

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
Petitioner

v.

SITNET, LLC,
Patent Owner

Case IPR2024-00528
U.S. Patent No. 8,249,932

**DECLARATION OF BERNARD J. JANSEN, PH.D.,
IN SUPPORT OF PETITION FOR *INTER PARTES* REVIEW
OF CLAIMS 1-11, 22, AND 23 OF U.S. PATENT NO, 8,249,932**

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Meta EX1003
IPR2024-00528
U.S. Patent No. 8,249,932

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I, Bernard J. Jansen, hereby declare as follows.

I. INTRODUCTION

1. I have been retained as an expert witness on behalf of Petitioner Meta Platforms, Inc. (“Petitioner”) for the above-captioned *inter partes* review (IPR). I am being compensated for my time in connection with this IPR at a rate of \$600 per hour. My compensation is not contingent on either my expert opinion or the outcome of this litigation. I have no other interest in this proceeding.

2. I understand that this declaration accompanies a petition for IPR of U.S. Patent No. 8,249,932 (“the ’932 patent”) (EX1001), which resulted from U.S. Patent Application No. 11/924,748 (“the ’748 application”), filed on October 26, 2007. I understand that the ’932 patent alleges a priority date of February 2, 2007. I refer to this date throughout this declaration.

3. In preparing this declaration, I have reviewed the ’932 patent and each of the documents cited herein, in light of general knowledge in the art before February 2, 2007. In formulating my opinions, I have relied upon my experience, education, and knowledge in the relevant art. In formulating my opinions, I have also considered the viewpoint of a person of ordinary skill in the art (“POSA”) (as explained further below in § V.C) prior to February 2, 2007.

II. MY BACKGROUND AND QUALIFICATIONS

4. My analysis is based on my experience, training, knowledge, and

education, and it is formed through the application of that experience, training, knowledge, and education in the principles of search engines, Web search, keyword advertising, display advertising, online advertising, Web analytics, network communications, and related areas.

5. Since 2015, I have been a principal research scientist at the Qatar Computing Research Institute in Doha, Qatar. I was a tenure-track professor at Penn State from 2002 through 2016, departing as a tenured, full-time professor on January 1, 2017 to become a principal research scientist at the Qatar Computing Research Institute. I was a Senior Fellow at the Pew Internet & American Life Project, which is part of the Pew Research Center, from 2010 through 2012. I was a University Expert at the National Ground Intelligence Center from 2011 through 2014. Before my professorship at Penn State, I was a Lecturer in the Computer Science Program at the University of Maryland (Asian Division) for one year. Before that, I was an Assistant Professor in the Department of Electrical Engineering and Computer Science at the United States Military Academy, also known as West Point, for three years.

6. In addition to my academic credentials, my professional experience includes twenty years of practice in the U.S. military, serving in the Infantry as an enlisted soldier and then as a communications officer, upon commissioning, working primarily in a variety of information technology-related positions

planning and establishing communication networks from portable ground radios to large satellite communication radios, and evaluating the performance of these networks. I also led a large multimedia team at a major U.S. Army educational facility, responsible for designing, providing, and assessing multimedia products, including the organizational website. I employed various software programs and databases for interactive products and website design for these tasks. I used these programs and others to develop interactive websites and multimedia applications, including employing analytics for the performance evaluation of these websites and applications. During this time, the team received several product awards and honors, including one award for website development, four for multimedia applications development, and one for software development.

7. I am the editor-in-chief of the international academic journal *Information Processing and Management*, a premier journal in computing science and information science, including computational science, online analytics, and social media computing. I am a former Editor-in-Chief of the journal *Internet Research*, a top-ranked journal in the Web science and business domains that examines the Internet's social, ethical, economic, and political implications.

8. I have authored more than 350 academic publications on Web searching, search engines, keyword advertising, online advertising, branding, Web analytics, social media, social network, and related fields. Approximately 300 of

my publications address search engine optimization, search analytics, Web analytics, online advertising, keyword advertising, search engines, or Web searching. My recent research focuses on online analytics, investigating the qualitative and quantitative attributes of digital content usage and social computing analytics, which investigates social behavior using algorithmic methods. I have authored, co-authored, or co-edited four books, including Web Search: Public Searching of the Web (2007), Understanding User – Web Interactions via Web Analytics (2009), Understanding Sponsored Search (2011), Data-Driven Personas (2021), and Understanding Audiences, Customers, and Users via Analytics – An Introduction to the Employment of Web, Social, and Other Types of Digital People Data (2023). In a 2020 study, I was ranked in the top 2% of researchers in my field. *See* EX1009.

9. My professional expertise includes search engine optimization, Web analytics, search engines, Web searching, social media, online advertising, online reputation management techniques, and related computer science and data science areas, including programming and networks. In my academic career, I have worked with various search engines and information searching applications to understand user information behavior on the Web and other environments. For example, as part of my Master's program in Computer Science, I designed and coded a text-based search engine, and my thesis involved the building of a tool for

network performance monitoring. For my Doctorate program in Computer Science, I developed a program interface for Web search engines and implemented it on the Gigabyte search engine. I have been invited to present research at major search engine companies, including Google and Yandex, and many search marketing agencies.

10. As a computer scientist, I have engaged in and am experienced with classic computer science areas, such as programming, software development, algorithms, and networking, along with non-traditional areas, such as data analytics, keyword advertising, and online advertising. I have taught various computer courses at the undergraduate and graduate levels, including micro-computing, programming (in various programming languages), and the Web/Internet. I have taught a Web technology overview course (websites, mobile, social media, Web metrics, market analysis, etc.) and a graduate-level research course for professional masters students. Previously, I taught courses in keyword and display advertising where student teams engaged with small-medium-sized enterprises (SMEs) to implement online advertising campaigns. I have supervised students with SMEs on various online advertising platforms, including Google Ads and Facebook Ads. I have experience with several online marketing platforms, including Google Ads, Facebook Ads, LinkedIn Ads, and Microsoft Advertising.

11. I have conducted research and teaching concerning search engines and

websites, including search engine optimization, content creation, search engine keyword advertising, Web searching, and Web analytics. In the field of online searching, online advertising, and Web analytics, I have worked directly with real user searching data from several Web search engines. I have also analyzed Web data of traffic and other attributes from various websites and social media accounts. I have analyzed real user data of a multi-million dollar online advertising marketing campaign that spans multiple years, involving thousands of ads and key terms. I have also analyzed user referral traffic to websites and monetized this traffic via online advertising. A 2015 review of keyword advertising research reported that I was the predominant researcher in the field of search engine advertising, EX1028, 12, along with co-authors. I have developed Web analytics models and processes to analyze business goals and have used Web and online advertising analytics data in my research and teaching.

12. I have advised government agencies and private companies in consulting and expert witness matters, including online searching, online advertising, search engines, locating relevant information, and disseminating defaming statements, among other related areas.

13. I have personal knowledge or have developed knowledge of the technologies discussed in this declaration based upon my education, training, or experience with the matters discussed herein.

14. I understand that a copy of my complete *Curriculum Vitae* has been submitted as Exhibit 1004, which includes a list of publications I have authored in the past ten years, a list of cases in which I have testified as an expert in deposition or trial in the past four years, and other details regarding my expertise and qualifications.

III. SUMMARY OF OPINIONS

In forming my opinions about the '932 patent, I have considered the following grounds of unpatentability. Based on my review of the prior art references that form the basis of these grounds, it is my opinion that claims 1-11, 22, and 23 of the '932 patent would have been obvious to a POSA prior to February 2, 2007.

