentials could be the visitor profile itself or a cookie or a user name and so forth that enables the site to retrieve the visitor profile or any combination of the above. Of course, it could be that the site does not have a profile of the visitor to that web-site. The web-site may make better profit from the visitation if it were to know more about the visitor. The web-site forwards particulars from the visitor's credentials (a partial profile), as well as (optionally) a redirect to a portion of the visitor's page to a server located in cyberspace (at a juncture in a data communications topology). By redirecting a portion of the visitor's page to the server, the visitor's browser reports to the server a cookie the server put on the visitor's computer in the past, if any. This server interconnects the user's transactions and the server own cookie (if used) with a computer having therein software for running the method of the present invention. Associated with the computer is a databank, having therein an organized ensemble of information attributes.

The computer uses the forwarded visitor credentials with its server cookie (if any) to search the associated databank. Either or both of two possible mercantile events are set into motion thereby.

Firstly, it may be the case that the credentials contain new information attributes which were not heretofore known in the databank. According to a simple model of evaluating the value of these attributes, the database incorporates these new attributes and the computer assigns a user selected micro-payment royalty for each elected use of these attributes by any other user. Stated simply, if the user provides a date of birth for a known named person in the data bank, then the user is the owner of that date of birth attribute, and a user designated micro payment royalty (or credit) is assigned to the user for each purchase of that attribute by

another user. The owner of the databank may likewise collect for itself a brokerage commission for each use of the attribute.

Secondly, the databank may contain new attributes that were not in the initial visitor credentials. In this case, the user is told that such attributes exist for purchase, what these new attributes describe (e.g. education level associated with the visitor), and the micro-payment royalty plus brokerage fee that is charged for each respective attribute. If the user is interested in any of these attributes, then a contract is agreed to, resulting in a micro-payment transfer from the user to the broker and to the royalty owner, and a transfer of a copy of the attribute to the user (the buyer).

Other types of contracts and other types of pricing structures are available for the user in his interactions with the "system of the present invention" (e.g. the computer with its associated databank); as will be describes in subsequent sections.

BRIEF DESCRIPTION OF THE FIGURES AND APPENDICES

In order to understand the invention and to see how it may be carried out in practice, embodiments including the preferred embodiment will now be described, by way of non-limiting example only, with reference to the accompanying drawings, in which:

Figure 1 illustrates a schematic view of an Internet data-communications topology;

Figure 2 illustrates a schematic view of a system using the descriptive-profile mercantile method;

Figure 3 illustrates a schematic view of a computer program product;

Figure 4 illustrates a schematic view of a program storage device; and

Figure 5 illustrates a schematic view of an installed computer system for facilitating a descriptive-profile mercantile method.

DETAILED DESCRIPTION OF THE INVENTION

In Figure 1 there is presented a schematic illustration of a data-communications topology as a wide area network (e.g. the Internet) (1) having interconnected thereto a visitor (2), a user (3), and a system (4) embodying the method of the present invention.

The present invention relates to a descriptive-profile mercantile method (further presented in figure 2), for use at a juncture in a data-communications topology having associated therewith a maintained databank of partial profiles, the method including the steps of:

(a) from a user (3), receiving (5) a transaction having therein a first partial profile;

(b) using the first partial profile, searching (6) a databank (7) having a plurality of second partial profiles, wherein is included in said databank at least one null profile so that said searching will always yield at least one proximate second partial profile to the first partial profile;

(c) between the user and the databank, contracting:

i. (10) for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter said databank incorporating the agreed portion of the first profile into at least one second partial profile; or

ii. (9) for the user to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter the databank transmitting to the user the second mutually agreed portion of the second profile.

According to an embodiment of the present invention, receiving a transaction includes extracting at least one predetermined key portion of the first partial profile,

wherein at least one of these extracted predetermined key portions is then used as the first partial profile for the searching of the databank. According to a variation of this embodiment, extracting includes constructing at least one composite key for the searching of the databank using a combinatorial of at least two of the predetermined key portions of the first partial profile.

According to another embodiment of the present invention, contracting includes selecting a pricing structure according to a rating of the user.

According to a different embodiment of the present invention, contracting a right includes accepting an obligation to pay for substantially each use or transfer of the agreed portion.

According to a further embodiment of the present invention, incorporating the agreed portion includes assigning a credibility weighting to the agreed portion of the first profile. According to a variation of this embodiment, incorporating includes convoluting the assigned credibility weighting of the first profile with a pre-existing credibility weighting of a substantially like agreed portion of a proximate second profile; and storing the convoluted new credibility weighting for the agreed portion in the databank. According to a further refinement of this variation, contracting includes selecting a pricing structure according to a result of a computation comparing the new credibility weighting with the pre-existing credibility weighting.

According to an additional embodiment of the present invention, **receiving** a transaction includes **consulting** an external database (11).

According to an extension embodiment of the present invention, the method furthermore includes:

i) **searching** at least one external database (11) for a partial profile or portion thereof which complements a at least one second partial profile of the databank, and

ii) between the database and the databank, **contracting** for the databank to own or represent a right to a first mutually agreed portion of the complementing first partial profile, and substantially thereafter said databank **incorporating** the agreed portion of the first profile into at least one second partial profile.

The present invention also relates to a computer program product (see figure 3) including a computer usable medium having computer readable program code embodied therein for facilitating descriptive profile mercantile activities, the computer readable program code including:

a) first computer readable program code (20) for causing a computer to **receive** a transaction from a user, the transaction having therein a first partial profile;

b) tied to the first computer readable program code, second computer readable program code (21) for causing the computer to use the first partial profile to **search** a databank having a plurality of second partial profiles, wherein is included in said databank at least one null profile so that said searching will always yield at least one proximate second partial profile to the first partial profile; and

c) tied to the second computer readable program code, third computer readable program code (22) for causing the computer to **contract** between the user and the databank:

i) for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter for said databank to **incorporate** the agreed portion of the first profile into at least one second partial profile; or

ii) for the user to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter for the databank to **transmit** to the user the second mutually agreed portion of the second profile.

Furthermore, as illustrated in figure 4, the present invention relates to a program storage device (30) readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps for a descriptive-profile mercantile method, for use at a juncture in a data-communications topology having associated therewith a maintained databank of partial profiles, said method steps including:

a) from a user, **receiving** a transaction having therein a first partial profile;

b) using the first partial profile, **searching** a databank having a plurality of second partial profiles, wherein is included in said databank at least one null profile so that said searching will always yield at least one proximate second partial profile to the first partial profile;

c) between the user and the databank, **contracting**:

i) for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter said databank **incorporating** the agreed portion of the first profile into at least one second partial profile; or

ii) for the user to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter the databank **transmitting** to the user the second mutually agreed portion of the second profile.

The present invention also relates to a computer system for facilitating a descriptive-profile mercantile method (see figure 5), the system including:

a) a computer (40) installed at a juncture in a data-communications topology (1);

b) associated with said computer, a storage device (42) for keeping a maintained databank of partial profiles; and

c) associated with the internal functionality components of the computer, appurtenances (41) for performing method steps including:

i) from a user, **receiving** a transaction having therein a first partial profile;

ii) using the first partial profile, **searching** a databank having a plurality of second partial profiles, wherein is included in said databank at least one null profile so that said searching will always yield at least one proximate second partial profile to the first partial profile;

iii) between the user and the databank, **contracting**:

(1) for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter said databank **incorporating** the agreed portion of the first profile into at least one second partial profile; or

(2) for the user to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter the databank **transmitting** to the user the second mutually agreed portion of the second profile.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

In the context of the preferred embodiment of the present invention, "attribute" relates to an information particular (or attribute) that is aggregated with other particulars to form a partial profile. Examples of attributes may be: name, address, income, age, education, details of product purchase transaction over the Internet, credit rating, etc.

In the context of the preferred embodiment of the present invention, "data" relates to knowledge concerning a visitor.

In the context of the preferred embodiment of the present invention, "data-communications topology" relates to a virtually interconnected collection of communications facilities including at least one mutually agreed protocol between any directly communication facilities in the collection.

In the context of the preferred embodiment of the present invention, "information" relates to the collection of all attributes known by a user about a visitor.

In the context of the preferred embodiment of the present invention, "pricing structure" relates to the price and payments for data exchanged by the user and the system.

In the context of the preferred embodiment of the present invention, all profiles are, by definition, partial. A profile may describe aspects of a person, or an organization, or of a corporation. It is logically impossible to have complete information about any of these. However, any particular of information about any of these may have an economic value for a customer of profile information.

In the context of the preferred embodiment of the present invention, a "databank" relates to an accessible searchable aggregation of records or like data structure units wherein "partial" profiles are stored.

In the context of the preferred embodiment of the present invention, "system" relates to a computer embodying the descriptive profile mercantile method according to the present invention.

In the context of the preferred embodiment of the present invention, "transaction" relates to a process to complete a communicative activity between the parties that reciprocally affects or influences the other party. It may include an acquisition provision of a partial profile, an identification of the user, a reference to a contractual mechanism related to the acquisition, screening, and/or distribution of new data and a pricing structure.

In the context of the preferred embodiment of the present invention, "user" relates to an individual, web site, search-robot and/or other type of software agent that interacts with the system by virtue of their contacting a juncture in the data-

communications topology where the method is installed in order to acquire, trade, dispose of and/or broker some attribute data for the purpose of acquiring some potential economic or other value in connection with that attribute data.

In the context of the preferred embodiment of the present invention, "visitor" relates to an entity the user has access to or is interested in. The visitor could be a consumer or potential customer of an offering of goods, services, or information.

INTRODUCTION

This invention relates to gaining an ability to buy, sell, broker, and trade specific pieces of data between two disjoint parties within the context of a system that may include a databank and that may include a micro-payment royalty arrangement as a pricing structure in connection with the aforesaid exchange of data.

The specific pieces of data that may be involved in the exchange are known as attributes. The attributes relate to details of a particular profile. The profile can be a collection of descriptive information as used by an advertiser for generating targeted advertising or used by an insurer for finding a more specific actuarial rate. It is noted that a secondary type of profile that is also contained in another embodiment of the invention is a form of a collective profile that is an aggregate that is based on a pre-structured analysis of the existing individual profiles such as average or typical.

In the normal course of a transaction between a user and an embodiment of a system according to the present invention a typical scenario ensues:

1. A visitor arrives at a web site of the user. The web site of the user collects a variety of specific data about the visitor that may include the visitor's cookie and any other information that the visitor voluntarily disclosed to the web site.
2. The web site has a number of interests in the visitor and the information that the web site possesses about the visitor. In connection to a profile of the visitor, there would be a benefit to the web site if the web site could acquire additional information as to the specific visitor or at least acquire typical profile information about a class of individuals possessing similar profiles relative to the specific visitor. Possession of such additional information will enable the web site to engage in potentially more successful product offering and/or targeted advertising to the visitor. Another independent benefit that

can accrue to the web site is the gain of some economic remuneration for and as a function of the information itself that the web site possesses about the visitor.

In order for the web site to progress and to potentially achieve either or both of the above mentioned benefits (the improved targeted advertising (or improved product offering) to the visitor as well as the gain of some economic remuneration of the information itself about the visitor); the web site now becomes a user of the system of the present invention. The web site as a user of the present invention constructs a transaction that contain those portions of the information it possesses about the visitor that it is allowed to diverge to third parties.

The transaction includes:

1. Information that the user is allowed to disclose to third parties about the visitor.
2. Contract terms about the user, typically including but not limited to: identity, pre-determined rate structures per transaction type, and information type, pre-determined contractual relations with the system as to what each party - the user and the system can do with information exchanged between them.
3. Instructions as to the type of transaction - buy, sell, broker, and/or trade information to be conducted between the user and the system.

Thus, the user sends a transaction in the data communication topology where the system is installed; as for example, via the Internet, Intranet, LAN, WAN, wireless packet communications system, etc. Thereupon, the system receives the transaction, identifies the user, interprets instructions sent concerning the transaction's contractual terms and type, i.e. the applicable contract and structure for using all or some of the attributes contained in the information (hereinafter, "First Visitor Profile Data") includes the profile of the visitor as known to the site,

visitor information included in the communication protocol such as the information in the http header, profile attributes that enable the identification of the entity described by the profile by the databank such as name, address, URL, cookie put by the server connected to the databank and so forth. It should be noted that the profile of the visitor known to the site mentioned above might not include certain attributes the user is not interested in exposing to the databank or attributes that are of no interest to the databank. For example, a databank that identifies web site visitors by the cookie its server puts on their computers, could decide not to take 'real world identifying attributes' such as name, address and e-mail in order to give web surfers a level of anonymity

The system searches a databank according to what is contained in the First Visitor Profile Data (contained in the transaction) in order to find either: at least one profile in the databank that matches the information in the visitor profile (that includes the information dispatched by the user related to the visitor, visitor information included in the communication protocol such as the information in the http header, profile attributes that enable the identification of the entity described by the profile by the databank such as name, address, URL, cookie put by the server connected to the databank and so forth) or to find at least one aggregate profile that describes a profile of a group that the visitor might belong to.

If it is the intent of the user, as contained in the transaction instructions, to purchase additional attributes that may relate to the First Visitor Profile Data, then the system examines the profiles it has found in its search, determines if it has any new attributes not sent by the user. In the event that the system has found new attributes that were sent by the user, the system reviews the contract instructions of the transaction in order to determine the relevance of the new attributes found to the intent of the user. If the system finds the new attributes relevant, then the system will debit the user's account in accordance with a pre-agreed pricing structure in connection with additional attributes related to the First Visitor Profile Data that are delivered as data to the user.

A non-limiting example of the principle of data release in accordance with the user's contractual instructions is herein provided. It may be that in the contract with the user, the user has instructed that it is never interested in receiving any data that does not specifically relate to the visitor, meaning the user is not interested in information about an average profile of a group that the visitor might belong to. Another example could be that the user has instructed that it is not interested in the habits of a visitor, but specifically, only in information about his age, gender, education and income. The reason may be to preclude the system from disclosing the name of the visitor since the user always knows the name of the visitor and has no interest in paying to re-learn what it already knows. Thus, in accordance with the contractual instructions, no attribute data relating to information the user specified it is not interested in receiving will either be sent, and since such information was not sent, it will not be debited to the user's account.

An alternative example is the case where the user only has an interest in a pre-defined - within the transactional instructions - set of attributes. For example, the user may only be interested in what type of car the visitor drives, or what the visitor's current credit rating is, or, what may be the most interesting example, what category of goods have been purchased by the visitor over a pre-defined period. It is noted that elements of this last example may typically be a piece of information that other typical users trade with or sell to the system.

It should be noted that a user may restrict the use of attributes it sells to the databank. The restrictions could be of number of usages, to whom the databank has the permission to sell, and so forth.

A second class of data that is found by the system as it searches may equally be of value to the user. This is the search result that demonstrates discrepancies between the disclosure of information by the user to the system and the results of the search by the system. The fact that there is a discrepancy, as well as the nature of the discrepancy, may be of value to the user, the system, or both.

A third category is the example where there are pieces of information relating to the user in the descriptive portion of the transaction that describes the

visitor which the search by the system failed to disclose. For example, the make and model of the car driven by the visitor, recently purchased from the user's web site might be the new information otherwise unknown to the system. In this instance, the system would go through an appropriate contractual arrangement in order to credit the user for the new attribute which the user has delivered to the system.

The various kinds of contracts available in a transaction between the system and the user are: buy, sell, broker, and trade. Where new information is disclosed to the system a royalty arrangement (or, alternatively, an outright purchase or sale) comprised of micro payments may be employed. In addition to the various kinds of contracts, there are various types of users. A user may be a large scale commercial web site or an individual small scale web page. Furthermore, there may be different types of rate structures. An audited user which may have taken efforts to verify information regarding a user, for example a credit bureau, would have a different payment rate for new information that it discloses to the system than a user with information that is neither audited nor verified but which is causal.

Thus the value of information in a databank can change as a function of its credibility and source. Accordingly, the royalty payment rate for said information could be enhanced or reduced as a function of its value.

In addition to profiles of a visitor it may be of interest to allow an embodiment of the invention to create a type of secondary market for the information consisting of a predetermined class of profiles about all visitors. For example it may be of interest to know what type of individuals, including their profession, income, gender, and geographic location, buy a certain model of vehicle. The purchase, sale, trade, and/or brokerage of this class of data can than enter a mercantile model and may be of significant interest to advertisers.

DESCRIPTION

The preferred embodiment of the present invention relates to the use of a procedure on a computer attached to a network, Internet, Intranet, LAN, WAN, wireless packet communication system or hybrid composite of any of the above whereby data is exchanged by purchase, sale, trade, or brokerage and micro payments of royalties as a pricing structure that may accompany the data exchange.

This procedure begins with the introduction to the system of data that contains a partial profile that will be used in the establishment, supplementation, or improvement of a descriptive profile. The partial profile will often itself contain certain predetermined identified commercial attributes, demographic attributes, or behavioral attributes or combinations thereof or the like. These attributes then allow construction of a descriptive profile that resides as existing information in a databank. However, inherent design characteristics of the descriptive profile result in the descriptive profile always being partial. This means that data within the profile relates to one or more attributes of the item, business, service, data characteristic, advertisement, or person that is being profiled. The descriptive profile is then methodically employed in an activity that verifies or contradicts, maintains, modifies, updates or downgrades, and/or enhances the databank of previously existing partial profiles. Thereafter, the system may retain, market, and/or exchange with the user new resultant (of the process described) data that contains further descriptive profile attributes for further usage.

Since the present invention is directed to the value of details of a profile, it is an object of the present invention to facilitate the transfer of rights to such particulars. For example, a visitor may arrive at a commercial Internet web-site. The visitor may disclose his cookie and may provide the web-site with other facts about him/herself on a non-confidential basis. The web site may then contact a juncture in a data-communications topology where the present method is installed. According to one scenario, the web-site is a familiar user of the present method, and has pre-arranged the terms and conditions of what information he may wish to

transfer rights to. For example, after considering the web-site transmission containing the non-confidential disclosed information, the system may find that all of the information already recorded in its databank with the single exception of the visitor's annual income. By prearranged contract details, the web-site is given a predetermined micro-payment credit for providing this detail. Alternatively, by prearranged contract the databank agrees to store this user attribute and to credit the providing web-site with a micro-payment royalty for each use of this attribute "purchased" from the databank by each interested party.

Likewise, according to the same prearranged contractual arrangement between the user and the databank, the databank may find that it represents a right to an attribute that has not been disclosed to it by the user. In this example, the system's databank may then transmit a query to the user in the form: "for the identified visitor (detail from original transaction inserted), are you interested in the following attributes according to the associated payment conditions: (education level, micro-payment price schedule 1), (gender, micro-payment price schedule 2), etc.?"

The systematic procedure described in the preceding paragraph includes various steps that can be better illustrated by example. However, the reader should be aware that all examples which are given in this document are limiting examples that are expressed in this document solely for the purpose of explanation and not for the purpose of limitation.

Initially a user will interface with the system by providing the system's databank with a partial profile consisting of at least one attribute which will enable the identification of the entity described by the profile in the system's databank (the attribute could be for example, the cookie installed on the visitor's computer (the visitor to a web site which is a user of the system of course) by the server attached to the databank. The user enables the server attached to the databank to receive the cookie it installed by redirecting a portion of the visitor page to the databank's server) . For example a company might provide the system with a name of one of its customers. This step sets the process in motion.

For once there is an initiation by contribution of an initial attribute list by the user, the system will search existing data in the databank.

It should be recognized that the existing databank would have the characteristics that when it is approached by the user it will already contain or have the ability to acquire or generate a multiplicity of other partial profiles and room for at least one null profile; since it is the business of the databank to consider representing any new item of profile information. For example the databank might contain a list of geographic addresses of individuals. Then, once the user provides a name, the system will provide either a corresponding address or the message address unknown.

An alternative example has the user, in this case a web portal, providing the computer with a list of the previously monitored search habits of one of the portal's visitors. The system's databank might then suggest to the portal other web sites that contain text and/or graphics of similar type which the portal might then suggest to the visitor, presuming that the system maintains profiles on portals or web sites or surfing habits. If the web sites provided by the portal are provided on a fee basis, then a mechanism may be included in the contractual basis between the portal and the system whereby partial remuneration in the form of a micro payment would be made for any click through activity on the part of the visitor to a web site suggested by the system to the portal and then suggested by the portal to the visitor. It is noted that the click itself would be of further interest to both the portal and the system in the building by the system of a profile related to the behavioral characteristics or psychological makeup or predisposition of the visitor.

Once there is a coupling of the first partial profile of the user with a second partial profile existing in the databank, a contract can be formed between the user and the system related to the new information set which has resulted. The contract should provide that the system will own or acquire a license to utilize an agreed portion of the first partial profile which has been confirmed and at some time

thereafter the system will incorporate the agreed portion of the first profile into at least one second partial profile in the system's databank.

For example the name of an individual (an initial partial profile provided by the user) when coupled with age (a second partial profile provided by another use, inherent in the system's databank, or acquired by the system searching other databases will provide a partial second profile of certain demographic value consisting of name and age. If, for example, other partial profiles are found to correspond to gender, geographic address, and/or general income, there is a further enhancement of the partial second profile which results in a gain in the value of the information residing or incorporated from other databases into the system's databank and offered for exchange in accordance with the terms and instructions existing between the user and the system.

Alternatively, rather than the system acquiring by ownership or license an agreed portion of the first profile; the user itself might desire to acquire a right to own or license to use at least a part of an agreed portion of the second partial profile which has been confirmed by the system by its coupling with the first partial profile. Thus it would be an agreed function of the system to provide to the user an agreed portion of the second profile

For example the user might have the name and car model owned by a driver; the system's databank might have or have acquired the driving record of the driver and the safety record of the particular car model. The result of the coupling is the ability to refine an appropriate insurance rate for the particular driver and his car.

Alternatively the descriptive profile mercantile method might do both of the above by providing ownership or license to use certain information gleaned by the coupling of an initial partial profile with a second partial profile to both the system and the user. For example the system's databank might retain the use of the names and addresses and actuarial calculations of insurance agents residing in a geographical area proximate to the driver mentioned in the above paragraph, while a user (in this case the driver himself) might retain the name and address of the insurance agents willing to offer him insurance.

Inherent in the above examples is that the system that receives an input or exchange of data consisting of a first partial profile from a user will distill from that information at least one predetermined attribute. This attribute is then utilized by the system for searching the system's databank. Thus, the system, when receiving data, will, within the parameters of the transaction, extract at least one predetermined key portion of the first partial profile, wherein at least one of these extracted predetermined key portions is then used as the first partial profile for the searching of the system's databank. When the system extracts data it also constructs at least one composite key for the searching of the databank using a combinatorial of at least two of the predetermined key portions of the first partial profile. For example, a combination of the name and address of a person described in a profile will be used to search the databank. The combinatorial use is of importance to differentiate between partial profiles of people with the same name that do not allow cookies, for example. Continuing the example, in addition to whether the advertisement is for automobiles, it may be important to couple that information with advertisements only for home utility vans such that the first partial profile will now consist of car advertisements only for home utility vans.

An "interest" expressed by a user and the system, as to what these parties define between them as relevant data, may be expressed by the user and the system in a pricing structure. The pricing structure will include a contract between the user and the system that will include an obligation by the party which utilizes the information flowing to the system's databank to pay the other for substantially each use or transfer of the agreed information transferred between them. Instant data may or may not be ephemeral, and the profiles themselves may have either a limited or an unlimited shelf live. This means that information becomes currency and is treated by the parties in a manner similar to currency. To own or utilize certain information, there is a price associated with it either as a sales price or a rental price. In the event that the information is re-useable, in part or in whole then a certain predetermined royalty may be associated with each use of the portion of the

information which is reused. Let an example be provided at this juncture to further illustrate the operation of the preferred embodiment.

