

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FREEWHEEL MEDIA, INC.,
Petitioner,

v.

ALMONDNET, INC.,
Patent Owner.

Patent No. 8,775,249

Filing Date: July 23, 2013

Issue Date: July 8, 2014

Title: METHOD, COMPUTER SYSTEM, AND STORED PROGRAM FOR
ACCUMULATING DESCRIPTIVE PROFILE DATA ALONG WITH SOURCE
INFORMATION FOR USE IN TARGETING THIRD-PARTY
ADVERTISEMENTS

Inter Partes Review No.: IPR2024-00417

**PETITION FOR *INTER PARTES* REVIEW
UNDER 35 U.S.C. §§ 311-319 AND 37 C.F.R. § 42.100 *et seq.***

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EXHIBITS

- Ex. 1101: U.S. Patent No. 8,775,249 (“the ’249 patent”)
- Ex. 1102: Expert Declaration of Dr. Sanjay Ranka
- Ex. 1103: Certified Prosecution History for U.S. Patent No. 7,428,493 (“the ’493 patent”)
- Ex. 1104: Certified Prosecution History for U.S. Patent No. 7,979,307 (“the ’307 patent”)
- Ex. 1105: Certified Prosecution History for U.S. Patent No. 8,244,582 (“the ’582 patent”)
- Ex. 1106: Certified Prosecution History of U.S. Patent No. 8,494,904 (“the ’904 patent”)
- Ex. 1107: Certified Prosecution History of U.S. Patent No. 8,775,249 (“the ’249 patent”)
- Ex. 1108: Papers from the prosecution histories of related EP 00981582.0 and EP 08103068.6 available at <https://register.epo.org/regviewer>
- Ex. 1109: Excerpts from *AlmondNet, Inc v. Freewheel Media, Inc.*, No. 1:23-cv-00220-MN (D. Del.) (“Corresponding District Court Litigation”)
- Ex. 1110: Excerpts from *AlmondNet, Inc. et al v. Oath Holdings Inc.*, 1-19-cv-00247 (D. Del.) (“*Oath Holdings* case”)
- Ex. 1111: Excerpts from *AlmondNet, Inc., v. Samsung Electronics Co., Ltd.*, et al., 4-22-cv-07515 (N.D. Cal.) (“7515 N.D. Cal. case”), *AlmondNet, Inc. et al v. Microsoft Corporation*, 6-21-cv-00897 (W.D. Tex.) (“897 W.D. Tex. case”), and *AlmondNet, Inc. et al v. Amazon.com, Inc. et al.*, 6-21-cv-00898 (W.D. Tex.) (“898 W.D. Tex. case”)
- Ex. 1112: Excerpts from *Roku, Inc. v. AlmondNet, Inc. et al.*, 1-21-cv-01035 (D. Del.) (“1035 D. Del. case”)

- Ex. 1113: Excerpts from *Yahoo! Inc. v. AlmondNet, Inc.*, CBM2017-00049, challenging claims of the '307 patent
- Ex. 1114: Excerpts from *Yahoo! Inc. v. AlmondNet, Inc.*, CBM2017-00050, challenging claims of the '249 patent
- Ex. 1115: Excerpts from *Yahoo! Inc. v. AlmondNet, Inc.*, CBM2017-00051, challenging claims of the '904 patent
- Ex. 1116: Excerpts from *Yahoo! Inc. v. AlmondNet, Inc.*, CBM2017-00052, challenging claims of the '582 patent
- Ex. 1117: Excerpts from *Samsung Electronics Co., Ltd. v. AlmondNet, Inc.*, IPR2022-01260, challenging claims of the '582 patent
- Ex. 1118: Excerpts from *Amazon.com, Inc. v. AlmondNet, Inc.*, IPR2022-01455, challenging claims of the '582 patent
- Ex. 1119: Excerpts from *Meta Platforms, Inc. v. AlmondNet, Inc.*, IPR2022-01436, challenging claims of the '582 patent
- Ex. 1120: “Brief History of the Internet,” by Barry Leiner et al., Internet Society, 1997
- Ex. 1121: “Addressing URL,” Internet Engineering Task Force (IETF), URI working Group, w3.org/Addressing/URL/url-spec.txt, 1994
- Ex. 1122: “HTML Sourcebook,” Ian S. Graham, John Wiley & Sons, Inc., 1995, excerpts
- Ex. 1123: “Hypertext Transfer Protocol -- HTTP/1.0,” Internet Engineering Task Force (IETF), HTTP Working Group, 1996
- Ex. 1124: “Newton’s Telecom Dictionary,” 11th edition, by Harry Newton, Flatiron Publishing, Inc., 1996, excerpts
- Ex. 1125: “Hypertext Markup Language – 2.0,” RFC 1866, Internet Engineering Task Force (IETF), Network Working Group, 1995

- Ex. 1126: “Hypertext Transfer Protocol -- HTTP/1.0,” RFC 1945, Internet Engineering Task Force (IETF), Network Working Group, 1996
- Ex. 1127: “The HTTP Protocol As Implemented in W3,”
<https://www.w3.org/Protocol/HTTP/AsImplemented.html>
- Ex. 1128: U.S. Patent No. 6,183,366 (“Goldberg”)
- Ex. 1129: U.S. Patent No. 7,334,184 (“Simons”)
- Ex. 1130: U.S. Patent No. 6,055,573 (“Gardenswartz”)
- Ex. 1131: U.S. Patent No. 5,991,740 (“Messer”)
- Ex. 1132: U.S. Patent No. 6,036,601 (“Heckel”)
- Ex. 1133: “The Internet Complete Reference,” by Harley Hahn and Rick Stout, Osborne McGraw-Hill, 1994, excerpts
- Ex. 1134: “Net Worth,” by John Hagel III and Marc Singer, Harvard Business School Press, 1999
- Ex. 1135: U.S. Patent No. 5,948,061 (“Merriman ’061”)
- Exs. 1136-1138: *Reserved*
- Ex. 1139: U.S. Patent Application Pub. No. 2002/0026351 (“Coleman”)
- Exs. 1140-1145: *Reserved*
- Ex. 1146: “Database Management Systems,” Second Edition, by Raghu Ramakrishnan and Johannes Gehrke, McGraw-Hill Companies, Inc., 1998 (excerpts)
- Ex. 1147: “How the Internet Works,” Fourth Edition, by Preston Gralla, Que Corporation, 1998
- Ex. 1148: “A Framework for Targeting Banner Advertising On the Internet,” by Katherine Gallagher and Jeffrey Parsons, IEEE, 1997

- Ex. 1149: “A Framework for the Optimizing of WWW Advertising,” by Charu C. Aggarwal, Joel L. Wolf, and Philip S. Yu, IBM T.J. Watson Research Center
- Ex. 1150: “Unintrusive customization techniques for Web advertising,” by Marc Langheinrich et al., Elsevier Science, Computer Networks 31 (1999), pp. 1259-1272
- Ex. 1151: “Web advertising,” by Michael McCandless, IEEE, Intelligent Systems, 1998
- Ex. 1152: Expert Declaration of Dr. Hall-Ellis
- Exs. 1153-1154: *Reserved*
- Ex. 1155: U.S. Patent No. 6,073,241 (“Rosenberg”)
- Ex. 1156: Excerpts from Robin Zeff & Brad Aronson, *Advertising on the Internet* (1997) (“Zeff”)
- Ex. 1157: Excerpts from Jim Sterne, *What Makes People Click: Advertising on the Web* (1997) (“Sterne”)
- Ex. 1158: U.S. Patent No. 6,144,944 (“Kurtzman”)
- Ex. 1159: U.S. Patent No. 8,566,154 (“Merriman”)
- Ex. 1160: U.S. Patent Application Ser. No. 09/362,008 (“Merriman Parent”)
- Ex. 1161: U.S. Provisional Application No. 60/194,146 (“Merriman Provisional”)
- Ex. 1162: Redline comparison showing differences in written descriptions of (1) Merriman (Ex. 1159) to Merriman Parent (Ex. 1160) and (2) Merriman (Ex. 1159) to Merriman Provisional (Ex. 1161)
- Ex. 1163: U.S. Patent No. 5,978,791 (“Farber”)
- Ex. 1164: Excerpts from Mark R. Brown et al., *Special Edition Using HTML 3.2* (3d ed. 1997) (“Brown”)

MANDATORY NOTICES

Real Parties in Interest (37 C.F.R. § 42.8(b)(1))

The real parties-in-interest for this petition are (i) FreeWheel Media, Inc., (ii) Beeswax.io Corp., (iii) Comcast Corporation, (iv) Comcast Cable Communications, LLC, and (v) Comcast Cable Communications Management, LLC.

No unnamed entity is funding, controlling, or directing this Petition for *inter partes* review (IPR) of U.S. Patent No. 8,775,249 (“the ’249 patent”), or otherwise has an opportunity to control or direct this Petition or Petitioner’s participation in any resulting IPR.

Related Matters (37 C.F.R. § 42.8(b)(2))

The ’249 patent was asserted against FreeWheel Media, Inc. and Beeswax.io Corp. by AlmondNet, Inc. and Intent IQ, LLC (collectively “AlmondNet”) in the United States District Court for the District of Delaware: *AlmondNet, Inc v. Freewheel Media, Inc.*, No. 1:23-cv-00220-MN (D. Del.) (“Corresponding District Court Litigation”). Ex. 1109. The earliest date of service of the complaint for the Corresponding District Court Litigation on any of the real parties-in-interest was March 2, 2023.

This is the second of three petitions for *inter partes* review filed by Petitioner against the ’249 Patent—the other two petitions are assigned IPR2024-00416 and IPR2024-00418. Petitioner is also filing three petitions for *inter partes* review

against related U.S. Pat. No. 7,979,307—those three petitions are assigned IPR2024-00413, IPR2024-00414, and IPR2024-00415.

According to the Office’s records, the ’249 patent is a continuation of application Ser. No. 13/585,779, filed Aug. 14, 2012, now U.S. Pat. No. 8,494,904 (“the ’904 patent”), which is a continuation of application Ser. No. 13/115,949, filed May 25, 2011, now U.S. Pat. No. 8,244,582 (“the ’582 patent”), which is a continuation of application Ser. No. 12/186,918, filed Aug. 6, 2008, now U.S. Pat. No. 7,979,307 (“the ’307 patent”), which is a divisional of application Ser. No. 11/099,861, filed Apr. 6, 2005, now U.S. Pat. No. 7,428,493 (“the ’493 patent”), which is a continuation of application Ser. No. 09/593,993, filed Jun. 14, 2000, now U.S. Pat. No. 6,925,440 (“the ’440 patent”), which claims priority to Israel Application No. 133,489, filed Dec. 13, 1999.

In addition to the Corresponding District Court Litigation, the ’249 patent or its related patents have been the subject of the following district court cases:

- *AlmondNet, Inc. et al v. LinkedIn Corporation*, 1:23-cv-01373 (D. Del.), which is currently pending.
- *AlmondNet, Inc. v. Viant Technology Inc.*, 1-23-cv-00174 (D. Del.), which is currently pending.
- *AlmondNet, Inc., v. Samsung Electronics Co., Ltd.*, 4-22-cv-07515 (N.D. Cal.) (“7515 N.D. Cal. case”), which is currently pending but stayed.

- *AlmondNet, Inc. v. Meta Platforms, Inc.*, 4-23-cv-00438 (N.D. Cal.), which was reassigned to the 7515 N.D. Cal. case.
- *Roku, Inc. v. AlmondNet, Inc.*, 1-21-cv-01035 (D. Del.) (“1035 D. Del. case”), which is currently pending.
- *AlmondNet, Inc. v. Roku, Inc.*, 1-22-cv-01540 (D. Del.) (“1540 D. Del. case”), which was consolidated with the 1035 D. Del. case.
- *AlmondNet, Inc. v. Amazon.com, Inc.*, 6-22-cv-01204 (W.D. Tex.), which was terminated.
- *AlmondNet, Inc. v. Meta Platforms, Inc. f/k/a Facebook, Inc.*, 6-22-cv-01205 (W.D. Tex.), which was transferred to the 8911 N.D. Cal. case.
- *AlmondNet, Inc. v. Microsoft Corp.*, 6-22-cv-01206 (W.D. Tex.), which was consolidated into the 897 W.D. Tex. Case.
- *AlmondNet, Inc. v. Meta Platforms, Inc. f/k/a Facebook, Inc.*, 4-22-cv-08911 (N.D. Cal.) (“8911 N.D. Cal. case”), which was reassigned to the 7515 N.D. Cal. case.
- *AlmondNet, Inc. v. Roku, Inc.*, 6-21-cv-00731 (W.D. Tex.), which is currently pending but stayed.
- *AlmondNet, Inc. v. Facebook, Inc.*, 6-21-cv-00896 (W.D. Tex.), which was transferred to the 8911 N.D. Cal. case.

- *AlmondNet, Inc. v. Microsoft Corp.*, 6-21-cv-00897 (W.D. Tex.) (“897 W.D. Tex. case”), which is currently pending.
- *AlmondNet, Inc. v. Amazon.com, Inc.*, 6-21-cv-00898 (W.D. Tex.) (“898 W.D. Tex. case”), which is currently pending.
- *AlmondNet, Inc. v. Samsung Electronics Co., Ltd.*, 6-21-cv-00891 (W.D. Tex.), which was transferred to the 7515 N.D. Cal. case.
- *AlmondNet, Inc. v. Roku, Inc.*, 6-21-cv-00876 (W.D. Tex.), which was transferred to the 1540 D. Del. case which was then consolidated with the 1035 D. Del. case.
- *AlmondNet, Inc. v. Oath Holdings Inc.*, 1-19-cv-00247 (D. Del.) (“*Oath Holdings* case”), which was terminated.
- *AlmondNet, Inc. v. Yahoo! Inc.*, 1-16-cv-01557 (E. D. N.Y.), which was transferred to the *Oath Holdings* case.

The '249 patent or its related patents have also been the subject of the following U.S. Patent Office proceedings:

- *Yahoo! Inc. v. AlmondNet, Inc.*, CBM2017-00049, challenging claims of the '307 patent, was denied institution because “Petitioner has not met its burden of showing that the '307 patent is eligible for the transitional covered business method patent review program.” Ex. 1113, 146.

