

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FREEWHEEL MEDIA, INC.,

Petitioner,

v.

INTENT IQ, LLC,

Patent Owner.

IPR2024-00421

IPR2024-00422

Patent 7,861,260 B2

**DECLARATION OF ERIK DE LA IGLESIA IN SUPPORT OF PATENT
OWNER'S RESPONSE TO THE PETITION**

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true.

Executed on January 6, 2025, at Mountain View, California.



Erik de la Iglesia

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I, Erik de la Iglesia, hereby declare as follows:

I. Introduction

1. I am over the age of eighteen (18) years and otherwise competent to make this declaration.

2. I have been retained as an expert witness on behalf of Patent Owner for the above-captioned *inter partes* review (“IPR”). I understand that the petition for *inter partes* review involves U.S. Patent No. 7,861,260 (“the ’260 patent”).

3. I make this declaration based on my personal knowledge, educational background and training, consideration of the materials I discuss herein, and my expert opinions.

4. My work on this matter is being billed at my normal hourly consulting rate of \$750, with reimbursement for actual expenses. My compensation is not related to the outcome of any proceeding involving the ’260 patent. I have no personal interest in the outcome of the case.

5. In preparing this Declaration, I have reviewed and considered the ’260 patent, the ’260 patent’s prosecution history, the declaration submitted by Dr. Lett in this proceeding, the deposition transcript of Dr. Lett in this proceeding, the prior art references Dr. Lett relies on for Grounds A-B of his declaration, and each document cited in my declaration.

II. Background and Qualifications

6. My qualifications for forming the opinions given in this declaration are summarized here and are addressed more fully in my curriculum vitae, which is submitted as Exhibit 2002.

7. I hold a Bachelor of Science degree in Electrical Engineering from the University of Florida, and a Master of Science degree in Electrical Engineering from Stanford University. While at Stanford, I was an NSF Graduate Research Fellow. My graduate focus included VLSI CMOS architecture, high-speed circuit design, computer networks and protocols, and artificial intelligence. I have worked in several computer and electrical engineering related fields for over 25 years resulting in 68 issued U.S. patents that have been cited over 2850 times in USPTO patent applications. Since 2003, I have served in a number of chief architect and founder roles of companies that have been acquired or gone public. My experiences include the design or implementation of networks and network-based computation and protocol systems similar to the technology of the '260 Patent, including systems for content targeting based on user behavior across devices.

8. Between December 1997 and November 1999, I was a circuit design engineer at Intel Corporation within the Mobile and Handheld Products Group. My responsibilities included working on several aspects of mobile processors and chipsets including clock and power distribution, dynamic clock frequency

selection, and the circuit design, device simulation, and validation of such features. Until March of 2000, I worked on similar functionality within the Microprocessor Products Group for the Itanium 3 and 4 products.

9. My work in power distribution included thermal modeling and predictive control of silicon devices and their packaging such as multi-tiered cooling systems for embedded, mobile, and desktop environments. Such systems included multiple tiers of thermal sensors, active and passive thermal control systems, and the feedback and analytic firmware and software control. My models were part of the development of the Thermal Design Power (TDP) metrics used by OEM and system designers to plan thermal control solutions for consumer and industrial products.

10. Between March 2000 and September 2003, I worked as a logic designer and architect for WebStacks and, through acquisition, Extreme Networks. WebStacks built a fully hardware-based TCP and HTTP processing stack for network processing functions including load balancing, proxy processing, and content rewriting. I was responsible for the architecture and design of the HTTP processing engine including header extraction and processing.

11. Between August 2003 and August 2007, I worked as Founder, Chief Architect and Director of Engineering for Reconnex, later acquired by McAfee. Reconnex built a gigabit line-rate network security analyzer capable of

classification, heuristic analysis, and policy enforcement on arbitrary protocols and content types. The Reconnex product captured and analyzed content transmitted over the internet using HTTP and other protocols, including storage protocols. Design of the Reconnex system was based on a modified and customized version of the Linux kernel which included specifically designed driver source code and interfacing between the application and kernel domains.

12. Reconnex technology was employed in the audit and compliance verticals based on its ability to quickly analyze and classify the content of transmissions and interact with protocols and communications crossing corporate and departmental boundaries. When deployed in commercial network settings, Reconnect technology was used to track IP addresses and identities of users and endpoints as well as to perform aggregation, clustering and pattern analysis of users' traffic across different network segments.