Ground	Basis	Claims	References
1	§103	1-4, 6-11, 22-23	Carlson and Shahine
2	§103	1-4, 6-11, 22-23	Carlson, Shahine, and Lundy
3	§103	5	Carlson, Shahine, and Roskind
4	§103	5	Carlson, Shahine, Lundy, and Roskind
5	§103	1-11, 22-23	Amidon, Walsh, and Shahine
6	§103	8	Amidon, Walsh, Shahine, and Jones

I have been asked to consider how a POSA would have understood the challenged claims in light of the disclosures of the '932 patent. I have also been

asked to consider how a POSA would have understood the prior art references that form the basis of the above-listed grounds.

Further, I have been asked to consider and provide my technical review, analysis, insights, and opinions regarding whether a POSA would have understood that the combinations of the prior art references listed in the table above render obvious claims 1-11, 22, and 23 of the '932 patent.

IV. LIST OF DOCUMENTS CONSIDERED

15. In forming my opinions, I have considered the documents listed below in addition to any other documents cited in this declaration. To the best of my knowledge, these documents are true and accurate copies of what they purport to be. An expert in the field would reasonably rely on them to formulate opinions such as those set forth in this declaration.

Exhibit No.	Description
1001	U.S. Patent No. 8,249,932 to Cona et al. (“’932 patent”).
1002	Prosecution History of U.S. Patent No. 8,249,932 (“Prosecution History”)
1005	U.S. Publication No. 2006/0282312 to Carlson et al. (“Carlson”)
1006	U.S. Publication No. 2008/0092162 to Lundy et al. (“Lundy”)
1007	U.S. Patent No. 8,346,864 to Amidon et al. (“Amidon”)
1008	U.S. Publication No. 9,195,996 to Walsh et al. (“Walsh”)
1009	Ioannidis, J.P.A. et al., “Updated science-wide author databases of standardized citation indicators,” <i>PLOS Biology</i> (Oct. 2020)
1010	U.S. Provisional No. 60/839,683 to Lundy et al. (“’683 provisional”)

Exhibit No.	Description
1011	U.S. Patent No. 7,263,614 to Roskind (“Roskind”)
1012	Infringement Contentions, Exhibit 9, <i>SitNet, LLC v. Meta Platforms, Inc.</i> , Case No. 1:23-cv-06389 (S.D.N.Y.)
1013	Zhang, P. et al., “Intelligent Delivery of Interactive Advertisement Content,” Bell Labs Technical Journal, 13(3):143-158 (Sept. 2008)
1014	U.S. Publication No. 2006/0095320 to Jones (“Jones”)
1015	U.S. Patent No. 8,799,073 to Shahine et al. (“Shahine”)
1016	“Why we’re buying DoubleClick” Google Blog, accessed at https://googleblog.blogspot.com/2007/06/why-were-buying-doubleclick.html (June 26, 2007) (“Google Blog”)
1017	“What is a Web Browser” Tech Dictionary (Oct. 4, 2023) (“Tech Dictionary”)
1018	“About Gmail,” Gmail by Google, accessed at https://www.google.com/mail/help/intl/en-GB/fightspam/spamexplained.html (“About Gmail”)
1019	U.S. Publication No. 2006/0242234 to Counts et al. (“Counts”)
1020	U.S. Patent No. 7,284,033 to Jhanji (“Jhanji”)
1021	“GPS Coordinates,” TechTarget (Aug. 2022)
1022	Handbook for the Palm V™ Organizer
1023	U.S. Patent No. 7,321,920 to Washburn (“Washburn”)
1024	Tsang, M.M. et al., “Consumer Attitudes Toward Mobile Advertising: An Empirical Study,” International Journal of Electronic Commerce, 8(3):65-78 (2004)
1025	Gidófalvi, G. et al., “Estimating the Capacity of the Location-Based Advertising Channel,” Sixth International Conference on the Management of Mobile Business (2007)
1026	Bruner, R.E. et al., “Best Practices for Optimizing Web Advertising Effectiveness,” DoubleClick (May 2006)
1027	Haghirian, P. et al., “Increasing Advertising Value of Mobile Marketers,” Proceedings of the 38th Hawaii International Conference on System Sciences (2005)

Exhibit No.	Description
1028	Jafarzadeh, H. et al., “A Systematic Review on Search Engine Advertising,” Pacific Asia Journal of the Association for Information Systems, 7(3):1-32 (Sept. 2015)
1029	“What is an ad server?,” Adjust, accessed at https://www.adjust.com/glossary/ad-server-definition/
1030	“WAP (Wireless Application Protocol),” Tech-FAQ, accessed at https://www.tech-faq.com/wap-wireless-application-protocol.html
1033	“From the original banner to Tosh.0: The hits and misses of publisher ad plays,” Digiday, accessed at https://digiday.com/sponsored/001-328-347-628-gumgumbcs-timeline-how-publishers-monetized-their-pages-since-1988/ (Dec. 9, 2015)
1034	Hesterberg, K., “A Brief History of Online Advertising,” accessed at https://blog.hubspot.com/marketing/history-of-online-advertising (Nov. 28, 2021)
1035	LaFrance, A., “The First-Ever Banner Ad on the Web,” accessed at https://www.theatlantic.com/technology/archive/2017/04/the-first-ever-banner-ad-on-the-web/523728/ (Apr. 21, 2017)
1036	Oberoi, A., “The History of Online Advertising,” Aspishup, accessed at https://www.adpushup.com/blog/the-history-of-online-advertising/ (July 3, 2013)
1037	Glave, J., “PGP Lets You Take Charge of Your Cookies,” Wired, accessed at https://www.wired.com/1996/12/pgp-lets-you-take-charge-of-your-cookies/ (Dec. 10, 1996)
1038	Stokel-Walker, C., “How 20 years of Google’s AdSense changed the Internet,” Fast Company, accessed at https://www.fastcompany.com/90861689/how-20-years-of-googles-adsense-changed-the-internet#:~:text=%E2%80%9CIt%20allowed%20creators%20to%20monetize,totals%20more%20than%20%24100%20billion. (Mar. 29, 2023)
1039	“Google Acquires Applied Semantics,” Google, accessed at http://googlepress.blogspot.com/2004/04/google-acquires-applied-semantics.html (April 23, 2003)

Exhibit No.	Description
1040	“Google Timeline,” The New York Times, accessed at https://www.nytimes.com/2004/04/29/business/google-timeline.html (April 29, 2004)
1041	“The Evolution of Google AdWords – A \$38 Billion Advertising Platform,” WordStream, accessed at https://www.wordstream.com/blog/ws/2012/06/05/evolution-of-adwords (Dec. 18, 2023)
1042	Jansen, B.J. et al., “The Google Online Marketing Challenge,” Journal of Interactive Advertising, Vol. 9, accessed at https://jiad.org/article109/ (2018)
1043	Story, L. and Helft, M., “Google Buys DoubleClick for \$3.1 Billion,” The New York Times, accessed at https://www.nytimes.com/2007/04/14/technology/14DoubleClick.html (Apr. 14, 2007)
1044	U.S. Patent No. 5,774,670 to Montulli (“Montulli”)
1045	Allen, C., “Stale Cookies,” ClickZ, accessed at https://www.clickz.com/stale-cookies/ (Dec. 28, 1999)
1046	Rothenberg, R., “An Advertising Power, but Just What Does Doubleclick Do?,” The New York Times, accessed at https://www.nytimes.com/1999/09/22/technology/an-advertising-power-but-just-what-does-doubleclick-do.html (Sept. 22, 1999)
1047	Malhotra, A., “HTML Images,” Tech Altum, accessed at https://tutorial.techaltum.com/html-image.html (May 27, 2023)
1048	“Pop-up ads OK for Tripod,” CNET, accessed at https://www.cnet.com/tech/services-and-software/pop-up-ads-ok-for-tripod/ (Dec. 22, 1997)
1049	Langheinrich, M., “Unintrusive customization techniques for Web advertising,” Computer Networks: The International Journal of Computer and Telecommunications Networking, 31(11-16):1259-72 (May 1999)
1050	Reiter, M.K., “Detecting Hit Shaving in Click-Through Payment Schemes,” Proceedings of the 3rd USENIX Workshop on Electronic Commerce (Aug. 31, 1998)

V. LEGAL UNDERSTANDING

16. I have also relied upon various legal principles (as explained to me by Meta's counsel) in formulating my opinions. My understanding of these principles is summarized below.