- *Yahoo! Inc. v. AlmondNet, Inc.*, CBM2017-00050, challenging claims of the '249 patent, was denied institution because “Petitioner has not met its burden of showing that the '249 patent is eligible for the transitional covered business method patent review program.” Ex. 1114, 153.
- *Yahoo! Inc. v. AlmondNet, Inc.*, CBM2017-00051, challenging claims of the '904 patent, was denied institution because “Petitioner has not met its burden of showing that the '904 patent is eligible for the transitional covered business method patent review program.” Ex. 1115, 153.
- *Yahoo! Inc. v. AlmondNet, Inc.*, CBM2017-00052, challenging claims of the '582 patent, was denied institution because “Petitioner has not met its burden of showing that the '582 patent is eligible for the transitional covered business method patent review program.” Ex. 1116, 147.
- *Samsung Electronics Co., Ltd. v. AlmondNet, Inc.*, IPR2022-01260, challenging claims of the '582 patent on different grounds from those presented herein, was denied institution. Ex. 1117.
- *Amazon.com, Inc. v. AlmondNet, Inc.*, IPR2022-01455, challenging claims of the '582 patent on different grounds from those presented herein, was denied institution. Ex. 1118.
- *Meta Platforms, Inc. v. AlmondNet, Inc.*, IPR2022-01436 (“the Meta IPR”), challenging claims of the '582 patent on grounds included in the

grounds presented in this petition and in the second petition by Petitioner against the '307 patent, was instituted. Ex. 1119.

As noted above, this petition includes the same grounds presented in the Meta IPR, challenging claims nearly identical to claims in the '249 patent. The PTAB granted institution of *inter partes* review on April 7, 2023, indicating that “[c]onsidering the Petition, the arguments presented in the Preliminary Response, as well as all supporting evidence, we determine that Petitioner has demonstrated a reasonable likelihood of prevailing” for all grounds of all challenged claims. Ex. 1119 at 108, 122-131. Grounds B, F, H, and L of this Petition apply the same prior art combinations as IPR2022-01436. Grounds A, C-E, G, I-J, and M-R apply additional prior art combinations. For at least the same reasons as IPR2022-01436’s institution, and further in view of the additional grounds and arguments presented herein, this Petition demonstrates that all challenged claims are unpatentable.

Lead and Back-Up Counsel (37 C.F.R. § 42.8(b)(3))

Petitioner designates counsel listed below. A power of attorney for counsel is being concurrently filed.

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Please address all correspondence to counsel at this address shown above.

Petitioner consents to electronic service by email at the following address and the above emails: ComcastIPRService@bannerwitcoff.com.

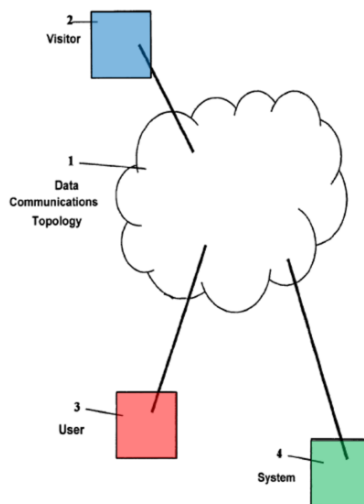
I. INTRODUCTION

FreeWheel Media, Inc. (“Petitioner”) requests cancellation of claims 1, 3-11, 13-21, and 23-25 of U.S. Patent No. 8,775,249 (“the ’249 patent”) (Ex. 1101). Claims 2, 12, and 22 have been disclaimed. The ’249 patent relates to a “mercantile method” that collects profiles of website visitors. Ex. 1101, 1:31-35, 16:46-47. As the prior art demonstrates, the claims recite basic, well-known technology for carrying out this business method. All challenged claims are unpatentable as obvious under the multiple grounds herein, which include those grounds challenging nearly identical claims in IPR2022-01436 that the Board has already instituted.

II. ’249 PATENT OVERVIEW

A. Summary

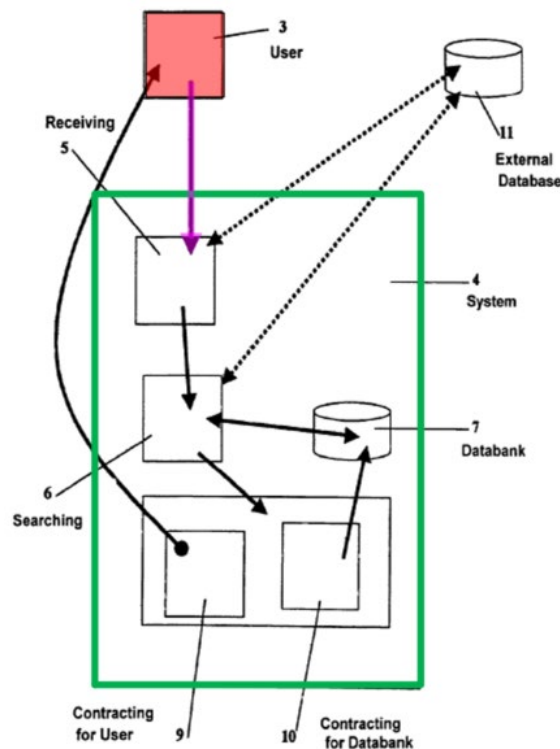
The ’249 patent describes **visitor 2** accessing **user 3’s** website, which then provides a partial profile (including at least one attribute about visitor 2) to **system 4** to add it to a profile used for targeted advertising:



Ex. 1101, FIG. 1 (annotated)

Ex. 1102, ¶¶23-32; Ex. 1101, 4:66-5:26, 8:29-54.

Representative claim 1 recites “(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**” This refers, e.g., to **system 4** receiving (**magenta arrow**) a partial profile of a website visitor *from* a website server (**user 3**):



Ex. 1101, FIG. 2 (annotated)

Claim 1 further defines this receiving: “(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.”¹ This redirect is not reflected in Figure 2 (or any drawings).

Only two parts of the ’249 specification refer to a redirect. Ex. 1101, 4:1-7, 11:64-12:6; Ex. 1102, ¶¶215-217. Both, both parts merely describe user 3 sending partial profile information to system 4, and *separately* redirecting visitor 2’s browser to send a cookie (that it got from system 4—not user 3) to system 4. Neither part describes receiving, at system 4 *from user 3*, a partial profile, 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 visitor 2, as recited in the claims. In any event, this IPR should be instituted because the prior art teaches what is claimed. Ex. 1102, ¶¶219-221.

B. Priority

For purposes of this proceeding, the priority date is assumed to be the earliest claimed priority date of December 13, 1999. Ex. 1101, cover.

¹ The claims depart from the specification’s language by reciting: “entity” and “user computer” to refer to the visitor 2 and visitor’s computer; “server controlled by one of a plurality of unaffiliated third parties operating websites” to refer to the user 3’s server (e.g., a website server); and “computer system” to refer to system 4, which is sometimes referred to in the specification as the databank’s server or simply server.

C. Prosecution History

The '249 patent is a continuation of the '307 patent, which issued after Applicant added “automatic electronic URL” before “redirection” to each independent claim and argued that the Acxiom reference did not teach URL redirection. Ex. 1104, 276-279; Ex. 1102, ¶¶33-82.

The '249 patent faced only §101 and double patenting rejections, overcome by minor amendments and a terminal disclaimer. Ex. 1107, 116-127, 144-148; Ex. 1102, ¶¶65-73.

III. STATE OF THE ART

A. Technical Background

All technical aspects of the claims were well-known, including URL redirection, cookies, database management (including profiles), and targeted Internet advertising. Ex. 1102, ¶¶123-143.

B. Prior Art

The relied-upon prior art relates to targeted advertising and collecting profile information and therefore is analogous. Ex. 1102, ¶¶144-183.

Reference	Qualifications	Basis (pre-AIA)
Rosenberg	Filed 8/29/1996; Issued 6/6/2000	§§102(a),(e)
Zeff	Published 1997 (Ex. 1152, ¶¶41-48, 57)	§102(b)
Sterne	Published 1997 (Ex. 1152, ¶¶49-57)	§102(b)

Merriman	Direct continuation of application filed 7/27/1999 ² ; Issued 10/22/2013	§102(e)
Kurtzman	Filed 4/22/1998; Issued 11/7/2000	§102(e)
Farber	Filed 10/24/1997; Issued 11/2/1999	§102(a),(e)
Coleman	Filed 6/30/1999; Published 2/28/2002	§102(e)

IV. IDENTIFICATION OF CHALLENGE

Petitioner requests review of claims 1, 3-11, 13-21, and 23-25 on the following grounds.

Ground(s)	Reference(s)	Basis	Claims Challenged
A	Rosenberg alone	§103	1, 3-6, 9-11, 13-16, 19-21, 23-25
B	Rosenberg-Zeff-Sterne	§103	1, 3-6, 9-11, 13-16, 19-21, 23-25

² Merriman also claims priority to a provisional application filed on 8/3/1998. Ex. 1161 (Merriman Provisional). Petitioner reserves the right to rely on Merriman's provisional filing in the event AlmondNet attempts to "swear behind" 7/27/1999. The provisional includes all Merriman disclosures relied upon by Petitioner and meets all requirements for Merriman to be considered prior art as of this provisional filing date. Ex. 1102, ¶¶178-183; Ex. 1162 (redline comparison).

C-D	Rosenberg-Kurtzman Rosenberg-Zeff-Sterne-Kurtzman	§103	1, 3-6, 9-11, 13-16, 19-21, 23-25
E-F	Rosenberg-Merriman Rosenberg-Zeff-Sterne-Merriman	§103	1, 3-6, 9-11, 13-16, 19-21, 23-25
G-L	Rosenberg-Farber, Rosenberg-Zeff-Sterne-Farber, Rosenberg-Kurtzman-Farber, Rosenberg-Zeff-Sterne-Kurtzman-Farber, Rosenberg-Merriman-Farber Rosenberg-Zeff-Sterne-Merriman-Farber	§103	6, 16
M-R	Rosenberg-Coleman, Rosenberg-Zeff-Sterne-Coleman, Rosenberg-Kurtzman-Coleman, Rosenberg-Zeff-Sterne-Kurtzman-Coleman, Rosenberg-Merriman-Coleman Rosenberg-Zeff-Sterne-Merriman-Coleman	§103	7-8, 17-18

This petition is supported by the expert testimony of Dr. Ranka and Exhibits 1101-1164. Ex. 1102, ¶¶1-405.

V. THE BOARD SHOULD NOT DISCRETIONARILY DENY INSTITUTION

A. 314(a) Discretion Does Not Apply

The *Fintiv* factors favor institution.

Factor one appears neutral. Petitioner has filed IPR petitions challenging all four asserted patents. If instituted, Petitioner expects to request a stay, because this IPR could resolve the dispute in its entirety.

Factor two favors institution. Trial is set for March 23, 2026—about 6 months after a final decision is expected.

Factor three does not warrant denial. Claim construction has not begun and fact discovery does not close until December 2024.

Factor four favors institution. The petition challenges all claims while Patent Owner's complaint charted only claim 1.

Factor five does not warrant denial as Petitioner is a defendant in the District Court case.

Factor six favors institution. Petitioner presents compelling unpatentability challenges.

B. 325(d) Discretion Does Not Apply

The grounds raised by this Petition are all based on Rosenberg, which was not cited during prosecution, and thus are not the same or substantially the same as the art (e.g., Acxiom reference) and arguments raised during prosecution. Further, Examiner erred by failing to understand that the URL redirection missing from Acxiom was well-known (which Rosenberg shows) and by not applying Rosenberg's teaching of URL redirection.

VI. LEVEL OF ORDINARY SKILL

A POSITA at the time of the alleged invention would have had a bachelor's degree in computer engineering, computer science, or a similar discipline, and two years of experience with data communications over the Internet (including Internet advertising) and database management. Ex. 1102, ¶¶184-189.

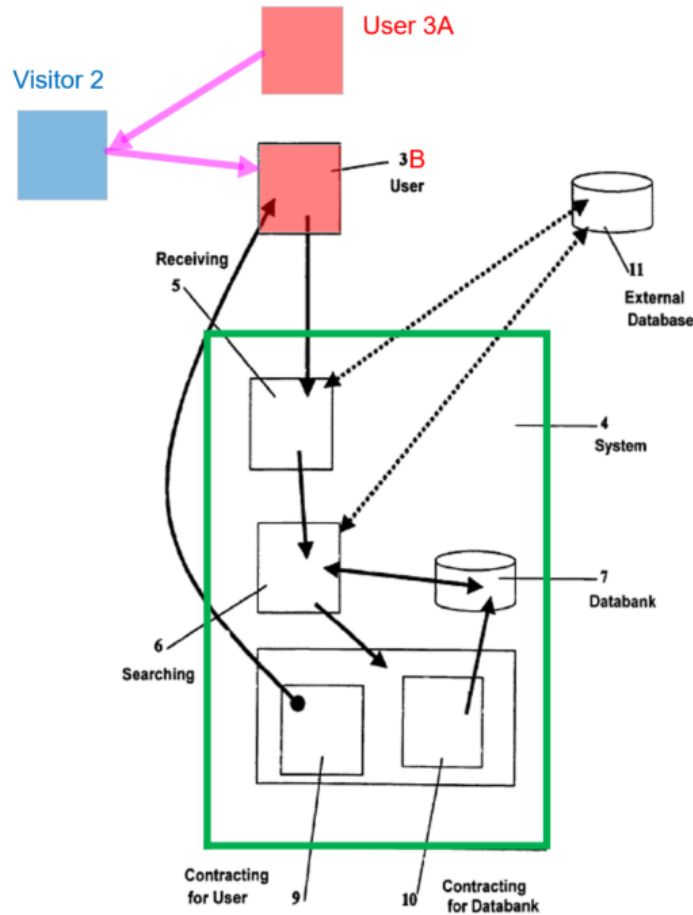
VII. CLAIM CONSTRUCTION

The claims should be construed under *Phillips*. 37 C.F.R. § 42.100(b); *Phillips v. AWH Corp.*, 415 F.3d 1303, 1313 (Fed. Cir. 2005). Herein, Petitioner applies AlmondNet's construction of "unaffiliated third part[y/ies]" as "part[y/ies] not having common ownership with the party or parties that control said programmed computer system." Ex. 1111, 30-36, 69. All other terms have been given their plain and ordinary meaning. In related proceedings, certain constructions were proposed and/or adopted. Exs. 1110-1119; Ex. 1102, ¶¶190-212. For the reasons discussed herein, the art teaches the claim limitations under any reasonable construction, including any prior construction by the Board or a court.