13. Between August 2007 and September 2008, I founded Strangways, a company focused on addressing messaging security for webmail and internet messaging protocols. Products and technology developed by Strangways were sold to SendMail Inc., Iron Port (Cisco), and other companies. The Strangways product utilized a Squid caching server and ICAP content rewrite server to translate HTTP to SMTP.

14. Between September 2008 and April 2014, I worked as Chief Architect for Gridiron Systems and, through acquisition, Senior Director of Technology for Violin Memory. I held the Senior Director position with Violin Memory both before and after the company's IPO. My responsibilities included architecture and design of flash media controllers, adaptive caching design, and machine learning for application storage behavior analytics.

15. The Gridiron product was a storage accelerator used in many analytic environments such as big data architectures with constant ingest and processing of financial, consumer and IoT data. In my role as Chief Architect, I often worked with customers to implement and accelerate their analytics environments and spoke on related topics at trade shows and industry user groups. During product development, I worked with the data science team at Shopzilla to improve database and storage performance for real-time shopping recommendation and user tracking for advertising.

16. Additional information regarding my employment history and prior expert testimony is included in Exhibit 2002. As reflected in Exhibit 2002, I have consulted on several matters involving intellectual property disputes including instances of alleged patent infringement requiring analysis of source code, reviewing and analyzing patents, writing expert reports, and testifying in court. I have testified at deposition and at trial in a number of these cases.

III. Legal Principles

A. Claim Construction

17. I understand that the first step in performing a validity analysis of the patent claims is to interpret the meaning and scope of the claims by construing the terms and phrases found in those claims. I understand that the appropriate construction of a claim term is its ordinary and accustomed meaning as understood by one of ordinary skill in the art at the time of the invention in the context of the entire patent and the prosecution history.

18. I understand that standard for claim construction in an *inter partes* review is the same standard as is applied in district court proceedings.

19. I understand that a determination of the meaning and scope of the claims is a matter of law. I have been informed that to determine the meaning of the claims, one should consider the intrinsic evidence, which includes the patent's claims, written description, and prosecution history.

B. Burden of Proof

20. I understand that in an *inter partes* review, the petitioner has the burden of proving unpatentability by a preponderance of the evidence.

C. Anticipation

21. I understand that a reference is anticipated if a single prior art reference discloses each and every claim element, either explicitly or inherently, as

arranged in the same way as in the claim. I understand that where even one claim element is not disclosed in a reference, a contention of anticipation fails.

22. I further understand that when a reference fails to explicitly disclose a claim element, that reference inherently discloses that element only if the reference must *necessarily* include the undisclosed claim element.

D. Obviousness

23. I understand that a combination of prior art references may render a claim obvious if, at the time of the invention, a person of ordinary skill in the art would have selected and combined those prior-art elements in the normal course of research and development to yield the claimed invention.

24. I understand that in an obviousness analysis, one should consider the *Graham* factors, including: the scope and content of the prior art; the differences between the claimed inventions and the prior art; and the level of ordinary skill in the art. I further understand the obviousness analysis is to be performed on a claim-by-claim basis. I understand that a person of ordinary skill in the art is a person of ordinary creativity, not an automaton.

25. I understand that obviousness requires more than a mere showing that the prior art includes separate references covering each separate limitation in a claim under examination. I understand obviousness requires the additional showing that a person of ordinary skill at the time of the invention would have been

motivated to combine those references in a manner that would include all limitations of the challenged claim, and, in making that combination, a person of ordinary skill in the art would have had a reasonable expectation of success.

26. I also understand that an obviousness analysis must be conducted with awareness of the distortion caused by hindsight bias and with caution of arguments reliant upon *ex post* reasoning. For instance, I understand that when considering obviousness, I should put myself in the position of a person of ordinary skill in the field at the time of the invention, rather than considering new information that is known today, but was not known before the priority date of the challenged patent.

IV. Person of Ordinary Skill in the Art

27. Dr. Lett alleges that a person of ordinary skill in the art, as of the priority date of the '260 patent, “would have had a bachelor’s degree in electrical engineering, computer engineering, computer science, or a similar discipline, and two years of experience with the design and/or implementation of network-based content delivery systems and Internet advertising.” Ex. 1002 at ¶147. He goes on to state that “In my opinion, a POSA’s skill set would have included client level and server level programming skills. More specifically, a POSA’s skill set would have included computer programming languages and markup languages (e.g., C, C++, C#, Java, JavaScript, Visual Basic.NET, HyperText Mark-up Language (HTML), XML) and knowledge of the HyperText Transfer Protocol (HTTP). A POSA’s

skill set would have also included client-server architecture and database design skills.” Ex. 1002 ¶147. For purposes of this declaration, I adopt Dr. Lett’s proposed level of skill in the art.