A. My Understanding of Claim Construction

17. I understand that during an *inter partes* review proceeding, claims are to be construed in light of the specification as would be read by a person of ordinary skill in the relevant art at the time the application was filed. I understand that claim terms are given their ordinary and customary meaning as would be understood by a person of ordinary skill in the relevant art in the context of the entire disclosure. A claim term, however, will not receive its ordinary meaning if the patentee acted as his own lexicographer and clearly set forth a definition of the claim term in the specification. In this case, the claim term will receive the definition set forth in the patent.

B. My Understanding of Obviousness

18. I understand that a patent claim is invalid if the claimed invention would have been obvious to a POSA at the time the application was filed. This means that even if all of the requirements of the claim cannot be found in a single prior art reference that would anticipate the claim, the claim can still be invalid.

19. To obtain a patent, a claimed invention must have, as of the priority date, been nonobvious in view of the prior art in the field. I understand that an

invention is obvious when the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a POSA.

20. I understand that to prove that prior art or a combination of prior art renders a patent obvious, it is necessary to:

(1) identify the particular references that, singly or in combination, render the patent obvious;

(2) specifically identify which elements of the patent claim appear in each of the asserted references; and

(3) explain how the prior art references could have been combined in order to create the inventions claimed in the asserted claim.

21. I also understand that prior art references can be combined under several different circumstances. For example, it is my understanding that one such circumstance is when a proposed combination of prior art references results in a system that represents a predictable variation, which is achieved using prior art elements according to their established functions.

22. I also understand that when considering the obviousness of a patent claim, one should consider whether a teaching, suggestion, or motivation to combine the references exists so as to avoid impermissibly applying hindsight when considering the prior art. I understand this test should not be rigidly applied,

but that the test can be important to avoid such hindsight.

23. I understand that certain objective indicia can be important evidence as to whether a patent is obvious or nonobvious. Such indicia include: (1) commercial success of products covered by the patent claims; (2) a long-felt need for the invention; (3) failed attempts by others to make the invention; (4) copying of the invention by others in the field; (5) unexpected results achieved by the invention as compared to the closest prior art; (6) praise of the invention by the infringer or others in the field; (7) the taking of licenses under the patent by others; (8) expressions of surprise by experts and those skilled in the art at the making of the invention; and (9) the patentee proceeded contrary to the accepted wisdom of the prior art.

24. At this point, I am not aware of any objective indicia of non-obviousness. However, I reserve the right to review and opine on any evidence of objective indicia of non-obviousness that may be presented during this proceeding.

25. I also understand that “obviousness” is a legal conclusion based on the underlying factual issues of the scope and content of the prior art, the differences between the claimed invention and the prior art, the level of ordinary skill in the prior art, and any objective indicia of non-obviousness.

26. For that reason, I am not rendering a legal opinion on the ultimate legal question of obviousness. Rather, my testimony addresses the underlying facts

and factual analysis that would support a legal conclusion of obviousness or non-obviousness, and when I use the term obvious, I am referring to the perspective of one of ordinary skill at the time of invention.

C. A Person of Ordinary Skill in the Art

27. I understand that a POSA is presumed to be aware of all pertinent art, thinks along conventional wisdom in the art, and is a person of ordinary creativity—not an automaton.

28. I have been asked to consider the level of ordinary skill in the field that someone would have had at the time the claimed invention was made. In deciding the level of ordinary skill, I considered the following:

- the levels of education and experience of persons working in the field;
- the types of problems encountered in the field; and
- the sophistication of the technology.

29. My opinion below explains how a POSA would have understood the technology described in the references I have identified herein around the February 2, 2007 timeframe, which I have been advised is the earliest possible effective filing date for the '932 Patent. However, my opinions herein would not be affected if the '932 patent is found to only be entitled to a later effective filing date.

30. Regardless of whether I use “I” or a “POSA” during my technical

analysis below, all of my statements and opinions are always to be understood to be based on how a POSA would have understood or read a document at the time of the alleged invention.

VI. THE '932 PATENT

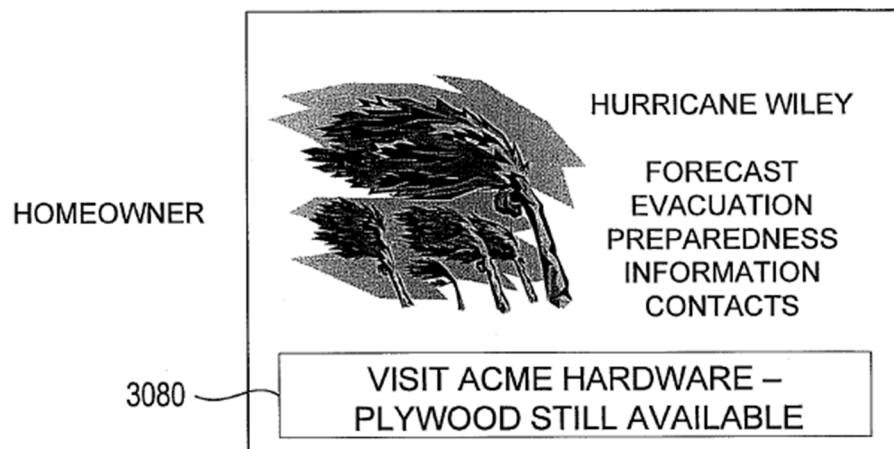
A. Overview of the '932 Patent

31. The '932 patent is directed to “presenting targeted advertising in a situational network,” which the patent also refers to as a “SitNet.” EX1001, Abstract, 1:45-46. The patent explains that “a situational network [] is created when an occurrence or expected occurrence of an event or situation [] causes connections, also referred to as links, to be established between, within or among a set of participants.” EX1001, 3:46-50. But the “situational network” of the '932 patent is described as using nothing more than a conventional “computer network.” EX1001, 3:50-53. For example, the patent describes that “[t]he situational network allows the participants 250, 207 to interact and exchange information over connections to or through a computer network 900,” and that “the computer network 900 may be implemented using the well-known TCP/IP suite of protocols.” EX1001, 3:50-53, 13:34-36. The '932 patent further explains that “[t]he Internet and some corporate intranets are examples of computer networks that use the technologies and standards described above.” EX1001, 13:36-38.

32. Therefore, the patent does not claim any new networking technology

to implement a “situational network”—rather, it simply uses a standard computer network that allows certain users to communicate. A “situation” in the context of the patent may refer to anything from an emergency to a concert, school closing, or simply “the need for goods or services” (for example, in the wake of a disaster). EX1001, 5:66-6:1, 30:23-25, 30:46-47.

33. A targeted advertising example is provided in Figure 27 in which “[a] homeowner in the direct path of [a] hurricane may be shown ad for a hardware store that still has an ample supply of plywood.” EX1001, 27:47-54.



EX1001, FIG. 27 (excerpted).