VIII. SPECIFIC GROUNDS FOR UNPATENTABILITY

A. Grounds A-B: Rosenberg Alone, or Rosenberg-Zeff-Sterne Render Claims 1, 3-6, 9-11, 13-16, 19-21, and 23-25 Obvious

The ordinary meaning of limitations [1A] and [1C] includes a situation where a **first user 3A** redirects **visitor 2** to a **second user 3B** that sends a partial profile to **system 4**:

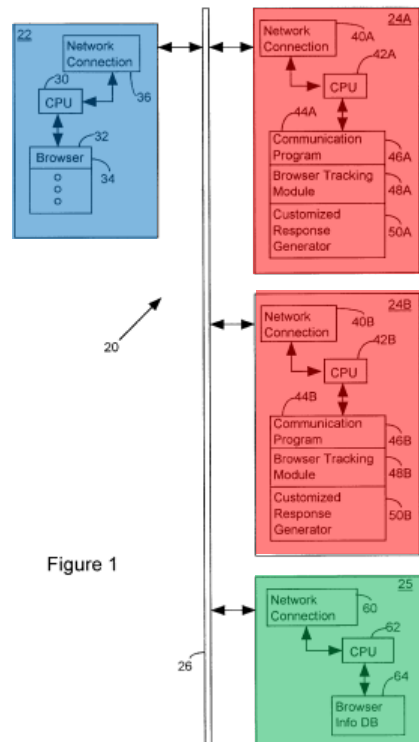


Ex. 1101, FIG. 2 (modified)

Ex. 1102, ¶¶213-221.

Rosenberg alone teaches this situation. Rosenberg describes “tracking a web browser across distinct domains” to gather “cumulative information [that] defines content preferences and demographics associated with the individual using the web browser,” which is stored in a centralized database to provide customized content, including targeted advertisements. Ex. 1155, 3:11-37, 1:35-37, 1:48-56, 3:4-8. In Rosenberg, **client computer 22** communicates with **remote server computers 24** using a web browser to visually present the information received from such

computers, and a separate **database server computer 25** obtains tracking information about each user from each individual **server computer 24**:



Ex. 1155, FIG. 1 (annotated)

Ex. 1155, 4:1-46, FIG. 1. Rosenberg teaches **Server_A 24A** redirecting **client 22** to **Server_B 24B** and **Server_B 24B** sending profile information to **database server 25** for inclusion in a user profile. Ex. 1155, 5:8-16, 5:36-38, 7:19-40, 8:48-65; Ex. 1102, ¶¶222-225. Zeff and Sterne are merely relied on for teaching that Server_B would have been controlled by an unaffiliated third party. Ex. 1102, ¶226.

1. Independent Claim 1

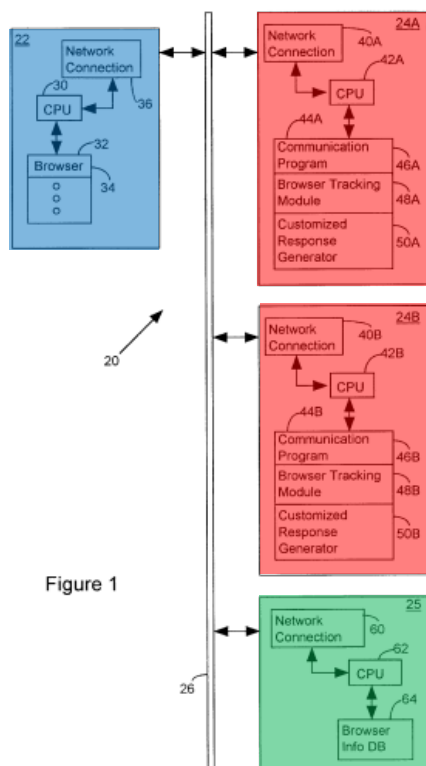
- a. [1PRE]: “An automated method of collecting profiles of Internet-using entities, the method comprising:”

To the extent the preamble is limiting, Rosenberg teaches it. Rosenberg discloses a computer network that includes at least one **client 22** connected to at least one **server 24** via the Internet. Ex. 1155, 4:1-13, FIG. 1. Users who access the Internet using web browsers on Rosenberg’s clients correspond to “*Internet-using entities*.” Ex. 1102, ¶¶227-229. Rosenberg describes **database server 25** collecting and storing two types of user profile information: (1) tracked user activity and (2) demographic information (claimed “*collecting profiles of Internet-using entities*”). Ex. 1155, 3:30-37, 5:8-16, 5:55-6:5, 7:7-9, 7:19-40, FIG. 3; Ex. 1102, ¶¶230-233. Rosenberg teaches an “*automated method*” of collecting the user profiles wherein **database server 25**, using a CPU, memory, and a browser and information database program, functions in an automated manner. Ex. 1102, ¶234; Ex. 1155, 4:47-51, FIGs. 1-2, 4, 6. Thus, Rosenberg teaches “*an automated method of collecting profiles of Internet-using entities*.” Rosenberg’s method, alone or as modified by Zeff-Sterne, comprises [1A]-[1E]. See §§VIII.A.1.b-f, *infra*. Thus, Rosenberg teaches [1PRE]. Ex. 1102, ¶235.

- b. [1A]: “(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;”

Rosenberg alone or Rosenberg-Zeff-Sterne teaches [1A]. Ex. 1102, ¶¶236-264.

First, Rosenberg’s **database server 25** (claimed “*programmed computer system*”) includes computer programs with instructions to carry out its functions and is coupled to network 20 representing the World Wide Web (claimed “*global computer network*”). Ex. 1155, 4:1-4, 4:19-20, 4:47-55, FIG. 1; Ex. 1102, ¶¶236-237.



Ex. 1155, FIG. 1 (annotated)

Second, at least Rosenberg’s **Server_A 24A** and **Server_B 24B** are web servers that are each controlled by one of a plurality of unaffiliated third parties (claimed “*at least one server controlled by one of a plurality of unaffiliated third parties*”). Ex. 1155, 3:30-38, 4:16-24. Although Rosenberg describes **servers 24A-24N** as being a “group of related server computers” to reflect that they cooperatively observe a “common protocol” to provide data to the **database server 25** (Ex. 1155, 4:52-64), **Server_A 24A** and **Server_B 24B** are each controlled by an unaffiliated third party as AlmondNet has construed the term. §VII; Ex. 1102, ¶238. That is, because **servers 24A** and **24B** are not owned or controlled by the same party that owns or controls **database server 25** (Ex. 1155, 4:16-20), they are each controlled

by an “unaffiliated third party” under AlmondNet’s construction. Ex. 1102, ¶¶194, 256-257; Ex. 1111, 30-36, 69. At a minimum, it would have been obvious for **Server_B 24B** to have been controlled by one of a plurality of third parties unaffiliated with **database server 25** for the purpose of expanding the applicability of the system. Ex. 1102, ¶239.

Third, Rosenberg’s user of the **client 22** accessing the Internet via a web browser is the claimed “entity that uses a user computer.” **Client 22** via its browser 34 is assigned a unique identification value that is used to store information about the user in **database server 25**. Ex. 1155, 5:1-16. **Database server 25** uses this unique identification value to store tracking information about the user from each individual **server 24**, such as the types of webpages it requested while visiting each **server 24**. Ex. 1155, 5:55-6:9; Ex. 1102, ¶240. Figure 3 below shows an example of this tracking information:

Cookie ID #	Last Visit to Server_A	Content Requested			Last Visit to Server_B	Content Requested		
		News	Product Info	Feature Story		News	Product Info	Feature Story
123	4-9-96;18:25	2	5	0	7-4-96;16:23	1	7	3

Figure 3

Ex. 1155, FIG. 3, 5:55-57. The first column (Cookie ID#) includes the above-mentioned unique identification value for a user who accessed individual **servers 24** through a browser. Ex. 1155, 5:63-65. Figure 3 also shows entries reflecting pages requested by the user during its last visit to **Server_A 24A** and **Server_B 24B**. Ex.

1155, 5:65-6:5. This tracking information is typically obtained from access logs of each **server computer 24**. Ex. 1155, 5:57-59. “This information is then passed from the access logs of the **server computers 24** to the **database 25**, typically at the end of a day or at other times when network traffic is light.” Ex. 1155, 5:59-62; Ex. 1102, ¶241.

Thus, Rosenberg discloses electronically receiving, at **database server 25** from **Server_B 24B**, user tracking information about content requested by the user of **Server_B 24B** (claimed “*electronically receiving at a programmed computer system...from at least one server..., a partial profile of an entity*”). Ex. 1102, ¶242. In the example of Figure 3 above, as noted, the tracking information shows that the user (identified by Cookie ID #123) last visited the **Server_B 24B** website on July 4, 1996, at 4:23pm, and requested one news page, seven product information pages, and three feature story pages. Ex. 1155, FIG. 3, 5:66-6:5; Ex. 1102, ¶242.

The tracking information about user activity from **Server_B 24B** constitutes “*a partial profile of an entity*” because it provides a portion of the attributes for a user, namely the user’s activity when accessing **Server_B 24B**. As Figure 3 shows above, **database server 25** also maintains records of the user’s activity at *other* servers (e.g., **Server_A 24A**), and as noted above, the profile can also store demographic information about the user. Ex. 1155, 7:22-29, FIG. 7; Ex. 1102, ¶243.

Rosenberg also discloses receiving “*a partial profile of an entity that uses a user computer coupled to the global computer network and accessing a website.*”

Rosenberg’s **client 22** accesses a website of **Server_A 24A** and a website of **Server_B 24B** because the webpage provided by **Server_A** includes HTML frames providing pages from both websites, and providing the claimed “*automatic electronic URL redirection*” of [1C], discussed further in §VIII.A.1.d. Ex. 1155, 7:62-8:24, 8:56-65; Ex. 1102, ¶¶244-250; Ex. 1164, 47-49. At least the website from **Server_A 24A** constitutes the claimed “*website.*” The “*partial profile*” contains tracking information about user activity for **Server_B 24B** while the user was also accessing **Server_A 24A**’s website (“*and accessing a website*”), as the **Server_A 24A** website was accessed by and visible to the user in a frame within the same web browser window as the **Server_B 24B** website. Ex. 1102, ¶251.

Rosenberg also discloses that the “*partial profile is available to one of the third parties and contains at least one profile attribute related to the entity.*” The tracking information (claimed “*partial profile*”) is available to **Server_B 24B** (claimed “*one of the third parties*”) at least because **Server_B 24B** is what sends the tracking information to **database server 25**. Ex. 1102, ¶252. Moreover, Figure 6 shows an embodiment in which **database server 25** sends a user profile to **Server_B 24B** (step shown in **purple**) to enable **Server_B 24B** to create a customized page

(step shown in **yellow**), further indicating that the partial profile (which is part of the profile) is available to the server. Ex. 1155, 6:59-67, FIG. 6.

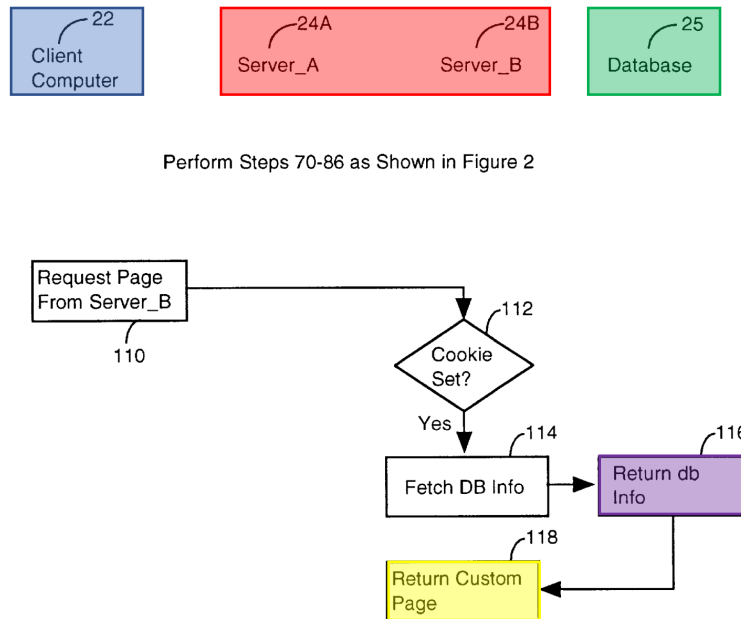


Figure 6

Ex. 1155, FIG. 6 (annotated); Ex. 1102, ¶253. As Rosenberg explains, “[t]he browser information database program 64,” which is part of **database server 25**, obtains the profile information from the database and “passes this information back to **server 24B** (step 116)” and that **server 24B** then “interprets this information and return[s] a customized page to the **client computer 22** (step 118).” Ex. 1155, 7:10-13. Figure 6 thus shows the profile information for the user being made available to **Server_B 24B**, but this is merely an example and Rosenberg makes clear that the techniques in Figure 6 would have been equally applicable for sharing profile

information with **Server_A 24A**, or any other cooperating server in which a cookie has been stored with the unique identifier. Ex. 1155, 7:51-58; Ex. 1102, ¶254.

Rosenberg therefore discloses that the “*partial profile is available to one of the third parties*,” in this example the party that operates **Server_B 24B**. Ex. 1102, ¶254. The partial profile also “*contains at least one profile attribute related to the entity*” because it includes, e.g., tracking information about the user. Ex. 1102, ¶253. As will be explained in detail for element [1E], Rosenberg further discloses that the partial profile may then be used by the server to generate customized (targeted) information for the user. Ex. 1102, ¶287; *see also*, e.g., Ex. 1155, 7:13-17. The profile information passed back in step 116 includes the complete profile in **database server 25** and therefore also “*contains at least one profile attribute related to the entity*,” e.g., related to the user’s activity on the Web. Ex. 1102, ¶253.

Alternate Ground B: Rosenberg-Zeff-Sterne

AlmondNet has argued that “*unaffiliated third parties*” means “a party not having common ownership with the party or parties that control said programmed computer system.” Ex. 1111, 30-36, 69. As explained above, Rosenberg’s **Server_A 24A** and **Server_B 24B** are “*unaffiliated third parties*” because Rosenberg teaches they would have been owned or controlled by parties different from those owning or controlling **database server 25**. Ex. 1102, ¶¶256-257.