Normative market research consists of an array of information that is gleaned from answers provided to a questioner. However, the market research contains within itself not only the ability to provide truthful responses but also the ability to provide sampling errors due to either wrong answers, wrongly recorded answers, an error in the framing of the questions themselves, and/or an error in the population base which is being questioned. Clearly the larger and more diverse (or more homogeneous) the sample population (depending on the type of responses required), the larger number of similar questions answered, and the ability to better refine the questions all assist in increasing the value of the market analysis performed.

In the embodiment of the invention described, the user provides either a question or an answer, i.e. the initial partial profile. Thereupon, the system thereupon takes the initial partial profile and extracts from it a predetermined data that is then used for searching the databank. Depending on the contract between the user and the system, the system will or will not pay the user for the initial partial profile, or parts thereof. The search of the databank, results in the construction of a new profile that contains at least two predetermined parts of the first partial profile. For example, both the user and the system may be interested in screening the responses to a market survey of an individual respondent in order to ascertain whether on previous or similar questionnaires the respondent's answers were identical or deviant. This will allow both the user and the system to value the truthfulness of the current responses. The aforesaid quality value will have a predetermined monetary or other agreed "barter" value between the parties.

In addition, since the upgrading or downgrading of the credibility of the respondent has qualitative value in and of itself for other market surveys; to the extent that the user's information contributed to the new evaluation of the respondent, a payment might flow to the user. Similarly, to the extent that the upgrading or downgrading of the credibility of the respondent is based on existing information in the system's databank, the system may provide a royalty payment to

the initiator of the existing information in the system's databank. Thus, to the extent that the information inherent in the initial partial profile and in existing partial profiles have value and to the extent that participants who utilize the system (including the system's databank itself) have agreed on the value rating of the information and the amount to be paid between them an exchange of predetermined economic value will flow between the participants. In addition, to the extent there is further information and further participants, the continuing re-evaluation by the participants of a market valuation of the information as a function of the expected utility value of the information may further drive over time the price evaluation of both the information and the payments to be made between users and the system.

Furthermore, the preferred embodiment may embrace a further possible variations, i.e. an assignment by the contracting participants and/or the databank, per se, of a credibility rating to the agreed portion of the first partial profile. Coupling of the first partial profile with a second partial profile result in verification/confirmation of the first partial profile and second partial profile or contradiction/down grading of the credibility of the first partial profile and/or the second partial profile. By example, the first partial profile contains the name of Joe Blue, the information that he is male, and the information that he lives in Mississippi. However, the corresponding second partial profile associated with Joe Blue contains the information that he is a she (real name Josephine) and that she lives in Mississippi. The verification - perhaps- of the name is of dubious value in and of itself. However, in the event that for a certainty it can be established that Joe Blue is really Josephine Blue and that the gender is female rather than male, then, to a user of the information, the validation or disqualification of the information has significant value. Assume that the user of the information is an advertiser of beauty care products. The fact that Joe is male or female can result in an advertisement of beauty care products specifically targeted to the profile - in this case, male or female. In this instant case, the user (the advertiser) will assign a value to the credibility of the information.

Intrinsic to the example immediately above is the ability of the participants either individually or collectively to either raise or lower the rated utility value assigned to the first partial profile consistent with the pre-determined (but perhaps equally dynamic) credibility weighting system of the second partial profile. Thereafter the newly rated utility value of the partial profile incorporated in the database is stored for future usage. Lets see how this works in the case of Joe (Josephine) Blue. The first partial profile indicated that Joe was male; however all subsequent partial profiles which could be assigned to Joe (Josephine) Blue render to a statistical certainty that Joe (Josephine) Blue is actually female. This, combined with other attributes like geographical address, income level, and even spending patterns, when stored in the databank, results in an increasingly higher utility value rating for the (credible) information associated with Joe (Josephine) Blue. Thus, the raising or lowering of the credibility rating of an attribute due to the interaction between the associated attribute of the first partial profile and the second partial profile results in a corresponding change in the rating of the anticipated utility value of the attributes and profile themselves.

A further variation of the preferred embodiment incorporates an agreed portion of the data and assigns a credibility rating to the agreed portion of the first profile. This is accomplished by assigning a credibility rating of the first profile with a pre-existing credibility rating of a substantially like agreed portion of a proximate second profile; and storing the convoluted new credibility weighting for the agreed portion in the system's databank. This may result in an interesting result. When the participants select a pricing structure in accordance with a predetermined corresponding rating of the utility value of the partial attributes, the result is the continuous re-calibration of new information with existing information and a predetermined agreement by the parties as to the various value rating of an attribute.

If, for example, Ms. Blue's credit rating were confirmed as bankrupt, the desire of an advertiser to send her advertisements for the purchase of a pleasure craft would be seriously impacted notwithstanding the fact that other information in the databank related to Ms Blue indicates that she is a water skiing enthusiast and

otherwise fits both demographic, behavioral, and/or psychological profiles (which might reside in the databank) associated with candidates for potential purchasers of pleasure craft.

Another particularly useful variation of the preferred embodiment of the invention includes within it the possibility of consultation by the system with an external database or external databases. For example, the system is not restricted to searching the existing attributes residing within its own databank. Rather, the system is capable of acting as a first partial profile user to other databases, searching them, trading information with them or borrowing, renting, or purchasing other attributes with them. Thus the information related to credit worthiness attributes of Ms. Blue of the previous example might reside in a database owned by a credit company. Nonetheless, as per the example, the system would be able to utilize the information resident in the credit company's database for its own purposes related to the transaction with the user.

Furthermore the preferred embodiment may embrace other possible variations, including an ability to search one or more external databases for a partial profile, or part thereof, which complements at least one second partial profile of the system's databank. In the example of Ms. Blue, the name may be resident in the databank as well as a number of different external databases. Other attributes may reside as well either in the databank or in one or more external databases. Nonetheless, the result by search, correlation, and rating of the information in the databank and the databases results in both an expanded profile and a higher rating as to credibility of the partial profile existing both in the databank and in the other databases.

Thus, both system and owners of other databases may themselves contract between themselves for the right to own, use, license, or rent the other's partial profile and for the right to sublicense others to further use the other's partial profile. Since the information may very well have a shelf life - even as its credibility and rating may change over time - the result is a corresponding velocity of the value of the information in that not only is the more the information used is the more

valuable it is and becomes; but the more the information can be used the greater the potential value it has to its owners of licensors (with a right to sublicense). If we return to our example of Ms. Blue, the fact that she is female (information from the system's databank), is interested in water skiing (a partial attribute contributed by the first partial profile user), and has a restored credit rating (provided by an external credit service database) means that another user looking at its own profiles of young, single, sports minded women, would desire to provide her with advertisements related to scuba diving in the Gulf of Mexico, for example. This other user would pay the system for the information it has stored or accessed. The system itself would pay the initial provider of the verification of the gender of Ms. Blue, to the user who contributed that Ms. Blue is interested in water skiing and might share a fee associated with the clarification of Ms. Blues' actual credit worthiness.

As an alternative embodiment to a process that has previously been described is the ability to embody the invention not as a process but as a computer useable program, i.e. a software product, which allows the exchange of descriptive profiles between users, databanks, and/or computers. Another alternative is usage as a computer program storage device.

CLAIMS

I/We claim:

1. A descriptive-profile mercantile method, for use at a juncture in a data-communications topology having associated therewith a maintained databank of partial profiles, the method including the steps of:

a) from an entity who owns or represents a right to multiple profiles, electronically receiving a transaction having therein a first partial profile of a single visitor to the entity, said transaction including real-time access to the single visitor wherein an identifier is recognized or placed on the single visitor;

b) using the first partial profile, electronically searching a databank having a plurality of second partial profiles, wherein is included in said databank at least one null profile so that said electronic searching will always yield at least one proximate second partial profile to the first partial profile;

c) i) between the entity and the databank, electronically contracting for a purchase-payment or a trade or a brokerage payment in exchange for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter said databank incorporating the agreed portion of the first profile into at least one second partial profile; or

ii) between the entity and the databank, electronically contracting for a purchase-payment or a trade or a brokerage-payment in exchange for the entity to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter the databank transmitting to the user-entity the second mutually agreed portion of the second profile.

2. The method according to claim 1 wherein electronically receiving a transaction includes extracting at least one predetermined key portion of the first partial profile, wherein at least one of these extracted predetermined key portions is then used as the first partial profile for the electronic searching of the databank.

3. The method according to claim 2 wherein extracting includes constructing at least one composite key for the electronic searching of the databank using a combinatorial of at least two of the predetermined key portions of the first partial profile.

4. The method according to claim 1 wherein electronically contracting includes selecting a pricing structure according to a rating of the entity.

5. The method according to claim 1 wherein electronically contracting a right includes accepting an obligation to pay for substantially each use or transfer of the agreed portion.

6. The method according to claim 1 wherein incorporating the agreed portion includes assigning a credibility weighting to the agreed portion of the first profile.

7. The method according to claim 6 wherein incorporating includes convoluting the assigned credibility weighting of the first profile with a pre-existing credibility weighting of a substantially like agreed portion of a proximate second profile; and storing the convoluted new credibility weighting for the agreed portion in the databank.

8. The method according to claim 7 wherein electronically contracting includes selecting a pricing structure according to a result of a computation comparing the new credibility weighting with the pre-existing credibility weighting.

9. The method according to claim 1 wherein electronically receiving a transaction includes consulting an external database.

10. The method according to claim 1 further including i) electronically searching at least one external database for a partial profile or portion thereof which

complements a at least one second partial profile of the databank, and ii) between the database and the databank, electronically contracting for the databank to own or represent a right to a first mutually agreed portion of the complementing first partial profile, and substantially thereafter said databank incorporating the agreed portion of the first profile into at least one second partial profile.

11. A computer program product including a computer usable medium having computer readable program code embodied therein for facilitating descriptive profile mercantile activities, the computer readable program code including:

a) first computer readable program code for causing a computer to receive a transaction from an entity who owns or represents a right to multiple profiles, the transaction having therein a first partial profile of a single visitor to the entity, said transaction including real-time access to the single visitor wherein an identifier is recognized or placed on the single visitor;

b) tied to the first computer readable program code, second computer readable program code for causing the computer to use the first partial profile to search a databank having a plurality of second partial profiles, wherein is included in said databank at least one null profile so that said searching will always yield at least one proximate second partial profile to the first partial profile; and

c) tied to the second computer readable program code, third computer readable program code: i) for causing the computer to contract for a purchase-payment or a trade or a brokerage payment between the entity and the databank for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter for said databank to incorporate the agreed portion of the first profile into at least one second partial profile; or ii) for causing the computer to contract for a purchase-payment or a trade or a brokerage payment between the entity and the databank for the entity to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter for the databank to transmit to the entity the second mutually agreed portion of the second profile.

12. A program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps for a descriptive-profile mercantile method, for use at a juncture in a data-communications topology having associated therewith a maintained databank of partial profiles, said method steps including:

a) from an entity who owns or represents a right to multiple profiles, receiving a transaction having therein a first partial profile of a single visitor to the entity, said transaction including real-time access to the single visitor wherein an identifier is recognized or placed on the single visitor;

b) using the first partial profile, searching a databank having a plurality of second partial profiles, wherein is included in said databank at least one null profile so that said searching will always yield at least one proximate second partial profile to the first partial profile;

c) i) between the entity and the databank, contracting for a purchase-payment or a trade or a brokerage payment in exchange for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter said databank incorporating the agreed portion of the first profile into at least one second partial profile; or ii) between the entity and the databank, contracting for a purchase-payment or a trade or a brokerage payment in exchange for the entity to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter the databank transmitting to the entity the second mutually agreed portion of the second profile.

13. A computer system for facilitating a descriptive-profile mercantile method, the system including:

a) a computer installed at a juncture in a data-communications topology;

b) associated with said computer, a storage device for keeping a maintained databank of partial profiles; and

c) associated with the internal functionality components of the computer, software for performing method steps including:

i) from an entity who owns or represents a right to multiple profiles, receiving a transaction having therein a first partial profile of a single visitor to the entity, said transaction including real-time access to the single visitor wherein an identifier is recognized or placed on the single visitor;

ii) using the first partial profile, searching a databank having a plurality of second partial profiles, wherein is included in said databank at least one null profile so that said searching will always yield at least one proximate second partial profile to the first partial profile;

iii) (1) between the entity and the databank, contracting for a purchase-payment or a trade or a brokerage payment in exchange for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter said databank incorporating the agreed portion of the first profile into at least one second partial profile; or (2) between the entity and the databank, contracting for a purchase-payment or a trade or a brokerage payment in exchange for the entity to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter the databank transmitting to the entity the second mutually agreed portion of the second profile.

14. A descriptive-profile mercantile method, for use at a juncture in a data-communications topology having associated therewith a maintained databank of partial profiles, the method including the steps of:

a) establishing a data rights contract agreement between an entity and a databank,

b) from the entity, who owns or represents a right to multiple profiles, electronically receiving a transaction having therein a first partial profile of a single visitor to the entity, said transaction including real-time access to the single visitor wherein an identifier is recognized or placed on the single visitor;

c) using the first partial profile, electronically searching the databank having a plurality of second partial profiles, wherein is included in said databank at least one null profile so that said electronic searching will always yield at least one proximate second partial profile to the first partial profile;

d) i) between the entity and the databank, electronically affirming the agreement for a royalty payment or a purchase-payment or a trade or a brokerage payment in exchange for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter said databank incorporating the agreed portion of the first profile into at least one second partial profile; or ii) between the entity and the databank, electronically affirming the agreement for a royalty payment or a purchase-payment or a trade or a brokerage-payment in exchange for the entity to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter the databank transmitting to the user-entity the second mutually agreed portion of the second profile.

15. The method according to claim 14 wherein electronically receiving a transaction includes extracting at least one predetermined key portion of the first partial profile, wherein at least one of these extracted predetermined key portions is then used as the first partial profile for the electronic searching of the databank.

16. The method according to claim 15 wherein extracting includes constructing at least one composite key for the electronic searching of the databank using a combinatorial of at least two of the predetermined key portions of the first partial profile.

17. The method according to claim 14 wherein electronically contracting includes selecting a pricing structure according to a rating of the entity.

18. The method according to claim 14 wherein electronically contracting a right includes accepting an obligation to pay for substantially each use or transfer of the agreed portion.

19. The method according to claim 14 wherein incorporating the agreed portion includes assigning a credibility weighting to the agreed portion of the first profile.

20. The method according to claim 19 wherein incorporating includes convoluting the assigned credibility weighting of the first profile with a pre-existing credibility weighting of a substantially like agreed portion of a proximate second profile; and storing the convoluted new credibility weighting for the agreed portion in the databank.

21. The method according to claim 20 wherein electronically contracting includes selecting a pricing structure according to a result of a computation comparing the new credibility weighting with the pre-existing credibility weighting.

22. The method according to claim 14 wherein electronically receiving a transaction includes consulting an external database.

23. The method according to claim 14 further including i) electronically searching at least one external database for a partial profile or portion thereof which complements a at least one second partial profile of the databank, and ii) between the database and the databank, electronically contracting for the databank to own or represent a right to a first mutually agreed portion of the complementing first partial profile, and substantially thereafter said databank incorporating the agreed portion of the first profile into at least one second partial profile.

24. A computer program product including a computer usable medium having computer readable program code embodied therein for facilitating descriptive profile mercantile activities, the computer readable program code including:

a) first computer readable program code for causing a computer to receive a transaction from an entity who owns or represents a right to multiple profiles, the transaction having therein a first partial profile of a single visitor to the entity, said transaction including real-time access to the single visitor wherein an identifier is recognized or placed on the single visitor;

b) tied to the first computer readable program code, second computer readable program code for causing the computer to use the first partial profile to search a databank having a plurality of second partial profiles, wherein is included in said databank at least one null profile so that said searching will always yield at least one proximate second partial profile to the first partial profile; and

c) tied to the second computer readable program code, third computer readable program code: in accordance with an

i) for causing the computer to affirm an aspect of an established data rights contract agreement, between the entity and the databank, for a royalty-payment or a purchase-payment or a trade or a brokerage payment between the entity and the databank for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter for said databank to incorporate the agreed portion of the first profile into at least one second partial profile; or

ii) for causing the computer to affirm an aspect of an established data rights contract agreement, between the entity and the databank, for a royalty-payment or a purchase-payment or a trade or a brokerage payment between the entity and the databank for the entity to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter for the databank to transmit to the entity the second mutually agreed portion of the second profile.

25. A program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps for a descriptive-profile mercantile method, for use at a juncture in a data-communications topology having associated therewith a maintained databank of partial profiles, said method steps including:

a) from an entity who owns or represents a right to multiple profiles, receiving a transaction having therein a first partial profile of a single visitor to the entity, said transaction including real-time access to the single visitor wherein an identifier is recognized or placed on the single visitor;

b) using the first partial profile, searching a databank having a plurality of second partial profiles, wherein is included in said databank at least one null profile so that said searching will always yield at least one proximate second partial profile to the first partial profile;

c) i) between the entity and the databank, affirming an aspect of an established data rights contract agreement, between the entity and the databank, for a royalty-payment or a purchase-payment or a trade or a brokerage payment in exchange for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter said databank incorporating the agreed portion of the first profile into at least one second partial profile; or

ii) between the entity and the databank, affirming an aspect of an established data rights contract agreement, between the entity and the databank, for a royalty-payment or a purchase-payment or a trade or a brokerage payment in exchange for the entity to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter the databank transmitting to the entity the second mutually agreed portion of the second profile.

26. A computer system for facilitating a descriptive-profile mercantile method, the system including:

a) a computer installed at a juncture in a data-communications topology;

b) associated with said computer, a storage device for keeping a maintained databank of partial profiles; and

c) associated with the internal functionality components of the computer, software for performing method steps including:

i) from an entity who owns or represents a right to multiple profiles, receiving a transaction having therein a first partial profile of a single visitor to the entity, said transaction including real-time access to the single visitor wherein an identifier is recognized or placed on the single visitor;

ii) using the first partial profile, searching a databank having a plurality of second partial profiles, wherein is included in said databank at least one null profile so that said searching will always yield at least one proximate second partial profile to the first partial profile;

iii) (1) between the entity and the databank, affirming an aspect of an established data rights contract agreement, between the entity and the databank, for a royalty-payment or a purchase-payment or a trade or a brokerage payment in exchange for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter said databank incorporating the agreed portion of the first profile into at least one second partial profile; or (2) between the entity and the databank, affirming an aspect of an established data rights contract agreement, between the entity and the databank, for a royalty-payment or a purchase-payment or a trade or a brokerage payment in exchange for the entity to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter the databank transmitting to the entity the second mutually agreed portion of the second profile.

27. Transaction of Profile Information Attributes; the attributes being derived from using of a descriptive-profile mercantile method substantially as hereinbefore described and illustrated and said method operating at a juncture in a data-

communications topology having associated therewith a maintained databank of profiles, the method including the steps of establishing a data rights contract agreement between a user-entity and a databank-entity, and in accordance with the agreement either (a) assigning to the databank-entity to own or represent a right to a mutually agreed portion of a profile, and substantially thereafter the databank-entity electronically incorporating the agreed portion; or (b) assigning to the user-entity to own or represent a right to a mutually agreed portion of a profile, and substantially thereafter the databank-entity electronically transmitting to the user-entity the agreed portion; the transaction comprising:

using an electronic procedure on a computer attached to a data-communications topology wherein the procedure is facilitating, between two disjoint parties, a data exchange of said attributes by an accompanying pricing structure selected from the list: purchase, sale, trade, brokerage, and payment of royalties.

28. The transaction according to claim 27 wherein the data-communications topology having the computer attached thereto is selected from the list: a network, Internet, Intranet, LAN, WAN, wireless packet communication system, and a hybrid composite of any of the aforesaid.

29. The transaction according to claim 27 wherein the computer has therein an organized ensemble of information attributes.

30. The transaction according to claim 27 wherein said attributes enable identification of an entity described by a profile and the attributes are selected from the list: name, address, URL, cookie, information learned from a communication protocol about a visitor to a web site from an http header, the visitor's credentials, a redirect to a portion of the visitor's page to a server located in cyberspace, name, address, income, gender, age, education, details of a person's or organization's product purchase transaction over the Internet, credit rating, web portal search

habits, a questionnaire response, a person's interests as reflected in his behavior or as reported by the person or as reflected from his membership in a specific club, an organization's number of employees, an organization's activities, an organization's revenues, an organization's gross profit, an organization's operating profit, an organization's net profit, an organization's equity, descriptive information as used by an advertiser for generating targeted advertising or used by an insurer for finding a more specific actuarial rate, and an average or typical aggregate based on a pre-structured analysis of an existing individual profiles.

31. The transaction according to claim 27 wherein the user-entity is selected from the list: an individual, web site, search-robot, and software agent.

32. The transactions according to claim 27 wherein the computer installs a method to acquire, trade, pay royalty for use of, dispose of, or broker attribute data.

33. The transaction according to claim 27 wherein the data exchange includes articles of information commerce selected from the list: information the user-entity is allowed to disclose to third parties about a visitor; contract terms about the visitor; instructions as to type of transaction; visitor demographic attributes; visitor behavioral attributes; and a predetermined class of profiles for a plurality of visitors.

34. The transaction according to claim 27 wherein the procedure includes a databank-entity activity selected from the list: verification, contradiction, maintenance, modification, update, downgrade, enhancement, and credibility rating.

35. A computer useable program protocol between two entities allowing an electronic transaction of Profile Information Attributes substantially as hereinbefore described and illustrated; and the transactions includes an activity selected from the list: assigning values to information attributes, managing value assignments to

information attributes, commerce in information attributes, client-specific advertisement profiling of information attributes, and client-specific actuarial targeting of information attributes; and the entities are selected from the list: users, databanks, and computers; and the attributes are characterized by their respective derivation from a descriptive-profile mercantile method substantially as hereinbefore described and illustrated.

36. A Transaction of Profile Information Attributes user-side software for use in a descriptive-profile mercantile method data-communications protocol operating at a juncture in a data-communications topology having associated therewith a maintained databank of profiles wherein the method includes the step of establishing a data rights contract agreement between a user-entity and a databank-entity for a royalty payment or a purchase-payment or a trade or a brokerage-payment, and in accordance with the agreement the software facilitates either (a) the user-entity assigning to the databank-entity to own or represent a right to a mutually agreed portion of a profile; or (b) the user-entity accepting an assignment from the databank-entity to own or represent a right to a mutually agreed portion of a profile.

37. A Transaction of Profile Information Attributes databank-side software for use in a descriptive-profile mercantile method data-communications protocol operating at a juncture in a data-communications topology having associated therewith a maintained databank of profiles wherein the method includes the step of establishing a data rights contract agreement between a user-entity and a databank-entity for a royalty payment or a purchase-payment or a trade or a brokerage-payment, and in accordance with the agreement the software facilitates either (a) the databank accepting from the user-entity to own or represent a right to a mutually

agreed portion of a profile, and substantially thereafter the databank electronically incorporating the agreed portion; or (b) the databank assigning to the user-entity to own or represent a right to a mutually agreed portion of a profile, and substantially thereafter the databank electronically transmitting the agreed portion to the user-entity.