34. The patent describes using conventional user information to target advertisements to users, explaining that “targeted advertisements ... may be delivered to devices of users 254, 256 connected through a SitNet using profile and location information related to the users.” EX1001, 27:19-25. In my opinion, the challenged claims of the ’932 patent recite only generic and well-known elements,

such as “receiving a plurality of advertisements,” “obtaining an indication of an occurrence of an event,” “connecting devices,” redirecting “a web browser application,” and “providing to each of the devices at least one of the plurality of advertisements.” EX1001, Claim 1. Each of these elements was well known and common in the art before the ’932 patent.

B. Prosecution History

35. I understand that during prosecution, the application leading to the ’932 patent was rejected as obvious over U.S. Patent No. 7,239,871 (“Shamp”) in view of U.S. Patent No. 6,091,956 (“Hollenberg”). EX1002, 77-80. In response, the applicant amended the claims to recite, among other things, “*causing an automatic redirection of a web browser application operating on each of the devices to a webpage containing information related to the situation.*” EX1002, 69. I understand that the applicant argued that “Shamp and Hollenberg are completely silent with respect to automatic redirection of a web browser application.” EX1002, 62-63.

36. The Examiner allowed the application following the applicant’s amendment and response, stating that the art of record failed to disclose at least “redirection of a website to a website containing information about a disaster,” and “providing advertisements to each of the personal information aggregators based upon an affiliation of the user to the situation.” EX1002, 48-49. These elements

were not new at the time of the '932 patent, as discussed in detail throughout this declaration.

C. Level of Ordinary Skill in the Art

37. In my opinion, a POSA at the time of the '932 patent would have had a B.S. degree in Computer Science, Computer Engineering, or an equivalent field, as well as at least 2-3 years of academic or industry experience in computer networking and digital advertising, or comparable industry experience. Additional education could substitute for professional experience, and significant work experience could substitute for formal education. By 2007, the online advertising industry was not nascent, and a POSA would have had a wealth of resources at their disposal to understand how various online systems performed online targeted advertising.

D. Claim Construction

38. I have been informed that the challenged claims of the '932 patent are to be given their ordinary and customary meaning as understood by one of ordinary skill in the art at the time of the invention in light of the specification and the prosecution history pertaining to the patent. Based on my review of the challenged claims, it is my opinion that none of the claim terms require explicit constructions. Accordingly, all claim terms should receive their ordinary and customary meaning, in the context of the '932 patent specification.

VII. STATE OF THE ART

A. Targeted advertising techniques for digital advertisements have been used for decades.

39. Online advertising has existed since at least the 1980s. For instance, the online service Prodigy had what would now be considered “banner ads” at the bottom of its pages since it launched in 1988, EX1033, 2-3. and the first “modern” banner advertisement appeared on October 27, 1994, on the HotWired web site, for which AT&T paid \$30,000 for three months. EX1034, 2.

40. As the Internet gained popularity and wider adoption, advertisers began to explore new methods to reach their target audiences more effectively in the period between the mid-1990s and early-2000s. I was a POSA during this time, using many of the Internet technologies of the late-1990s and early 2000s periods.

41. In 1995, for example, Yahoo! began selling advertising space, EX1035, 3, the same year that online ad agency named WebConnect introduced features that allowed advertisers to track ad recipients, for instance, to prevent a given recipient from seeing the same banner ad multiple times. EX1034, 2-3. DoubleClick launched in 1996, revolutionizing the online advertising landscape by coordinating the matching of advertisers with publishers. EX1036, 9-11. Because of its huge network, DoubleClick allowed its advertisers to advertise on a plethora of websites. EX1036, 9-11. DoubleClick also introduced DART (Dynamic Advertising Reporting and Targeting), which provided dynamic tracking and

performance tools to advertisers. EX1034, 3. Prior to DART, advertisers needed to wait until the campaign was complete to see how it had performed. EX1034, 3. DoubleClick's large network and performance metrics gave rise to new pricing models, such as "cost per impression" (CPM). EX1036, 7-10. DoubleClick also used cookies to track movements across websites, building user profiles it could then use to serve targeted ads. EX1037, 1-2. Similar to DoubleClick, Google AdSense launched in 2003, EX1038. building on the successful launch of the Google AdWords in 2000. EX1041, 1. I have used both systems in my teaching. EX1042. Google purchased DoubleClick in 2007. EX1043.

42. Cookies were one of the fundamental innovations that shaped online advertising during the 1990s and early-2000s. In 1994, Netscape Communications, specifically engineer Lou Montulli, developed the concept of cookies, which are small text files stored on a user's device, with a patent granted with a priority date of 1995. EX1044. These cookies allowed websites to store user data, enabling websites to recognize and remember users upon subsequent visits.

43. The utilization of cookies opened new possibilities for advertisers and others to track user behavior, gain insights into audience interests, and deliver more personalized ad experiences. Designed originally for use on the specific website that a person visits (i.e., first-party cookies), within a couple of years, third-party cookies were in use (i.e., using cookies to track people across multiple

websites). EX1045. Third-party cookies are generated and placed on the user's device by a different website other than the one the user is visiting.

44. Third-party cookies are created when a user visits a website that includes elements from other sites, such as third-party images or ads. From a technical perspective, there is no real difference between the two types of cookies. They both contain similar pieces of information and can perform the same functions. DoubleClick was using cookies for remarketing, identifying repeat site visitors or those who have seen an ad. EX1046. Cookies were, and still are, as of this writing, in common use by website operators and advertisers.

45. Another technique, URL redirects, emerged as a crucial tool for online advertising during the mid-1990s. EX1049. By utilizing redirects, or tracking URLs, advertisers could, for example, measure the effectiveness of their ad campaigns by counting the number of users who clicked on an ad and were subsequently redirected to the advertiser's landing page. Advertisers leveraged URL redirects to track click-through rates (CTR) more accurately. EX1050. This innovation allowed advertisers to gauge the performance of their ads and make data-driven decisions to optimize their advertising campaigns for better results.

46. Tags, also known as ad tags or tracking tags, played a pivotal role in shaping the online advertising landscape. Ad tags are snippets of code embedded within webpages that facilitate the placement and tracking of ads. These tags are

often 1x1 pixel images; the image tag was introduced in HTML version 4 in 1997.

EX1047. Advertisers and publishers collaborated to implement these tags, which enabled seamless ad delivery and performance monitoring. As a result, advertisers gained greater control over where their ads were displayed and could monitor the visibility and engagement of their ads in real-time.

47. The combination of cookies, URL redirects, tags, and related approaches are used for improved user targeting and profiling. Advertisers could now craft personalized ad experiences based on browsing history, geography, device type, and other parameters. For example, Tripod, a free web hosting service that I used in my teaching in 1998, was using pop-up ads as early as 1997.

EX1048. These more personalized ads were delivered, for example, based on a user's physical location or type of content viewed, allowing for localized and region-specific promotions.

B. Use of ad servers to store and serve advertisements was well known before the '932 patent.

48. Most forms of online advertising rely on an ad server. An ad server is a system used by publishers, advertisers, and others to manage and run online advertising campaigns. EX1029, 1 (“An ad server is a technological system that acts as a centralized platform for ad management and decides instantly which ads are best suited to show on a publisher's website or app. Top ad serving platforms allow marketers to upload creative assets, set parameters, and track campaign

performance.”). Ad servers are responsible for hosting the ads, deciding what ads to show on a website (targeting), serving the ads, and monitoring/reporting the performance of the ads. EX1016, 3.