Nonetheless, to the extent that Rosenberg alone does not teach the precise relationship of its servers, such an “*unaffiliated*” relationship would have been obvious based on Rosenberg in view of Zeff and Sterne. These references describe a well-known and commercially-available service called Firefly that is closely analogous to and serves the same purpose as **database server 25** of Rosenberg. Ex. 1102, ¶258. As Zeff explains, the Firefly system stores a centralized profile for each user, known as a “Passport,” containing demographic and user preference information about the user. Ex. 1156, 54-55. This Passport, in turn, could be shared with any website on the Internet for purposes of targeting advertisements. *Id.* As of 1997, websites that supported Firefly Passports included (among others) Yahoo! and America Online (AOL). *Id.* Sterne further confirms that Firefly Passports could be used with any participating site, and identifies third-party websites from Starwave (the owner of ESPN Sportszone) as examples. Ex. 1102, ¶258; Ex. 1157, 168, 45-46, 86. Zeff and Sterne thus teach that the party that owns and controls the Firefly Passport system (analogous to Rosenberg’s **database server 25**) would have been a separate party sharing no common ownership with, and being otherwise unaffiliated with, the parties that own and control the participating third-party websites with which Firefly Passports could be shared. Ex. 1102, ¶258.

It would have been obvious to combine Rosenberg with Zeff and Sterne. Ex. 1102, ¶¶259-264. In Rosenberg-Zeff-Sterne, the parties that own and control

individual **servers 24**, including **Server_A 24A** and **Server_B 24B** (“*unaffiliated third parties*”) have no common ownership, control, or affiliation with each other, or with the party that owns and controls **database server 25** (“*said programmed computer system*”). Ex. 1102, ¶259. Rosenberg, Zeff, and Sterne are analogous references in the same field of Internet advertising and centralized storage and brokering of user profiles with multiple websites, and would have been reasonably pertinent to a number of problems facing the inventor. *Id.* Indeed, the success and wide availability of Firefly would have caused a POSITA to refer to references such as Zeff and Sterne that describe its implementation. . Ex. 1156, 54-55; Ex. 1102, ¶260.

And, a POSITA would have been motivated to modify Rosenberg’s system in view of the Firefly business model as described in Zeff and Sterne because it would allow the party that owns and controls **database server 25** to operate independently of any particular website, thus enabling it to offer its profile sharing services to a broad range of third-party websites and increasing its prospects for achieving financial success. Ex. 1102, ¶260. For example, Zeff explains that Internet advertising had by 1997 “grown to a \$301 million industry, with revenue projections of \$5 billion by the year 2000.” Ex. 1156, 12.

A POSITA would have been further motivated to modify Rosenberg in view of Zeff and Sterne based on explicit teachings about how to protect member privacy

in a profile-sharing system such as Rosenberg. Ex. 1102, ¶261. Rosenberg-Zeff-Sterne merely applies a known technique (Zeff and Sterne’s Firefly system for sharing information amongst unaffiliated third parties) to known methods (Rosenberg’s method for collecting user profile information from various servers) to yield predictable results (individual servers have independent ownership, causing increased prospects of financial success from more extensive user profile information). Ex. 1102, ¶¶262-264.

A POSITA would have had a reasonable expectation of success in implementing the proposed combination, as evidenced by the real-world Firefly system that involved communication of profile information between unaffiliated servers. Ex. 1102, ¶263.

- c. **[1B]: “(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;”**

As noted for [1A], the “*received partial profile*” refers to user tracking information about content (e.g., types of content) requested by the user (“*the entity*”) visiting Server_B using the web browser on the client 22. Ex. 1102, ¶¶265-267. Rosenberg’s database server 25 stores a **user profile** (claimed “*electronically stored profile*”), including attributes such as a user identification (“**Cookie ID**”) and

information about the user's previous visits to servers 24 (e.g., “**Content Requested**” from “**Last Visit to Server_B**”):

Cookie ID #	Last Visit to Server_A	Content Requested			Last Visit to Server_B	Content Requested		
		News	Product Info	Feature Story		News	Product Info	Feature Story
123	4-9-96,18:25	2	5	0	7-4-96,16:23	1	7	3

Figure 3

Ex. 1155, FIG. 3 (annotated)

Ex. 1155, 5:55-6:9, FIG. 3. While FIG. 3 shows a “simplified” data structure, “[a] typical data structure includes entries for previous visits, more specific entries regarding content requests, and additional entries for a large number of servers,” as well as demographic and other user information. Ex. 1155, 6:6-9, 7:19-40. The user tracking information from Server_B 24B is added to a larger profile at database server 25 (claimed “*computer system*”) that also includes (as shown) at least the tracking information about the user's visits to other servers (e.g., Server_A 24A) and electronically stores them in the data structure on a user-by-user basis using the unique identification number. Ex. 1155, 5:55-6:9, 7:19-40. The collection of information maintained about a user at database server 25 (including both the user activity and demographic information) discloses “*an electronically stored profile*” for the user. Ex. 1102, ¶267.

In Rosenberg, the larger “*stored profile*” is “*believed to be related to the same entity,*” as claimed, because all of this profile information relates to the same user

identified by Cookie ID #123, corresponding to the unique identification number. Ex. 1102, ¶268. And the database server 25 “*automatically ... electronically stor[es] the received partial profile*” because Rosenberg describes the database server 25 itself performing actions including creating entries and nothing in Rosenberg suggests any user action is required to cause database server 25 to add the partial profile to the stored profile. Ex. 1155, 5:11-12, 7:10-11, 7:36-40; Ex. 1102, ¶269. To the contrary, collection of partial profile information by database server 25 occurs at scheduled intervals or when network traffic is light, which indicates that collection and storage are automated. Ex. 1155, 5:59-62, 7:7-9; Ex. 1102, ¶¶269-270. It would have also been obvious that the partial profile would have been automatically received by database server 25 during user access, for example, “when network traffic is light.” Ex. 1155, 5:59-62.

Accordingly, Rosenberg teaches [1B]. Ex. 1102, ¶271.

- d. **[1C]: “(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”**

Rosenberg further teaches that database server 25’s receipt of the partial profile from Server_B 24B “*is achieved as a result of automatic electronic URL redirection from a portion of a page of the website accessed by the user computer.*” Ex. 1102, ¶272.

Rosenberg teaches “*automatic electronic URL redirection*” occurring when the web browser is redirected to Server_B 24B upon encountering the <FRAME SRC> attribute in the webpage provided by Server_A 24A discussed in [1A], which directs the browser to obtain a webpage from Server_B 24B at the URL specified in the attribute, <http://www.search.com/cnet.cgi?3676778>. Ex. 1155, 8:56-65; Ex. 1102, ¶273. The <FRAME SRC> attribute causes the web browser currently accessing the webpage provided by Server_A 24A to contact another server (Server_B 24B) to request a webpage from the specified URL. Ex. 1155, 8:56-58, 5:36-38; *see generally* Ex. 1164, 47.

As anyone who had used a website with frames would have recognized, Rosenberg’s URL redirection would have occurred “*automatic[ally]*.” Ex. 1102, ¶273. As Rosenberg explains, “[a]n advantage of this approach is that the request will be made automatically, without the need for human action.” Ex. 1155, 8:64-65. Rosenberg’s automatic URL redirection is also “*from a portion of a page of the website accessed by the user computer,*” with the “*portion of a page of the website*” corresponding to a portion of a page of the website provided by Server_A 24A (“*the website*”) accessed by the user computer. As described for [1A], the HTML for the page at Server_A 24A’s website includes the <FRAME SRC> attribute that points to the URL for Server_B 24B. Ex. 1102, ¶273; Ex. 1155, 8:60-61. This <FRAME SRC> attribute in Rosenberg, which causes the automatic URL redirection of the

browser, is from “*a portion of a page of the website*” because the attribute is a part of the HTML for a page of the website provided by Server_A 24A. Ex. 1102, ¶274.

“*URL redirection*” has been the subject of claim construction disputes in pending litigations involving related patents having near-identical claims. In the 897 W.D. Tex. Case, the 898 W.D. Tex. Case, and the 1035 D. Del. case, AlmondNet has argued that “*URL redirection*” refers to “obtaining certain information for at least a portion of an accessed page / site from a different location,” (Ex. 1111, 5-6; Ex. 1112, 8-13), whereas the Court in the 1035 D. Del. case construed this term to mean “obtaining a requested webpage or a portion of a requested webpage from a different location” (Ex. 1112, 118:5-8) and the Court in the 897 W.D. Tex. Case and 898 W.D. Tex. Case determined this term should be construed as having its plain and ordinary meaning, which does not require a complete webpage to be obtained (Ex. 1111, 36-49). Rosenberg readily satisfies any of these proposed constructions, as Rosenberg’s “*URL redirection*” requests and obtains a webpage from a location at Server_B 24B (as identified by the URL <http://www.search.com/cnet.cgi?3676778>) that is different from the location of Server_A 24A. Ex. 1102, ¶¶275-277.

Receipt of the partial profile from Server_B 24B is “*achieved as a result of*” the automatic URL redirection because it is the URL redirection from Server_A 24A that causes the user’s browser to contact and access the webpage from Server_B 24B

in the first instance. Ex. 1102, ¶277. This redirection enables the user to request news, product information, and feature story pages from Server_B 24B, generating the “partial profile” shown in Figure 3. Ex. 1155, FIG. 3. Because the “*partial profile*” reflects the user’s activity when accessing Server_B 24B, and that access was caused by URL redirection from Server_A 24A, the receipt of that partial profile is “*achieved as a result of*” the URL redirection. Ex. 1102, ¶277.

Rosenberg also discloses another way in which the receiving of the partial profile is “*achieved as a result of*” a URL redirection. As explained, the user activity received at database server 25 is stored based on the unique user identification value (e.g., Cookie ID #123 in Figure 3). Ex. 1155, 5:63-65. In Rosenberg’s HTML frames example in which the user accesses Server_B 24B by URL redirection from Server_A 24A via “http://www.search.com/cnet.cgi?3676778,” that URL causes the web browser to send the user’s unique identification value (“3676778”) to Server_B 24B. Ex. 1102, ¶¶278-279; Ex. 1155, 8:48-51, 5:36-38. Server_B 24B then uses this unique user identification value to set a cookie for Server_B 24B using the same value. Ex. 1155, 5:40-49, 8:27-32. This unique identification value allows database server 25 to store and retrieve tracking information on a user-by-user basis and is how database server 25 can record tracking activity for the same user for Server_A 24A and Server_B 24B. Ex. 1102, ¶279; Ex. 1155, FIG. 3. The ability of Server_B 24B to send “*partial profile*” information to database server 25 is achieved “*as a*

result of” the URL redirection additionally because that URL redirection furnishes Server_B 24B with the user identification value that database server 25 uses as part of receiving the “*partial profile*” from Server_B 24B and storing it in association with that user. Ex. 1155. FIG. 3, 5:63-65 (“The first column of FIG. 3 specifies a ‘cookie ID #’, which is the previously discussed unique identification number.”). As explained for [1B], this user identification value allows database server 25 to add tracking information obtained from Server_B 24B to the user’s stored profile. Ex. 1102, ¶279.

In now-instituted IPR2022-01436, AlmondNet argued in its Preliminary Response that Rosenberg does not teach that “*receiving the partial profile is achieved as a result of automatic electronic URL redirection*” because this claim term precludes “reception [of the partial profile] caused by intervening user interaction in the time period between the alleged redirection and the reception of the profile information.” Ex. 1102, ¶280. AlmondNet posited that, in a scenario where the user does not interact with Server_B 24B, no partial profile is sent as a result of the redirection. Ex. 1119, 93. The Board disagreed with AlmondNet, stating that “we do not agree with Patent Owner that this claim limitation precludes intervening user action between automatic URL redirection and receipt of the partial profile” and further noting that “we do not agree with Patent Owner that a reference

relied upon to meet a limitation must meet that limitation under every circumstance.”
Ex. 1119, 129.

AlmondNet reframed this argument in its POR, stating that “the use of a frame does not ‘enable[] the user to request news, product information and feature story pages from Server_B 24B’” simply because a user could have directly navigated to Server_B 24B without a redirection from Server_A 24A and without Server_B 24B receiving the unique identifier from Server_A 24A. Ex. 1119, 171-172. This argument is equally without merit: the fact that a user could theoretically arrive at a webpage without redirection does not negate Rosenberg’s teachings of using redirection, or that these teachings meet the claims. Ex. 1102, ¶280. As the Board already noted, a reference is not required to meet the limitation “under every circumstance.” Ex. 1119, 129. And, as described above, Rosenberg clearly teaches, in at least one embodiment, that the partial profile is received “*as a result of*” the claimed automatic URL redirection. Ex. 1102, ¶¶280-281.

Moreover, even if this claim limitation precludes intervening user action between automatic URL redirection and receipt of the partial profile, it is still met by Rosenberg. In the scenario where the user is redirected to, but does not interact with, Server_B 24B, Server_B 24B would still log a time stamp for “Last Visit to Server_B.” Ex. 1155, 5:66-6:2, FIG. 3; Ex. 1102, ¶281. Server_B 24B would have also provided information about the content in the URL of the <FRAME SRC>

attribute to database 25 even where the user does not interact with the Server_B frame. Ex. 1155, 6:2-9, 8:25-65; Ex. 1102, ¶282. It is the redirect from Server_A to Server_B—not any intervening user action—that leads Server_B to send the time stamp and information about the content on Server_B to database server 25. Thus, Rosenberg meets this limitation even under AlmondNet’s overly-narrow reading. Ex. 1102, ¶282.

Thus, Rosenberg teaches [1C]. Ex. 1102, ¶283.

- e. **[1D]: “(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;”**

Rosenberg’s database server 25 maintains a record of which server provided user tracking information in its database structure. The database includes, for each **user profile** (claimed “*electronically stored profile*”), a **Cookie ID #** corresponding to a unique identification number for a user, and additional data entries providing tracking information about that user received from each individual server, including **tracking information from Server_A 24A** and **tracking information from Server_B 24B**:

Cookie ID #	Last Visit to Server_A	Content Requested			Last Visit to Server_B	Content Requested		
		News	Product Info	Feature Story		News	Product Info	Feature Story
123	4-9-96;18:25	2	5	0	7-4-96;16:23	1	7	3

Figure 3

Ex. 1155, FIG. 3 (annotated)

Ex. 1155, 5:55-6:9, FIG. 3; Ex. 1102, ¶284.