38. A maintained databank of partial profiles including therein a data-article selected from the list: a transacted partial profile according to claim 1, and a transacted attribute derived from using of a descriptive-profile mercantile method substantially as hereinbefore described and illustrated and said method operating at a juncture in a data-communications topology having associated therewith a maintained databank of profiles, the method including the steps of establishing a data rights contract agreement between a user-entity and a databank-entity, and in accordance with the agreement either (a) assigning to the databank-entity to own or represent a right to a mutually agreed portion of a profile, and substantially thereafter the databank-entity electronically incorporating the agreed portion; or (b) assigning to the user-entity to own or represent a right to a mutually agreed portion of a profile, and substantially thereafter the databank-entity electronically transmitting to the user-entity the agreed portion; where in said transaction is comprising using an electronic procedure on a computer attached to a data-communications topology wherein the procedure is facilitating, between two disjoint parties, a data exchange of said attributes by an accompanying pricing structure selected from the list: purchase, sale, trade, brokerage, and payment of royalties.

39. A maintained databank of partial profiles including therein a data-article selected from the list: a transacted partial profile according to claim 14, and a transacted attribute derived from using of a descriptive-profile mercantile method substantially as hereinbefore described and illustrated and said method operating at a juncture in a data-communications topology having associated therewith a

maintained databank of profiles, the method including the steps of establishing a data rights contract agreement between a user-entity and a databank-entity, and in accordance with the agreement either (a) assigning to the databank-entity to own or represent a right to a mutually agreed portion of a profile, and substantially thereafter the databank-entity electronically incorporating the agreed portion; or (b) assigning to the user-entity to own or represent a right to a mutually agreed portion of a profile, and substantially thereafter the databank-entity electronically transmitting to the user-entity the agreed portion; where in said transaction is comprising using an electronic procedure on a computer attached to a data-communications topology wherein the procedure is facilitating, between two disjoint parties, a data exchange of said attributes by an accompanying pricing structure selected from the list: purchase, sale, trade, brokerage, and payment of royalties.

ABSTRACT

A descriptive-profile mercantile method, for use at a juncture in a data-communications topology having associated therewith a maintained databank of partial profiles, is disclosed. The method includes the steps of: from a user, receiving a transaction having therein a first partial profile; using the first partial profile, searching a databank having a plurality of second partial profiles, wherein is included in said databank at least one null profile so that said searching will always yield at least one proximate second partial profile to the first partial profile; and between the user and the databank, contracting: (I) for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter said databank incorporating the agreed portion of the first profile into at least one second partial profile; or (II) for the user to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter the databank transmitting to the user the second mutually agreed portion of the second profile. The present invention operates best on a brokerage representation model; and thereby provides a means for making viable the economic commerce in information attributes.

Fig. 1

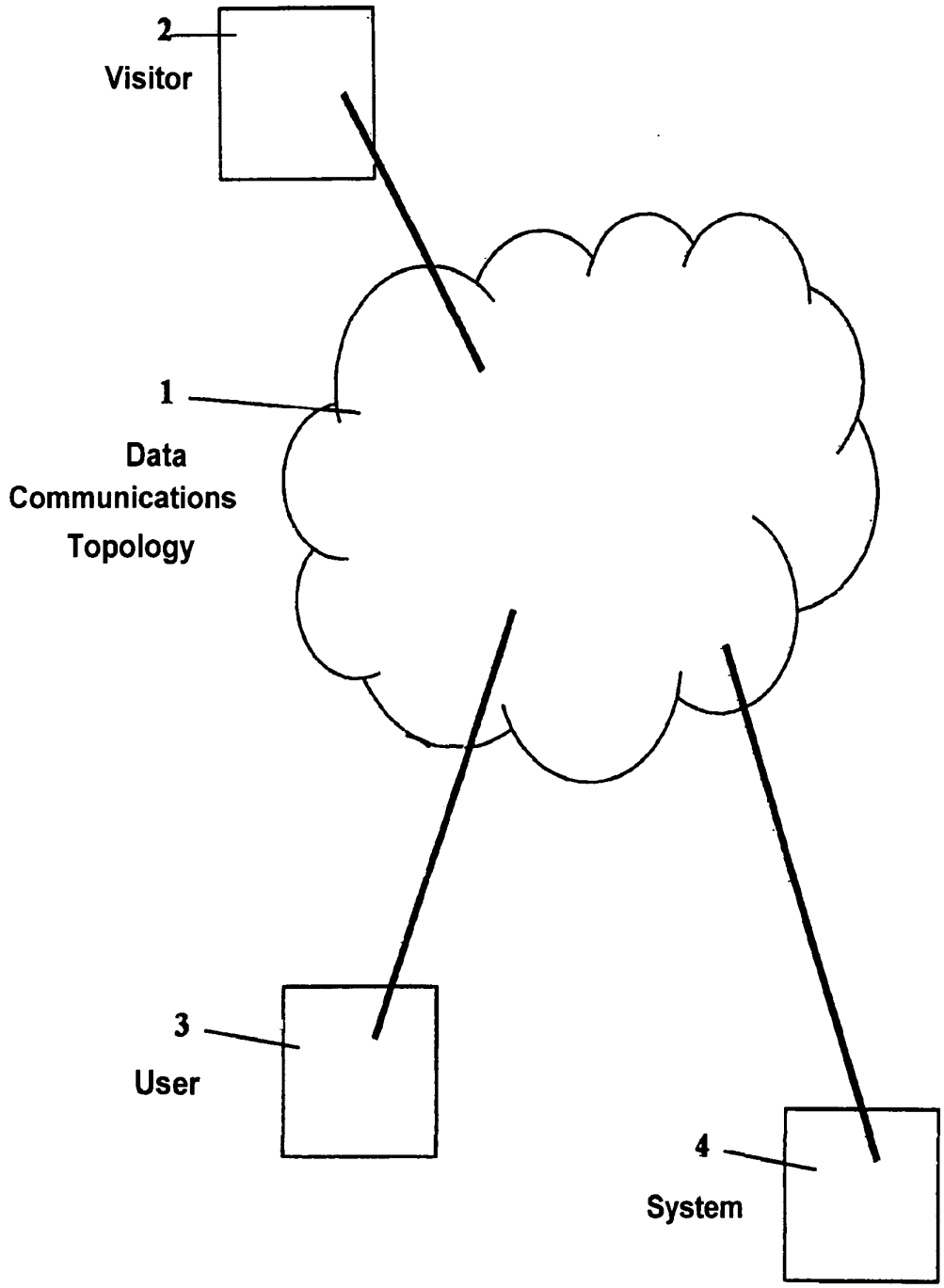


Fig. 2

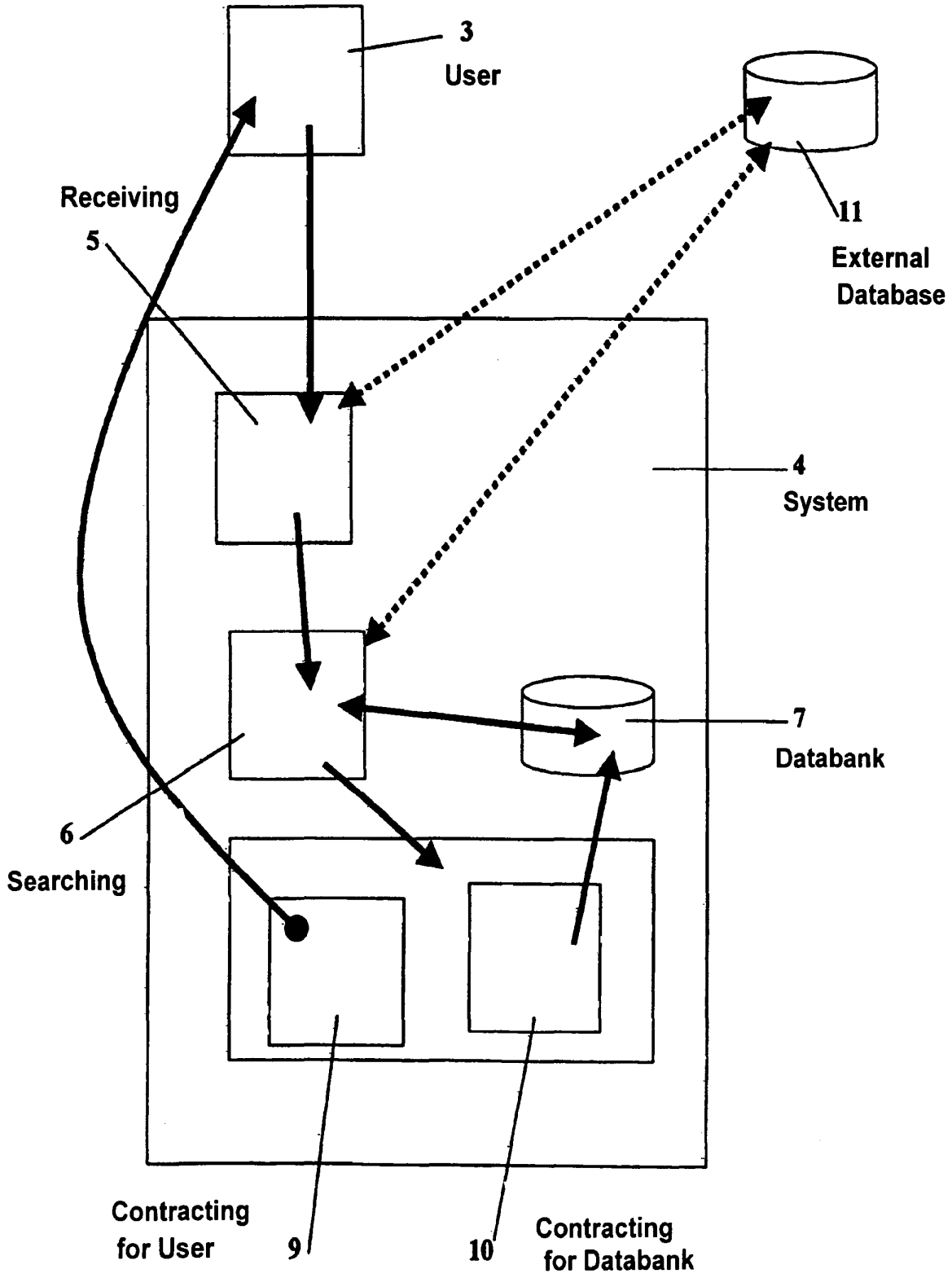

3
User
Receiving
5
11
External
Database
4
System
7
Databank
6
Searching
Contracting
for User
9
10
Contracting
for Databank

Fig. 3

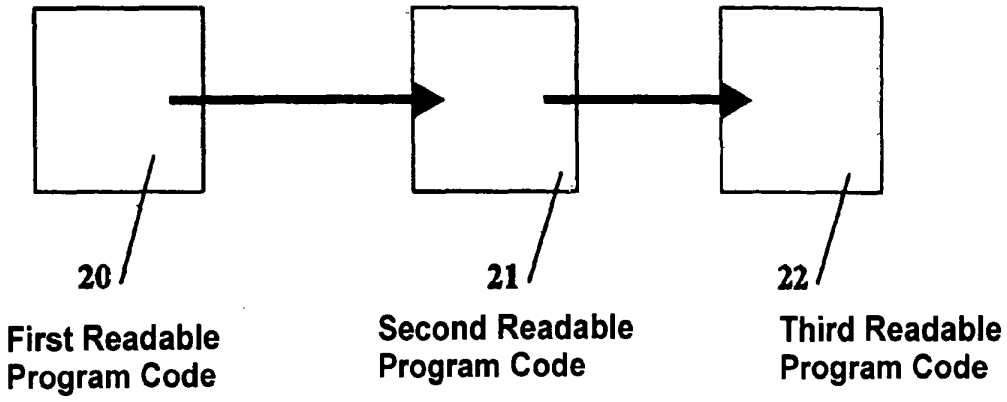


Fig. 4

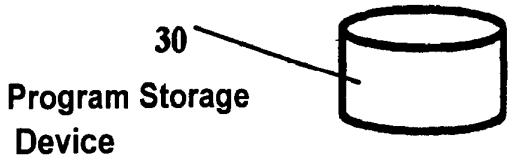
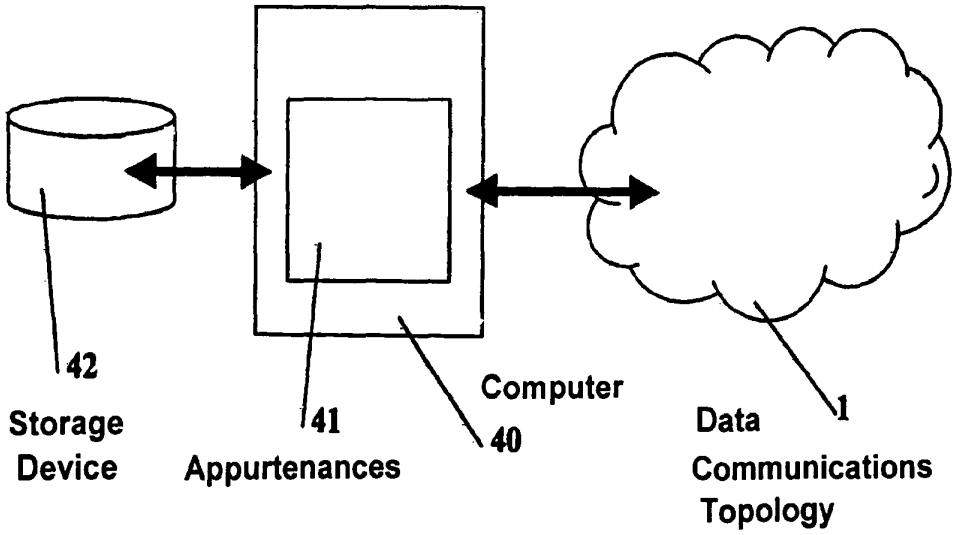


Fig. 5



PTO/AIA/01 (06-12)
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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements

As the below named inventor, I hereby declare that:

This declaration is directed to:

- [x] The attached application, or
- [ ] United States application or PCT international application number _____

filed on _____.

The above-identified application was made or authorized to be made by me.

I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.

I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

LEGAL NAME OF INVENTOR

Inventor: Roy Shkedi Roy Shkedi Date (Optional) : 07/22/2013

Signature: _____

Note: An application data sheet (PTO/SB/14 or equivalent), including naming the entire inventive entity, must accompany this form or must have been previously filed. Use an additional PTO/AIA/01 form for each additional inventor.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	14-DP-CON6
	Application Number	
Title of Invention	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements	

The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76.
This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.

Secrecy Order 37 CFR 5.2

☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

Inventor Information:

Inventor 1 Remove

Legal Name

Prefix	Given Name	Middle Name	Family Name	Suffix
	Roy		Shkedi	

Residence Information (Select One) ◉ US Residency ◯ Non US Residency ◯ Active US Military Service

City	Forest Hills	State/Province	NY	Country of Residence i	US

Mailing Address of Inventor:

Address 1	c/o AlmondNet, Inc.		
Address 2	134 Spring Street, Suite 302		
City	New York	**State/Province**	NY
Postal Code	10012	**Country** i	US

All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the **Add** button. Add

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below.
For further information see 37 CFR 1.33(a).

☐ **An Address is being provided for the correspondence Information of this application.**

Customer Number	26362		
Email Address	louis@valuablepatents.com	Add Email	Remove Email
Email Address	donald@valuablepatents.com	Add Email	Remove Email
Email Address	shaelyn@valuablepatents.com		Remove Email

Application Information:

Title of the Invention	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements		
Attorney Docket Number	14-DP-CON6	**Small Entity Status Claimed**	☒
Application Type	Nonprovisional		
Subject Matter	Utility		
Total Number of Drawing Sheets (if any)	3	**Suggested Figure for Publication (if any)**	2

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	14-DP-CON6
	Application Number	
Title of Invention	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements	

Publication Information:

☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)

☐ **Request Not to Publish.** I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32).
Either enter Customer Number or complete the Representative Name section below. If both sections are completed the customer Number will be used for the Representative Information during processing.

Please Select One:	◉ Customer Number	◯ US Patent Practitioner	◯ Limited Recognition (37 CFR 11.9)
Customer Number	26362		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.

Prior Application Status	Patented				Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
	Continuation of	13585779	2012-08-14	8494904	2013-07-23
Prior Application Status	Patented				Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
13585779	Continuation of	13115949	2011-05-25	8244582	
Prior Application Status	Patented				Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
13115949	Continuation of	12186918	2008-08-06	7979307	
Prior Application Status	Patented				Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
12186918	Division of	11099861	2005-04-06	7428493	
Prior Application Status	Patented				Remove

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	14-DP-CON6
	Application Number	
Title of Invention	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements	

Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
11099861	Continuation of	09593993	2000-06-14	6925440	

Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button. Add

Foreign Priority Information:

This section allows for the applicant to claim priority to a foreign application. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(d). When priority is claimed to a foreign application that is eligible for retrieval under the priority document exchange program (PDX) [i] the information will be used by the Office to automatically attempt retrieval pursuant to 37 CFR 1.55(h)(1) and (2). Under the PDX program, applicant bears the ultimate responsibility for ensuring that a copy of the foreign application is received by the Office from the participating foreign intellectual property office, or a certified copy of the foreign priority application is filed, within the time period specified in 37 CFR 1.55(g)(1).

Remove

Application Number	Country [i]	Filing Date (YYYY-MM-DD)	Access Code [i] (if applicable)
133489	IL	1999-12-13	

Additional Foreign Priority Data may be generated within this form by selecting the **Add** button. Add

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications

☐ This application (1) claims priority to or the benefit of an application filed before March 16, 2013 and (2) also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013.
NOTE: By providing this statement under 37 CFR 1.55 or 1.78, this application, with a filing date on or after March 16, 2013, will be examined under the first inventor to file provisions of the AIA.

Authorization to Permit Access:

☒ Authorization to Permit Access to the Instant Application by the Participating Offices

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	14-DP-CON6
	Application Number	
Title of Invention	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements	

If checked, the undersigned hereby grants the USPTO authority to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the World Intellectual Property Office (WIPO), and any other intellectual property offices in which a foreign application claiming priority to the instant patent application is filed access to the instant patent application. See 37 CFR 1.14(c) and (h). This box should not be checked if the applicant does not wish the EPO, JPO, KIPO, WIPO, or other intellectual property office in which a foreign application claiming priority to the instant patent application is filed to have access to the instant patent application.

In accordance with 37 CFR 1.14(h)(3), access will be provided to a copy of the instant patent application with respect to: 1) the instant patent application-as-filed; 2) any foreign application to which the instant patent application claims priority under 35 U.S.C. 119(a)-(d) if a copy of the foreign application that satisfies the certified copy requirement of 37 CFR 1.55 has been filed in the instant patent application; and 3) any U.S. application-as-filed from which benefit is sought in the instant patent application.

In accordance with 37 CFR 1.14(c), access may be provided to information concerning the date of filing this Authorization.

Applicant Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

Applicant 1 Remove

If the applicant is the inventor (or the remaining joint inventor or inventors under 37 CFR 1.45), this section should not be completed. The information to be provided in this section is the name and address of the legal representative who is the applicant under 37 CFR 1.43; or the name and address of the assignee, person to whom the inventor is under an obligation to assign the invention, or person who otherwise shows sufficient proprietary interest in the matter who is the applicant under 37 CFR 1.46. If the applicant is an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest) together with one or more joint inventors, then the joint inventor or inventors who are also the applicant should be identified in this section.

Clear

- (●) Assignee
- ( ) Legal Representative under 35 U.S.C. 117
- ( ) Joint Inventor
- ( ) Person to whom the inventor is obligated to assign.
- ( ) Person who shows sufficient proprietary interest

If applicant is the legal representative, indicate the authority to file the patent application, the inventor is:

Name of the Deceased or Legally Incapacitated Inventor :

If the Applicant is an Organization check here. [X]

Organization Name	AlmondNet, Inc.		
Mailing Address Information:			
Address 1	134 Spring Street		
Address 2	Suite 302		
City	New York	**State/Province**	NY
Country i	US	Postal Code	10012
Phone Number	(646) 217-0930	Fax Number	

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	14-DP-CON6
	Application Number	
Title of Invention	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements	

Email Address	roy@almondnet.com

Additional Applicant Data may be generated within this form by selecting the Add button. Add

Non-Applicant Assignee Information:

Providing assignment information in this section does not subsitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

Assignee 1

Complete this section only if non-applicant assignee information is desired to be included on the patent application publication in accordance with 37 CFR 1.215(b). Do not include in this section an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest), as the patent application publication will include the name of the applicant(s).

Remove

If the Assignee is an Organization check here. ☐

Prefix	**Given Name**	Middle Name	**Family Name**	Suffix

Mailing Address Information:

Address 1			
Address 2			
City		**State/Province**	
Country i		Postal Code	
Phone Number		Fax Number	
Email Address			

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Signature:

Remove

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications

Signature	/Louis J. Hoffman/			Date (YYYY-MM-DD)	2013-07-23
First Name	Louis	Last Name	Hoffman	Registration Number	38918

Additional Signature may be generated within this form by selecting the Add button. Add

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	14-DP-CON6
	Application Number	
Title of Invention	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements	

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

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2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Shkedi, Roy	Art Unit	:	* 3629
Serial No.	:	_____	Examiner	:	* Ouellette, J.P.
Filing Date	:	07/23/2013	** In parent application S.N. 13/585,779*		
Title	:	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements			

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Filed via EFS – July 23, 2013

PRELIMINARY AMENDMENT

Dear Sir:

In consideration of this continuation application, assignee requests entry of the following amendments to the specification and claims, and consideration of the following remarks.

An amendment to the Title is on page 2.

Amendments to the Specification begin on page 3.

Amendments to the Claims begin on page 4.

Remarks begin on page 5.

Amendments

IN THE TITLE:

Please amend the title as follows:

~~A Descriptive Profile Mercantile~~ Method and Stored Program for Accumulating Descriptive Profile Data Along with Source Information for Use in Targeting Third-Party Advertisements

IN THE CROSS-REFERENCE TO RELATED APPLICATIONS SECTION:

Please amend the paragraph as follows:

~~This application is a continuation of application Ser. No. 09/593,993, filed 06/14/2000 and entitled A Descriptive Profile Mercantile Method, which itself claims priority from Israel Application No. 133,489 filed on 12/13/1999. The disclosures of said application and its entire file wrapper (included all prior art references cited therewith) are hereby specifically incorporated herein by reference in their entirety as if set forth fully herein. Furthermore, a~~This application is a continuation of application Serial No. 13/585,779, filed August 14, 2012, now U.S. Patent 8,494,904, which is a continuation of application Serial No. 13/115,949, filed May 25, 2011, now U.S. Patent 8,244,582, which is a continuation of application Serial No. 12/186,918, filed August 6, 2008, now U.S. Patent 7,979,307, which is a division of application Serial No. 11/099,861, filed April 6, 2005, now U.S. Patent 7,428,493, which is a continuation of application Serial No. 09/593,993, filed June 14, 2000, now U.S. Patent 6,925,440, which claims priority to Israel Application No. 133,489, filed December 13, 1999. A portion of the disclosure of this patent document contains material~~, which~~ that is subject to copyright protection. The copyright owner has no objection to the facsimile reproduction by anyone of the patent document or the patent disclosure, as it appears in the Patent and Trademark Office patent file or records, but otherwise reserves all copyright rights whatsoever.