49. When a user visits a website that supports online advertising, the visited web page will generally contain code (*i.e.*, the tag) that directs the web browser to send a request to an ad server for an advertisement to fill an ad slot on the page. Upon receiving the request, the ad server chooses and responds with an ad based in part on criteria set by the advertiser. The criteria can include, among other things, targeting information contained in the request about the user (for example, geographic location, time zone, URL of web page that the ad is being loaded into) and frequency controls (*e.g.*, parameters that determine how often an ad is served to users).

50. In addition to serving ads, the ad server also measures the advertisement’s performance by keeping track of statistics such as the number of times an ad has been served, the number of times a user has clicked on an ad, or the average amount of time a user spent viewing and/or interacting with an ad. EX1029, 1 (“[A]d serving platforms allow marketers to ... track campaign performance.”); EX1016, 3 (“[A]dvertisers can obtain more precise metrics in order to judge the effectiveness of their campaigns.”).

C. Delivery of notifications via web browsers was well known before the '932 patent.

51. Web browsers traditionally load web pages upon a request received from the browser. In the early 2000s, however, some web browsers were designed such that they were capable of receiving push notifications in which the browser would display the notification automatically when received. One method for accomplishing push notifications was using “the Wireless Application Protocol (WAP) standard.” EX1020, 12:60-63. “WAP is a global specification and open standard that enables wireless device users to interact and access services and information.” EX1023, 1:47-49. WAP was commonly used to implement web browsers on mobile computing devices prior to the time of the '932 patent.

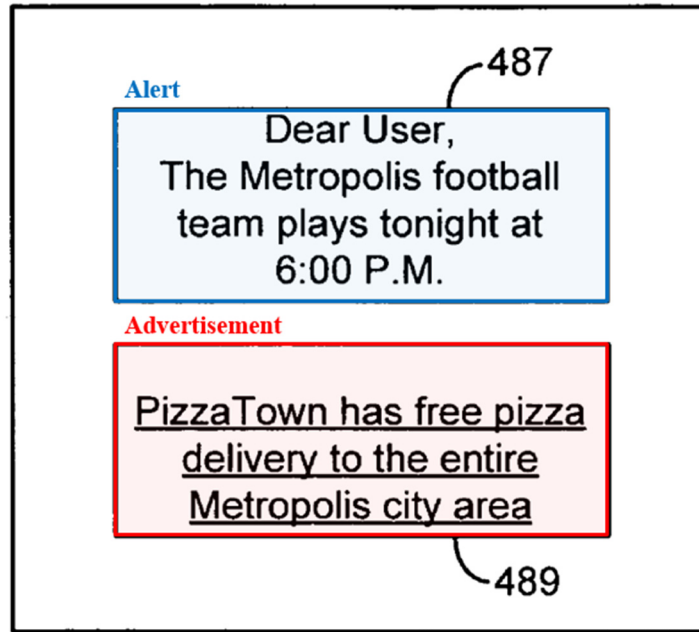
52. For example, in 2003, four years before the earliest possible priority date of the '932 patent, U.S. Patent No. 7,321,920 to Washburn explained that “[o]ne of the recent technology advances with WAP is the development of the WAP Push.” EX1023, 1:58-59. “A push can be a WAP browser session that appears on the screen of a mobile device without an explicit request from the user at the time the session is initiated.” EX1023, 1:59-62. “Once the message is pushed to the recipient’s wireless device, a browser session is started by the Session Initiation Application (SIA) which displays a screen” with the message. EX1023, 7:51-55; *see also* EX1030, 3 (“On receiving a WAP Push, a WAP 1.2 (or later)-enabled handset will automatically give the user the option to access the WAP

content. This is known as WAP Push SI (Service Indication). A variant, known as WAP Push SL (Service Loading), directly opens the browser to display the WAP content, **without** user interaction.”) (emphasis in original).

VIII. OVERVIEW OF THE PRIOR ART

A. Carlson

53. Carlson is generally directed to “providing advertising to a user through an alert service.” EX1005, ¶2. Carlson discloses techniques in which “[a]dvertisements are incorporated into alerts generated for a user.” EX1005, Abstract. As described in Carlson, “[a] server-side alert delivery system can be used by a partner server, client device, or other server to deliver an alert to a user about some event the user has requested,” and “[a] relevant advertisement is selected based upon the content of the alert and other data.” EX1005, Abstract. An example of an alert and associated advertisement is shown in Figure 4B.



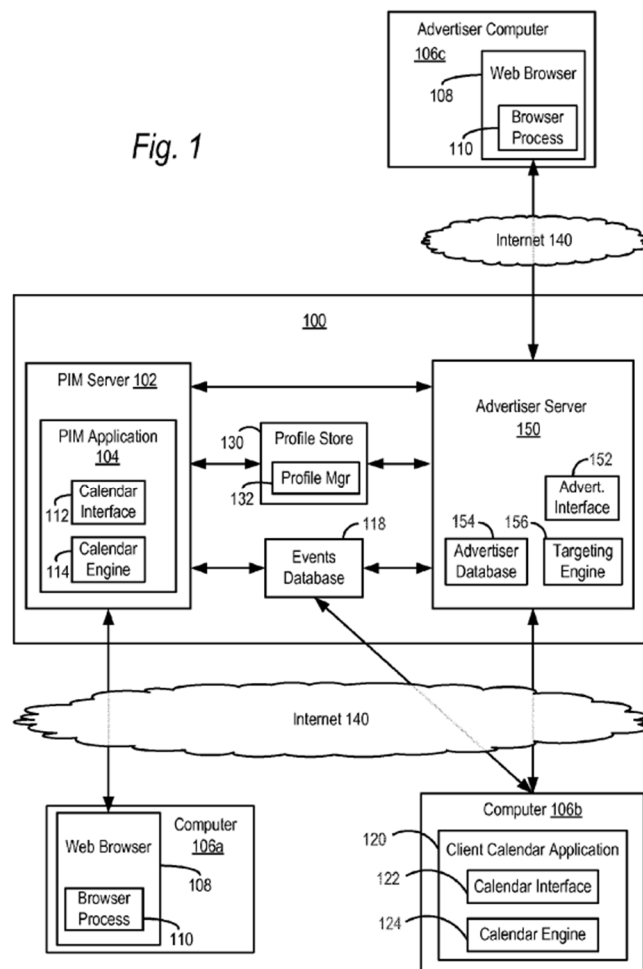
EX1005, FIG. 4B (annotated).

54. “Alert 487 includes text which reads, ‘Dear User, the Metropolis football team plays tonight at 6:00 P.M.,’” and “[t]he relevant advertisement reads, ‘PizzaTown has free pizza delivery to the entire Metropolis city area.’” EX1005, ¶60. As Carlson explains, “[r]elevant advertisement 489 is related, or relevant, to alert 487 of alert interface 480.” EX1005, ¶60.

55. As another example, Carlson describes that “a user may have subscribed to a weather service.” EX1005, ¶52. “In this case, when bad weather is forecasted to occur in [the] user's area, the content provider may detect an event associated with a notification for the bad weather.” EX1005, ¶52. Then, “one or more relevant advertisements can be determined based on a textual analysis of the event and other data.” EX1005, ¶54.