Rosenberg therefore teaches that database server 25 generates “*an electronic record of which of the plurality of unaffiliated third parties contributed to the stored profile particular profile attributes,*” in that database server 25 generates an electronic record of which individual server 24 contributed particular user tracking information (“*particular profile attributes*”) to the stored profile for the user. This electronic record would also have been generated automatically by database server 25 (“*automatically with the computer system*”) for the reasons explained in detail above for elements [1PRE] and [1B]. *See* §§ VII.A.1.a, VII.A.1.c; Ex. 1102, ¶284.

Accordingly, Rosenberg teaches [1D]. Ex. 1102, ¶285.

- f. [1E]: “(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.”

Rosenberg discloses that the stored profile of the user (including newly-added user tracking information from Server_B 24B) is used to generate customized responses, including targeted advertisements, to the user. Figure 6 shows an example in which **database server 25** sends user tracking information to **Server_B 24B** (step shown in **purple**) to enable the server to create a customized page (including a page with customized or targeted advertisements) (step shown in **yellow**) for **client 22**:



Perform Steps 70-86 as Shown in Figure 2

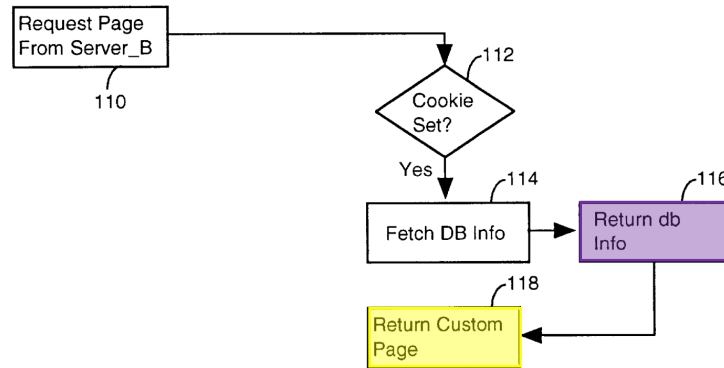


Figure 6

Ex. 1155, FIG. 6

Ex. 1155, 6:59-67, FIG. 6; Ex. 1102, ¶¶286-287. Figure 6 shows “processing steps that can be used to generate a response that is customized for the browser requesting the page of information.” Ex. 1155, 6:59-61. Step 112 determines that a cookie has been set for Server_B 24B, which is “followed by the step of server B fetching information from the database 25 that is particular to this browser 34.” Ex. 1155, 6:65-67. This information includes the profile information discussed above, which includes user activity with respect to previous website visits and demographic information. Ex. 1155, 5:55-6:5, 7:1-9, 7:19-22; Ex. 1102, ¶288. This information is then provided to Server_B 24B, as shown in Steps 114 and 116 above. As Rosenberg explains, “[t]he browser information database program 64,” which is part

of database server 25, obtains the profile information from the database and “passes this information back to server 24B (step 116). Server 24B interprets this information and return[s] a customized page to the client computer 22 (step 118).” Ex. 1155, 7:10-13. “For example, if the content information indicates that the individual using the specified browser requests a large amount of product information, the returned page is generated to emphasize product information.” Ex. 1155, 7:13-17.

Accordingly, Rosenberg discloses delivering targeted information about products (e.g., advertisements) to users based on the tracking information stored in their profiles at database server 25. Although the above example describes Server_B 24B generating customized content, profile information would also have been used to generate customized content, including advertisements, by Server_A 24A, or any other cooperating server in which a cookie has been stored with the unique identifier. Ex. 1155, 7:51-55, 3:6-8; Ex. 1102, ¶289.

To the extent AlmondNet argues that Rosenberg does not expressly provide that its “customized responses” include “*target[ed] third-party advertisements*,” this would have been obvious based on Rosenberg. One of the purposes of Rosenberg’s invention is to “allow editors and advertisers to tailor their content to users.” Ex. 1155, 3:6-8, 1:35-42. It thus would have been obvious to implement Rosenberg to provide “customized responses” in the form of third-party advertisements targeted

based on stored profile information as explained above, particularly in view of Rosenberg's discussion of customizing product information. Ex. 1102, ¶290.

This would also have been obvious based on Rosenberg in further view of Zeff and Sterne, because Zeff and Sterne describe a commercially-available system to obtain revenue from targeted advertisements. As explained for [1A], Zeff and Sterne are analogous references describing the Firefly Passport system which provides a profile sharing service similar to Rosenberg's database server 25. See § VII.A.1.b; Ex. 1102, ¶290. Zeff and Sterne explain that Firefly Passports can be shared with websites and used for targeting third-party advertisements. Ex. 1102, ¶290; Ex. 1156, 54-55 ("For an advertiser, this means ... delivering ads to individuals who have indicated (through their actions) an interest in the product."); Ex. 1157, 168-169. It would have been obvious to implement Rosenberg for "*targeting third-party advertisements.*" Ex. 1102, ¶290. Under the proposed combination, targeted advertisements would obviously have included those of third parties, i.e., parties different from the parties who own and control database server 25 and each individual server 24. *Id.*

A POSITA would have been motivated to use the "customized responses" in Rosenberg to deliver targeted third-party advertisements to obtain revenue. Ex. 1156, 12 (Internet advertising a \$300 million industry with enormous growth potential). Parties that own, control and operate individual websites in Rosenberg,

such as the websites of Server_A 24A or Server_B 24B, would use stored profiles to target third-party advertisements to visitors in order to sell advertisement display placement to those advertisers. Ex. 1102, ¶290; Ex 1155, 3:6-8.

This motivation dovetails with the demographic and behavioral targeting features of Rosenberg which “allow editors and advertisers to tailor their content to users.” *Id.* Zeff notes that targeting and tailoring based on a user’s actions (also precisely what Rosenberg discloses) “means that the ads he or she sees are more likely to be for products of interest.” Ex. 1156, 54-55. This results in better responses by users to third-party advertisements, increasing the desire of third-parties to pay websites to display them. Ex. 1102, ¶290.

Accordingly, Rosenberg alone or Rosenberg-Zeff-Sterne teaches [1E]. Ex. 1102, ¶291.

2. Independent Claim 11

Claim 11 is a system claim version of claim 1 and unpatentable for similar reasons (*see* §VIII.A.1, *supra*; Ex. 1102, ¶¶320-321):

Claim 11	Analysis
[11PRE]	Similar to [1PRE], but recites elements in [1A] (e.g., “computer system coupled to a global computer network and programmed to perform” the method). <i>See</i> §§VIII.A.1.a-b, <i>supra</i> . [11PRE] also recites “computer system having access to a storage device” which is

	met by Rosenberg’s database server 25 that includes “a CPU [central processing unit] 62, and a memory 64 [sic, 44] including a browser, information database program 64, among other programs.” Ex. 1155, 4:47-51, FIG. 1; Ex. 1102, ¶322.
[11A]- [11E]	Nearly identical to [1A]-[1E] and of the same scope. <i>See</i> §§VIII.A.1.b-f, <i>supra</i> ; Ex. 1102, ¶¶323-327.

3. Independent Claim 21

Claim 21 is a storage medium version of claim 1 and unpatentable for similar reasons (*see* §VIII.A.1, *supra*; Ex. 1102, ¶¶328-329):

Claim 21	Analysis
[21PRE]	Similar to [1PRE], but recites “[a] tangible, non-transitory data storage medium comprising indicia of instructions for a computer system to perform” the method. Rosenberg teaches this because database server 25’s processes are implemented by CPU 62 executing programs like information database program 64, which would have included a storage medium and processor for executing computer instructions. Ex. 1102, ¶¶330-331; Ex. 1155, 4:47-5:16. [21PRE] additionally recites: “computer system is coupled to a global computer network and has access to a storage device” which

	is met by Rosenberg’s database server 25 that includes “a CPU [central processing unit] 62, and a memory 64 [sic, 44] including a browser, information database program 64, among other programs.” Ex. 1155, 4:47-51, FIG. 1; Ex. 1102, ¶¶330-331.
[21A]- [21E]	Nearly identical to [1A]-[1E] and of the same scope. <i>See</i> §§VIII.A.1.b-f, <i>supra</i> ; Ex. 1102, ¶¶332-336.

4. Dependent Claims 3, 13, and 23

Claims 3, 13, and 23 respectively depend from claims 1, 11, and 21 (*see* §§VIII.A.1-3, *supra*), and additionally require “*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.*” Rosenberg and Rosenberg-Zeff-Sterne teach this, as well. Ex. 1102, ¶¶293, 337. As explained for [1B], Rosenberg’s received partial profile is added to the stored profile of that user based on the unique identifier being stored as a cookie at the user’s web browser. Ex. 1155, 5:11-12, 5:55-6:9, 7:7-40; Ex. 1102, ¶294. The identifier is specific to the web browser on that user computer. *See* §VIII.A.1.c, *supra*. Thus, the system relates the partial profile to the stored profile because they are from the same user browser on the same

user computer (identified by the unique identifier). Ex. 1102, ¶¶295-296, 337; Ex. 1155, 7:62-8:11, 2:15-21, 7:48-55, 6:63-67.

5. Dependent Claims 4, 14, and 24

Claims 4, 14, and 24 respectively depend from claims 3, 13, and 23 (*see* §VIII.A.4, *supra*), and require that the partial and stored profiles be related to the same computer “*by automatically reading a cookie on the user computer.*” Rosenberg and Rosenberg-Zeff-Sterne teach this, as well. Ex. 1102, ¶¶297, 337.

The '249 patent describes a “cookie” as “[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.” Ex. 1101, 2:64-66. This description mirrors the form and function of the “Cookie ID #,” which is the previously discussed unique identification number. Ex. 1102, ¶298; Ex. 1155, 5:63-65, Fig. 3. Rosenberg explains that Server_A 24A and Server_B 24B each cause a cookie to be stored by the browser containing the unique identifier, using standard cookie techniques. Ex. 1155, 7:62-8:32.

As explained for [1A], database server 25 automatically receives tracking information from each individual server computer 24, including Server_B 24B. *See* § VII.A.1.b; Ex. 1155, 5:57-59, 6:59-62, 7:7-9. It would have been obvious to a POSITA that the database server 25 would have determined 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*” because, as shown in Figure

3, database server 25 stores the “*received partial profile*” from Server_B 24B in association with the user based on the unique cookie value (“Cookie ID #123”). Ex. 1102, ¶299. It therefore would have been obvious that database server 25 identifies the stored profile for the user, in order to add the received partial profile, by reading the cookie (“Cookie ID #123”) that was stored on the user computer. Ex. 1102, ¶300. Indeed, if database server 25 did not receive and process (“*read[]*”) the cookie on the user computer (“Cookie ID #123”), it would not be capable of storing the “*received partial profile*” from Server_B 24B in association with that user. *Id.*

The determination that the received partial profile and the stored profile “*are related to the same user computer*” would also have occurred “*automatically*” for the same reasons as [1PRE], as it would have been part of the same process by which database server 25 stores the “*received partial profile.*” *Id.*

Petitioner notes that the claim language only specifies that the “*computer system*” (Rosenberg’s database server 25) make the claimed determination “*by automatically reading a cookie on the user computer*”; and the claim language does not require that the “*computer system*” directly read the cookie from the user computer. The ’249 patent expressly contemplates that the cookie can be provided to and read by the computer system via an intermediate server. Ex. 1101, 3:2-7 (a third party can receive a cookie “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.”). Rosenberg’s database server 25 receives the cookie from Server_B 24B, e.g., when Server_B 24B sends the tracking information about the user (“*partial profile*”). Ex. 1102, ¶¶300-301; Ex. 1155, 5:63-65, 7:62-8:32, Fig. 3. Server_B 24B, in turn, acquires that cookie from the web browser when the user accesses the website using that browser, and the database server 25 thus obtains and reads the cookie as obtained from Server_B 24B, teaching claims 4, 14, and 24. Ex. 1102, ¶¶301-302, 337.

6. Dependent Claims 5, 15, and 25

Claims 5, 15, and 25 respectively depend from claims 1, 11, and 21, which Rosenberg and Rosenberg-Zeff-Sterne teach. *See* §§VIII.A.1-3, *supra*. Claims 5, 15, and 25 further require “*maintaining an electronic record of which unaffiliated third party contributed, to the stored profile, the profile attributes used in targeting the advertisements.*” Ex. 1102, ¶¶303-304, 337.

As explained for [1E], Rosenberg and Rosenberg-Zeff-Sterne teach delivering targeted advertisements to users based on user tracking information in the “*stored profile*” for the user at database server 25. *See* § VII.A.1.f; Ex. 1102, ¶305. The “*electronic record*” for purposes of claims 5, 15, and 25 takes the form of Rosenberg’s records that are electronically maintained by database server 25 identifying which individual server 24 (“*which unaffiliated third party*”) contributed the user tracking information (“*profile attributes*”). Rosenberg’s Figure 3 confirms

that database server 25 maintains an electronic record of which individual server 24 (e.g., **Server_A**, **Server_B**) provided particular tracking information about that user:

Cookie ID #	Last Visit to Server_A	Content Requested			Last Visit to Server_B	Content Requested		
		News	Product Info	Feature Story		News	Product Info	Feature Story
123	4-9-96,18:25	2	5	0	7-4-96,16:23	1	7	3

Figure 3

Ex. 1155, FIG. 3 (annotated)

As shown, the tracking information for the user identified by Cookie ID #123 is divided into “**Last Visit to Server_A**” and “**Last Visit to Server_B**.” Database server 25 could also store “additional entries for a large number of servers.” Ex. 1155, , 5:65-6:9, 7:2-7. These profile attributes from various servers are added to the stored profile and then used to generate customized content, e.g., targeted advertisements. Ex. 1155, 7:1-22; Ex. 1102, ¶305. And as explained for [1E], when a server requests information from database server 25, that information is “particular to this browser 34” of client computer 22, which would have included user activity from servers that have provided information for that particular user and an indication of which server the user activity came from. Ex. 1155, 6:65-67; Ex. 1102, ¶305; *see also* §VIII.A.1.f, *supra*. Database server 25 therefore “*maintain[s] an electronic record of which unaffiliated third party contributed, to the stored profile, the profile attributes used in targeting the advertisements,*” because it stores and maintains a

record of which server 24 contributed user tracking information to the stored profile, which is used in targeting advertisements to that user. Ex. 1102, ¶305.