IN THE CLAIMS:

1. (Original) A descriptive-profile mercantile method, for use at a juncture in a data-communications topology having associated therewith a maintained databank of partial profiles, the method including the steps of:

a) from an entity who owns or represents a right to multiple profiles, electronically receiving a transaction having therein a first partial profile of a single visitor to the entity, said transaction including real-time access to the single visitor wherein an identifier is recognized or placed on the single visitor;

b) using the first partial profile, electronically searching a databank having a plurality of second partial profiles, wherein is included in said databank at least one null profile so that said electronic searching will always yield at least one proximate second partial profile to the first partial profile;

c) i) between the entity and the databank, electronically contracting for a purchase- payment or a trade or a brokerage payment in exchange for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter said databank incorporating the agreed portion of the first profile into at least one second partial profile; or

ii) between the entity and the databank, electronically contracting for a purchase-payment or a trade or a brokerage-payment in exchange for the entity to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter the databank transmitting to the user-entity the second mutually agreed portion of the second profile.

2-39. (Cancelled)

REMARKS

Assignee cancels all but one claim from the parent application, to avoid excess claims fees and plans to file a Supplemental Preliminary Amendment as soon as possible to present new claims for prosecution in this application.

Please feel free to telephone the undersigned if it would in any way advance prosecution of this application.

Respectfully submitted,
ALMONDNET, INC.
by its attorney

Dated: July 23, 2012

/Louis J. Hoffman/
Louis J. Hoffman
Reg. No. 38,918

LOUIS J. HOFFMAN, P.C.
14301 North 87th Street
Suite 312
Scottsdale, Arizona 85260
(480) 948-3295

Electronic Patent Application Fee Transmittal

Application Number:	
Filing Date:	
Title of Invention:	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements
First Named Inventor/Applicant Name:	Roy Shkedi
Filer:	Louis J. Hoffman/Donald Hertz
Attorney Docket Number:	14-DP-CON6

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Utility filing Fee (Electronic filing)	4011	1	70	70
Utility Search Fee	2111	1	300	300
Utility Examination Fee	2311	1	360	360
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**730**

Electronic Acknowledgement Receipt

EFS ID:	16391793
Application Number:	13948661
International Application Number:	
Confirmation Number:	2749
Title of Invention:	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman/Donald Hertz
Filer Authorized By:	Louis J. Hoffman
Attorney Docket Number:	14-DP-CON6
Receipt Date:	23-JUL-2013
Filing Date:	
Time Stamp:	15:31:53
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$730
RAM confirmation Number	2299
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

1	Transmittal of New Application	13-07-23-DP-CON6-App_Trans.pdf	202744 f5dc449ae3f19e7c606634e773a1d6513ed29f09	no	1
Warnings:					
Information:					
2		DescriptiveProfile-DIV-SPEC.pdf	1978473 925f09fcdb6f16b0cbc8f5d60579a12d38876365	yes	45
	Multipart Description/PDF files in .zip description				
	Document Description		**Start**	**End**	
	Specification		1	29	
	Claims		30	44	
	Abstract		45	45	
Warnings:					
Information:					
3	Drawings-only black and white line drawings	DescriptiveProfile-DIV-CLEAN_FIGS.pdf	49753 c06637d2b7cd77265ee2272b47fcbbea609562f8	no	3
Warnings:					
Information:					
4	Oath or Declaration filed	13-07-22-AlmondNet-DP-CON6-Declaration_signed.pdf	157469 b124d2fa87a8fa1b6c226e915e299d2414645aab	no	1
Warnings:					
Information:					
5	Application Data Sheet	13-07-23-DP-CON6-ADS.pdf	1506160 266813e333ac0ddb3c940af903e7b33360db18d2	no	7
Warnings:					
Information:					
6	Preliminary Amendment	13-07-23-Almondnet-DP-CON6-Prelim_Amend.pdf	72538 f4de88bba993d580291f81aed5733bb925f4e74e	no	5
Warnings:					
Information:					
7	Fee Worksheet (SB06)	fee-info.pdf	32909 972aeecd3d2100f954f879bdd127ec4d4606bc19	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	4000046		

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New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Form PTO-1449 (Modified)
List of Patents and Publications For Information Disclosure Statement

Serial No.: 13/948,661
Applicant: Shkedi, Roy
Filed: 07/23/2013
Art Unit: 3629 (in parent)
Examiner: Ouellette, J.P. (in parent)

U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Publication Date	Name of Patentee or Applicant	Filing Date (if appropriate)
	1	20030149938	08/07/2003	McElfresh et al.	
	2	7003792	02/21/2006	Yuen	
	3	6839680	01/04/2005	Liu et al.	
	4	5918014	06/29/1999	Robinson	
	5	7065500	06/20/2006	Singh, et al.	
	6	6993590	01/31/2006	Gauthier, et al.	
	7	6868389	03/15/2005	Wilkins, et al.	
	8	6594691	07/15/2003	McCollum, et al.	
	9	6415322	07/02/2002	Jaye	
	10	6393471	05/21/2002	Kobata	
	11	6327574	12/04/2011	Kramer et al.	
	12	6269361	07/31/2001	Davis, et al.	
	13	6216129	04/10/2001	Eldering	
	14	6151601	11/21/2000	Papierniak, et al.	
	15	6141010	10/31/2000	Hoyle	
	16	6134532	10/17/2000	Lazarus, et al.	
	17	6128624	10/03/2000	Papierniak, et al.	
	18	6055573	04/25/2000	Gardenswartz, et al.	
	19	6055513	04/25/2000	Katz et al.	
	20	5956693	09/21/1999	Geerlings	
	21	5855008	12/29/1998	Goldhaber et al.	
	22	5848396	12/08/1998	Gerace	
	23	5752238	05/12/1998	Dedrick	
	24	5724521	03/03/1998	Dedrick	
	25	5717923	02/10/1998	Dedrick	
	26	5710884	01/20/1998	Dedrick	
	27	5446891	08/29/1995	Kaplan, et al.	
	28	5099422	03/24/1992	Foresman, et al.	
	29	4863384	09/05/1989	Slade	

Examiner: _____ Date Considered: _____

EXAMINER: Initial if reference considered whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance *and* not considered. Include copy of this form with next communication to applicant.

Form PTO-1449 (Modified)
List of Patents and Publications For Information Disclosure Statement

Serial No.: 13/948,661
Applicant: Shkedi, Roy
Filed: 07/23/2013
Art Unit: 3629 (in parent)
Examiner: Ouellette, J.P. (in parent)

U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Publication Date	Name of Patentee or Applicant	Filing Date (if appropriate)
	30	6832207	12/14/2004	Shkedi	
	31	6925440	08/02/2005	Shkedi	
	32	6973436	12/06/2005	Shkedi	
	33	7072853	07/04/2006	Shkedi	
	34	7428493	09/23/2008	Shkedi	
	35	7454364	11/18/2008	Shkedi	
	36	7747745	06/29/2010	Shkedi	
	37	7822637	10/26/2010	Shkedi	
	38	7822639	10/26/2010	Shkedi	
	39	7861260	12/28/2010	Shkedi	
	40	7890609	02/15/2011	Shkedi	
	41	7979307	07/12/2011	Shkedi	
	42	8051444	11/01/2011	Shkedi	
	43	8200822	06/12/2012	Shkedi	
	44	8204783	06/19/2012	Shkedi	
	45	8204965	06/19/2012	Shkedi	
	46	8239264	08/07/2012	Shkedi	
	47	8244574	08/14/2012	Shkedi	
	48	8244582	08/14/2012	Shkedi	
	49	8244583	08/14/2012	Shkedi	
	50	8244586	08/14/12	Shkedi	
	51	8280758	10/02/2012	Shkedi	
	52	8281336	10/02/2012	Shkedi	
	53	8341247	12/25/2012	Shkedi	

Examiner: _____ Date Considered: _____

EXAMINER: Initial if reference considered whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance *and* not considered. Include copy of this form with next communication to applicant.

Form PTO-1449 (Modified)
List of Patents and Publications For Information Disclosure Statement

Page 3 of 3

Serial No.: 13/948,661
Applicant: Shkedi, Roy
Filed: 07/23/2013
Art Unit: 3629 (in parent)
Examiner: Ouellette, J.P. (in parent)

FOREIGN PATENT DOCUMENTS

Examiner Initials		Country Code–Number	Publication Date	Name of Patentee	Translation? Yes / No
_____	47	WO 98/59481	12/30/1998	Buckland	No
_____	48	WO 00/08583	02/17/2000	Keen	No
_____	49	EP 1 024 437 A2	08/02/2000	Chen	No
_____	50	WO 97/16796	05/09/1997	Herz et al.	No

OTHER ART

Examiner Initials	Item	Author Title Date Pertinent Pages Etc.
_____	51	Brody, R.; "The Conditions and Consequences of Profiling in Commercial and Governmental Settings"; IEEE; 1998.
_____	52	IntelliQuest, 24/7 Media Pair to Deliver Tech Household Database; from webpage http://www.clickz.com; October 6, 1998.
_____	53	Internet Access: Intelliquest and 24/7 Media Team Up to Deliver 100 Million Household Database to Internet Marketers; from website http://findarticles.com; October 12, 1998.
_____	54	24/7 Real Media Inc. - TFSM; Form S-1A, filed with the SEC April 14, 1999 (portions).
_____	55	Engage Technologies, Inc.; Form S-1A; filed with the SEC July 19, 1999; pp. 36-50.
_____	56	The e-Marketing Report; Morgan Stanley Dean Witter; May, 2000 (portions).
_____	57	"DoubleClick Launches New Marketing Solutions"; from website www.clickz.com; October 6, 1998.
_____	58	"Their Time Has Come"; Direct, v11, n8, p1+; June 1999.
_____	59	www.acxiom.com; www.archive.org; date range: 02/24/1999-11/14/1999.
_____	60	Barrett, Jennifer; "Databasing in the 90s: data and what we're doing with it!"; Direct Marketing, v58, n4, p40; August 1995.
_____	61	Odell, Patricia; "Sweetening the Pot"; Direct; v10, n9, p91; July 1998.
_____	62	Hatch, Denny; "Co-op Databases"; Target Marketing; v21, n5, pp. 38-42; May 1998.

Examiner: _____ Date Considered: _____

EXAMINER: Initial if reference considered whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance *and* not considered. Include copy of this form with next communication to applicant.

Electronic Acknowledgement Receipt

EFS ID:	16392337
Application Number:	13948661
International Application Number:	
Confirmation Number:	2749
Title of Invention:	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman/Donald Hertz
Filer Authorized By:	Louis J. Hoffman
Attorney Docket Number:	14-DP-CON6
Receipt Date:	23-JUL-2013
Filing Date:	
Time Stamp:	15:51:44
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	13-07-23-Almondnet-DP-CON6-IDS_Cover.pdf	87110 475bd1e0fea5c473924f4591a40841a980c4e790	no	2

Warnings:

Information:

2	Information Disclosure Statement (IDS) Form (SB08)	13-07-23-AlmondNet-DP-CON6-FORM_1449.pdf	97829 b1c368c150cb2f7ddd78dd1b985a7e2625a3223c	no	3
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
			Total Files Size (in bytes):	184939	

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<u>New Applications Under 35 U.S.C. 111</u>
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

<u>National Stage of an International Application under 35 U.S.C. 371</u>
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

<u>New International Application Filed with the USPTO as a Receiving Office</u>
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Shkedi, Roy	Art Unit	:	3629*
Serial No.	:	13/948,661	Examiner	:	Ouellette, J.P.*
Filing Date	:	07/23/2013	** In parent application S.N. 13/585,779*		
Title	:	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements			

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Filed via EFS – July 23, 2013

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Assignee discloses the references listed on form PTO-1449 attached to this document. All foreign and non-patent references listed were cited in the parent application Serial No. 13/585,770, therefore copies of those references are not included here.

Assignee also directs the Examiner to the applications in the following table, which share the same first inventor, as well as the references cited therein:

Serial No.	Filing Date	Earliest Parent Filing Date
11/968,117	12/31/2007	
12/131,798	06/02/2008	
12/536,451	08/05/2009	
12/906,007	10/15/2010	
12/912,726	10/26/2010	12/28/1999
12/981,925	12/30/2010	12/31/2007
13/097,885	04/29/2011	04/17/2007
13/167,605	06/23/2011	
13/243,314	09/23/2011	
13/274,242	10/14/2011	10/15/2010 (prov.)
13/491,454	06/07/2012	06/16/2006 (prov.)
13/566,881	08/03/2012	08/03/2011 (prov.)
13/585,765	08/14/2012	11/28/2000
13/631,244	09/28/2012	06/19/2006 (prov.)
13/725,309	12/21/2012	01/15/2009 (prov.)

Serial No.	Filing Date	Earliest Parent Filing Date
13/754,639	01/30/2013	
13/906,211	05/30/2013	06/05/2012 (prov.)

If the Office has any questions, please feel free to contact assignee's undersigned attorney of record.

Respectfully submitted,
ALMONDNET, INC.
by its attorney

Dated: July 23, 2013

/Louis J. Hoffman/
Louis J. Hoffman
Reg. No. 38,918

LOUIS J. HOFFMAN, P.C.
14301 North 87th Street
Suite 312
Scottsdale, Arizona 85260
(480) 948-3295

Doc Code: PA..
Document Description: Power of Attorney

PTO/AIA/82A (07-12)
Approved for use through 11/30/2014. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FOR POWER OF ATTORNEY TO ONE OR MORE REGISTERED PRACTITIONERS

NOTE: This form is to be submitted with the Power of Attorney by Applicant form (PTO/AIA/82B or equivalent) to identify the application to which the Power of Attorney is directed, in accordance with 37 CFR 1.5. If the Power of Attorney by Applicant form is not accompanied by this transmittal form or an equivalent, the Power of Attorney will not be recognized in the application.

Application Number	13/948,661
Filing Date	07/23/2013
First Named Inventor	Shkedi, Roy
Title	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements
Art Unit	3629 (in parent app.)
Examiner Name	Ouellette, J.P. (in parent app.)
Attorney Docket Number	14-DP-CON6

SIGNATURE of Applicant or Patent Practitioner

Signature	/Louis J. Hoffman/	Date	07/24/2013
Name	Louis J. Hoffman	Telephone	(480) 948-3295
Registration Number	38918		

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications.

■ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Doc Code: PA..
Document Description: Power of Attorney

PTO/AIA/82B(07-12)
Approved for use through 11/30/2014. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

POWER OF ATTORNEY BY APPLICANT

I hereby revoke all previous powers of attorney given in the application identified in the attached transmittal letter.

[x] I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the application referenced in the attached transmittal letter (form PTO/AIA/82A or equivalent): 26362

OR

[ ] I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the application referenced in the attached transmittal letter (form PTO/AIA/82A or equivalent):

Name	Registration Number	Name	Registration Number

Please recognize or change the correspondence address for the application identified in the attached transmittal letter to:

[x] The address associated with the above-mentioned Customer Number.

OR

[ ] The address associated with Customer Number:

OR

[ ] Firm or Individual Name					
Address					
City		State		Zip	
Country					
Telephone		Email			

I am the Applicant:

[ ] Inventor or Joint Inventor

[ ] Legal Representative of a Deceased or Legally Incapacitated Inventor

[x] Assignee or Person to Whom the Inventor is Under an Obligation to Assign

[ ] Person Who Otherwise Shows Sufficient Proprietary Interest (*e.g.,* a petition under 37 CFR 1.46(b)(2) was granted in the application or is concurrently being filed with this document)

SIGNATURE of Applicant for Patent

Signature	Roy Shkedi	Date	07/24/2013
Name	Roy Shkedi	Telephone	(646) 217-0930
Title and Company	CEO - AlmondNet, Inc.		

NOTE: Signature - This form must be signed by the applicant in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms for more than one signature, see below *.

[ ] *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/AIA/96 (08-12)
Approved for use through 01/31/2013. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(c)

Applicant/Patent Owner: AlmondNet, Inc.

Application No./Patent No.: 13/948,661 Filed/Issue Date: 07/23/2013

Titled: Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements

AlmondNet, Inc., a corporation

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that, for the patent application/patent identified above, it is (choose **one** of options 1, 2, 3 or 4 below):

1. ☑ The assignee of the entire right, title, and interest.

2. ☐ An assignee of less than the entire right, title, and interest (check applicable box):

☐ The extent (by percentage) of its ownership interest is _____%. Additional Statement(s) by the owners holding the balance of the interest must be submitted to account for 100% of the ownership interest.

☐ There are unspecified percentages of ownership. The other parties, including inventors, who together own the entire right, title and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

3. ☐ The assignee of an undivided interest in the entirety (a complete assignment from one of the joint inventors was made). The other parties, including inventors, who together own the entire right, title, and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

4. ☐ The recipient, via a court proceeding or the like (*e.g.*, bankruptcy, probate), of an undivided interest in the entirety (a complete transfer of ownership interest was made). The certified document(s) showing the transfer is attached.

The interest identified in option 1, 2 or 3 above (not option 4) is evidenced by either (choose **one** of options A or B below):

A. ☑ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 030858, Frame 0412, or for which a copy thereof is attached.

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**.

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STATEMENT UNDER 37 CFR 3.73(c)

3. From: _____ To: _____

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Reel _____, Frame _____, or for which a copy thereof is attached.

4. From: _____ To: _____

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5. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

6. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

☑ As required by 37 CFR 3.73(c)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature	07/24/2013 Date
Roy Shkedi Printed or Typed Name	CEO - AlmondNet, Inc. Title or Registration Number

[Page 2 of 2]

Electronic Acknowledgement Receipt

EFS ID:	16406324
Application Number:	13948661
International Application Number:	
Confirmation Number:	2749
Title of Invention:	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman/Donald Hertz
Filer Authorized By:	Louis J. Hoffman
Attorney Docket Number:	14-DP-CON6
Receipt Date:	24-JUL-2013
Filing Date:	
Time Stamp:	16:51:09
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	13-07-24-AlmondNet-DP-CON6-POA-signed.pdf	255950 195f8a63805ca8c3612467651d0a229b58299664	no	2

Warnings:

Information:

2	Assignee showing of ownership per 37 CFR 3.73.	13-07-24-AlmondNet-DP-CON6-Ownership_Statement-signed.pdf	73736 0660f00897ada3cccaa759b3d07c7c4da319d117	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	329686		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

<u>New Applications Under 35 U.S.C. 111</u>
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

<u>National Stage of an International Application under 35 U.S.C. 371</u>
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

<u>New International Application Filed with the USPTO as a Receiving Office</u>
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Shkedi, Roy	Art Unit	:	3629 *
Serial No.	:	13/948,661	Examiner	:	Ouellette, J.P. *
Filing Date	:	07/23/2013	** In parent application S.N. 13/585,779*		
Title	:	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements			

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Filed via EFS – August 5, 2013

PRELIMINARY AMENDMENT

Dear Sir:

Assignee requests entry of the following amendment to the specification and claims, and consideration of the following remarks.

An amendment to the Abstract is on page 2.

Remarks are on page 3.

Amendments

IN THE ABSTRACT:

Please delete the abstract paragraph and add the following paragraph:

A method of accumulating descriptive profile data uses a databank that can be contacted by profile providers who contribute profile elements about an online visitor. The method includes keeping track of which profile provider contributed which elements, so that use of particular elements in targeting electronic third-party advertisements automatically can result in compensation.

Remarks

Assignee presents a replacement abstract in compliance with the word limit suggested by 37 C.F.R. § 1.72(b).

Please feel free to telephone the undersigned if it would in any way advance prosecution of this application.

Respectfully submitted,
ALMONDNET, INC.
by its attorney

Dated: August 5, 2013

/Louis J. Hoffman/
Louis J. Hoffman
Reg. No. 38,918

LOUIS J. HOFFMAN, P.C.
14301 North 87th Street
Suite 312
Scottsdale, Arizona 85260
(480) 948-3295

Electronic Acknowledgement Receipt

EFS ID:	16500834
Application Number:	13948661
International Application Number:	
Confirmation Number:	2749
Title of Invention:	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman/Donald Hertz
Filer Authorized By:	Louis J. Hoffman
Attorney Docket Number:	14-DP-CON6
Receipt Date:	05-AUG-2013
Filing Date:	
Time Stamp:	15:11:43
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Supplemental Response or Supplemental Amendment	13-08-05-Almondnet-DP-CON6-Supp_Prelim_Amend-Abstract.pdf	52447 861fefdf3b645965d7ace5791af56225cdcb6480	no	3

Warnings:

Information:

Total Files Size (in bytes):	52447

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New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/948,661	07/23/2013	Roy Shkedi	14-DP-CON6

CONFIRMATION NO. 2749

POA ACCEPTANCE LETTER

26362
LOUIS J. HOFFMAN, P.C.
14301 North 87th Street, Suite 312
Scottsdale, AZ 85260

OC000000063114940

Date Mailed: 08/13/2013

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/24/2013.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/dgela/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
13/948,661	07/23/2013	3622	730	14-DP-CON6	1	1

CONFIRMATION NO. 2749

26362
LOUIS J. HOFFMAN, P.C.
14301 North 87th Street, Suite 312
Scottsdale, AZ 85260

FILING RECEIPT

OC000000063114893

Date Mailed: 08/13/2013

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Inventor(s)

Roy Shkedi, Forest Hills, NY;

Applicant(s)

AlmondNet, Inc., New York, NY

Assignment For Published Patent Application

AlmondNet, Inc., New York, NY

Power of Attorney: The patent practitioners associated with Customer Number 26362

Domestic Priority data as claimed by applicant

This application is a CON of 13/585,779 08/14/2012 PAT 8494904
which is a CON of 13/115,949 05/25/2011 PAT 8244582
which is a CON of 12/186,918 08/06/2008 PAT 7979307
which is a DIV of 11/099,861 04/06/2005 PAT 7428493
which is a CON of 09/593,993 06/14/2000 PAT 6925440

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)
ISRAEL 133489 12/13/1999

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 08/07/2013
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 13/948,661**

Projected Publication Date: 11/21/2013

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****
Title

Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements

Preliminary Class

705

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4258).

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Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

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NOT GRANTED

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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number
13/948,661

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY FEE($)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	70		N/A	
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	300		N/A	
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	360		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	1 minus 20 =	*	x 40 =	0.00	OR		
INDEPENDENT CLAIMS (37 CFR 1.16(h))	1 minus 3 =	*	x 210 =	0.00			
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			0.00			
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				0.00			
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	730		TOTAL	

APPLICATION AS AMENDED - PART II

		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY ADDITIONAL FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE($)
AMENDMENT A	Total (37 CFR 1.16(i))	*	Minus	**	=	x =		OR	x =	
AMENDMENT A	Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
AMENDMENT A	Application Size Fee (37 CFR 1.16(s))									
AMENDMENT A	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE($)	ADDITIONAL FEE($)	OR	RATE($)	ADDITIONAL FEE($)
AMENDMENT B	Total (37 CFR 1.16(i))	*	Minus	**	=	x =		OR	x =	
AMENDMENT B	Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
AMENDMENT B	Application Size Fee (37 CFR 1.16(s))									
AMENDMENT B	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.

To: Louis@valuablepatents.com,donald@valuablepatents.com,shaelyn@valuablepatents.com
From: PAIR_eOfficeAction@uspto.gov
Cc: PAIR_eOfficeAction@uspto.gov
Subject: Private PAIR Correspondence Notification for Customer Number 26362

Aug 13, 2013 05:19:33 AM

Dear PAIR Customer:

LOUIS J. HOFFMAN, P.C.
14301 North 87th Street, Suite 312
Scottsdale, AZ 85260
UNITED STATES

The following USPTO patent application(s) associated with your Customer Number, 26362 , have new outgoing correspondence. This correspondence is now available for viewing in Private PAIR.