B. Shahine

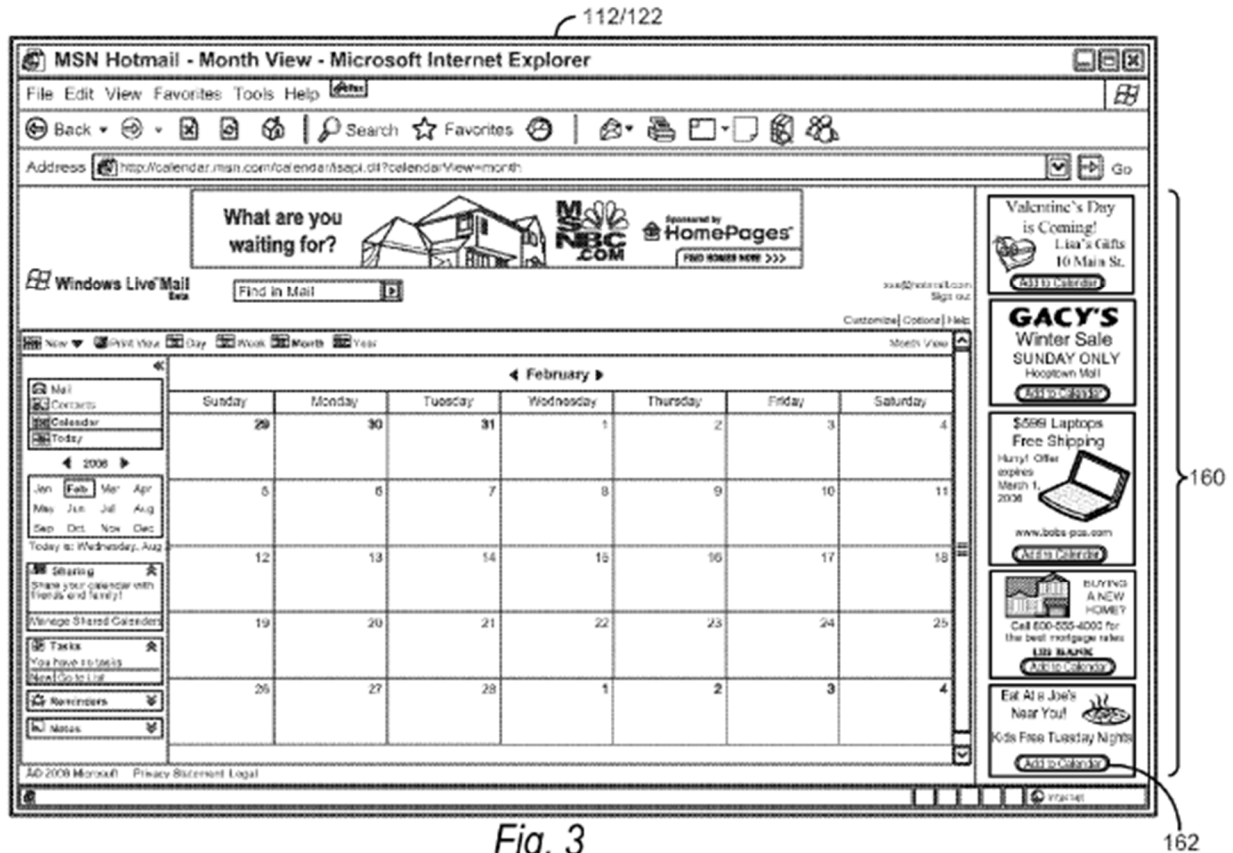
56. Shahine generally relates to a “method of targeted advertising in association with the use of a calendar application.” EX1015, 14:27-28. Shahine discloses a “service provider system 100” that “include[s] an advertiser server 150 for receiving advertising content and targeting data from advertisers via a computing device.” EX1015, 5:32-34.



EX1015, FIG. 1.

57. An “[i]nterface 152 allows an advertiser to upload an advertisement

including textual and/or graphical data, which data is then stored in an advertiser database 154 associated with advertiser server 150.” EX1015, 5:39-42. “The interface 152 may also accept targeting data from the advertiser, which targeting data is also stored within database 154,” and “[t]he targeting data determines which users of the calendar application program will be targeted by the advertiser.” EX1015, 5:45-48. A “[t]argeting engine 156 may then select the recipients of the advertisement,” and advertisements are sent “from the advertiser server 150 to the client application program in computing device 106b.” EX1015, 6:31-39. An example “calendar interface including targeted ads” is illustrated in Figure 3 of Shahine. EX1015, 2:63-65.



EX1015, FIG. 3.

C. Lundy

58. Lundy is directed to “distributing Dynamic Content Alerts (DCA) to end users that are consuming IP enabled content.” EX1006, ¶3. “In one exemplary embodiment, a method of presenting content, includes: determining a location associated with a user; receiving notice of a dynamic content alert (DCA); creating an advertisement that includes real-time information related to the dynamic content being within a predetermined range of the location associated with the user; and presenting the advertisement to the user.” EX1006, ¶20.

59. An exemplary embodiment of Lundy's system is illustrated in Figure 2A. EX1006, ¶27.

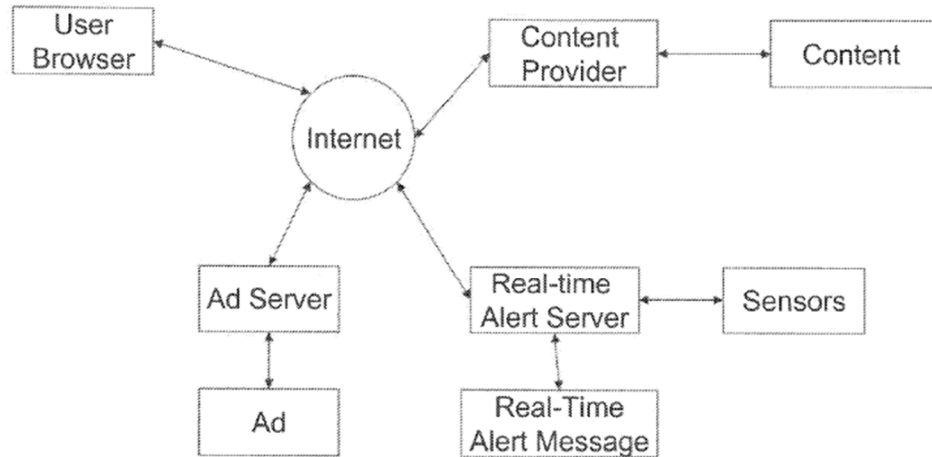


Fig. 2A

EX1006, FIG. 2A.

60. Lundy describes that “[a] user (not shown) uses browser 102 to connect to the Internet,” and “[b]rowser 102 sends a request to content provider 120.” EX1006, ¶44. “Content provider 120, in response to the request, constructs a web page including content 121 and ad tags,” and “[a]d server 108 uses the ad tags to insert ad 109 into content 121 by providing ad 109 to browser 102.” EX1006, ¶44. “However, if predetermined conditions are met (i.e., DCA server 150 detects the occurrence of an event through sensors 151) DCA server 150 sends an automatic insertion order to ad server 108,” and “[t]he automatic insertion order causes the ad server to add DCA message 152 to ad 109.” EX1006, ¶44.

61. An example “screen shot of a web page that includes an alert

message” is illustrated in Figure 3 of Lundy. EX1006, ¶51.