As explained for [1E], user tracking information can be provided from database server 25 to a server (such as Server_B 24B or Server_A 24A) and used in generating customized information (such as targeted third-party advertisements) for the user. Ex. 1102, ¶305; Ex. 1155, 6:65-67, 7:10-17, 3:6-8. As explained above, database server 25 keeps track of which individual server 24 contributed the user tracking information that is used in targeting the advertisements to the user. And, as explained for [1A] and [1D], maintaining this electronic record occurs “*automatically with the computer system*,” because storage of the electronic record occurs as part of the automatic storage process at database server 25. Ex. 1102, ¶¶305-306, 337.

7. Dependent Claims 6 and 16

Claims 6 and 16 respectively depend from claims 1 and 11, which Rosenberg and Rosenberg-Zeff-Sterne teach. *See* §§VIII.A.1-2, *supra*. Rosenberg’s database server stores received profile information in a database structure along with a unique user identification. *See* §VIII.A.1.b, *supra*. In addition to the information shown in the “simplified” example of Figure 3, Rosenberg explains that “[a] typical data structure includes entries for previous visits, more specific entries regarding content requests, and additional entries for a large number of servers” as well as

demographic information about the user. Ex. 1155, 6:6-9, 3:30-37, 7:19-40, FIGS. 3, 7; Ex. 1102, ¶¶307-308, 337.

To the extent not expressly disclosed by Rosenberg, it would have been obvious that database server 25 would determine whether any profile attributes in a received partial profile (with user tracking information from Server_B 24B and potentially also demographic information) are already contained in the stored profile as part of adding the profile attributes to the stored profile in the organized database structures illustrated in Figures 3 and 7, to avoid redundancy. Ex. 1102, ¶¶308-309. For example, if the partial profile included demographic information, such as user age or gender, database server 25 would first determine if that particular demographic attribute is already contained in the stored profile for that user prior to adding it to the stored profile. Ex. 1102, ¶¶309-310. As another example, as part of receiving new tracking information from Server_B, database server 25 would first determine if the stored database already contained the profile attribute for that user's "last visit to Server_B," and if so, database server 25 would then move that information to an entry related to previous visits to Server_B and the new tracking information would then be added to the "last visit to Server_B" attribute. Ex. 1102, ¶310; *see also* Ex. 1155, 5:65-6:9. The determination that any profile attributes "*were not previously contained in the stored profile*" would also have occurred "*automatically*" for the same reasons explained for element [1PRE], as it would have

been part of the process in Rosenberg by which database server 25 stores the “*received partial profile.*” Ex. 1102, ¶310.

Thus, Rosenberg and Rosenberg-Zeff-Sterne teach database server 25 automatically and electronically determining whether the received profile information contains any user profile attributes that were not previously contained in the user’s stored profile, thereby teaching claims 6 and 16. Ex. 1102, ¶311, 337.

8. Dependent Claims 9 and 19

Claims 9 and 19 respectively depend from claims 1 and 11, which Rosenberg and Rosenberg-Zeff-Sterne teach. *See* §§VIII.A.1-2, *supra*. As covered for [1E], database server 25 can select and transmit profile attributes to an individual server 24 (e.g., Server_B 24B or Server_A 24A), such as website tracking information and demographic information, to enable the server to provide targeted information such as advertisements. Ex. 1102, ¶¶312-313.

Profile attributes sent to server 24 are also selected “*based on the source thereof,*” based on the particular user and web browser that generated them. Figure 6 shows a step “of server B fetching information from the database 25 that is particular to this browser 34.” Ex. 1155, 6:65-67. This information is then used by that server 24 to generate a customized response for the user. Ex. 1155, 7:13-17. This applies to both user tracking and demographic profile attributes in Rosenberg. With user tracking information, as explained, database server 25 stores and retrieves

it based on the unique identification number of the user (e.g., “Cookie #123”). Ex. 1155, 5:8-16, 5:63-65, Fig. 3. And similarly, demographic information is also provided by the user and then “passed to the database 25, along with the unique identification information.” Ex. 1155, 7:19-28. Database server 25 thus selects profile attributes from the stored profile “*based on the source thereof.*” Ex. 1102, ¶313.

Rosenberg therefore discloses automatically with database server 25 (“*automatically with the computer system*”) selecting user tracking or demographic information from the profile of the user at database server 25 (“*selecting profile attributes from the stored profile*”) based on the user and web browser that generated those profile attributes (“*based on the source thereof*”). Ex. 1102, ¶¶314-315, 337.

9. Dependent Claims 10 and 20

Claims 10 and 20 respectively depend from claims 1 and 11, which Rosenberg and Rosenberg-Zeff-Sterne teach. See §§VIII.A.1-2, *supra*. As explained for claims 3-4 and 13-14 above, database server 25 automatically reads a cookie previously stored on the entity’s computer when it receives tracking information about that user from Server_B 24B (“*partial profile*”). See §§ VIIA.4-5; Ex. 1155, 5:57-65, 7:62-8:32. As also explained, it would have been obvious that database server 25, as part of the process of adding the received partial profile to the stored profile, receives and

processes the cookie in order to store received tracking information in association with the user. Ex. 1102, ¶¶316-317, 337.

The cookie was “*previously stored on the entity’s computer, as a result of the URL redirection.*” As explained for [1C] and the HTML frame example in which the user accesses Server_B 24B by URL redirection from Server_A 24A via “http://www.search.com/cnet.cgi?3676778”, the URL causes the web browser to send the user’s unique identification value (“3676778”) to Server_B 24B. Ex. 1102, ¶318; Ex. 1155, 8:45-51, 5:36-38; *see also* §VIII.A.1.d. Server_B 24B then uses this unique user identification value to set a cookie for Server_B 24B using the same value. Ex. 1155, 5:40-49, 8:27-32.

Rosenberg therefore discloses automatically with database server 25 (“*automatically with the computer system*”) receiving and processing a cookie previously stored on client computer to order to store user tracking information of Server_B 24B (“*electronically reading a cookie previously stored on the entity’s computer*”) received as a result of the user accessing Server_B 24B by URL redirection from Server_A 24A (“*as a result of the URL redirection*”). Ex. 1102, ¶¶318-319, 337.

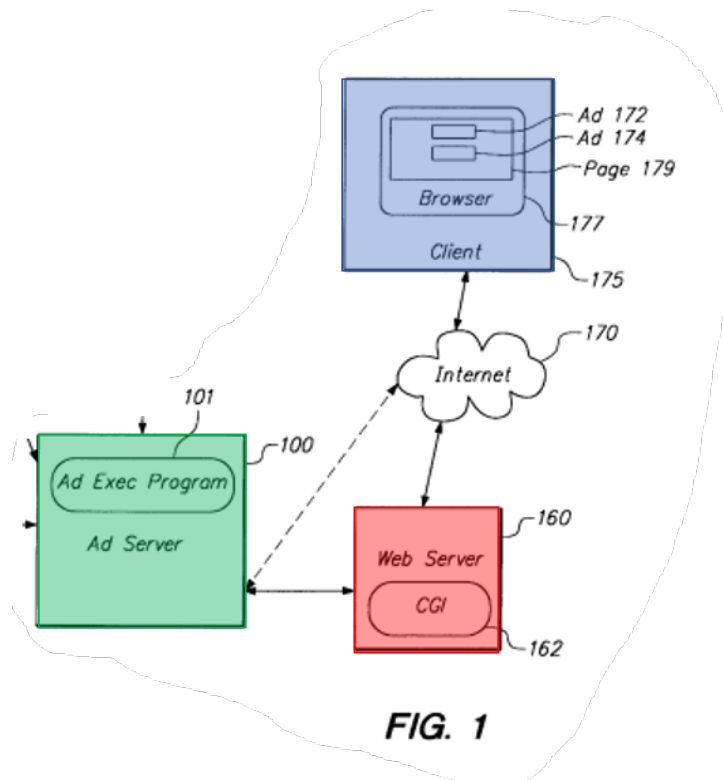
B. Grounds C-D: Rosenberg-Kurtzman or Rosenberg-Zeff-Sterne-Kurtzman Renders Claims 1, 3-6, 9-11, 13-16, 19-21, and 23-25 Obvious

As explained for [1C] for Grounds A-B, Rosenberg's database server 25 receives user tracking activity from Server_B 24B (*"receiving the partial profile"*) as a result of the user's web browser redirecting from Server_A 24A to Server_B 24B when it encounters the <FRAME SRC> attribute in the webpage provided by Server_A 24A (*"achieved as a result of automatic electronic URL redirection"*). See § VIII.A.1.d. As explained for [1C], this redirect directs the browser to obtain a webpage from Server_B 24B at the specified URL while the user is accessing a webpage of Server_A 24A (*"from a portion of a page of the website accessed by the user computer"*). Ex. 1102, ¶338. As noted above (§VIII.A.1.d, *supra*), nothing in the claim precludes user interaction with Server_B 24B between the URL redirection and database server 25 receiving user tracking activity from Server_B 24B. Ex. 1119, at 93. Nevertheless, as explained for Grounds A-B, it would have been obvious that, even in a scenario with no user interaction with Server_B 24B, database server 25 would still receive profile attributes, e.g., with the user's timestamp of "Last Visit to Server_B" and an indication that no Server_B pages were requested. Ex. 1155, 5:66-6:5, Fig. 3; Ex. 1102, ¶339. To the extent that AlmondNet argues such profile attributes do not constitute a *"partial profile"* and that [1C], [11C], and [21C] require that the programmed computer system receive

the partial profile as a direct result of the URL redirection without any intervening user action, this narrow interpretation is rendered obvious by the addition of Kurtzman. For all other limitations of all challenged claims, the mapping for Grounds A-B discussed above remains applicable. Ex. 1102, ¶339.

Like Rosenberg, Kurtzman describes techniques for targeted advertising: “[a]n advertisement is more effective when it can be targeted to a specific market so consumers in that market will be more likely to be interested in the product advertised” and “a flexible, fast, media selection and presentation system” is important to providing better targeted advertisements. Ex. 1158, 1:36-38, 2:18-19; Ex. 1102, ¶340. Kurtzman purports to improve targeted advertising techniques by providing “an advertisement server [that] provides selected advertisements in response to a request from a web page server.” Ex. 1158, 2:25-27.

Kurtzman discloses a technique similar to Rosenberg in which user actions at a website are tracked by a central ad server. Ex. 1102, ¶341. Kurtzman shows a **web server 160** that sends user information, including content tracking information and/or demographic information, to an **ad server 100** as part of the web server 160 providing a customized page to a **client computer 175**. Ex. 1158, 6:6-21, Figs. 1-2.



Ex. 1158, FIG. 1 (annotated and modified)

The ad server 100 determines an advertisement based on the user information and sends it to the web server 160 to present a customized webpage to the client 175 at the time the client accesses that webpage. Ex. 1158, 6:6-36, 3:57-4:4; Ex. 1102, ¶342.

In Kurtzman's process for dynamically providing advertisements to a user's browser, user profile information (e.g., demographic information) is automatically sent from the web server 160 (using CGI 162) to the ad server 100 upon the user requesting a web page from the web server 160. Ex. 1158, 6:6-36; Ex. 1102, ¶341. It would have been obvious to combine Rosenberg or Rosenberg-Zeff-Sterne with Kurtzman because the combination would have predictably resulted in a system in

which Rosenberg's database server, in addition to storing user profile information, also functions as an ad server to provide selected advertisements based on the user profile information and in which requesting servers 24 immediately provide any user profile information they have to the database/ad server as part of immediately obtaining a targeted advertisement. Ex. 1102, ¶343.

In the underlying combinations, upon the redirection from server_A 24A, server_B 24B immediately sends profile information about a user that has not yet been sent to the database server 25, such as in scenarios in which server_B 24B has user profile information that has not yet been sent to the database server 25. Ex. 1102, ¶344 In such scenarios, the profile information may include user demographic information, prior user activity data (e.g., from another recent session), or information characterizing the content of the specific webpage being accessed in the Server_A frame. Ex. 1102, ¶344. Under these combinations, server_B 24B would have transmitted its profile information to database server 25 in response to a redirection to server_B 24B's website from server_A 24A's website (e.g., the redirection caused by the URL in the HTML frame for displaying server_B 24B's website while the user is accessing server_A 24A's website). *Id.* Database server 25 would then provide a selected targeted advertisement to server_B 24B, as part of server_B 24B providing customized content to the user. The proposed combinations would therefore have resulted in database server 25 receiving the partial profile

directly (without any intervening user action) and immediately “*as a result of automatic electronic URL redirection from a portion of a page of the website accessed by the user computer.*” *Id.*

As explained for [1E], Rosenberg’s database server 25 provides user profile information to a requesting server (e.g., Server_B 24B) in order for Server_B 24B to provide a customized response (e.g., including targeted advertisements) to the client computer. *See* §VIII.A.1.f, *supra*. In view of Kurtzman’s teachings of an ad server providing targeted advertisements to a web server, it would have also been obvious to modify Rosenberg’s database server 25 to provide targeted advertisements to Server_B 24B as opposed to providing the entire user profile for Server_B 24B to generate the targeted advertisements. Ex. 1102, ¶345. That is, it would have been obvious for Rosenberg’s database server 25 to function like Kurtzman’s ad server to provide targeted advertisements. *Id.* Thus, rather than only periodically sending user information to the database server, user information in the Rosenberg-Kurtzman or Rosenberg-Zeff-Sterne-Kurtzman combinations would have been transmitted immediately from Server_B 24B to database server 25, e.g., as the user’s browser accesses the Server_B webpage, in order for Server_B to provide a customized webpage (including a targeted advertisement) in the designated frame of the user’s browser. *Id.*

As noted, Rosenberg, Zeff, Sterne, and Kurtzman are analogous references in the same field of Internet advertising and storage of profiles having informational attributes about each user, including past user behavior. Ex. 1102, ¶¶346-348. The goal of Rosenberg’s customized pages/responses is to “allow editors and advertisers to tailor their content to users.” Ex. 1155, 3:6-8. Selecting advertisements based on the most up-to-date user profile information would have improved the accuracy of target advertisements. Ex. 1102, ¶348. And, to improve robustness of user profile information, it would have been obvious for Server_B 24B to send updated profile information to database server 25 when a user requests its webpage, in order to provide a customized webpage that includes targeted advertisements, as Kurtzman teaches. Ex. 1102, ¶¶348-349; Ex. 1158, 1:36-57, 3:57-4:4, 6:10-36. A POSITA would have had a clear motivation to combine – to provide Rosenberg’s customized content at the time the user requests access to a particular website based on up-to-date profile information. This would have been an improvement over only sending user tracking information from individual servers 24 to database server 25 on a periodic basis that is “typically at the end of a day or at other times when network traffic is light.” Ex. 1155, 5:59-62; *see also id.*, 7:7-9. The combination therefore provides the most up-to-date tracking information about users. Ex. 1102, ¶¶348-349.