The official date of notification of the outgoing correspondence will be indicated on the form PTOL-90 accompanying the correspondence.

Disclaimer:
The list of documents shown below is provided as a courtesy and is not part of the official file wrapper. The content of the images shown in PAIR is the official record.

Application	Document	Mailroom Date	Attorney Docket No.
13948661	N570	08/13/2013	14-DP-CON6
	APP.FILE.REC	08/13/2013	14-DP-CON6

To view your correspondence online or update your email addresses, please visit us anytime at https://sportal.uspto.gov/secure/myportal/privatepair.

If you have any questions, please email the Electronic Business Center (EBC) at EBC@uspto.gov with 'e-Office Action' on the subject line or call 1-866-217-9197 during the following hours:

Monday - Friday 6:00 a.m. to 12:00 a.m.

Thank you for prompt attention to this notice,

UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION INFORMATION RETRIEVAL SYSTEM

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date	☐ To be Mailed
13/948,661	07/23/2013	

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	NUMBER FILED (Column 1)	NUMBER EXTRA (Column 2)	RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	x $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	x $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT

07/23/2013	CLAIMS REMAINING AFTER AMENDMENT (Column 1)		HIGHEST NUMBER PREVIOUSLY PAID FOR (Column 2)	PRESENT EXTRA (Column 3)	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 1	Minus	** 20	= 0	x $40 =	0
Independent (37 CFR 1.16(h))	* 1	Minus	***3	= 0	x $210 =	0
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	0

AMENDMENT

08/05/2013	CLAIMS REMAINING AFTER AMENDMENT (Column 1)		HIGHEST NUMBER PREVIOUSLY PAID FOR (Column 2)	PRESENT EXTRA (Column 3)	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 1	Minus	** 20	= 0	x $40 =	0
Independent (37 CFR 1.16(h))	* 1	Minus	*** 3	= 0	x $210 =	0
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	0

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE
/PAMELA v. THERATT/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/948,661	07/23/2013	Roy Shkedi	14-DP-CON6	2749

26362 7590 09/11/2013
LOUIS J. HOFFMAN, P.C.
14301 North 87th Street, Suite 312
Scottsdale, AZ 85260

EXAMINER
OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
3629	

NOTIFICATION DATE	DELIVERY MODE
09/11/2013	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Louis@valuablepatents.com
donald@valuablepatents.com
shaelyn@valuablepatents.com

PTOL-90A (Rev. 04/07)

Office Action Summary	Application No. 13/948,661	Applicant(s) SHKEDI, ROY	
	Examiner JONATHAN OUELLETTE	Art Unit 3629	AIA (First Inventor to File) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 7/23/2013.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5)☒ Claim(s) 1 is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) 1 is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a)☐ All b)☐ Some * c)☐ None of the:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 20130723a, 20130723b.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

4) ☐ Other: _____.

DETAILED ACTION

1. The present application is being examined under the pre-AIA first to invent provisions.

Response to Amendment

2. Claims 2-39 have been cancelled; therefore, Claim 1 is currently pending in application 13/948,661.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the claims at issue are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

4. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the reference application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

5. The USPTO internet Web site contains terminal disclaimer forms which may be used. Please visit http://www.uspto.gov/forms/. The filing date of the application will determine what form should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed and approved immediately upon submission. For more information about eTerminal Disclaimers, refer to http://www.uspto.gov/patents/process/file/efs/guidance/eTD-info-I.jsp.

6. **Claim 1 is rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6,925,440**. Although the claims at issue are not identical, they are not patentably distinct from each other because **both inventions disclose equivalent elements for searching for profile data, purchasing rights to profile data, and merging profile data.**

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. <u>Claim 1</u> is rejected under 35 U.S.C. 101 because the independent claims fails to satisfy § 101 requirements.

9. Based upon consideration of all of the relevant factors with respect to the claim as a whole, independent claim(s) 1 is held to claim an abstract idea, and is/are therefore rejected as ineligible subject matter under 35 U.S.C. 101. The rationale for this finding is explained below: Independent Claim 1 includes insufficient recitation of a machine or transformation (the claim uses the term "electronically" - but, no automated transformation of data is positively claimed). The Examiner suggests incorporating the phrase – "automatically, by a computer…" – to either step b or c.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jamisue Plucinski can be reached on (571) 272-6811. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.
12. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (571) 272-4000. Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 6, 2013

/Jonathan Ouellette/

Primary Examiner, Art Unit 3629

Form PTO-1449 (Modified)
List of Patents and Publications For Information Disclosure Statement

Serial No.: 13/948,661
Applicant: Shkedi, Roy
Filed: 07/23/2013
Art Unit: 3629 (in parent)
Examiner: Ouellette, J.P. (in parent)

U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Publication Date	Name of Patentee or Applicant	Filing Date (if appropriate)
	1	20030149938	08/07/2003	McElfresh et al.	
	2	7003792	02/21/2006	Yuen	
	3	6839680	01/04/2005	Liu et al.	
	4	5918014	06/29/1999	Robinson	
	5	7065500	06/20/2006	Singh, et al.	
	6	6993590	01/31/2006	Gauthier, et al.	
	7	6868389	03/15/2005	Wilkins, et al.	
	8	6594691	07/15/2003	McCollum, et al.	
	9	6415322	07/02/2002	Jaye	
	10	6393471	05/21/2002	Kobata	
	11	6327574	12/04/2011	Kramer et al.	
	12	6269361	07/31/2001	Davis, et al.	
	13	6216129	04/10/2001	Eldering	
	14	6151601	11/21/2000	Papierniak, et al.	
	15	6141010	10/31/2000	Hoyle	
	16	6134532	10/17/2000	Lazarus, et al.	
	17	6128624	10/03/2000	Papierniak, et al.	
	18	6055573	04/25/2000	Gardenswartz, et al.	
	19	6055513	04/25/2000	Katz et al.	
	20	5956693	09/21/1999	Geerlings	
	21	5855008	12/29/1998	Goldhaber et al.	
	22	5848396	12/08/1998	Gerace	
	23	5752238	05/12/1998	Dedrick	
	24	5724521	03/03/1998	Dedrick	
	25	5717923	02/10/1998	Dedrick	
	26	5710884	01/20/1998	Dedrick	
	27	5446891	08/29/1995	Kaplan, et al.	
	28	5099422	03/24/1992	Foresman, et al.	
	29	4863384	09/05/1989	Slade	

Examiner: _____ Date Considered: _____

EXAMINER: Initial if reference considered whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance *and* not considered. Include copy of this form with next communication to applicant.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /JO/

Form PTO-1449 (Modified)
List of Patents and Publications For Information Disclosure Statement

Serial No.: 13/948,661
Applicant: Shkedi, Roy
Filed: 07/23/2013
Art Unit: 3629 (in parent)
Examiner: Ouellette, J.P. (in parent)

U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Publication Date	Name of Patentee or Applicant	Filing Date (if appropriate)
	30	6832207	12/14/2004	Shkedi	
	31	6925440	08/02/2005	Shkedi	
	32	6973436	12/06/2005	Shkedi	
	33	7072853	07/04/2006	Shkedi	
	34	7428493	09/23/2008	Shkedi	
	35	7454364	11/18/2008	Shkedi	
	36	7747745	06/29/2010	Shkedi	
	37	7822637	10/26/2010	Shkedi	
	38	7822639	10/26/2010	Shkedi	
	39	7861260	12/28/2010	Shkedi	
	40	7890609	02/15/2011	Shkedi	
	41	7979307	07/12/2011	Shkedi	
	42	8051444	11/01/2011	Shkedi	
	43	8200822	06/12/2012	Shkedi	
	44	8204783	06/19/2012	Shkedi	
	45	8204965	06/19/2012	Shkedi	
	46	8239264	08/07/2012	Shkedi	
	47	8244574	08/14/2012	Shkedi	
	48	8244582	08/14/2012	Shkedi	
	49	8244583	08/14/2012	Shkedi	
	50	8244586	08/14/12	Shkedi	
	51	8280758	10/02/2012	Shkedi	
	52	8281336	10/02/2012	Shkedi	
	53	8341247	12/25/2012	Shkedi	

Examiner: /Jonathan Ouellette/ Date Considered: 09/05/2013

EXAMINER: Initial if reference considered whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance *and* not considered. Include copy of this form with next communication to applicant.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /JO/

Serial No.: 13/948,661
Applicant: Shkedi, Roy
Filed: 07/23/2013
Art Unit: 3629 (in parent)
Examiner: Ouellette, J.P. (in parent)

FOREIGN PATENT DOCUMENTS

Examiner Initials		Country Code–Number	Publication Date	Name of Patentee	Translation? Yes / No
_____	47	WO 98/59481	12/30/1998	Buckland	No
_____	48	WO 00/08583	02/17/2000	Keen	No
_____	49	EP 1 024 437 A2	08/02/2000	Chen	No
_____	50	WO 97/16796	05/09/1997	Herz et al.	No

OTHER ART

Examiner Initials	Item	Author Title Date Pertinent Pages Etc.
_____	51	Brody, R.; "The Conditions and Consequences of Profiling in Commercial and Governmental Settings"; IEEE; 1998.
_____	52	IntelliQuest, 24/7 Media Pair to Deliver Tech Household Database; from webpage http://www.clickz.com; October 6, 1998.
_____	53	Internet Access: Intelliquest and 24/7 Media Team Up to Deliver 100 Million Household Database to Internet Marketers; from website http://findarticles.com; October 12, 1998.
_____	54	24/7 Real Media Inc. - TFSM; Form S-1A, filed with the SEC April 14, 1999 (portions).
_____	55	Engage Technologies, Inc.; Form S-1A; filed with the SEC July 19, 1999; pp. 36-50.
_____	56	The e-Marketing Report; Morgan Stanley Dean Witter; May, 2000 (portions).
_____	57	"DoubleClick Launches New Marketing Solutions"; from website www.clickz.com; October 6, 1998.
_____	58	"Their Time Has Come"; Direct, v11, n8, p1+; June 1999.
_____	59	www.acxiom.com; www.archive.org; date range: 02/24/1999-11/14/1999.
_____	60	Barrett, Jennifer; "Databasing in the 90s: data and what we're doing with it!"; Direct Marketing, v58, n4, p40; August 1995.
_____	61	Odell, Patricia; "Sweetening the Pot"; Direct; v10, n9, p91; July 1998.
_____	62	Hatch, Denny; "Co-op Databases"; Target Marketing; v21, n5, pp. 38-42; May 1998.

Examiner: /Jonathan Ouellette/ Date Considered: 09/05/2013

EXAMINER: Initial if reference considered whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance *and* not considered. Include copy of this form with next communication to applicant.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /JO/

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Shkedi, Roy	Art Unit	:	3629*
Serial No.	:	13/948,661	Examiner	:	Ouellette, J.P.*
Filing Date	:	07/23/2013	** In parent application S.N. 13/585,779*		
Title	:	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements			

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Filed via EFS – July 23, 2013

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Assignee discloses the references listed on form PTO-1449 attached to this document. All foreign and non-patent references listed were cited in the parent application Serial No. 13/585,770, therefore copies of those references are not included here.

Assignee also directs the Examiner to the applications in the following table, which share the same first inventor, as well as the references cited therein:

Serial No.	Filing Date	Earliest Parent Filing Date
11/968,117	12/31/2007	
12/131,798	06/02/2008	
12/536,451	08/05/2009	
12/906,007	10/15/2010	
12/912,726	10/26/2010	12/28/1999
12/981,925	12/30/2010	12/31/2007
13/097,885	04/29/2011	04/17/2007
13/167,605	06/23/2011	
13/243,314	09/23/2011	
13/274,242	10/14/2011	10/15/2010 (prov.)
13/491,454	06/07/2012	06/16/2006 (prov.)
13/566,881	08/03/2012	08/03/2011 (prov.)
13/585,765	08/14/2012	11/28/2000
13/631,244	09/28/2012	06/19/2006 (prov.)
13/725,309	12/21/2012	01/15/2009 (prov.)

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /JO/

Serial No.	Filing Date	Earliest Parent Filing Date
13/754,639	01/30/2013	
13/906,211	05/30/2013	06/05/2012 (prov.)

If the Office has any questions, please feel free to contact assignee's undersigned attorney of record. /Jonathan Ouellette/ 09/05/2013

Respectfully submitted,

ALMONDNET, INC.

by its attorney

Dated: July 23, 2013

/Louis J. Hoffman/

Louis J. Hoffman
Reg. No. 38,918

LOUIS J. HOFFMAN, P.C.
14301 North 87th Street
Suite 312
Scottsdale, Arizona 85260
(480) 948-3295

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /JO/

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13948661	SHKEDI, ROY
	Examiner	**Art Unit**
	JONATHAN OUELLETTE	3629

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	09/05/2013								
	1	✓								
	2	-								
	3	-								
	4	-								
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	34	-								
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	36	-								

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13948661	SHKEDI, ROY
	Examiner	**Art Unit**
	JONATHAN OUELLETTE	3629

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	09/05/2013								
	37	-								
	38	-								
	39	-								

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13948661	SHKEDI, ROY
	Examiner	**Art Unit**
	JONATHAN OUELLETTE	3629

CPC- SEARCHED

Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED

Symbol	Date	Examiner

US CLASSIFICATION SEARCHED

Class	Subclass	Date	Examiner
705	All	9/1/2013	JO

SEARCH NOTES

Search Notes	Date	Examiner
EAST (US and FOR)	9/1/2013	JO
DIALOG - NPL search	9/1/2013	JO
Reviewed search and examination of all Parent Applications - in particular 09/593993 - now US Pat. #6925440	9/1/2013	JO

INTERFERENCE SEARCH

US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

To: Louis@valuablepatents.com,donald@valuablepatents.com,shaelyn@valuablepatents.com
From: PAIR_eOfficeAction@uspto.gov
Cc: PAIR_eOfficeAction@uspto.gov
Subject: Private PAIR Correspondence Notification for Customer Number 26362

Sep 11, 2013 05:20:29 AM

Dear PAIR Customer:

LOUIS J. HOFFMAN, P.C.
14301 North 87th Street, Suite 312
Scottsdale, AZ 85260
UNITED STATES

The following USPTO patent application(s) associated with your Customer Number, 26362 , have new outgoing correspondence. This correspondence is now available for viewing in Private PAIR.

The official date of notification of the outgoing correspondence will be indicated on the form PTOL-90 accompanying the correspondence.

Disclaimer:
The list of documents shown below is provided as a courtesy and is not part of the official file wrapper. The content of the images shown in PAIR is the official record.

Application	Document	Mailroom Date	Attorney Docket No.
13948661	CTNF	09/11/2013	14-DP-CON6
	1449	09/11/2013	14-DP-CON6
	1449	09/11/2013	14-DP-CON6

To view your correspondence online or update your email addresses, please visit us anytime at https://sportal.uspto.gov/secure/myportal/privatepair.

If you have any questions, please email the Electronic Business Center (EBC) at EBC@uspto.gov with 'e-Office Action' on the subject line or call 1-866-217-9197 during the following hours:

Monday - Friday 6:00 a.m. to 12:00 a.m.

Thank you for prompt attention to this notice,

UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION INFORMATION RETRIEVAL SYSTEM

Form PTO-1449 (Modified)
List of Patents and Publications For Information Disclosure Statement

Page 1 of 1

Serial No.: 13/948,661
Applicant: Shkedi, Roy
Filed: 07/23/2013
Art Unit: 3629
Examiner: Ouellette, J.P.

U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Publication Date	Name of Patentee or Applicant
_____	1	6487538	11/26/2002	Gupta et al.

Examiner: _____ Date Considered: _____

EXAMINER: Initial if reference considered whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance *and* not considered. Include copy of this form with next communication to applicant.

Electronic Acknowledgement Receipt

EFS ID:	17460003
Application Number:	13948661
International Application Number:	
Confirmation Number:	2749
Title of Invention:	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman/Donald Hertz
Filer Authorized By:	Louis J. Hoffman
Attorney Docket Number:	14-DP-CON6
Receipt Date:	20-NOV-2013
Filing Date:	23-JUL-2013
Time Stamp:	18:13:00
Application Type:	Utility under 35 USC 111(a)

Payment information:

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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	13-11-20-AlmondNet-DP-CON6-Supp_IDS_Cover.pdf	65710 f5935dbd6eb663cee1779b9548c9ea3c89ab76a3	no	2

Warnings:

Information:

2	Information Disclosure Statement (IDS) Form (SB08)	13-11-20-AlmondNet-DP-CON6-FORM_1449.pdf	69056 b74c9a43594c7f846738a153e92f53dd9dff0c72	no	1
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
			Total Files Size (in bytes):	134766	

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

<u>New Applications Under 35 U.S.C. 111</u>
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

<u>National Stage of an International Application under 35 U.S.C. 371</u>
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

<u>New International Application Filed with the USPTO as a Receiving Office</u>
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Shkedi, Roy	Art Unit	:	3629
Serial No.	:	13/948,661	Examiner	:	Ouellette, J.P.
Filing Date	:	07/23/2013	Conf. No.	:	2749
Title	:	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements			

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Filed via EFS – November 20, 2013

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Assignee discloses the reference listed on form PTO-1449 attached to this document.

To the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was either (1) cited in a communication from a foreign patent office in a counterpart foreign application, or (2) known to any individual designated in 37 CFR § 1.56(c), more than three months ago.

Assignee continues to direct the Examiner to the following applications, which share the same first inventor, as well as the references cited therein:

Serial No.	Filing Date	Earliest Parent Filing Date
12/131,798	06/02/2008	
12/536,451	08/05/2009	
12/906,007	10/15/2010	
12/912,726	10/26/2010	12/28/1999
13/097,885	04/29/2011	04/17/2007
13/167,605	06/23/2011	04/17/2007
13/243,314	09/23/2011	06/02/2008
13/274,242	10/14/2011	10/15/2010 (prov.)
13/491,454	06/07/2012	06/16/2006 (prov.)
13/566,881	08/03/2012	08/03/2011 (prov.)
13/585,765	08/14/2012	11/28/2000
13/725,309	12/21/2012	01/15/2009 (prov.)

Serial No.	Filing Date	Earliest Parent Filing Date
13/754,639	01/30/2013	
13/906,211	05/30/2013	06/05/2012 (prov.)
14/080,999	11/15/2013	12/20/2007 (prov.)

If the Office has any questions, please feel free to contact assignee's undersigned attorney of record.

Respectfully submitted,

ALMONDNET, INC.

by its attorney

Dated: November 20, 2013

/Louis J. Hoffman/

Louis J. Hoffman
Reg. No. 38,918

LOUIS J. HOFFMAN, P.C.
14301 North 87th Street, Suite 312
Scottsdale, Arizona 85260
(480) 948-3295

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/948,661	07/23/2013	Roy Shkedi	14-DP-CON6

CONFIRMATION NO. 2749

26362
LOUIS J. HOFFMAN, P.C.
14301 North 87th Street, Suite 312
Scottsdale, AZ 85260

PUBLICATION NOTICE

OC000000065125598

Title: Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements

Publication No.US-2013-0311302-A1
Publication Date:11/21/2013

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently http://www.uspto.gov/patft/.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently http://pair.uspto.gov/. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 1-866-217-9197.

Office of Data Managment, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

To: Louis@valuablepatents.com,donald@valuablepatents.com,shaelyn@valuablepatents.com
From: PAIR_eOfficeAction@uspto.gov
Cc: PAIR_eOfficeAction@uspto.gov
Subject: Private PAIR Correspondence Notification for Customer Number 26362

Nov 22, 2013 05:20:52 AM

Dear PAIR Customer:

LOUIS J. HOFFMAN, P.C.
14301 North 87th Street, Suite 312
Scottsdale, AZ 85260
UNITED STATES

The following USPTO patent application(s) associated with your Customer Number, 26362 , have new outgoing correspondence. This correspondence is now available for viewing in Private PAIR.

The official date of notification of the outgoing correspondence will be indicated on the form PTOL-90 accompanying the correspondence.

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Application	Document	Mailroom Date	Attorney Docket No.
13948661	NTC.PUB	11/21/2013	14-DP-CON6

To view your correspondence online or update your email addresses, please visit us anytime at https://sportal.uspto.gov/secure/myportal/privatepair.

If you have any questions, please email the Electronic Business Center (EBC) at EBC@uspto.gov with 'e-Office Action' on the subject line or call 1-866-217-9197 during the following hours:

Monday - Friday 6:00 a.m. to 12:00 a.m.

Thank you for prompt attention to this notice,

UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION INFORMATION RETRIEVAL SYSTEM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor	:	Shkedi, Roy	Art Unit	:	3629
Serial No.	:	13/948,661	Examiner	:	Ouellette, J.P.
Filing Date	:	07/23/2013	Conf. No.	:	2749
Title	:	Method, computer system, and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements			

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Filed via EFS – February 5, 2014

RESPONSE TO OFFICE ACTION

Dear Sir:

In response to the Office Action dated September 11, 2013, assignee requests entry of the following amendments and consideration of the following remarks.

An **amendment to the title** is on page 2.

Amendments to the claims begin on page 3.

Remarks begin on page 9.

The application as amended contains twenty-five (25) total claims, three (3) of which are independent claims. Applicant previously paid for twenty (20) total claims and three (3) independent claims. Accordingly, the fee for five (5) extra claims, in the amount of $200.00 ($40/claim x 5 claims), is submitted concurrently.

The fee under 37 C.F.R. §1.17(a)(1) for a two-month extension of time is also submitted concurrently.

Amendments

IN THE TITLE:

Please amend the title as follows:

Method, computer system, and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements

IN THE CLAIMS:

Please amend the claims as follows:

1-39. (Cancelled)

40. (New) An automated method of collecting profiles of Internet-using entities, the method comprising:

(a) electronically receiving at a programmed computer system coupled to a global computer network, from at least one server controlled by one of a plurality of unaffiliated third parties, a partial profile of an entity that uses a user computer coupled to the global computer network and accessing a website, which partial profile is available to one of the third parties and contains at least one profile attribute related to the entity;

(b) automatically with the computer system electronically storing the received partial profile by adding the received partial profile to an electronically stored profile, which stored profile is believed to be related to the same entity;

(c) wherein receiving the partial profile is achieved as a result of automatic electronic URL redirection from a portion of a page of the website accessed by the user computer; and

(d) automatically with the computer system generating an electronic record of which of the plurality of unaffiliated third parties contributed to the stored profile particular profile attributes;

(e) wherein the stored profile, including the added partial profile, comprises data used in targeting third-party advertisements to the user computer over the global computer network.

41. (New) The method of claim 40 further comprising, in accordance with a predetermined arrangement, automatically using the electronic record of which of the plurality of unaffiliated third parties contributed to the stored profile particular profile attributes to create electronic data used to identify a payment amount due to the unaffiliated third party as a result of using at least one of the profile attributes in the

partial profile contributed by that third party in targeting the third-party advertisements to the entity's computer over the global computer network.

42. (New) The method of claim 40 wherein part (b) comprises the computer system adding the received partial profile to a stored profile believed related to the same entity on account of the received partial profile and the stored profile being related to the same user computer.

43. (New) The method of claim 42 wherein the computer system determines that the received partial profile and the stored profile are related to the same user computer by automatically reading a cookie on the user computer.