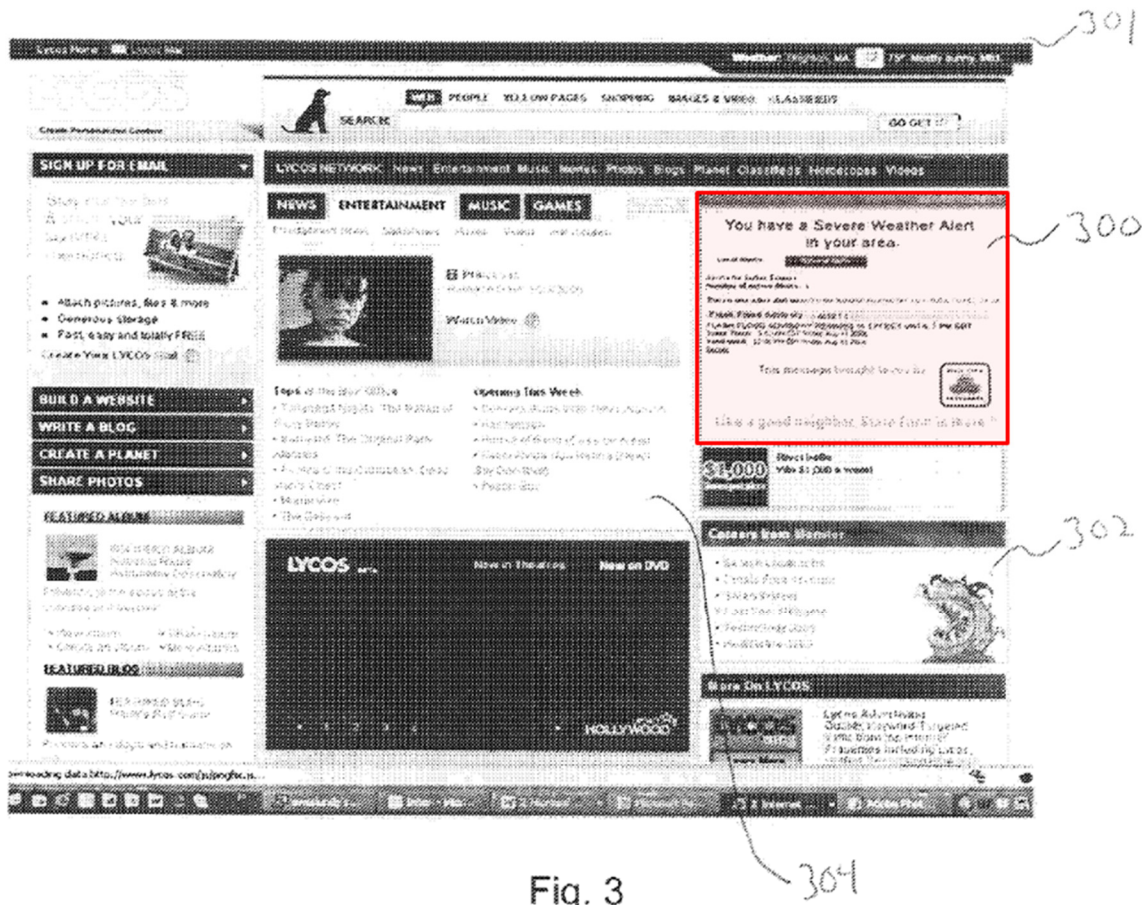


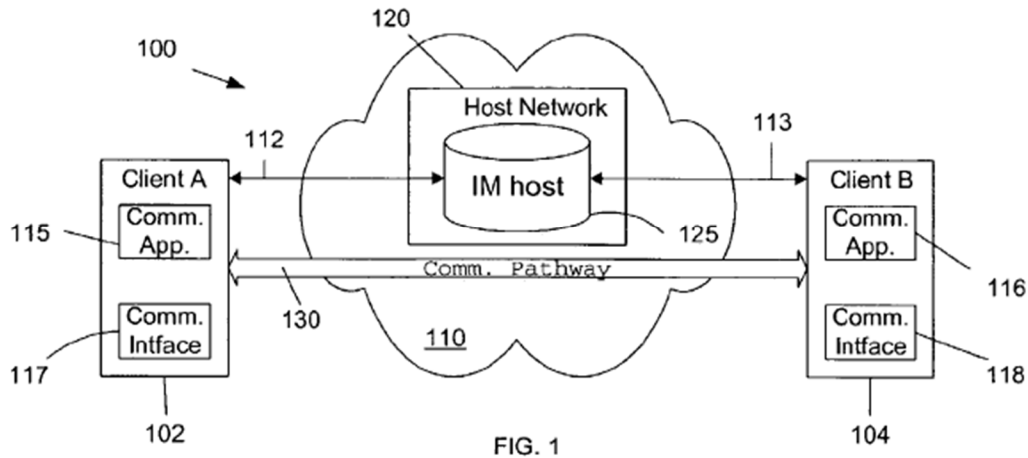
Fig. 3

Lundy, FIG. 3 (annotated).

D. Roskind

62. Roskind “relates to network communications,” including “facilitat[ing] communications between the users” of communications applications. EX1011, 1:6-7, 1:29-44 (“As a result, a connection or communications pathway may be automatically created and/or configured between the client devices of the users to facilitate communications between the users...”). Roskind’s Figure 1 illustrates “an exemplary communications system including communications

pathways.” EX1011, 2:34-36.



EX1011, FIG. 1.

63. As illustrated above, Roskind’s “communications system 100 includes a client A device 102 and client B device 104 that are associated with users A and B.” EX1011, 2:56-58. “Once a client device 102 or 104 has connected to the IM host 120, the communications applications 115 and 116 may send and receive messages.” EX1011, 3:2-5.

64. Roskind also discloses that its communications system stores “user profile data,” which “includes, for example, a user list, identified interests, a geographic location, an Internet protocol address associated with the client device, a general account, and demographic information.” EX1011, 5:29-37. “The user may enter, edit and/or delete profile data using an installed IM application on the client device.” EX1011, 5:37-38. Roskind explains that “[t]he user profile data also may be saved locally on a client device,” in which case, “the client device may

provide the user profile or user profile data to the host network 120 at specified times or when requested.” EX1011, 5:49-52. Roskind also discloses that “the user profile may be stored locally at the client A device 102 [a]nd at the host network 120 and may be periodically synchronized (e.g., at login).” EX1011, 5:52-55.

E. Amidon

65. Amidon is directed to “providing systems and methods for users to conduct online conferences based on underlying social network structures.” EX1007, 2:54-56. “Using the presently disclosed technology, a user can specify the nature and extent of a conference amongst members of a social network based on various parameters, including social network parameters” and “[o]nce a conference has been initiated, users participating in the conference can direct messages to desired users.” EX1007, 2:57-63.

66. Figure 2 of Amidon illustrates “an exemplary embodiment of a system 12 that supports social network based conferencing.” EX1007, 8:1-3.