V. Claim Construction

28. I am informed that claim construction is an exercise of interpreting disputed terms, to the extent needed to resolve any controversy between the parties. I do not believe that any terms need express construction, but instead apply the plain and ordinary meaning of each claim term in view of the specification of the ’260 patent.

VI. Rebuttal to Dr. Lett’s Grounds A-B.

A. Claim 1 analysis

29. Claim 1 recites:

1. A method implemented using a programmed hardware computer system, the method comprising:

(a) for each of a multitude of users, with the computer system, electronically associating an online access IP address of the user and a set-top box IP address of that user based on a common IP address, wherein network traffic is routed via the common IP address to both an online user interface device and a set-top box of that user; and

(b) using user profile information derived from online activity from a first online user interface device via a first one of the online access IP addresses of the multitude of

users, with the computer system automatically causing a first television advertisement to be directed to a set-top box for presentation via that set-top box, selectively, wherein the set-top box is indicated by the set-top box IP address associated with the first online access IP address.

30. I understand that for both Grounds A-B as applied to claim 1, Mr. Lett proposes combining Baig with Costa such that a set-top box (“STB”) would have been incorporated within a Wi-Fi hotspot and used to target ads based on profile information of other users of devices at the same hotspot using Baig’s ad-targeting system. I have reviewed Mr. Lett’s declaration, and he did not provide any changes to Baig’s content server that would be required to make his proposed modification of adding a STB to Baig’s public wireless hotspot, and Mr. Lett did not identify any such changes to Baig’s content server. *See* Ex. 2003 at 26:10-20 (“Q. If you are modifying Baig in view of Costa, for example, in your ground A modification, what changes are you proposing being made to Baig’s content server? A. I don’t think I rendered an opinion on any changes that were needed in the content server.”).

31. In my opinion, it would **not** have been obvious for Baig’s system to target ads television advertisements to a set-top box (“STB”) in the manner Mr. Lett suggests.

32. Mr. Lett’s combination of Baig with Costa depends on two assumptions that would both need to be true in order for it to be obvious for Baig’s computer system to “automatically caus[e] a first television advertisement to be directed to a set-top box” in the claimed manner (e.g., by “using user profile information derived from online activity from a first online user interface device” that has used an IP address associated with the set-top box’s IP address) as required by claim 1.

33. First, that it would have been obvious to set up a set-top box at a public Wi-Fi hotspot (to which Baig directs vicinity-based community services), such as a coffee shop’s¹ hotspot, such that it “would have allowed individuals operating other devices (e.g., phones, laptops, etc.) to view multimedia content, such as television content, via a television connected to the set-top box.”

34. Second, Mr. Lett’s combination of Baig with Costa assumes that after the STB is configured at the public Wi-Fi hotspot, the STB would be used to visit Baig’s VCSP website using the hotspot, which does **not** provide television service. See Ex. 1002 ¶663 (“A POSA would recognize that the systems of Baig would

¹ I note that throughout his declaration, a coffee shop is the **only** example of a location that Mr. Lett provides in which it would have been allegedly obvious to provide a STB.

operate independently of a television service provider, as no details of such as television service provider are described in Baig.”).

35. If *either* of these assumptions is not true, then Baig’s VCSP content server(s) (i.e., the alleged “computer system” (Ex. 1002, ¶189)) would not be able to “automatically caus[e] a first television advertisement to be directed to a set-top box” based on an association of the STB’s IP address with another device’s IP address at the same public Wi-Fi hotspot as alleged. For example, if it would not have been obvious to include the STB within the Wi-Fi hotspot in the first place, there would be no STB for Baig’s content server to direct the ad to. And likewise, if it would not have been obvious to use the STB to navigate to Baig’s VCSP website at a public Wi-Fi hotspot in the manner alleged, then Baig would also not be able to direct an ad to the STB, because Baig’s content server only displays ads on the VCSP website.