44. (New) The method of claim 40 further comprising automatically with the computer system electronically maintaining an electronic record of which unaffiliated third party contributed, to the stored profile, the profile attributes used in targeting the advertisements.

45. (New) The method of claim 40 further comprising automatically with the computer system electronically determining whether the received partial profile contains any profile attributes about the entity that were not previously contained in the stored profile.

46. (New) The method of claim 40 further maintaining with the computer system a credibility rating associated with at least one of the profile attributes of the stored profile.

47. (New) The method of claim 46 wherein the credibility rating is reflected in a price for the at least one profile attribute.

48. (New) The method of claim 40 further comprising automatically with the computer system selecting profile attributes from the stored profile based on the source thereof.

49. (New) The method of claim 40 further comprising automatically with the computer system electronically reading a cookie previously stored on the entity's computer, as a result of the URL redirection.

50. (New) A computer system coupled to a global computer network and programmed to perform an automated method of collecting profiles of Internet-using entities, the computer system having access to a storage device, the method performed by the programmed computer system comprising:

(a) electronically receiving at the computer system, from at least one server controlled by one of a plurality of unaffiliated third parties, a partial profile of an entity that uses a user computer coupled to the global computer network and accessing a website, which partial profile is available to one of the third parties and contains at least one profile attribute related to the entity;

(b) automatically with the computer system electronically storing in the storage device the received partial profile by adding the received partial profile to a profile electronically stored in the storage device, which stored profile is believed to be related to the same entity;

(c) wherein receiving the partial profile is achieved as a result of automatic electronic URL redirection from a portion of a page of the website accessed by the user computer; and

(d) automatically with the computer system generating an electronic record of which of the plurality of unaffiliated third parties contributed to the stored profile particular profile attributes;

(e) wherein the stored profile, including the added partial profile, comprises data used in targeting third-party advertisements to the user computer over the global computer network.

51. (New) The computer system of claim 50 wherein the automatic method performed by the programmed computer system further comprises, in accordance with a predetermined arrangement, automatically using the electronic record of which of the plurality of unaffiliated third parties contributed to the stored profile particular profile attributes to create electronic data used to identify a payment amount due to the unaffiliated third party as a result of using at least one of the profile attributes in the

partial profile contributed by that third party in targeting the third-party advertisements to the entity's computer over the global computer network.

52. (New) The computer system of claim 50 wherein part (b) comprises the computer system adding the received partial profile to a stored profile believed related to the same entity on account of the received partial profile and the stored profile being related to the same user computer.

53. (New) The computer system of claim 52 wherein the computer system determines that the received partial profile and the stored profile are related to the same user computer by automatically reading a cookie on the user computer.

54. (New) The computer system of claim 50 wherein the automatic method performed by the programmed computer system further comprises automatically with the computer system electronically maintaining an electronic record of which unaffiliated third party contributed, to the stored profile, the profile attributes used in targeting the advertisements.

55. (New) The computer system of claim 50 wherein the automatic method performed by the programmed computer system further comprises automatically with the computer system electronically determining whether the received partial profile contains any profile attributes about the entity that were not previously contained in the stored profile.

56. (New) The computer system of claim 50 wherein the automatic method performed by the programmed computer system further comprises maintaining with the computer system a credibility rating associated with at least one of the profile attributes of the stored profile.

57. (New) The computer system of claim 56 wherein the credibility rating is reflected in a price for the at least one profile attribute.

58. (New) The computer system of claim 50 wherein the automatic method performed by the programmed computer system further comprises automatically with the computer system selecting profile attributes from the stored profile based on the source thereof.

59. (New) The computer system of claim 50 wherein the automatic method performed by the programmed computer system further comprises automatically with the computer system electronically reading a cookie previously stored on the entity's computer, as a result of the URL redirection.

60. (New) A tangible, non-transitory data storage medium comprising indicia of instructions for a computer system to perform an automated method of collecting profiles of Internet-using entities, wherein the computer system is coupled to a global computer network and has access to a storage device, the method performed according to the instructions comprising:

(a) electronically receiving at the computer system, from at least one server controlled by one of a plurality of unaffiliated third parties, a partial profile of an entity that uses a user computer coupled to the global computer network and accessing a website, which partial profile is available to one of the third parties and contains at least one profile attribute related to the entity;

(b) automatically with the computer system electronically storing in the storage device the received partial profile by adding the received partial profile to a profile electronically stored in the storage device, which stored profile is believed to be related to the same entity;

(c) wherein receiving the partial profile is achieved as a result of automatic electronic URL redirection from a portion of a page of the website accessed by the user computer; and

(d) automatically with the computer system generating an electronic record of which of the plurality of unaffiliated third parties contributed to the stored profile particular profile attributes;

(e) wherein the stored profile, including the added partial profile, comprises data used in targeting third-party advertisements to the user computer over the global computer network.

61. (New) The data storage medium of claim 60 wherein the automatic method performed according to the instructions further comprises, in accordance with a

predetermined arrangement, automatically using the electronic record of which of the plurality of unaffiliated third parties contributed to the stored profile particular profile attributes to create electronic data used to identify a payment amount due to the unaffiliated third party as a result of using at least one of the profile attributes in the partial profile contributed by that third party in targeting the third-party advertisements to the entity's computer over the global computer network.

62. (New) The data storage medium of claim 60 wherein part (b) comprises the computer system adding the received partial profile to a stored profile believed related to the same entity on account of the received partial profile and the stored profile being related to the same user computer.

63. (New) The data storage medium of claim 62 wherein instructions cause the computer system to determine that the received partial profile and the stored profile are related to the same user computer by automatically reading a cookie on the user computer.

64. (New) The data storage medium of claim 60 wherein the automatic method performed according to the instructions further comprises automatically with the computer system electronically maintaining an electronic record of which unaffiliated third party contributed, to the stored profile, the profile attributes used in targeting the advertisements.

Remarks

The Office Action dated September 11, 2013, rejected the sole pending claim for double-patenting over certain claims of parent U.S. Patent 6,925,440, and as an abstract idea and thus unpatentable under 35 U.S.C. § 101.

In response, applicant cancels claim 1 and presents new independent claim 40 directed to a more specific method of collecting profiles of Internet-using entities, performed by a programmed computer system. Such claim is not abstract, and not subject to rejection under § 101, because it is directed to a process performed by a "machine" and thus within a statutory category of § 101, and because the process performed does not subsume the full scope of a fundamental concept, does not cover all possible ways of implementing an abstract idea (however defined), and contains meaningful narrowing limitations.

Applicant also presents independent claim 50, an apparatus counterpart of independent claim 40, which is directed to a computer system programmed to perform an automated method of collecting profiles of Internet-using entities. Likewise, this claim is directed to a "machine" within the scope of § 101, and it is not abstract for similar reasons.

Applicant also presents independent claim 60, which is a "stored-program" claim. As amended, that claim refers to a tangible medium only. As discussed in certain parent applications, applicant understands that the Office has a policy favoring the medium being specified as "non-transitory," to avoid covering the case of carrier waves propagating through an ephemeral medium such as air. The undersigned and the examiner have previously discussed, in a parent application, their common understanding that various non-ephemeral media (such as RAM, ROM, DVD, hard drives, flash memory, optical media, and others, including distributed or local media, even if "temporary" in some sense) are not intended to be excluded by the term "non-transitory." As in the parents, applicant has inserted the term "non-transitory" into claim 60 based on that understanding. The media specified or intended to be referenced in the specification are non-transitory in the sense described in this paragraph, and it is

not intended, by use of the word "non-transitory" in the preamble, to exclude any of the mediums specified in the specification. If the Examiner believes that any listed medium would be eliminated through this amendment, applicant respectfully requests that he call the undersigned or so indicate in the expected notice of allowance.

In any event, new claim 60 is likewise directed to a "machine" within the scope of § 101. *See In re Beauregard*, 53 F.3d 1583 (Fed. Cir. 1995). The claim is not abstract for similar reasons as discussed above.

Because the new independent claims are not subject to the §101 rejection, the dependent claims likewise constitute patentable subject matter.

For the Examiner's ease in examining the new claims, assignee advises that claim 40 is a modified version of independent claim 1 issued in parent U.S. Patent 8,244,582. Following is a comparison, in redlined form, of independent claim 1 of the '582 parent patent and the first independent claim of this application (claim 40), with underlining indicating matter added to issued claim 1 and strikeouts showing deletions therefrom.

40 [[1]]. An automated method of collecting profiles of Internet-using entities, the method comprising:

(a) electronically receiving at a programmed computer system coupled to a global computer network, from at least one server controlled by one of a plurality of unaffiliated third parties, a partial profile of an entity that uses a user computer coupled to the global computer network and accessing a website, which partial profile is available to one of the third parties and contains at least one profile attribute related to the entity~~, and~~;

(b) automatically with the computer system electronically storing the received partial profile by adding the received partial profile to an electronically stored profile, which stored profile is believed to be related to the same entity;

~~(b)~~ (c) wherein receiving the partial profile is achieved as a result of automatic electronic URL redirection from a portion of a page of the website accessed by the user computer; and

~~(c) automatically with the computer system electronically adding the received partial profile to a maintained profile believed to be related to the same entity;~~

(d) automatically with the computer system generating ~~and storing~~ an electronic record of which of the plurality of unaffiliated third parties contributed to the ~~maintained~~ stored profile particular profile attributes;

(e) wherein the ~~maintained~~ stored profile, including the added partial profile, comprises data used in targeting third-party advertisements to the user computer over the global computer network.

Dependent claims 41-49 derive from dependent claims 2-11 of the '582 parent patent, with changes to conform with the independent claim on which they now depend. Dependent claims 51-59 are apparatus counterparts of the above-referenced dependent method claims and depend on apparatus claim 50. Dependent claims 61-64 are "stored program" counterparts of dependent apparatus claims 51-54 and depend on "stored program" claim 60. A comparison of the dependent claims with the referenced parent patent is not being presented here; the examiner is encouraged to review the parent patent if considered relevant.

Applicant respectfully traverses the double-patenting rejection in the pending Office Action, which is based on parent patent 6,925,440 as the reference patent, because the '440 Patent claims 1-13 contain different and non-obvious limitations compared to this application. For example, the "null profile" in part (b) of claim 1 and the "electronically contracting for a royalty payment" steps in part (c) of claim 1 are missing from the pending claims. Conversely, pending claim 40 of this application contains different and non-obvious limitations compared to the '440 Patent claims 1-13. For example, the URL redirection in part (c) of claim 40, generating a record of profile attribute contributors in part (d) of claim 40, and the profile containing ad-targeting data in part (e) of claim 40 are not found in or obvious from the '440 Patent's claims.

Nevertheless, applicant understands that the Examiner may conclude that a different double-patenting rejection would be warranted over one or more of the parent

patents other than the '440 Patent (including perhaps the '582 parent patent discussed above, on which the new claims are based). If the Examiner determines that the application would be allowable except for double-patenting, we invite the Examiner to telephone the undersigned attorney to identify the patent or patents that would form the basis of such a double-patenting rejection; it is hoped that such a process would permit expedited allowance and issuance.

Please feel free to telephone the undersigned if it would in any way advance prosecution of this application.

Respectfully submitted,
ALMONDNET, INC.
by its attorney

Dated: February 5, 2014

/Louis J. Hoffman/
Louis J. Hoffman
Reg. No. 38,918

LOUIS J. HOFFMAN, P.C.
14301 North 87th Street
Suite 312
Scottsdale, Arizona 85260
(480) 948-3295

Electronic Patent Application Fee Transmittal

Application Number:	13948661
Filing Date:	23-Jul-2013
Title of Invention:	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements
First Named Inventor/Applicant Name:	Roy Shkedi
Filer:	Louis J. Hoffman/Donald Hertz
Attorney Docket Number:	14-DP-CON6

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Claims in excess of 20	2202	5	40	200
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension - 2 months with $0 paid	2252	1	300	300
Miscellaneous:				
		Total in USD ($)		**500**

Electronic Acknowledgement Receipt

EFS ID:	18125748
Application Number:	13948661
International Application Number:	
Confirmation Number:	2749
Title of Invention:	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman/Donald Hertz
Filer Authorized By:	Louis J. Hoffman
Attorney Docket Number:	14-DP-CON6
Receipt Date:	05-FEB-2014
Filing Date:	23-JUL-2013
Time Stamp:	18:09:13
Application Type:	Utility under 35 USC 111(a)

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Payment was successfully received in RAM	$500
RAM confirmation Number	4327
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

1	Amendment/Req. Reconsideration-After Non-Final Reject	14-02-05-Almondnet-DP-CON6-RTOA1.pdf	94261 751bd4aa8d74e0eafba37aa86d0d8050a19be8f3	no	12
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	32067 407676cebf6f7a91175e83bc8c334419a0754f6c	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	126328		

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<u>New Applications Under 35 U.S.C. 111</u>
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

<u>National Stage of an International Application under 35 U.S.C. 371</u>
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

<u>New International Application Filed with the USPTO as a Receiving Office</u>
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date	☐ To be Mailed
13/948,661	07/23/2013	

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	NUMBER FILED (Column 1)	NUMBER EXTRA (Column 2)	RATE ($)	FEE ($)
☒ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	**140**
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	**140**

APPLICATION AS AMENDED – PART II

AMENDMENT

02/05/2014	CLAIMS REMAINING AFTER AMENDMENT (Column 1)		HIGHEST NUMBER PREVIOUSLY PAID FOR (Column 2)	PRESENT EXTRA (Column 3)	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 25	Minus	** 20	= 5	X $40 =	200
Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 0	X $210 =	0
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	**200**

AMENDMENT

	CLAIMS REMAINING AFTER AMENDMENT (Column 1)		HIGHEST NUMBER PREVIOUSLY PAID FOR (Column 2)	PRESENT EXTRA (Column 3)	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =	
Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =	
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE
/GWENDOLYN MYERS/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/948,661	07/23/2013	Roy Shkedi	14-DP-CON6	2749

26362 7590 04/28/2014
LOUIS J. HOFFMAN, P.C.
14301 North 87th Street, Suite 312
Scottsdale, AZ 85260

EXAMINER
OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
3629	

NOTIFICATION DATE	DELIVERY MODE
04/28/2014	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Louis@valuablepatents.com
donald@valuablepatents.com
shaelyn@valuablepatents.com

PTOL-90A (Rev. 04/07)

Office Action Summary	Application No. 13/948,661	Applicant(s) SHKEDI, ROY	
	Examiner JONATHAN OUELLETTE	Art Unit 3629	AIA (First Inventor to File) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 2/5/2014.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

5)☒ Claim(s) 40-64 is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) 40-64 is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☒ The drawing(s) filed on 7/23/2013 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date 20131120.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

4) ☐ Other: _____.

DETAILED ACTION

1. The present application is being examined under the pre-AIA first to invent provisions.

Response to Amendment

2. Claims 1-39 have been cancelled, and Claims 40-64 have been added; therefore, Claims 40-64 are currently pending in application 13/948,661.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the claims at issue are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

4. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the reference application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).
5. The USPTO internet Web site contains terminal disclaimer forms which may be used. Please visit http://www.uspto.gov/forms/. The filing date of the application will determine what form should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed and approved immediately upon submission. For more information about eTerminal Disclaimers, refer to http://www.uspto.gov/patents/process/file/efs/guidance/eTD-info-I.jsp.
6. **Claims 40-64 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-30 of U.S. Patent No. 8494904, over claims 1-20 of U.S. Patent No. 8244582, and over claims 1-10 of U.S. Patent No. 7979307**. Although the claims at issue are not identical, they are not patentably distinct from each other because **both inventions disclose equivalent elements for searching for/receiving profile data (to include URL redirection), purchasing rights to profile data, and merging profile data.**

Response to Arguments

7. Applicant's arguments filed on **2/5/2014**, with respect to Claims **40-64**, have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

9. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on (571) 272-6782. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.

12. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (571) 272-4000. Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

April 21, 2014

/Jonathan Ouellette/

Primary Examiner, Art Unit 3629

Form PTO-1449 (Modified)
List of Patents and Publications For Information Disclosure Statement

Page 1 of 1

Serial No.:	13/948,661
Applicant:	Shkedi, Roy
Filed:	07/23/2013
Art Unit:	3629
Examiner:	Ouellette, J.P.

U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Publication Date	Name of Patentee or Applicant
_____	1	6487538	11/26/2002	Gupta et al.

Examiner: /Jonathan Ouellette/ Date Considered: 04/18/2014

EXAMINER: Initial if reference considered whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance *and* not considered. Include copy of this form with next communication to applicant.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /JO/

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13948661	SHKEDI, ROY
	Examiner	**Art Unit**
	JONATHAN OUELLETTE	3629

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	09/05/2013	04/18/2014							
	1	✓	-							
	2	-	-							
	3	-	-							
	4	-	-							
	5	-	-							
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	30	-	-							
	31	-	-							
	32	-	-							
	33	-	-							
	34	-	-							
	35	-	-							
	36	-	-							

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13948661	SHKEDI, ROY
	Examiner	**Art Unit**
	JONATHAN OUELLETTE	3629

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	09/05/2013	04/18/2014							
	37	-	-							
	38	-	-							
	39	-	-							
	40		✓							
	41		✓							
	42		✓							
	43		✓							
	44		✓							
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	60		✓							
	61		✓							
	62		✓							
	63		✓							
	64		✓							

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13948661	SHKEDI, ROY
	Examiner	**Art Unit**
	JONATHAN OUELLETTE	3629

CPC- SEARCHED

Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED

Symbol	Date	Examiner

US CLASSIFICATION SEARCHED

Class	Subclass	Date	Examiner
705	All	9/1/2013	JO
705	1.1-912	4/18/2014	JO

SEARCH NOTES

Search Notes	Date	Examiner
EAST (US and FOR)	9/1/2013	JO
DIALOG - NPL search	9/1/2013	JO
Reviewed search and examination of all Parent Applications - in particular 09/593993 - now US Pat. #6925440	9/1/2013	JO
EAST (US and FOR)	4/18/2014	JO
DIALOG - NPL Search	4/18/2014	JO
Reviewed Parent Applications	4/18/2014	JO

INTERFERENCE SEARCH

US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

To: Louis@valuablepatents.com,donald@valuablepatents.com,shaelyn@valuablepatents.com
From: PAIR_eOfficeAction@uspto.gov
Cc: PAIR_eOfficeAction@uspto.gov
Subject: Private PAIR Correspondence Notification for Customer Number 26362

Apr 28, 2014 05:39:18 AM

Dear PAIR Customer:

LOUIS J. HOFFMAN, P.C.
14301 North 87th Street, Suite 312
Scottsdale, AZ 85260
UNITED STATES

The following USPTO patent application(s) associated with your Customer Number, 26362 , have new outgoing correspondence. This correspondence is now available for viewing in Private PAIR.

The official date of notification of the outgoing correspondence will be indicated on the form PTOL-90 accompanying the correspondence.

Disclaimer:
The list of documents shown below is provided as a courtesy and is not part of the official file wrapper. The content of the images shown in PAIR is the official record.

Application	Document	Mailroom Date	Attorney Docket No.
13948661	CTFR	04/28/2014	14-DP-CON6
	1449	04/28/2014	14-DP-CON6

To view your correspondence online or update your email addresses, please visit us anytime at https://sportal.uspto.gov/secure/myportal/privatepair.

If you have any questions, please email the Electronic Business Center (EBC) at EBC@uspto.gov with 'e-Office Action' on the subject line or call 1-866-217-9197 during the following hours:

Monday - Friday 6:00 a.m. to 12:00 a.m.

Thank you for prompt attention to this notice,

UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION INFORMATION RETRIEVAL SYSTEM

Doc Code: DIST.E.FILE **Document Description: Electronic Terminal Disclaimer - Filed**	PTO/SB/26 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT**
Application Number	13948661
Filing Date	23-Jul-2013
First Named Inventor	Roy Shkedi
Attorney Docket Number	14-DP-CON6
Title of Invention	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements

☒ Filing of terminal disclaimer does not obviate requirement for response under 37 CFR 1.111 to outstanding Office Action

☒ This electronic Terminal Disclaimer is not being used for a Joint Research Agreement.

Owner	Percent Interest
ALMONDNET, INC.	100%

The owner(s) with percent interest listed above in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent number(s)

8494904

8244582

7979307

as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

◉ Terminal disclaimer fee under 37 CFR 1.20(d) is included with Electronic Terminal Disclaimer request. ○ I certify, in accordance with 37 CFR 1.4(d)(4), that the terminal disclaimer fee under 37 CFR 1.20(d) required for this terminal disclaimer has already been paid in the above-identified application.	
Applicant claims the following fee status: ◉ Small Entity ○ Micro Entity ○ Regular Undiscounted I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.	
THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES I certify, in accordance with 37 CFR 1.4(d)(4) that I am: ◉ An attorney or agent registered to practice before the Patent and Trademark Office who is of record in this application Registration Number 38918 ○ A sole inventor ○ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors as evidenced by the power of attorney in the application ○ A joint inventor; all of whom are signing this request	
Signature	/Louis J. Hoffman/
Name	Louis J. Hoffman

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

Electronic Patent Application Fee Transmittal

Application Number:	13948661
Filing Date:	23-Jul-2013
Title of Invention:	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements
First Named Inventor/Applicant Name:	Roy Shkedi
Filer:	Louis J. Hoffman/Donald Hertz
Attorney Docket Number:	14-DP-CON6

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Statutory or Terminal Disclaimer	1814	1	160	160
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
		Total in USD ($)		**160**

Doc Code: DISQ.E.FILE
Document Description: Electronic Terminal Disclaimer – Approved

Application No.: 13948661

Filing Date: 23-Jul-2013

Applicant/Patent under Reexamination: Shkedi et al.

Electronic Terminal Disclaimer filed on May 7, 2014

☒ APPROVED

This patent is subject to a terminal disclaimer

☐ DISAPPROVED

Approved/Disapproved by: Electronic Terminal Disclaimer automatically approved by EFS-Web

U.S. Patent and Trademark Office

Electronic Acknowledgement Receipt

EFS ID:	18973647
Application Number:	13948661
International Application Number:	
Confirmation Number:	2749
Title of Invention:	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman/Donald Hertz
Filer Authorized By:	Louis J. Hoffman
Attorney Docket Number:	14-DP-CON6
Receipt Date:	07-MAY-2014
Filing Date:	23-JUL-2013
Time Stamp:	21:33:22
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$160
RAM confirmation Number	8533
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

1	Electronic Terminal Disclaimer-Filed	eTerminal-Disclaimer.pdf	33815 8887892344289836739 1c09feba8e4b0edf55ec1	no	2
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30270 11308fa82f7dc855e4b3edb004c48260b55cd596	no	2
Warnings:					
Information:					
			Total Files Size (in bytes):	64085	

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

<u>New Applications Under 35 U.S.C. 111</u>
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

<u>National Stage of an International Application under 35 U.S.C. 371</u>
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

<u>New International Application Filed with the USPTO as a Receiving Office</u>
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor	:	Shkedi, Roy	Art Unit	:	3629
Serial No.	:	13/948,661	Examiner	:	Ouellette, J.P.
Filing Date	:	07/23/2013	Conf. No.	:	2749
Title	:	Method, computer system, and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements			

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Filed via EFS – May 7, 2014

RESPONSE TO OFFICE ACTION

Dear Sir:

In response to the Office Action dated April 29, 2013, made final, assignee submits concurrently a terminal disclaimer for e-processing through the Office's electronic filing system, to overcome the nonstatutory double patenting rejection (the sole ground of rejection) over U.S. Patents 7,979,307, 8,244,582, and 8,494,904. Assignee respectfully requests prompt allowance.