In an example in which Server_B 24B has user tracking information that has not yet been sent to database server 25 (e.g., if the periodic basis for transmittal has not yet occurred), and Server_B 24B seeks to provide a customized webpage to the user, it would be beneficial to have the most up-to-date profile information about the user in order to provide the relevant customized content. Ex. 1102, ¶350. Under the proposed combination with Kurtzman, database server 25 would have received user profile information from Server_B 24B as a result of the user being redirected to a webpage of Server_B 24B, thus making that information immediately available to the database server 25 for the selection of targeted content and subsequently allowing for a better customized webpage from the Server_B 24B website. *Id.* The benefit of transmission of user profile data at the time of requesting a webpage would have been obvious: to provide more accurately targeted advertisements based on inclusion of more complete and up-to-date information. *Id.*

Further, the user profile information would (in some cases) include information about the content of the webpage to be provided to the user, and such information is known without any user action and is desirable for providing targeted advertisements. Ex. 1158, 6:25-34. Therefore, in the Kurtzman combinations, such information would have been directly and immediately transmitted from Server_B 24B to database server 25 as there would be no need to wait for user interactions. Ex. 1102, ¶350.

A POSITA would also have appreciated that there are only a finite number of approaches to the issue of when to send profile information from Server_B 24B to database server 25, with the two approaches being sending profile information at the time a user requests a webpage (as disclosed in Kurtzman), and sending profile information periodically or when traffic is low (as disclosed in Rosenberg). Ex. 1102, ¶351. A POSITA would have appreciated that the database server also providing advertisements has the benefit of identifying advertisements based on more complete and up-to-date profile information. The resulting improvement in targeting accuracy would have made the advertisements more relevant to the user's current interest, potentially making the advertisements more valuable for both advertisers and the websites on which they are presented. Ex. 1102, ¶351; Ex. 1158, 1:36-42.

Further, Rosenberg-Kurtzman (or Rosenberg-Zeff-Sterne-Kurtzman) merely combines known elements (Rosenberg's database server and Kurtzman's ad server) according to known methods (providing profile information to a central server at the time a webpage is requested) to yield predictable results (Server_B 24B directly and immediately sending profile information to database 25 for selecting customized content, including targeted advertisements, based on the profile information). Ex. 1102, ¶352. Rosenberg-Kurtzman (or Rosenberg-Zeff-Sterne-Kurtzman) also involves applying a known technique (providing profile information to a central

server at the time a webpage is requested) to a known device ready for improvement (Rosenberg’s system, including database server 25 that already periodically receives profile information from the various servers 24) to yield predictable results (database server 25 receives profile information at the time a webpage is requested). *Id.*

Finally, a POSITA would have expected success in Rosenberg-Kurtzman (or Rosenberg-Zeff-Sterne-Kurtzman) because it involves a routine technique of providing profile information to a central server at the time a webpage is requested, so that information is received by Rosenberg’s database server 25 at the time a webpage is requested. Ex. 1158, 6:6-36. A POSITA would have had the skills, including network communications, programming, and database skills, to carry out this straightforward implementation of receiving profile information at the time a webpage is requested in order to provide customized ad content to that user’s browser. Ex. 1102, ¶353.

C. Grounds E-F: Rosenberg-Merriman or Rosenberg-Zeff-Sterne-Merriman Renders Claims 1, 3-6, 9-11, 13-16, 19-21, and 23-25 Obvious

As explained for [1A]/[11A]/[21A] for Grounds A-B, Rosenberg’s database server 25 (“*a programmed computer system*”) receives tracking activity about a user (“*a partial profile of an entity that uses a computer*”) reflecting the user’s activity on a particular website. *See* §§ VII.A.1.b, VII.A.2-3; Ex. 1102, ¶354. Nothing in the claim appears to preclude a system where the “*partial profile*” is received after

the entity's access to a website. Nevertheless, as explained for Grounds A-B, Rosenberg's database server 25 receives the partial profile during user access to Server_B 24B, for example, if the user accessed Server_B 24B "when network traffic is light." Ex. 1155, 5:59-62; Ex. 1102, ¶355.

Additionally, as noted above for Grounds A-B, Rosenberg teaches multiple ways in which "*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,*" as required by [1C]/[11C]/[21C], including scenarios with no user interaction between the URL redirection and receiving user tracking activity from Server_B 24B, as AlmondNet previously argued (incorrectly and thus far unsuccessfully) this language requires. *See* §§VIII.A.1.d, VII.A.2-3. As explained for Grounds C-D, to the extent that AlmondNet argues that [1C]/[11C]/[21C] require receiving the partial profile as a direct result of the URL redirection without any intervening user action, such a narrow interpretation is rendered obvious by the addition of Kurtzman. *See* §VIII.B.

Indeed, there are many known techniques in the art for immediate transmission of profile information, and Kurtzman provides one example teaching in which profile information is sent at the time of requesting a webpage in order to select targeted advertisements from the ad server. Merriman provides another, different example and additional basis for immediate transmission of user profile

information. Namely, to the extent that AlmondNet argues that [1A]/[11A]/[21A] require that the programmed computer system receive the partial profile while the entity is currently accessing a website and that Rosenberg does not disclose such a requirement, this narrow interpretation is also rendered obvious by Merriman. For all other limitations of all challenged claims, the mapping for Grounds A-B remains applicable. Ex. 1102, ¶356.

Like the other relied-upon art, Merriman (Ex. 1159) relates to targeted advertising techniques, including “re-targeted advertising” in which an advertisement is selected for a user based on the user’s prior interactions at the advertiser’s website. Ex. 1159, 2:5-6, 3:20-34; Ex. 1102, ¶357. Merriman uses techniques similar to Rosenberg in which user actions at a website are logged and reported to a central server for storage; however, Merriman also discloses reporting user actions in real-time as the user is currently accessing a website. Ex. 1159, 3:35-43, 4:45-50; Ex. 1102, ¶358. For Merriman’s real-time reporting, particular tags (called “spotlight tags”) are embedded on specific pages of the advertiser’s website containing a redirect message to the advertising server. Ex. 1159, 4:51-5:2. As a result, “the advertiser web site 16 provides real time reporting of user activities while the user is in the advertising web site 16” and “[t]he advertising server 14 assembles the activity list for each user.” Ex. 1159, 4:66-5:3. Merriman discloses another embodiment for real-time reporting that uses an intermediate proxy server that sits

between the user's web browser and the advertiser's website. Ex. 1159, 5:3-8; Ex. 1102, ¶359. But as shown below, the particular technique employed to implement real-time reporting is not critical to the proposed combination, as a POSITA would have employed any number of known and suitable methods. Ex. 1102, ¶360.

It would have been obvious to combine the prior art cited in Grounds A-B (Rosenberg, Zeff, and Sterne) with Merriman such that the combination results in the system of Rosenberg or Rosenberg-Zeff-Sterne under the proposed combination discussed for Grounds A-B, with the addition that database server 25 receives real-time tracking information about content requested by a user of Server_B 24B while the user is currently accessing a website. Ex. 1102, ¶360. The proposed combination would therefore have resulted in database server 25 receiving “*a partial profile of an entity that uses a user computer coupled to the global computer network and accessing a website.*” This proposed combination is also relied on to the extent the claims are interpreted to require receiving the claimed partial profile at the same time the user is accessing a website. *Id.*

Under the proposed combinations with Merriman, tracking information about content requested by a user of Server_B 24B would have been transmitted in real-time to database server 25, while the user was currently accessing the websites provided by both Server_A 24A and Server_B 24B, as both are simultaneously being

viewed and accessed by the user in separate frames within the same window in the user's browser. Ex. 1102, ¶361. Additionally, even in scenarios with no user interaction with the Server_B frame, partial profile information relating to the time stamp for the "Last Visit to Server_B" and the content in the URL of the <FRAME SRC> attribute would also have been transmitted in real-time to database server 25.

Id.

Rosenberg, Zeff, Sterne, and Merriman are analogous references in the field of Internet advertising and storage of profiles having informational attributes about each user. Ex. 1102, ¶362. A POSITA would have had a clear motivation to combine – to improve the accuracy of the targeting of advertisements. Ex. 1102, ¶363. As noted, Rosenberg's database server 25 would have received user tracking information from individual servers 24 on a periodic basis, "typically at the end of a day or at other times when network traffic is light." Ex. 1155, 5:59-62; 7:7-9. Depending on the timing of when tracking information is transmitted, database server 25 may not have the most up-to-date tracking information about users. Ex. 1102, ¶363. But this issue disappears under the proposed combinations with Merriman, because database server 25 would instead have received and stored the user tracking information at the time the user's browser is redirected to Server_B 24B, thus making that information immediately available. Ex. 1102, ¶364. The benefit of real-time reporting of user activity information would have been obvious;

when targeting advertisements to a user based on its activities on a website, in the vast majority of cases, it is far more important to know what the user did most recently. *Id.*

A POSITA would also have appreciated that there are only a finite number of solutions to the problem of when to update a database to incorporate new information, with two main approaches being real-time or immediate updates as new information comes into existence (Merriman), and periodic updates (Rosenberg). Ex. 1102, ¶365. A POSITA would have had a reasonable expectation of success in implementing the proposed combination. Recording and logging user actions was a built-in feature of most web server software, and it would have been trivial to adapt a web server to provide a more frequent update of user activity to another server. *Id.*

Further, Rosenberg-Merriman (or Rosenberg-Zeff-Sterne-Merriman) merely combines known elements (Rosenberg's database updates and Merriman's real-time or immediate updates) according to known methods (providing real-time reporting of user activity information) to yield predictable results (sending profile information while a user accesses a webpage). Ex. 1102, ¶366. Rosenberg-Merriman (or Rosenberg-Zeff-Sterne-Merriman) also involves applying a known technique (providing real-time reporting of user activity information) to a known device ready for improvement (Rosenberg's system, including database server 25 that already periodically receives profile information from the various servers 24) to yield

predictable results (database server 25 receives profile information in real-time or immediately while the user accesses a webpage). *Id.*

Finally, a POSITA would have expected success in Rosenberg-Merriman (or Rosenberg-Zeff-Sterne-Merriman) because it involves a routine technique of providing real-time reporting of user activity information, so that information is received by the database server while the webpage is accessed. Ex. 1102, ¶367. A POSITA would have had the skills, including network communications, programming, and database skills, to carry out this straightforward implementation of sending profile information in real-time so that the database server has more up-to-date information for use in creating customized content. *Id.*

D. Grounds G-L: Rosenberg-Farber, Rosenberg-Zeff-Sterne-Farber, Rosenberg-Kurtzman-Farber, Rosenberg-Zeff-Sterne-Kurtzman-Farber, Rosenberg-Merriman-Farber, or Rosenberg-Zeff-Sterne-Merriman-Farber Render Claims 6 and 16 Obvious

1. Dependent Claims 6 and 16

As explained for Grounds A-B, it would have been obvious to a POSITA that Rosenberg's database server 25 automatically and electronically determines whether the received profile information contains any user profile attributes that were not previously contained in the user's stored profile as part of adding those profile attributes to the stored profile, as required for claims 6 and 16. *See* § VIII.A.7; Ex. 1102, ¶¶368-369. To the extent that AlmondNet argues Rosenberg lacks such a teaching, this is rendered obvious by Farber. Ex. 1102, ¶¶368, 387.

Farber teaches detecting if a newly received data item (e.g., a database record) already exists in a system, and deleting or not adding the new data to the system if a duplicate is detected. Ex. 1163, 2:47-52, 38:41-39:6, 32:54-60; Ex. 1102, ¶¶370-372. Farber also teaches uniquely identifying data items with a “True Name” identifier, which is based on “all of the data in the data items and only on the data in the data items.” Ex. 1163, 32:54-60; Ex. 1102, ¶373. Farber teaches its “True Name” may be computed using a hashing algorithm to create a unique identifier for the data item. Ex. 1163, 12:54-13:19. Farber calculates a “True Name” for a given data item and adds it to a “True File” registry. Ex. 1163, 14:40-50; Ex. 1102, ¶374. Subsequently, when a new data item is received by Farber’s system, the system calculates its “True Name” and determines whether the new data item already exists in the “True File” registry; if the new data item is a duplicate of an existing data item, the new data item will be eliminated or not added to the system. Ex. 1163, 14:40-50, 33:4-9; Ex. 1102, ¶¶374-375.

It would have been obvious to combine each of the above grounds with Farber, such that Rosenberg’s database server 25 automatically computes and stores content-based identifiers with profile information about the user received from an individual server 24 to improve storage efficiency. Ex. 1102, ¶¶376-377. In each of the above grounds, it would also have been obvious that when Rosenberg’s database server 25 obtains new profile information (e.g., tracking information and/or demographic

information) about the user, database server 25 would determine, using Farber's techniques, whether the new profile information is already included in database server 25. *Id.*

A POSITA would have been motivated to combine Farber with Rosenberg, Rosenberg-Zeff-Sterne, Rosenberg-Kurtzman, Rosenberg-Zeff-Sterne-Kurtzman, Rosenberg-Merriman, or Rosenberg-Zeff-Sterne-Merriman (collectively, "the Farber combinations") to improve storage efficiency. Ex. 1102, ¶378. Rosenberg's database server 25 stores a wide variety of profile information about its users, including user activity with respect to specific websites and demographic information. Ex. 1155, 5:55-6:9, 7:1-9, 7:19-22. To maximize the amount of profile information that database server 25 can store, a POSITA would have used Farber's techniques to ensure that database server 25 stores at most one copy of a data item and avoids storing duplicate received user tracking information and/or demographic information. Ex. 1163, 13:38-50; Ex. 1102, ¶¶378-379, 382. Enabling database server 25 to detect and avoid duplicate user profile information would prevent database server 25 from becoming overloaded in situations where duplicate information is common, such as where a communication signal is disrupted and multiple duplicate messages are sent to database server 25. Ex. 1102, ¶¶380-381.