36. In my opinion, Mr. Lett has not shown the obviousness of either of these assumptions. As an initial matter, regarding the obviousness of adding a set-top box to a public Wi-Fi access point, Mr. Lett does not even know *who* would have found it obvious to add the set-top box to the Wi-Fi access point (e.g., whether it would have been the coffee shop owner, a user, or Baig’s VCSP). Ex. 2003 at 14:23-16:10 (“[Y]ou are asking who installed the set-top box [in my proposed modification to Baig]?... I’m sorry, I—I don’t know. I haven’t really

thought about that... Sounds like a new opinion.”). Of course, *somebody* has to make the modification (and that person or entity would need to be *motivated* to make the modification), and the fact that Mr. Lett was unable to provide an opinion on *who* would have been motivated to make the specific modification he is proposing (providing a set-top box at the public Wi-Fi access point) is evidence that he arrived at his opinion through improper hindsight, not based on objective evidence of what a POSITA would have understood.

37. Additionally, I have seen no indication or evidence of any coffee shops that displayed television content via a set-top box in the manner Mr. Lett suggests before the priority date of the '260 patent. Mr. Lett was likewise unable to recall any public wireless hotspots that included a set-top box as of the priority date of the '260 patent. Ex. 2003 at 25:15-18.

38. There are also numerous reasons why it would not have been obvious to add a STB to a coffee shop offering Wi-Fi hotspot service in the manner Mr. Lett suggests. For example, TV is distracting, and people who would prefer to visit a coffee shop to talk with friends or read a book (common coffee shop behaviors) would prefer *not* to be distracted with television content. In addition, adding a STB to a coffee shop is costly, because it requires purchase and installation of a television / STB, and television service costs additional money. A POSITA would

not have found it obvious to add an STB to a coffee shop as Mr. Lett suggests in light of these obvious drawbacks.

39. I disagree with Mr. Lett that adding a STB to a public wireless hotspot as Mr. Lett suggests would provide any benefit. For example, Mr. Lett alleges that this would provide the “benefit of having a wider range of device types available at a particular access point.” Ex. 1002, ¶160. But a “wider range of device types available” at a coffee shop hotspot is not an “*advantage*,” particularly when the device is a television / STB which would distract customers to the public location and there is no evidence that this would generate any additional revenue (to offset the costs of providing the television / STB) to the coffee shop owner.

40. Mr. Lett also argues that a “POSA would have recognized that entertainment in a public venue such as a retail business is often beneficial to engage the user’s interest and maintain their presence at that location.” Ex. 1002, ¶160. I disagree. Mr. Lett provides *no* evidence for this assertion. The *only* example of a public hotspot location that Mr. Lett even *alleges* would have been obvious to include a STB at is a coffee shop providing Wi-Fi hotspot service, and as discussed above a POSITA would *not* have found this to be an obvious modification. I also note that maintaining a user’s presence at a coffee shop for a long period of time would generally not be advantageous commercially for a

coffee shop, as it would lead to the coffee shop having less space for newly-arriving customers who would like a place to sit after getting their order.

41. Mr. Lett further argues that “including a set-top box would have enhanced Baig’s ability to target individuals based on demographics, such as by vicinity-based targeted advertising based on, for example, what television content (e.g., content displayed on the television including webpages and television programming) is being provided to individuals through the set-top box. Ex. 1002, ¶161. But Baig’s VCSP website (i.e., the entity actually targeting the ads in the proposed theory) *would not have any control at all* over whether a coffee shop added a STB to the wireless hotspot. Mr. Lett’s alleged benefit to Baig’s VCSP server is akin to saying “Netflix would benefit from a coffee shop installing a TV and playing Netflix on the TV”—even if that is true, it is irrelevant because a benefit to Netflix would not cause the *coffee shop* (i.e., the entity that would control whether a television and STB are installed at the coffee shop) to provide an STB at the public hotspot.

42. Mr. Lett also alleges that adding a STB to the hotspot would use known techniques to yield predictable results (Ex. 1002, ¶162), but even if true I do not understand this to be a rationale for obviousness. For example, in programming, adding an infinite loop in a program to crash the program would be a known technique (a for loop) and would have a predictable result (of crashing the

program), but this would not be an obvious thing to do. (I also note that to arrive at the challenged claims, more is needed from Mr. Lett’s proposed combination than simply adding a STB to a coffee shop—for instance, as discussed below, the STB would need to be used to navigate to Baig’s VCSP website which also would not have been a desirable or obvious use of a STB in a coffee shop.)

43. Mr. Lett further alleges that “the combination of Baig and Costa merely uses a known technique to improve similar devices in the same way.” Ex. 1002, ¶163. I disagree, however, that his proposed combination represents an *improvement* to the coffee shop (the entity that would control the decision whether to add a STB), for the reasons discussed above.