Please feel free to telephone the undersigned if it would in any way advance prosecution of this application.

Respectfully submitted,

ALMONDNET, INC.

by its attorney

Dated: May 7, 2014

/Louis J. Hoffman/
Louis J. Hoffman
Reg. No. 38,918

LOUIS J. HOFFMAN, P.C.
14301 North 87th Street
Suite 312
Scottsdale, Arizona 85260
(480) 948-3295

Electronic Acknowledgement Receipt

EFS ID:	18973661
Application Number:	13948661
International Application Number:	
Confirmation Number:	2749
Title of Invention:	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman/Donald Hertz
Filer Authorized By:	Louis J. Hoffman
Attorney Docket Number:	14-DP-CON6
Receipt Date:	07-MAY-2014
Filing Date:	23-JUL-2013
Time Stamp:	21:35:21
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Response After Final Action	14-05-07-Almondnet-DP_CON6-RTFA_w_TD.pdf	60427 f1ce079d002c224b385574bb675fa7bcf0346f0d	no	1

Warnings:

Information:

Total Files Size (in bytes):	60427

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

26362 7590 05/28/2014
LOUIS J. HOFFMAN, P.C.
14301 North 87th Street, Suite 312
Scottsdale, AZ 85260

EXAMINER
OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 05/28/2014

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/948,661	07/23/2013	Roy Shkedi	14-DP-CON6	2749

TITLE OF INVENTION: METHOD AND STORED PROGRAM FOR ACCUMULATING DESCRIPTIVE PROFILE DATA ALONG WITH SOURCE INFORMATION FOR USE IN TARGETING THIRD-PARTY ADVERTISEMENTS

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$480	$0	$0	$480	08/28/2014

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

26362 7590 05/28/2014
LOUIS J. HOFFMAN, P.C.
14301 North 87th Street, Suite 312
Scottsdale, AZ 85260

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/948,661	07/23/2013	Roy Shkedi	14-DP-CON6	2749

TITLE OF INVENTION: METHOD AND STORED PROGRAM FOR ACCUMULATING DESCRIPTIVE PROFILE DATA ALONG WITH SOURCE INFORMATION FOR USE IN TARGETING THIRD-PARTY ADVERTISEMENTS

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$480	$0	$0	$480	08/28/2014

EXAMINER	ART UNIT	CLASS-SUBCLASS
OUELLETTE, JONATHAN P	3629	705-014400

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

❑ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

❑ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1_____
2_____
3_____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ❑ Individual ❑ Corporation or other private group entity ❑ Government

4a. The following fee(s) are submitted:

❑ Issue Fee
❑ Publication Fee (No small entity discount permitted)
❑ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**

❑ A check is enclosed.
❑ Payment by credit card. Form PTO-2038 is attached.
❑ The Director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

❑ Applicant certifying micro entity status. See 37 CFR 1.29 — NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

❑ Applicant asserting small entity status. See 37 CFR 1.27 — NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

❑ Applicant changing to regular undiscounted fee status. — NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

PTOL-85 Part B (10-13) Approved for use through 10/31/2013. OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/948,661	07/23/2013	Roy Shkedi	14-DP-CON6	2749

26362 7590 05/28/2014
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Scottsdale, AZ 85260

EXAMINER
OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 05/28/2014

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

PTOL-85 (Rev. 02/11)

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No. 13/948,661	Applicant(s) SHKEDI, ROY	
	Examiner JONATHAN OUELLETTE	Art Unit 3629	AIA (First Inventor to File) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *5/7/2014*.
   ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on_____.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are *40-64*. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov .
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   Certified copies:

   a) ☒ All b) ☐ Some *c) ☐ None of the:
   1. ☐ Certified copies of the priority documents have been received.
   2. ☒ Certified copies of the priority documents have been received in Application No. *09/593,993* .
   3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
4. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
5. ☐ Examiner's Amendment/Comment
6. ☒ Examiner's Statement of Reasons for Allowance
7. ☐ Other _____.

/JONATHAN OUELLETTE/
Primary Examiner, Art Unit 3629

DETAILED ACTION

1. The present application is being examined under the pre-AIA first to invent provisions.

Response to Amendment

2. Claims 1-39 have been cancelled; therefor, Claims 40-64 are currently pending in application 13/948,661.

Allowable Subject Matter

3. **Claims 40-64 are allowed**.

4. The following is an examiner's statement of reasons for allowance:

5. All previous rejections are withdrawn due to Applicant's amendments and arguments.

Conclusion

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on (571) 272-6782. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.

9. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (571) 272-4000. Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 23, 2014

/Jonathan Ouellette/

Primary Examiner, Art Unit 3629

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

BIB DATA SHEET

CONFIRMATION NO. 2749

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
13/948,661	07/23/2013 RULE	705	3629	14-DP-CON6

APPLICANTS
AlmondNet, Inc., New York, NY, Assignee (with 37 CFR 1.172 Interest);

INVENTORS
Roy Shkedi, Forest Hills, NY;

**** CONTINUING DATA ****************************
This application is a CON of 13/585,779 08/14/2012 PAT 8494904
which is a CON of 13/115,949 05/25/2011 PAT 8244582
which is a CON of 12/186,918 08/06/2008 PAT 7979307
which is a DIV of 11/099,861 04/06/2005 PAT 7428493
which is a CON of 09/593,993 06/14/2000 PAT 6925440

**** FOREIGN APPLICATIONS ****************************
ISRAEL 133489 12/13/1999

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED **** ** SMALL ENTITY **
08/07/2013

		STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
Foreign Priority claimed ☑ Yes ☐ No 35 USC 119(a-d) conditions met ☑ Yes ☐ No Verified and Acknowledged /JONATHAN P OUELLETTE/ Examiner's Signature	☐ Met after Allowance JO Initials	NY	3	1	1

ADDRESS
LOUIS J. HOFFMAN, P.C.
14301 North 87th Street, Suite 312
Scottsdale, AZ 85260
UNITED STATES

TITLE
Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements

FILING FEE RECEIVED		
930	FEES: Authority has been given in Paper No._____ to charge/credit DEPOSIT ACCOUNT No._____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

BIB (Rev. 05/07).

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13948661	SHKEDI, ROY
	Examiner	**Art Unit**
	JONATHAN OUELLETTE	3629

CPC

Symbol					Type	Version
G06Q		30	/	04	I	2013-01-01
G06Q		30	/	0269	F	2013-01-01
G06Q		30	/	0241	I	2013-01-01
G06F		17	/	30867	I	2013-01-01
G06Q		40	/	00	I	2013-01-01
G06Q		30	/	02	I	2013-01-01
			/			
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CPC Combination Sets

Symbol					Type	Set	Ranking	Version
			/					
			/					

NONE (Assistant Examiner)	(Date)	**Total Claims Allowed:** 25	
/JONATHAN OUELLETTE/ Primary Examiner.Art Unit 3629 (Primary Examiner)	5/16/2014 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 2

U.S. Patent and Trademark Office

Part of Paper No. 20140516

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13948661	SHKEDI, ROY
	Examiner	**Art Unit**
	JONATHAN OUELLETTE	3629

US ORIGINAL CLASSIFICATION		INTERNATIONAL CLASSIFICATION	
CLASS	SUBCLASS	CLAIMED	NON-CLAIMED
705	14.4	G 0 6 Q 30 / 02 (2012.0)	
		G 0 6 Q 30 / 06 (2012.0)	
		G 0 6 Q 20 / 02 (2012.0)	
		G 0 7 F 17 / 16 (2006.0)	

CROSS REFERENCE(S)

CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)				
705	1.1				

NONE (Assistant Examiner)	(Date)	**Total Claims Allowed:** 25	
/JONATHAN OUELLETTE/ Primary Examiner.Art Unit 3629 (Primary Examiner)	5/16/2014 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 2

U.S. Patent and Trademark Office

Part of Paper No. 20140516

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13948661	SHKEDI, ROY
	Examiner	**Art Unit**
	JONATHAN OUELLETTE	3629

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☒ T.D. ☐ R.1.47

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
	1		17		33	10	49								
	2		18		34	11	50								
	3		19		35	12	51								
	4		20		36	13	52								
	5		21		37	14	53								
	6		22		38	15	54								
	7		23		39	16	55								
	8		24	1	40	17	56								
	9		25	2	41	18	57								
	10		26	3	42	19	58								
	11		27	4	43	20	59								
	12		28	5	44	21	60								
	13		29	6	45	22	61								
	14		30	7	46	23	62								
	15		31	8	47	24	63								
	16		32	9	48	25	64								

NONE (Assistant Examiner)	(Date)	**Total Claims Allowed:** 25	
/JONATHAN OUELLETTE/ Primary Examiner.Art Unit 3629 (Primary Examiner)	5/16/2014 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 2

U.S. Patent and Trademark Office

Part of Paper No. 20140516

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13948661	SHKEDI, ROY
	Examiner	**Art Unit**
	JONATHAN OUELLETTE	3629

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☒ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	09/05/2013	04/18/2014	05/16/2014						
	1	✓	-	-						
	2	-	-	-						
	3	-	-	-						
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	5	-	-	-						
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	34	-	-	-						
	35	-	-	-						
	36	-	-	-						

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13948661	SHKEDI, ROY
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☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☒ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	09/05/2013	04/18/2014	05/16/2014						
	37	-	-	-						
	38	-	-	-						
	39	-	-	-						
1	40		✓	=						
2	41		✓	=						
3	42		✓	=						
4	43		✓	=						
5	44		✓	=						
6	45		✓	=						
7	46		✓	=						
8	47		✓	=						
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12	51		✓	=						
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17	56		✓	=						
18	57		✓	=						
19	58		✓	=						
20	59		✓	=						
21	60		✓	=						
22	61		✓	=						
23	62		✓	=						
24	63		✓	=						
25	64		✓	=						

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13948661	SHKEDI, ROY
	Examiner	**Art Unit**
	JONATHAN OUELLETTE	3629

CPC- SEARCHED

Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED

Symbol	Date	Examiner

US CLASSIFICATION SEARCHED

Class	Subclass	Date	Examiner
705	All	9/1/2013	JO
705	1.1-912	4/18/2014	JO

SEARCH NOTES

Search Notes	Date	Examiner
EAST (US and FOR)	9/1/2013	JO
DIALOG - NPL search	9/1/2013	JO
Reviewed search and examination of all Parent Applications - in particular 09/593993 - now US Pat. #6925440	9/1/2013	JO
EAST (US and FOR)	4/18/2014	JO
DIALOG - NPL Search	4/18/2014	JO
Reviewed Parent Applications	4/18/2014	JO

INTERFERENCE SEARCH

US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
705	1.1, 14.4	5/16/2014	JO

	/JONATHAN OUELLETTE/ Primary Examiner, Art Unit 3629

To: Louis@valuablepatents.com,donald@valuablepatents.com,shaelyn@valuablepatents.com
From: PAIR_eOfficeAction@uspto.gov
Cc: PAIR_eOfficeAction@uspto.gov
Subject: Private PAIR Correspondence Notification for Customer Number 26362

May 28, 2014 05:30:40 AM

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Application	Document	Mailroom Date	Attorney Docket No.
13948661	NOA	05/28/2014	14-DP-CON6

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PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
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Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

26362 7590 05/28/2014
LOUIS J. HOFFMAN, P.C.
14301 North 87th Street, Suite 312
Scottsdale, AZ 85260

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that is Fee(s) Transmittal is being filed with the USPTO via EFS-Web, on the date indicated below.

Donald L. Hertz	(Depositor's name)
/Donald L. Hertz/	(Signature)
05/29/2014	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/948,661	07/23/2013	Roy Shkedi	14-DP-CON6	2749

TITLE OF INVENTION: Method, computer system, and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$480	$0	$0	$480	08/28/2014

EXAMINER	ART UNIT	CLASS-SUBCLASS
OUELLETTE, JONATHAN P	3629	705-014400

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Louis J. Hoffman
2
3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE: ALMONDNET, INC.

(B) RESIDENCE: (CITY and STATE OR COUNTRY): LONG ISLAND CITY, NEW YORK

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☑ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:
- ☑ Issue Fee
- ☑ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

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- ☐ A check is enclosed.
- ☑ Payment by credit card. (through EFS-Web)
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
- ☐ Applicant certifying micro entity status. See 37 CFR 1.29 — NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.
- ☐ Applicant asserting small entity status. See 37 CFR 1.27 — NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.
- ☑ Applicant changing to regular undiscounted fee status. — NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature /Louis J. Hoffman/ Date 05/29/2014

Typed or printed name Louis J. Hoffman Registration No. 38918

PTOL-85 Part B (10-13) Approved for use through 10/31/2013. OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Electronic Patent Application Fee Transmittal

Application Number:	13948661
Filing Date:	23-Jul-2013
Title of Invention:	METHOD AND STORED PROGRAM FOR ACCUMULATING DESCRIPTIVE PROFILE DATA ALONG WITH SOURCE INFORMATION FOR USE IN TARGETING THIRD-PARTY ADVERTISEMENTS
First Named Inventor/Applicant Name:	Roy Shkedi
Filer:	Louis J. Hoffman/Donald Hertz
Attorney Docket Number:	14-DP-CON6

Filed as Large Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Utility Appl Issue Fee	1501	1	960	960
Publ. Fee- Early, Voluntary, or Normal	1504	1	0	0

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**960**

Electronic Acknowledgement Receipt

EFS ID:	19163009
Application Number:	13948661
International Application Number:	
Confirmation Number:	2749
Title of Invention:	METHOD AND STORED PROGRAM FOR ACCUMULATING DESCRIPTIVE PROFILE DATA ALONG WITH SOURCE INFORMATION FOR USE IN TARGETING THIRD-PARTY ADVERTISEMENTS
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman/Donald Hertz
Filer Authorized By:	Louis J. Hoffman
Attorney Docket Number:	14-DP-CON6
Receipt Date:	29-MAY-2014
Filing Date:	23-JUL-2013
Time Stamp:	17:34:25
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$960
RAM confirmation Number	3987
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

1	Issue Fee Payment (PTO-85B)	14-05-29-AlmondNet-DP_CON6-Issue_fee_trans.pdf	138813 7a867b3281e60e583e6fc1b3dc2583514d368073	no	1
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	32322 64e61b7926166ade3660057602876813e36e6e0c	no	2
Warnings:					
Information:					
			Total Files Size (in bytes):	171135	

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<u>New International Application Filed with the USPTO as a Receiving Office</u>
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
13/948,661	07/23/2013	3629	930	14-DP-CON6	1	1

CONFIRMATION NO. 2749

CORRECTED FILING RECEIPT

26362
LOUIS J. HOFFMAN, P.C.
14301 North 87th Street, Suite 312
Scottsdale, AZ 85260

OC000000068835101

Date Mailed: 06/05/2014

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Inventor(s)

Roy Shkedi, Forest Hills, NY;

Applicant(s)

AlmondNet, Inc., New York, NY

Assignment For Published Patent Application

AlmondNet, Inc., New York, NY

Power of Attorney: The patent practitioners associated with Customer Number 26362

Domestic Priority data as claimed by applicant

This application is a CON of 13/585,779 08/14/2012 PAT 8494904
which is a CON of 13/115,949 05/25/2011 PAT 8244582
which is a CON of 12/186,918 08/06/2008 PAT 7979307
which is a DIV of 11/099,861 04/06/2005 PAT 7428493
which is a CON of 09/593,993 06/14/2000 PAT 6925440

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)
ISRAEL 133489 12/13/1999

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The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 13/948,661**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****
Title

METHOD, COMPUTER SYSTEM, AND STORED PROGRAM FOR ACCUMULATING DESCRIPTIVE PROFILE DATA ALONG WITH SOURCE INFORMATION FOR USE IN TARGETING THIRD-PARTY ADVERTISEMENTS

Preliminary Class

705

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

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Cc: PAIR_eOfficeAction@uspto.gov
Subject: Private PAIR Correspondence Notification for Customer Number 26362

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Scottsdale, AZ 85260
UNITED STATES

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Application	Document	Mailroom Date	Attorney Docket No.
13948661	APP.FILE.REC	06/05/2014	14-DP-CON6

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PATENT APPLICATION INFORMATION RETRIEVAL SYSTEM

Form PTO-1449 (Modified)
List of Patents and Publications For Information Disclosure Statement

Serial No.: 13/948,661
Applicant: Shkedi, Roy
Filed: 07/23/2013
Art Unit: 3629 (in parent)
Examiner: Ouellette, J.P. (in parent)

U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Publication Date	Name of Patentee or Applicant	Filing Date (if appropriate)
	1	20030149938	08/07/2003	McElfresh et al.	
	2	7003792	02/21/2006	Yuen	
	3	6839680	01/04/2005	Liu et al.	
	4	5918014	06/29/1999	Robinson	
	5	7065500	06/20/2006	Singh, et al.	
	6	6993590	01/31/2006	Gauthier, et al.	
	7	6868389	03/15/2005	Wilkins, et al.	
	8	6594691	07/15/2003	McCollum, et al.	
	9	6415322	07/02/2002	Jaye	
	10	6393471	05/21/2002	Kobata	
Change(s) applied to document, /M.H.E./ 6/6/2014	11	6327574	~~12/04/2011~~	Kramer et al.	December 4, 2001
	12	6269361	07/31/2001	Davis, et al.	
	13	6216129	04/10/2001	Eldering	
	14	6151601	11/21/2000	Papierniak, et al.	
	15	6141010	10/31/2000	Hoyle	
	16	6134532	10/17/2000	Lazarus, et al.	
	17	6128624	10/03/2000	Papierniak, et al.	
	18	6055573	04/25/2000	Gardenswartz, et al.	
	19	6055513	04/25/2000	Katz et al.	
	20	5956693	09/21/1999	Geerlings	
	21	5855008	12/29/1998	Goldhaber et al.	
	22	5848396	12/08/1998	Gerace	
	23	5752238	05/12/1998	Dedrick	
	24	5724521	03/03/1998	Dedrick	
	25	5717923	02/10/1998	Dedrick	
	26	5710884	01/20/1998	Dedrick	
	27	5446891	08/29/1995	Kaplan, et al.	
	28	5099422	03/24/1992	Foresman, et al.	
	29	4863384	09/05/1989	Slade	

Examiner: _____ Date Considered: _____

EXAMINER: Initial if reference considered whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance *and* not considered. Include copy of this form with next communication to applicant.

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/948,661	07/08/2014	8775249	14-DP-CON6	2749

26362 7590 06/18/2014
LOUIS J. HOFFMAN, P.C.
14301 North 87th Street, Suite 312
Scottsdale, AZ 85260

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment is 0 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

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APPLICANT(s) (Please see PAIR WEB site http://pair.uspto.gov for additional applicants):

AlmondNet, Inc., New York, NY, Assignee (with 37 CFR 1.172 Interest);
Roy Shkedi, Forest Hills, NY;

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Application	Document	Mailroom Date	Attorney Docket No.
13948661	ISSUE.NTF	06/18/2014	14-DP-CON6

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A petition has been filed in Patent Number 8,775,249, Application Number 13/948,661 on 05/15/2017.

The Case Number is CBM2017-00050.

To view the documents filed in this petition, go to http://www.uspto.gov/ip/boards/bpai/prps.jsp and click on the Direct Link.

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DISCLAIMER IN PATENT UNDER 37 CFR 1.321(a)

Name of Patentee	Docket Number (Optional)
Roy Shkedi	14-DP-CON6
Patent Number	**Date Patent Issued**
8,775,249	07/08/2014

Title of Invention

Method, Computer System, and Stored Program for Accumulating Descriptive Profile Data Along with Source Information for Use in Targeting Third-Party Advertisements

I hereby disclaim the following complete claims in the above identified patent: 2, 12, and 22.

The extent of my interest in said patent is (if assignee of record, state liber and page, or reel and frame, where assignment is recorded): 100% owner and assignee of record, see Reel 030858/Frame 0412, on behalf of me and my successors and assigns.

The fee for this disclaimer is set forth in 37 CFR 1.20(d).

- [ ] Patentee claims small entity status. See 37 CFR 1.27.
- [ ] Small entity status has already been established in this case, and is still proper.
- [ ] A check in the amount of the fee is enclosed.
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Signed at Forest Hills, State of NY, this 6th day of September 2017.

Roy Shkedi

Signature

Registration Number, if applicable

Roy Shkedi for AlmondNet, Inc.

Typed or printed name of patentee/ attorney or agent of record

(646) 217-0930

Telephone Number

37-18 Northern Boulevard, Suite 404

Address

Long Island City, New York 11101

City, State, Zip Code or Foreign Country as applicable

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Electronic Patent Application Fee Transmittal

Application Number:	13948661
Filing Date:	23-Jul-2013
Title of Invention:	METHOD, COMPUTER SYSTEM, AND STORED PROGRAM FOR ACCUMULATING DESCRIPTIVE PROFILE DATA ALONG WITH SOURCE INFORMATION FOR USE IN TARGETING THIRD-PARTY ADVERTISEMENTS
First Named Inventor/Applicant Name:	Roy Shkedi
Filer:	Louis J. Hoffman/Donald Hertz
Attorney Docket Number:	14-DP-CON6

Filed as Large Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
STATUTORY OR TERMINAL DISCLAIMER	1814	1	160	160
		Total in USD ($)		**160**

Electronic Acknowledgement Receipt

EFS ID:	30289167
Application Number:	13948661
International Application Number:	
Confirmation Number:	2749
Title of Invention:	METHOD, COMPUTER SYSTEM, AND STORED PROGRAM FOR ACCUMULATING DESCRIPTIVE PROFILE DATA ALONG WITH SOURCE INFORMATION FOR USE IN TARGETING THIRD-PARTY ADVERTISEMENTS
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman/Donald Hertz
Filer Authorized By:	Louis J. Hoffman
Attorney Docket Number:	14-DP-CON6
Receipt Date:	06-SEP-2017
Filing Date:	23-JUL-2013
Time Stamp:	18:51:19
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
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Payment was successfully received in RAM	$160
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Statutory disclaimers per MPEP 1490	17-09-06-AN-DP_CON6-8775249-StatDisclaimer-signed.pdf	170581 b0a4a5a82a1b5df40f03b970d1bfacfd53742739	no	1
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30722 3aaa069c2ccff1ab9c0af9196df820d28085da43	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	201303		

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<u>National Stage of an International Application under 35 U.S.C. 371</u>
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.
<u>New International Application Filed with the USPTO as a Receiving Office</u>
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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Tel: 571-272-7822

Paper 10
Entered: November 28, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

YAHOO! INC.,
Petitioner,

v.

ALMONDNET, INC.,
Patent Owner.

Case CBM2017-00050
Patent 8,775,249 B2

Before MICHAEL W. KIM, JUSTIN T. ARBES, and
THOMAS L. GIANNETTI, *Administrative Patent Judges*.

KIM, *Administrative Patent Judge*.

DECISION
Denying Institution of Covered Business Method Patent Review
35 U.S.C. § 324(a) and 37 C.F.R. § 42.208

I. INTRODUCTION

A. Background

Yahoo! Inc. ("Petitioner") filed a Corrected Petition to institute a covered business method patent review of claims 1–6, 9–16, and 19–25 of U.S. Patent No. 8,775,249 B2 (Ex. 1001, "the '249 patent") on a single ground of unpatentability under 35 U.S.C. § 101. Paper 3 ("Pet.").[1] AlmondNet, Inc. ("Patent Owner") filed a Preliminary Response, in which Patent Owner indicates that a statutory disclaimer has been filed with respect to dependent claims 2, 12, and 22. Paper 7 ("Prelim. Resp.") 24–25.