The Farber combinations merely combine known elements (Rosenberg's database server 25 including passive tracking information and demographic

information and Farber's processes for avoiding duplicate information) according to known methods (creating a unique identifier for data items using hashing algorithms) to yield predictable results (checking for duplicate information before adding new data items to Rosenberg's database server 25). Ex. 1102, ¶¶381-382. These results are also achieved by applying a known technique (Farber's processes for creating unique identifiers and avoiding duplicate information) to a known device ready for improvement (Rosenberg's database server storing user profiles and providing customized information to users). *Id.* Farber's hashing algorithms and unique identifiers would have been a superior way to detect duplicate information over relying on information provided by server 24. Ex. 1102, ¶383.

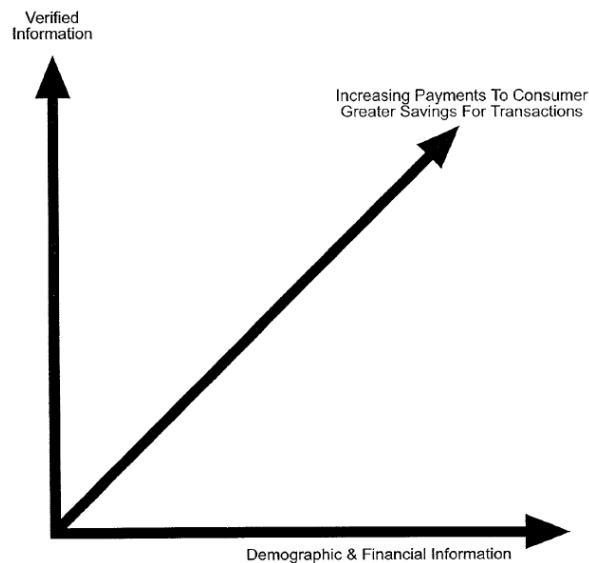
Finally, a POSITA would have expected success in the Farber combinations because they merely involve routine database management skills that a POSITA would have had and the hashing algorithms were publicly available for a POSITA to use. Ex. 1102, ¶¶383-385; Ex. 1163, 12:54-13:19.

Thus, the Farber combinations teach database server 25 automatically and electronically determining whether the received tracking information and/or demographic information contains any profile attributes that were not previously contained in the user's profile. Ex. 1102, ¶386.

E. Grounds M-R: Rosenberg-Coleman, Rosenberg-Zeff-Sterne-Coleman, Rosenberg-Kurtzman-Coleman, Rosenberg-Zeff-Sterne-Kurtzman-Coleman, Rosenberg-Merriman-Coleman, or

Rosenberg-Zeff-Sterne-Merriman-Coleman Render Claims 7-8 and 17-18 Obvious

Claims 7-17 and 8-18 relate to credibility rating features associated with a profile attribute, which is rendered obvious by Coleman. Coleman teaches verifying profile information with outside sources and updating a profile to reflect whether verification was successful. Ex. 1139, ¶¶[0056], [0072]-[0075]; Ex. 1102, ¶¶170-173, 388-389. Coleman explains that the value of profile information (e.g., to sellers/advertisers) increases as the verifiability of the information increases, which teaches different values (or scores) of verifiability:



Ex. 1139, FIG. 2

Ex. 1139, ¶¶[0049], [0072]-[0074]; Ex. 1102, ¶398.

Rosenberg's profile information includes attributes such as user tracking information and demographic information. Ex. 1155, 3:30-37, 5:55-6:9, 7:1-9, 7:19-40. It would have been obvious to combine each of the above grounds with

Coleman, such that **attributes of the profile information** (e.g., demographic information such as gender, age, or education) in each ground are verified and assigned **verification scores**, which are taught by Coleman:

Cookie ID #	Last Visit to Server_B	Content Requested			Demographic Information	Gender		Age		Education	
		News	Product Info	Feature Story							
123	7-4-96;16:23	1	7	3		Male	Verification Score: 9	27	Verification Score: 5	Grad.	Verification Score: 4

Ex. 1155, FIG. 3 (modified)

Ex. 1102, ¶¶390-391; Ex. 1139, ¶¶[0056], [0072]-[0075]. Attributes would have been used to provide customized pages to users as Rosenberg describes, while the **verification scores** would have been used to help select which specific attributes to use as the basis for the customized pages. Ex. 1155, 7:10-17, 7:41-55; Ex. 1102, ¶391.

It would also have been obvious to use the **verification scores** to determine **prices** for using or obtaining corresponding **attributes of the profile information**:

Cookie ID #	Last Visit to Server_B	Content Requested			Demographic Information	Gender		
		News	Product Info	Feature Story				
123	7-4-96;16:23	1	7	3		Male	Verification Score: 9	Price: \$.05

Ex. 1155, FIG. 3 (cropped and modified)

Ex. 1102, ¶¶399-400.

It would have been obvious to combine Coleman with Rosenberg, Rosenberg-Zeff-Sterne, Rosenberg-Kurtzman, Rosenberg-Zeff-Sterne-Kurtzman, Rosenberg-Merriman, or Rosenberg-Zeff-Sterne-Merriman (collectively, “the Coleman combinations”) because doing so would have improved the effectiveness of targeted advertising. Ex. 1102, ¶392. Both Rosenberg and Coleman are directed to providing targeted advertisements (Rosenberg’s customized pages and Coleman’s selective advertisements). Ex. 1139, [0061]-[0063], [0106]-[0107], [0111]-[0114]; *See* §VIII.A.1.f. The goal of Rosenberg’s customized pages/responses is to “allow editors and advertisers to tailor their content to users.” Ex. 1155, 3:6-8; Ex. 1102, ¶¶393-394. To do this successfully, decisions to select advertisements should be based on accurate information about the users. *Id.* And to improve accuracy of the information, a POSITA would have verified the information and recorded verification results (e.g., scores) for use in selecting accurate information, as Coleman teaches. Ex. 1102, ¶394; Ex. 1139, ¶¶[0056], [0072]-[0075]. Similarly, to improve accuracy of the information, a POSITA would have selected information based on which sources of the information are deemed trustworthy. Ex. 1102, ¶394. In some cases, the source scores would be used to determine which sources are trustworthy. Ex. 1102, ¶399.

A POSITA would have also wanted to incentivize websites to provide profile information, such as tracking information and/or demographic information, for use

in targeted advertising. Ex. 1102, ¶393; Ex. 1155, 5:55-6:5, 7:1-9, 7:19-22; Ex. 1139, [0049], [0055]-[0058], [0066]-[0068], FIG. 4. Having more profile information would allow more narrowly-tailored customized responses. Ex. 1102, ¶393. Increasing the amount of stored profile information also increases the likelihood of acquiring accurate information. Ex. 1102, ¶394. To incentivize sharing of profile information, a POSITA would have offered compensation for profile information. Ex. 1102, ¶399. In view of Coleman's teachings that the value of information increases if it's verified, a POSITA would have set a price for profile information based on the verification results. Ex. 1102, ¶399; Ex. 1139, ¶¶[0049], [0073], FIG. 2.

The Coleman combinations merely combine known elements (Rosenberg's databases of passive tracking information and demographic information and Coleman's verification and valuation processes) according to known methods (storing verification scores and prices) to yield predictable results (storing attributes of profile information with associated verification scores and prices). Ex. 1102, ¶393. These results are also achieved by applying a known technique (Coleman's verification and valuation techniques) to a known device ready for improvement (Rosenberg's servers providing customized responses and databases capable of storing attributes, verification scores, and prices). Ex. 1102, ¶394. These modifications based on Coleman do not affect the prior modifications based on

Rosenberg, Rosenberg-Zeff-Sterne, Rosenberg-Kurtzman, Rosenberg-Zeff-Sterne-Kurtzman, Rosenberg-Merriman, or Rosenberg-Zeff-Sterne-Merriman. *Id.*

Finally, a POSITA would have expected success in the Coleman combinations because they merely involve routine database management skills that a POSITA would have had. Ex. 1102, ¶395.

1. Dependent Claims 7 and 17

Claims 7 and 17 respectively depend from claims 1 and 11, which grounds A-F teach. *See* §§VIII.A.1-2, §VIII.B, §VIII.C. The Coleman combinations (*see* §VIII.E) teach modifying Rosenberg’s database server 25 to maintain a **verification score** (claimed “*credibility rating*”) associated with at least one **attribute of the received profile information** stored in a **user profile** (Rosenberg’s tracking information and demographic information stored in database server 25):

Cookie ID #	Last Visit to Server_B	Content Requested			Demographic Information	Gender		Age		Education	
		News	Product Info	Feature Story							
123	7-4-96,16:23	1	7	3		Male	Verification Score: 9	27	Verification Score: 5	Grad.	Verification Score: 4

Ex. 1155, FIG. 3 (cropped and modified)

Ex. 1102, ¶¶388, 396, 403; Ex. 1139, ¶¶[0049], [0056], [0072]-[0075], FIG. 2; Ex. 1155, 5:55-6:5, FIG. 3.

2. Dependent Claims 8 and 18

Claims 8 and 18 respectively depend from claims 7 and 17, which the Coleman combinations teach. *See* §VIII.E.1. The Coleman combinations (*see*

§VIII.E) further teach that the **verification scores** are reflected in a **price** for the **attributes**:

Cookie ID #	Last Visit to Server_B	Content Requested			Demographic Information	Gender		
		News	Product Info	Feature Story				
123	7-4-96;16:23	1	7	3		Male	Verification Score: 9	Price: \$.05

Ex. 1155, FIG. 3 (cropped and modified)

For example, as the verifiability of an attribute increases (i.e., greater verification score), the value to advertisers and therefore the price of associated attributes increases. Ex. 1102, ¶397-403; Ex. 1139, ¶¶[0049], [0073].

IX. GROUNDS FOR STANDING & FEE PAYMENT

Petitioner hereby certifies that the '249 patent is available for, and Petitioner is not barred or estopped from requesting, *inter partes* review challenging claims 1, 3-11, 13-21, and 23-25.

Pursuant to 37 C.F.R. § 42.103, the undersigned authorizes the charge of any required fees to Deposit Account No. 19-0733.

X. CONCLUSION

Inter partes review should be instituted and the challenged claims canceled.

Dated: March 1, 2024

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CERTIFICATION UNDER 37 CFR § 42.24(d)

Under the provisions of 37 CFR § 42.24(d), the undersigned hereby certifies that the word count for the foregoing Petition for Inter Partes Review totals 13,679, which is less than the 14,000 allowed under 37 CFR § 42.24(a)(1)(i). This total includes 13,674 words as counted by the Word Count feature of Microsoft Word and 5 words used in annotations.

Pursuant to 37 C.F.R. § 42.24(a)(1), this count does not include the table of contents, the table of authorities, mandatory notices under § 42.8, the certificate of service, this certification of word count, the claims listing appendix, or appendix of exhibits.

BANNER & WITCOFF, LTD

Dated: March 1, 2024

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.105, I hereby certify that I caused a true and correct copy of this Petition for *Inter Partes* Review in connection with U.S. Patent No. 8,775,249 and supporting evidence to be served via FedEx Priority Overnight on March 1, 2024, on the following:

LOUIS J. HOFFMAN, P.C.
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Dated: March 1, 2024

By: /Frederic M. Meeker/

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CLAIM LISTING APPENDIX

U.S. Pat. No. 8,775,249

Designation	Claim Language
Claim 1	
[1PRE]	1. An automated method of collecting profiles of Internet-using entities, the method comprising:
[1A]	(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;
[1B]	(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;
[1C]	(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
[1D]	(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;
[1E]	(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.
Claim 2	
2	2. The method of claim 1 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

Designation	Claim Language
	advertisements to the entity's computer over the global computer network.
Claim 3	
3	3. The method of claim 1 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.
Claim 4	
4	4. The method of claim 3 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.
Claim 5	
5	5. The method of claim 1 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.
Claim 6	
6	6. The method of claim 1 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.
Claim 7	
7	7. The method of claim 1 further maintaining with the computer system a credibility rating associated with at least one of the profile attributes of the stored profile.
Claim 8	
8	8. The method of claim 7 wherein the credibility rating is reflected in a price for the at least one profile attribute.
Claim 9	
9	9. The method of claim 1 further comprising automatically with the computer system selecting profile attributes from the stored profile based on the source thereof.
Claim 10	

Designation	Claim Language
10	10. The method of claim 1 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.
Claim 11	
[11PRE]	11. 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:
[11A]	(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;
[11B]	(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;
[11C]	(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
[11D]	(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;
[11E]	(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.
Claim 12	
12	12. The computer system of claim 11 wherein the automatic method performed by the programmed computer system further comprises, in accordance with a predetermined arrangement, automatically using the electronic record of

Designation	Claim Language
	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.
Claim 13	
13	13. The computer system of claim 11 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.
Claim 14	
14	14. The computer system of claim 13 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.
Claim 15	
15	15. The computer system of claim 11 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.
Claim 16	
16	16. The computer system of claim 11 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.
Claim 17	
17	17. The computer system of claim 11 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.

Designation	Claim Language
Claim 18	
18	18. The computer system of claim 17 wherein the credibility rating is reflected in a price for the at least one profile attribute.
Claim 19	
19	19. The computer system of claim 11 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.
Claim 20	
20	20. The computer system of claim 11 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.
Claim 21	
[21PRE]	21. 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:
[21A]	(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;
[21B]	(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;
[21C]	(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

Designation	Claim Language
[21D]	(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;
[21E]	(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.
Claim 22	
22	22. The data storage medium of claim 21 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.
Claim 23	
23	23. The data storage medium of claim 21 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.
Claim 24	
24	24. The data storage medium of claim 23 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.
Claim 25	
25	25. The data storage medium of claim 21 wherein the automatic method performed according to the instructions further comprises automatically with the computer system electronically maintaining an electronic record of which

Designation	Claim Language
	unaffiliated third party contributed, to the stored profile, the profile attributes used in targeting the advertisements.