44. I also do not believe that Costa (or any other reference cited by Mr. Lett) discloses any motivation to add a set-top box to a public Wi-Fi hotspot (such as a coffee shop). Specifically, Costa teaches that a STB is one type of device that can be connected to a “UPnP network” which allows “devices to exchange data in a local environment 110.” Ex. 1011, ¶36. Costa teaches that the “local environment 110 typically includes a home or office” (which are not the types of networks contemplated by Baig, which discloses Wi-Fi hotspots such as at a coffee shop), but it can also optionally be a “public wireless hotspot[.]” *Id.* Thus, at most, Costa states that it is *possible* to add a set-top box to a public wireless hotspot, but does not suggest any *motivation* to do so.

45. Regarding the second of Mr. Lett’s assumptions, that the STB would be used to access Baig’s website at the Wi-Fi hotspot in the manner Mr. Lett proposes, I disagree with that assumption as well. Specifically, *assuming* that a coffee shop *did* include a television / STB, there is no reason why the controller of that STB (presumably, the coffee shop itself) would navigate to Baig’s VCSP *website* which does not provide television service. *See* Ex. 1002, ¶663 (“A POSA would recognize that the systems of Baig would operate independently of a television service provider, as no details of such as television service provider are described in Baig.”). The purported purpose of installing a television would presumably be to provide *television* service to visitors to the coffee shop. In my opinion, a POSITA wouldn’t have found it obvious to have a television in a coffee shop displaying a website that did not provide television service.

46. In particular, Baig provides numerous examples of services that are provided by its website (Ex. 1007 ¶59), none of which would have been obvious for a coffee shop to display on a television in a public location because use of such services would require that someone be controlling the use of the website to the exclusion of others. This would not have been desirable, particularly in a scenario where the use of the website would be visible to those not actually using the website, causing privacy concerns. For example, if one person wanted to search for particular “goods and services” (Ex. 1007 ¶59) on Baig’s website via a STB at a

coffee shop, other coffee shop patrons viewing the television would be able to see what goods and services the searching person was looking at. And it would not have been obvious for the owner of a coffee shop to either allow a user to navigate to Baig’s website via the STB (to the exclusion of other users), or to themselves navigate to Baig’s website via the STB. Instead, assuming a STB *were* somehow in a coffee shop, it would presumably be used to provide television service (since that is typically the type of content that is displayed on TVs in public locations, not content from a website similar to Baig’s VCSP website). And if users wanted to use Baig’s VCSP website, they would be able to do so in a **sensible** way—by using their own devices such as a laptop or smartphone at the coffee shop’s hotspot.

47. Thus, it is my opinion that a POSITA would not have found it at all obvious to use a STB at a coffee shop to navigate to Baig’s VCSP website, even assuming the coffee shop did have a STB in the first place. Rather, to the extent Baig’s coffee shop had an STB connected to the hotspot (something that itself would not be obvious for the reasons explained above), the most sensible purpose of adding the STB would be to provide *television service* rather than to browse to a VCSP website.

48. Mr. Lett does not address the obviousness of navigating to Baig’s VCSP website using a STB at a coffee shop at all. Instead, Mr. Lett alleges that the added STB “may be Internet-enabled and capable of displaying webpage content”

such that an added STB “would have been capable of displaying the various webpages and web content provided by the Baig VCSP.” Ex. 1002, ¶164. But whether displaying Baig’s VCSP content using a STB in a coffee shop would have been *possible* is a different question from whether it would have been *obvious*, and as discussed above it would not have been obvious.

49. For the reasons above, it is my opinion that claim 1 would not have been obvious under the theory articulated by Mr. Lett.

B. Independent claim 61 analysis

50. Claim 61 recites:

61. A method implemented using a programmed hardware computer system, the method comprising:

(a) for each of a multitude of users, with the computer system, electronically associating an online user interface device identifier, which indicates an online user interface device of the user, and a set-top box identifier, which indicates a set-top box of that user, which electronic association is based on a common IP address, wherein network traffic is routed via the common IP address to both the online user interface device and the set-top box of that user; and

(b) using user profile information derived from online activity from the online user interface device of a first user of the multitude of users via a first online access IP address,

with the computer system automatically causing a first television advertisement to be directed to a set-top box for presentation via that set-top box, selectively, wherein the set-top box is indicated by the set-top box identifier associated with the online user interface device identifier of the first user's online user interface device.

51. Mr. Lett acknowledges that “claim 61 is largely identical to claim 1,” and Mr. Lett relies heavily on his claim 1 analysis in alleging the obviousness of claim 61. Ex. 1002, ¶¶241-243. In my opinion, claim 61 is not obvious for the same reasons discussed above with respect to claim 1.