For the reasons set forth below, we determine that the '249 patent does not qualify as a covered business method patent for the purposes of § 18(d)(1) of the Leahy-Smith America Invents Act ("AIA"), Pub. L. No. 112-29, 125 Stat. 284, 331. We, thus, do not institute a covered business method patent review of any claim of the '249 patent.

B. Related Proceedings

Petitioner and Patent Owner identify the following district court proceeding concerning the '249 patent: *AlmondNet, Inc. et al. v. Yahoo! Inc.*, No. 1:16-cv-01557-ILG-SMG (E.D.N.Y.). Pet. 2; Paper 4, 2. The following proceedings, before the Board, also involve the same parties:

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[1] Petitioner filed its initial Petition on May 15, 2017 (Paper 2), then filed a Corrected Petition on June 2, 2017 (Paper 3). Petitioner was not ordered to correct its Petition in the Notice of Filing Date Accorded to Petition (Paper 6), and the filed papers do not otherwise indicate that Board authorization was obtained to do so. *See* 37 C.F.R. § 42.20(a). We need not reach this issue, however, given our disposition of the Corrected Petition on the merits, as explained herein.

CBM2017-00046 (U.S. Patent No. 7,822,639) (institution denied); CBM2017-00047 (U.S. Patent No. 8,244,586) (institution denied); CBM2017-00049 (U.S. Patent No. 7,979,307); CBM2017-00051 (U.S. Patent No. 8,494,904); CBM2017-00052 (U.S. Patent No. 8,244,582); CBM2017-00056 (U.S. Patent No. 8,959,146) (institution denied); CBM2017-00058 (U.S. Patent No. 8,671,139) (institution denied).

C. Standing

Section 18 of the America Invents Act governs the transitional program for covered business method patent reviews. Leahy-Smith America Invents Act ("AIA"), Pub. L. No. 112–29, § 18, 125 Stat. 284, 329–31 (2011); *see also* 37 C.F.R. §§ 42.300–304 (2016) (setting forth the rules governing the transitional program for covered business method patents). Section 18(a)(1)(B) of the AIA limits such reviews to persons, or their privies, that have been sued or charged with infringement of a covered business method patent. *See also* 37 C.F.R. § 42.302(a) (setting forth who may petition for a covered business method patent review). Petitioner asserts that, because it has been sued for infringement of certain claims of the '249 patent, it has standing to file this Petition. Pet. 40 (citing Ex. 1003).[2] Based on the record before us, we agree.

D. The '249 Patent

The '249 patent discloses that the claimed invention relates generally to "a mercantile method directed to brokerage of attributes of information." Ex. 1001, 1:33–35. According to the '249 patent, "[a]dvances in database

[2] Petitioner cites Ex. 1003 (Resume of Stephen Gray); we assume, however, Petitioner intended to cite the Complaint labeled Ex. 1004.

technology have given rise to commerce in records, files and databases, per se. For example, paying for a database credit check for an individual or buying a mailing list have become common practice." *Id.* at 1:39–42. The '249 patent further discloses that "[u]nfortunately, the current state of information commerce is focused on the sales of whole databases, whole records, or evaluations based on single or clusters of records." *Id.* at 1:61–63. The '249 patent indicates this is a problem because "[i]n commercial applications where specific attributes of information strongly affect the value of evaluations, there is a need in the art for commerce in such attributes. For example, in targeted advertising, every attribute, which substantially affects the probability of that advertisement's success, innately has a discrete economic value." *Id.* at 1:63–2:2. The '249 patent purports to solve this problem by utilizing "a descriptive-profile mercantile method, for use at a juncture in a data communications topology having associated therewith a maintained databank of partial profiles." *Id.* at 3:29–32. According to the '249 patent, the disclosed invention provides "a means for making viable the economic commerce in the information attributes" and "operates on a brokerage representation model." *Id.* at 3:52–58.

E. Illustrative Claim

Petitioner challenges claims 1–6, 9–16, and 19–25 of the '249 patent. Of those, claims 1, 11, and 21 are independent claims. Independent claim 1 is illustrative of the challenged claims, and is reproduced below.

> 1. An automated method of collecting profiles of Internet using entities, the method comprising:
>
> (a) electronically receiving at a programmed computer system coupled to a global computer network, from at least one server controlled by one of a plurality of unaffiliated third parties, a partial profile of an entity that uses a user computer

> coupled to the global computer network and accessing a website, which partial profile is available to one of the third parties and contains at least one profile attribute related to the entity;
>
> (b) automatically with the computer system electronically storing the received partial profile by adding the received partial profile to an electronically stored profile, which stored profile is believed to be related to the same entity;
>
> (c) wherein receiving the partial profile is achieved as a result of automatic electronic URL redirection from a portion of a page of the website accessed by the user computer; and
>
> (d) automatically with the computer system generating an electronic record of which of the plurality of unaffiliated third parties contributed to the stored profile particular profile attributes;
>
> (e) wherein the stored profile, including the added partial profile, comprises data used in targeting third-party advertisements to the user computer over the global computer network.

Ex. 1001, 16:46–17:4.

F. Asserted Ground of Unpatentability

Petitioner challenges claims 1–6, 9–16, and 19–25 of the '249 patent as failing to claim patent-eligible subject matter under 35 U.S.C. § 101. Pet. 40–70.

II. ANALYSIS

A. Claim Construction

In a covered business method patent review, we construe claim terms in an unexpired patent according to their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.200(b); *see Cuozzo Speed Techs. LLC v. Lee,* 136 S. Ct. 2131, 2142 (2016) (upholding the use of the broadest reasonable interpretation standard). Only those terms that are in controversy, however,

need be construed, and only to the extent necessary to resolve the controversy. *See Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999). Under the broadest reasonable interpretation ("BRI"), claim terms generally are given their ordinary and customary meaning, as would be understood by one of ordinary skill in the art in the context of the entire disclosure. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007). An inventor, however, may define specific terms used to describe an invention, but must do so "with reasonable clarity, deliberateness, and precision" and must "'set out his uncommon definition in some manner within the patent disclosure' so as to give one of ordinary skill in the art notice of the change" in meaning. *In re Paulsen,* 30 F.3d 1475, 1480 (Fed. Cir. 1994) (quoting *Intellicall, Inc. v. Phonometrics, Inc.*, 952 F.2d 1384, 1387–88 (Fed. Cir. 1992)).

Petitioner proposes two claim terms be construed: "unaffiliated third parties" and "third party advertisements." Pet. 20–30. We begin our analysis with the plain language of the claims themselves, but look to the specification for guidance as to how one skilled in the art would understand the ordinary meaning of the claims. In interpreting claims, care must be exercised, as there is a fine line between interpreting claims in light of the specification, and reading limitations into the claims from the specification. *Comark Commc'ns, Inc. v. Harris Corp.*, 156 F.3d 1182, 1186 (Fed. Cir. 1998).

1. "unaffiliated third parties"

Independent claim 1 recites "electronically receiving at a programmed computer system coupled to a global computer network, from at least one server controlled by one of a plurality of ***unaffiliated third parties***, a partial

profile . . ." (emphasis added). Independent claims 11 and 21 each recite similar limitations. Petitioner asserts that "unaffiliated third parties" should be construed as "parties that engage in arm's length transactions to buy and sell profiles." Pet. 20–29. Petitioner asserts this construction is proper because: (1) the specification characterizes the "present invention" as including "unaffiliated third parties" that buy and sell profiles; (2) the specification makes clear that "unaffiliated third parties" are those that contract to buy and sell profiles; and (3) any construction of "unaffiliated third parties" that excludes a contract to buy and sell profiles would read out impermissibly the preferred embodiment of the invention. *Id.*

Patent Owner disagrees, asserting that the term "unaffiliated third parties" does not require any express construction. Prelim. Resp. 15–19. Patent Owner asserts further that even if construction were required, Petitioner's construction would be incorrect, because it excludes improperly "a party that *donates* data or *swaps* data rather than buying or selling it," something covered by use of the words "economic *or other* value" in a relevant portion of the specification. *Id.* (emphasis in original) (in part quoting Ex. 1001, 7:55–8:6). We agree with Patent Owner.

As an initial matter, we note that Petitioner does not assert that any express claim language supports its proffered construction. We discern that the lack of such an assertion is logical as, of all the substantive terms set forth in Petitioner's construction, the only one recited explicitly, in any claim, is "profile." We do not discern that any of the terms "unaffiliated," "third," "parties," and "profile," individually or collectively, provides a sufficient basis for Petitioner's proposed construction.

Instead, Petitioner relies almost exclusively on the specification. In light of the above, however, Petitioner needs to show that its proffered construction is set forth "with reasonable clarity, deliberateness, and precision" and is "'set out . . . in some manner within the patent disclosure' so as to give one of ordinary skill in the art notice of the change" in meaning. *Paulsen,* 30 F.3d at 1480. We are unpersuaded that Petitioner has done so. Specifically, we agree with Patent Owner that the portions of the specification identified by Petitioner merely disclose preferred, but non-limiting, embodiments. *See* Prelim. Resp. 15–19. In particular, Patent Owner contends, and we agree, that the following portions of the specification indicate that "unaffiliated third parties" is not limited to "buying and selling," as asserted by Petitioner:

> In the context of the preferred embodiment of the present invention, 'user' relates to an individual, web site, search-robot and/or other type of software agent that interacts with the system by virtue of their contacting a juncture in the data-communications topology where the method is installed in order to acquire, trade, dispose of and/or broker some attribute data for the purpose of acquiring some potential economic ***or other value*** in connection with that attribute data.

Ex. 1001, 7:66–8:6 (emphasis added).

> The various kinds of contracts available in a transaction between the system and the user are: buy, sell, ***broker, and trade.*** Where new information is disclosed to the system a royalty arrangement (or, alternatively, an outright purchase or sale) comprised of micro payments ***may be employed.***

Id. at 10:36–40 (emphases added).

As for Petitioner's assertion that construing "unaffiliated third parties" to exclude a contract to buy and sell profiles would read out, impermissibly, the preferred embodiment of the invention, we conclude that assertion is

misplaced. Patent Owner does not assert that "unaffiliated third parties" should be construed as excluding buying and selling profiles; Patent Owner is merely asserting that "unaffiliated third parties" is not limited to "parties that engage in arm's length transactions to buy and sell profiles." Under that premise, a premise with which we agree for the reasons set forth above, the preferred embodiment is not excluded.

We are unpersuaded that "unaffiliated third party" is limited to "parties that engage in arm's length transactions to buy and sell profiles." As explained above, the term also encompasses parties that engage in other types of transactions (e.g., trades). We agree with Patent Owner that "unaffiliated third parties" does not require any further construction.

2. "third-party advertisements"

Independent claim 1 recites "wherein the stored profile, including the added partial profile, comprises data used in targeting ***third-party advertisements*** to the user computer over the global computer network." Emphasis added. Petitioner asserts that the term "third-party advertisements" should be construed as "paid announcements." Pet. 29–30. Petitioner asserts that the specification defines a "third party" as "one that buys and sells information." *Id.* Petitioner additionally asserts that an advertisement, in the context of electronic media, necessarily is paid. *Id.* (citing Ex. 1002 ¶¶ 44, 65). Petitioner, thus, concludes that "[s]ince, here, 'third-party' modifies 'advertisements,' the claim term 'third-party advertisements' ought to be construed to mean 'advertisements' that are sold by one party and purchased by another (*i.e.*, third) party, *i.e.*, 'paid announcements.'" *Id.* at 29 (citing Ex. 1002 ¶ 64).

Patent Owner disagrees, asserting that "[t]he *broadest* reasonable interpretation of 'advertisement' is simply 'a notice or announcement,' and the broadest reasonable interpretation of 'third party advertisement' is a notice or announcement by some party other than the one performing the method of claim 1. Including free ads is not 'unreasonable.'" Prelim. Resp. 19–23. Patent Owner argues that Petitioner's assertions are flawed, because the "third party" recited in each of "unaffiliated third parties" and "third-party advertisement" are actually different parties. *Id.* at 21. Specifically, Patent Owner argues the "term 'unaffiliated third party' refers to the 'user,' whereas the term 'third-party advertisements' refers to advertisements of a third-party *advertiser*." *Id.* at 21. As an initial matter, we note that the parties appear to agree that "advertisements" are, essentially, "announcements," as each party's respective construction includes that term. Accordingly, we will limit our analysis to whether or not it is proper to insert the word "paid" before "announcements." On that issue, we agree with Patent Owner that it is not.

Beginning with "third party," Petitioner does not identify, and we are unable to ascertain independently, anything about the terms "third" or "party," individually or collectively, that has anything to do with either "one that buys and sells information" or "paid." The same is true for the rest of the express language set forth in independent claim 1.

The portions of the specification cited by Petitioner are equally unavailing. Pet. 29–30 (citing Ex. 1001, 3:52–53, 8:12–15). We are unpersuaded that either portion provides a definition of "third party" as "one that buys and sells information," or as requiring "paid," with any degree of "clarity, deliberateness, and precision." *See Paulsen,* 30 F.3d at 1480. As

noted by Patent Owner, the portions of the specification cited by Petitioner refer to a "third-party" in the context of "unaffiliated third party," and not "third-party advertisements." Moreover, even if those portions of the specification are considered relevant, we are unpersuaded that they limit "third party" to "one that buys and sells information," or require the term "paid," for the same reasons set forth above in our analysis of "unaffiliated third party."

For the claim term "advertisements," Petitioner asserts that adding the word "paid" is appropriate, because "one of ordinary skill would understand that in the context of the electronic media at issue in the '249 patent, an 'advertisement[ ]' is necessarily paid; otherwise, it would not be considered an 'advertisement[ ].'" Pet. 29 (citing Ex. 1002 ¶¶ 44, 65). We are unpersuaded. We have considered Petitioner's supporting evidence and, in particular, the testimony of Stephen Gray. While Mr. Gray uses the absolute term "always" in asserting that "[a]t least in the context of the Internet, advertisers always pay for 'advertisements'; otherwise, a displayed message would not be considered an advertisement" (Ex. 1002 ¶ 44), we are unpersuaded that it is credible, as the balance of the paragraph, as well as the cited exhibits, use much more equivocal language, as follows:

> Indeed, from its inception, Internet advertising was ***focused*** on generating revenue for websites for the display of advertisements. (*See, e.g.*, Ex. 1025 at 153 ("When advertising on the Web first began, no one knew how to price. The only known figure was a fee HotWired decided to charge for its first ads in 1994: $30,000 for banner advertising that ran for 12 weeks."). Advertisers ***may*** pay for advertisements via pay-per-click (PPC) systems, also called cost-per-click (CPC) systems. (*See* Ex. 1026 (https://www.duncanjonesnz.com/history-of-ppcmarketing/).) PPC is an Internet advertising ***model*** in which

> advertisers pay the publisher (***typically*** a website owner or a search engine) when the ad is clicked. The ads would have ***typically*** appeared as a link that ***may*** be accompanied by additional advertising language. When a user clicked on one of the ads containing a hyperlink, the user's browser was directed to the website of a company that had agreed to pay the owner of the PPC system some amount of money for each such click. Other pricing ***models*** "range from flat-fee to paying for the number of times an ad is seen . . . to paying on a cost-per-lead or cost-per-purchase basis." (Ex. 1025 at 154; *see also id.* at 153–78 (describing various pricing models used in Internet advertising).)

Ex. 1002 ¶ 44 (emphases added). The use of equivocal terms that signify the presence of alternatives, such as "focused," "may," "typically," and "model," all indicate that paid advertising was merely an option, and does not support Mr. Gray's testimony that "advertisers ***always*** pay for 'advertisements.'" *Id.* (emphasis added).

The same logic also is applicable to the analysis and supporting evidence set forth in paragraph 65 of Mr. Gray's Declaration. Ex. 1002 ¶ 65 (citing Exs. 1005, 1006).[3] Specifically, while the cited dictionary definitions do mention "paid announcement," that is merely set forth in a listing with other options that do not use the word "paid," or any equivalent. *See, e.g.*, Ex. 1006, 4 of 4 ("advertisement" is defined as "[a] notice, such as a poster, newspaper display, or paid announcement in the electronic media to attract public attention or patronage."). Accordingly, again, we are unpersuaded that Mr. Gray's testimony that "'advertisement[ ]' is ***necessarily*** paid;

[3] Petitioner cites Ex. 1004 (Complaint). We assume, however, Petitioner intended to cite The American Heritage College Dictionary, 4th Edition (Ex. 1005), The American Heritage College Dictionary, 3rd Edition (Ex. 1006).

otherwise, it would not be considered an 'advertisement[ ]'" (emphasis added) is credible. Ex. 1002 ¶ 65 (emphasis added).

Finally, Patent Owner cites several cases in support of its argument that an advertisement does not necessarily require payment; rather, an advertisement is merely a notice or announcement. Prelim. Resp. 19–21 (citing *Unwired Planet, LLC v. Google, Inc.*, 841 F.3d 1376, 1382 (Fed. Cir. 2016); *Google Inc. v. Klaustech, Inc.*, CBM2016-00096, slip op. at 8–16 (PTAB. Feb. 27, 2017) (Paper 10); *Google Inc. v. HBAC Matchmaker Media Inc.*, CBM2016-00097, slip op. at 12–23 (PTAB Feb. 27, 2017) (Paper 16) (*but see* dissenting opinion)). We acknowledge that facts and arguments may differ between cases, such that a finding in one case that "advertisement" does not necessarily require payment is not always binding on another. Nevertheless, the cited cases, and, in particular, the *Unwired Planet* decision issued by the Federal Circuit, provide some guidance on this issue. We are unpersuaded that Petitioner has shown sufficiently that the facts and arguments in this case justify a different outcome.

Accordingly, we construe "third party advertisements" as "third party announcements," which does not include the word "paid."

B. Covered Business Method Patent

Section 18(d)(1) of the AIA defines a covered business method patent as "a patent that claims a method or corresponding apparatus for performing data processing or other operations used in the practice, administration, or management of a financial product or service, except that the term does not include patents for technological inventions." *See also* 37 C.F.R. § 42.301(a) (stating the same). To determine whether a patent is a covered business method patent, "the statutory definition of a [covered business

method (CBM)] patent requires that the patent have a claim that contains, however phrased, a financial activity element." *Secure Axcess, LLC v. PNC Bank Nat'l Ass'n*, 848 F.3d 1370, 1381 (Fed. Cir. 2017); *see also Blue Calypso, LLC v. Groupon, Inc.*, 815 F.3d 1331, 1340 (Fed. Cir. 2016) (stating that "§ 18(d)(1) directs us to examine *the claims* when deciding whether a patent is a CBM patent"); *Unwired Planet,* 841 F.3d at 1382 ("CBM patents are limited to those with claims that are directed to methods and apparatuses of particular types and with particular uses 'in the practice, administration, or management of a financial product or service.'").

Petitioner cites six claims of the '249 patent in support of its assertion that the '249 patent is a covered business method patent: dependent claims 2, 12, and 22, and independent claims 1, 11, and 22. Pet. 31–40.

1. Effect of Statutory Disclaimer

Petitioner contends challenged dependent claims 2, 12, and 22 of the '249 patent are directed to financial activity, because each claim requires a predetermined arrangement whereby a payment amount is due to the unaffiliated third party as a result of using at least one of the profile attributes contributed by that third party in targeting the third party advertisements. Pet. 32. Patent Owner argues, however, that these claims cannot provide the basis for eligibility for a covered business method patent review, because they have been disclaimed pursuant to 35 U.S.C. § 253(a) and 37 C.F.R. § 1.321(a). Prelim. Resp. 24–25. We agree with Patent Owner. "The Federal Circuit has held consistently that claims disclaimed under § 253(a) should be treated as though they never existed." *Facebook, Inc. v. Skky, LLC*, Case CBM2016-00091, slip op. at 8 (PTAB Sept. 28, 2017) (Paper 12) (informative) (citing *Vectra Fitness, Inc. v. TWNK Corp.*,

162 F.3d 1379, 1383 (Fed. Cir. 1998)). "The decision whether to institute a CBM patent review is based on whether a patent 'is' a covered business method patent, which in turn is based on what the patent 'claims' at the time of the institution decision, not as the claims may have existed at some previous time." *Id.* at 6. Accordingly, as dependent claims 2, 12, and 22 are disclaimed by the time of this decision, they cannot provide the basis for eligibility for a covered business method patent review.

2. Financial Product or Service

Petitioner's assertion that independent claims 1, 11, and 21 recite financial activity elements is entirely premised on its proposed constructions of "unaffiliated third parties" and "third-party advertisements." Pet. 33–35.[4] As discussed *supra*, however, we do not adopt Petitioner's proffered claim constructions of either term. Instead, we determine that "unaffiliated third parties" is not limited to profile buyers and sellers and does not require any further construction, and that "third party advertisements" should be construed as "third party announcements." On this record, therefore, we are

[4] Petitioner also asserts that "[t]he '249 patent's specification makes plain that it is a patent 'used in the practice, administration, or management of a financial product or service.'" Pet. 35. Petitioner then asserts, however, the following: "Petitioner acknowledges that this argument is inconsistent with the Federal Circuit's language in *Secure Axcess LLC v. PNC*, 848 F.3d 1370 (Fed. Cir. 2017). The appellant in that case, however, has filed a request for *en banc* review, asking whether such patents are CBM eligible . . . . Petitioner submits this argument for the Board's consideration should the Federal Circuit or Supreme Court overrule or modify the *Secure Axcess* decision." Pet. 35 n.6. The request for *en banc* review was denied. *Secure Axcess LLC v. PNC*, 859 F.3d 998 (Fed. Cir. 2017). A petition for a writ of certiorari was filed on September 4, 2017, and is pending. In any case, however, as neither the Federal Circuit nor Supreme Court, as of this date, has overruled or modified *Secure Axcess*, Petitioner's assertion is moot.

unpersuaded that Petitioner has shown sufficiently that either claim term is a financial activity element. Accordingly, Petitioner has not met its burden of demonstrating that the '249 patent is eligible for a covered business method patent review.

II. CONCLUSION

On this record, Petitioner has not met its burden of showing that the '249 patent is eligible for the transitional covered business method patent review program.

III. ORDER

After due consideration of the record before us, and for the foregoing reasons, it is ORDERED that the Petition is *denied* and no covered business method patent review is instituted.

PETITIONER:

Jim Glass
John McKee
Ognjen Zivojnovic
QUINN EMANUEL URQUHART & SULLIVAN, LLP
jimglass@quinnemanuel.com
johnmckee@quinnemanuel.com
ogizivojnovic@quinnemanuel.com

PATENT OWNER:

Louis Hoffman
LOUIS J. HOFFMAN, P.C.
louis@valuablepatents.com

Justin Lesko
LAW OFFICES OF STEVEN G. LISA, LTD
justinlesko@patentit.com

Disclaimer

8,775,249 B2 - Roy Shked, New York (US). METHOD, COMPUTER SYSTEM, AND STORED PROGRAM FOR ACCUMULATING DESCRIPTIVE PROFILE DATA ALONG WITH SOURCE INFORMATION FOR USE IN TARGETING THIRD-PARTY ADVERTISEMENTS. Patent dated July 8, 2014. Disclaimer filed September 6, 2017, by the inventor.

I hereby disclaim the following complete claims 2, 12 and 22 of said patent.

(Official Gazette, September 6, 2022)