C. Independent claim 26 analysis

52. Claim 26 recites:

26. A method implemented using computer equipment, the method comprising:

- (a) with the computer equipment, automatically electronically delivering electronic user profile information to a computer system that includes a server that electronically associates, for each of a multitude of users, an online access IP address of the user and a set-top box IP address of that user based on a common IP address,
- (b) wherein network traffic is routed via the common IP address for both an online user interface device and a set-top box of that user,

(c) wherein delivered user profile information of a first user of the multitude of users (i) is derived from online activity of the first user from a first online user interface device via a first online access IP address and (ii) includes identification of the first online access IP address and the time and date of the online activity, and

(d) as a result of which delivery, a first television advertisement can be directed to a set-top box for presentation via that set-top box, selectively, wherein the set-top box is indicated by the set-top box IP address that the server associates with the first online access IP address.

53. Mr. Lett acknowledges that claim 26 “is largely identical to claim 1,” with two additional requirements not present in claim 1. Ex. 1002, ¶¶244-245. In my opinion, claim 26 is not obvious for the same reasons discussed above with respect to claim 1. I note that without showing that a POSITA would have found it obvious to include a set-top box in a public hotspot in the manner Mr. Lett alleges, and further obvious to navigate to Baig’s VCSP website using the STB, there would be no possibility for “a first television advertisement [to] be directed to a set-top box” as a result of delivered profile information as claim 26 requires.

D. Claims 38 and 39 analysis

54. Claim 38 recites:

38. A method implemented using computer equipment, the method comprising:

(a) with the computer equipment, automatically electronically delivering electronic user profile information to a computer system that includes a server that electronically associates, for each of a multitude of users, an online user interface device identifier, which indicates an online user interface device of the user, and a set top box identifier, which indicates a set-top box of that user, which electronic association is based on a common IP address,

(b) wherein network traffic is routed via the common IP address for both the online user interface device and the set-top box of that user,

(c) wherein delivered user profile information of a first user of the multitude of users (i) is derived from online activity of the first user from the first user's online user interface device via a first online access IP address and (ii) includes identification of the first online IP address and the time and date of the online activity, and

(d) as a result of which delivery, a first television advertisement can be directed to a set-top box for presentation via that set-top box, selectively, wherein the set-top box is indicated by the set-top box identifier that the server associates with the online user interface device identifier of a first user's online user interface device.

55. Mr. Lett acknowledges that “Claim 38 is largely identical to claim 26, except that claim 38 recites identifier-based associations, whereas claim 26 recites

IP address-based associations.” Ex. 1002, ¶261. In my opinion, claim 38 is not obvious for the same reasons as discussed above with respect to claim 26.

Similarly, claim 39’s requirement that the advertisement is selected “based on the user profile information” would not be possible because there would be no association of STB and online user interface device as Mr. Lett proposes, such that the “profile information... derived from online activity of the first user from the first user’s online user interface device” could be used to target an ad to a STB on the same network.

E. Dependent claims 121 and 146 analysis

56. Claim 121 depends from claim 34, which itself depends from claim 26 (discussed above). Claims 121 and 34 are reproduced below.

34. The method of claim 26 further comprising automatically receiving a revenue amount as a result of direction of the first television advertisement.

121. The method of claim 34 wherein the revenue amount is received from an advertiser that has contracted to display a TV ad to persons who have characteristics contained in the user profile information.

57. Notably, claim 121 requires that “an advertiser... has contracted to display a TV ad to persons.” However, Baig does not disclose the ability of advertisers to specifically contract to display TV ads, as opposed to just displaying

ads on Baig’s VCSP website (which a POSITA would understand would be overwhelmingly non-TV ads). Given that Baig’s VCSP server does not provide television service, it would not have been obvious in the context of Baig for an advertiser to “contract[] to display a *TV ad*” as the claims require.

58. While the display of a TV ad might hypothetically occur as a result of an advertiser contracting to display an advertisement on Baig’s website, there would be no “contract[] to display a TV ad” as claim 121 requires. This is clear because even if exclusively *non-TV* ads are displayed pursuant to any contract that is disclosed or suggested by Baig, the advertiser would not know or care; the contract would be completely agnostic to whether any TV ads were displayed.

59. Accordingly, it is my opinion that claim 121 would not have been obvious for this additional reason. The same reasoning also applies to claim 146, which recites that “an advertiser... has contracted to display a TV ad.”