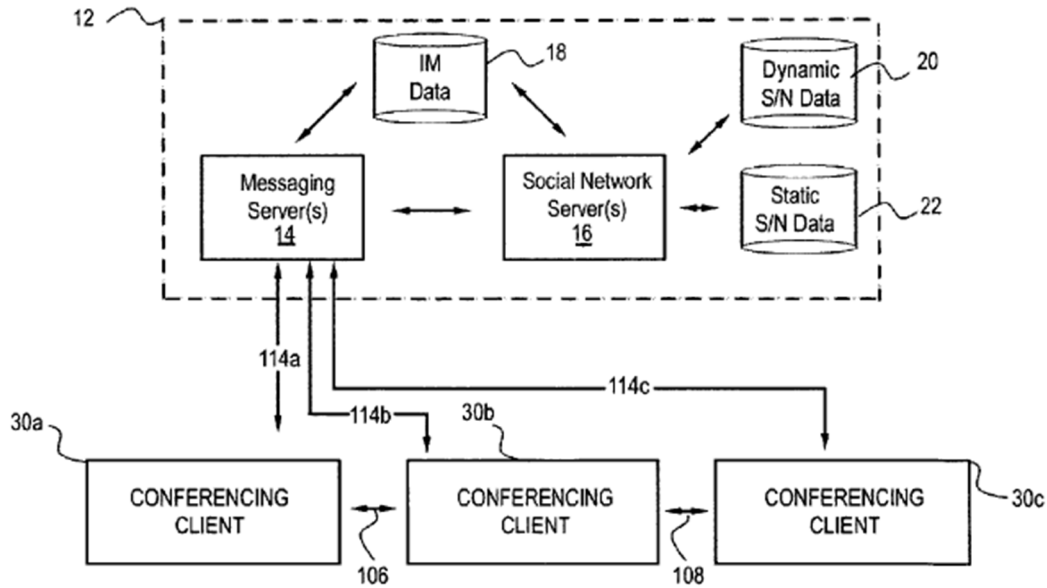
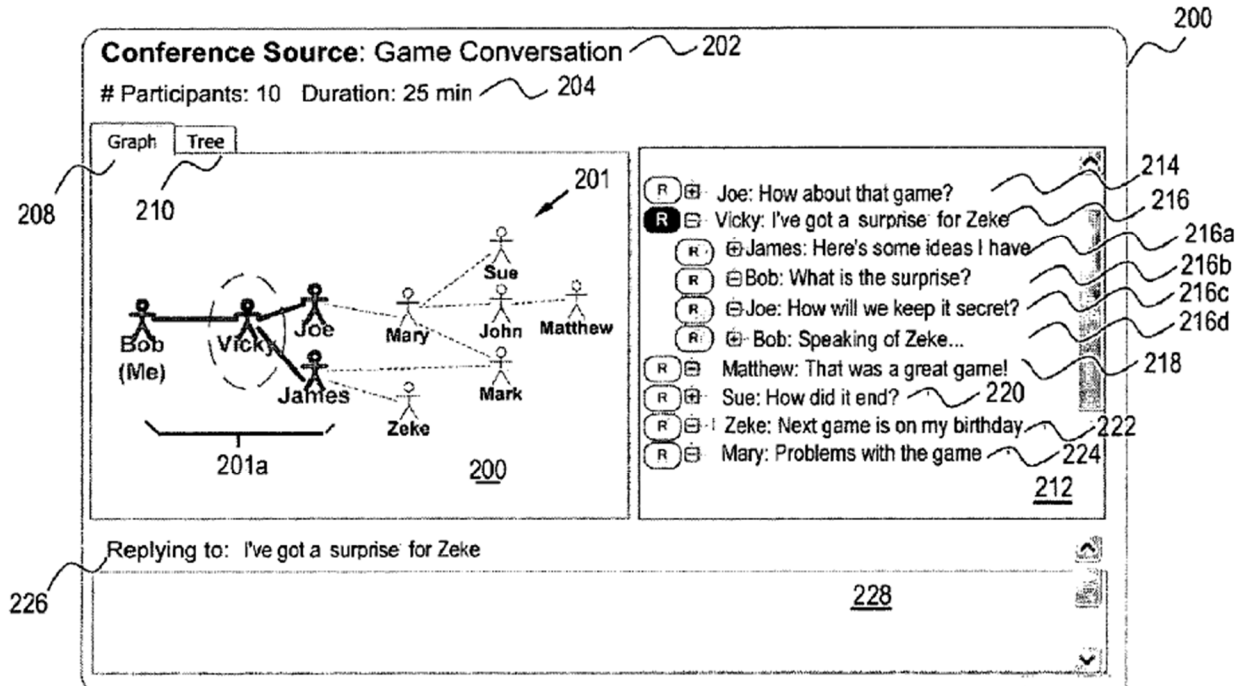


FIGURE 2

EX1007, FIG. 2.

67. “The embodiment of system 12 shown in FIG. 2 includes a messaging server 14 and a social network server 16,” as well as “stores 18, 20, and 22 which maintain information about the status of various aspects of the system in one or more computer-readable forms.” EX1007, 8:3-8. “FIG. 2 also illustrates several instances of a conferencing client 30,” which are configured “to provide messaging functionality, interact with one or more users of the device, and interface with one or more computing devices comprising social network conferencing system 12.” EX1007, 8:12-19.

68. Figure 4 of Amidon “illustrates an exemplary user interface which may be used by one or more users participating in social network conferences.” EX1007, 16:65-67.



EX1007, FIG. 4.

69. The conference window 200 includes a “[t]itle bar 202 [that] provides a description of the presently-selected conference (‘Game Conversation’), while area 204 includes conference metadata (in this example, the number of participants and duration of the conference).” EX1007, 17:2-7. “Window 200 further includes conference thread display area 212,” which includes “data (messages, content, etc.) exchanged amongst the members of conference 201.” EX1007, 17:21-26.

70. Amidon further explains that “Conferencing system 12 may support multiple conference formation options.” EX1007, 13:34-35. For example, “one or more users can specify one or more rules or parameters defining participation in a conference by way of client 30,” and “[c]lient 30 then sends the conference

metadata to the conferencing system 12.” EX1007, 13:35-39. Additionally, “system 12 may support automatic conference formation and/or suggest conference formation based on user preferences and past activity.” EX1007, 13:57-60.

F. Walsh

71. Walsh and Amidon share the same inventors and are based on the same social network conferencing system. Walsh “provid[es] improved methods and systems of classifying communication sessions among users in a social network,” where “a social network communication session may correspond to the actual communication among a collection of at least some members of a social network that have previously been or are currently connected by way of one or more communication links for purposes of live communication, content distribution, or other purposes.” EX1008, 2:16-27.

72. Figure 1 of Walsh illustrates “an exemplary user interface that may be viewed by users in a social network, wherein certain display portions may be customized based on one or more computed session profiles relative to each given user.” EX1008, 3:31-34.

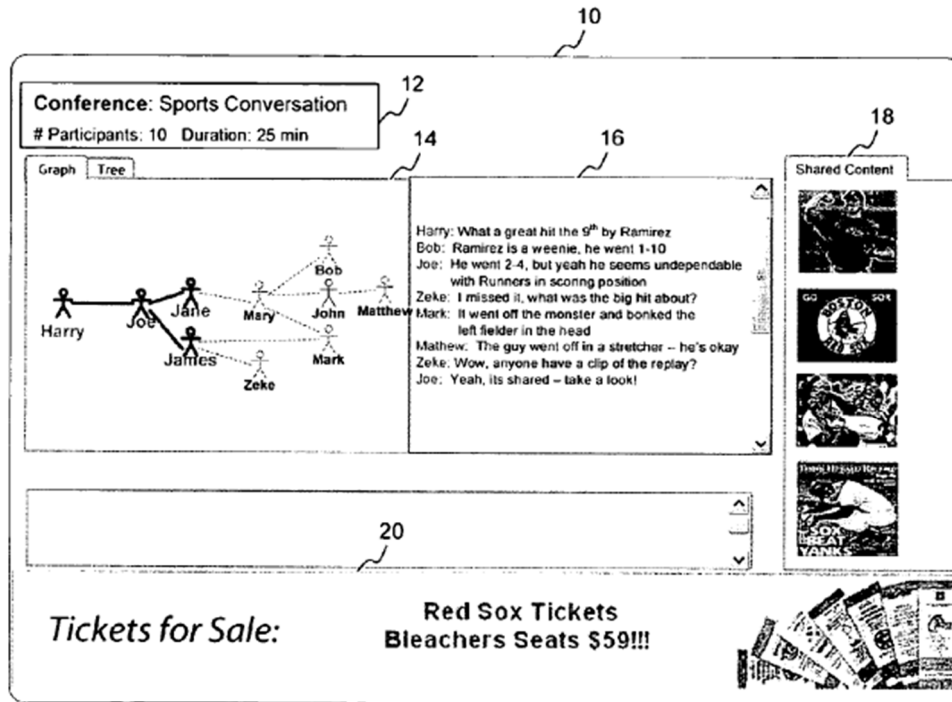


Fig. 1

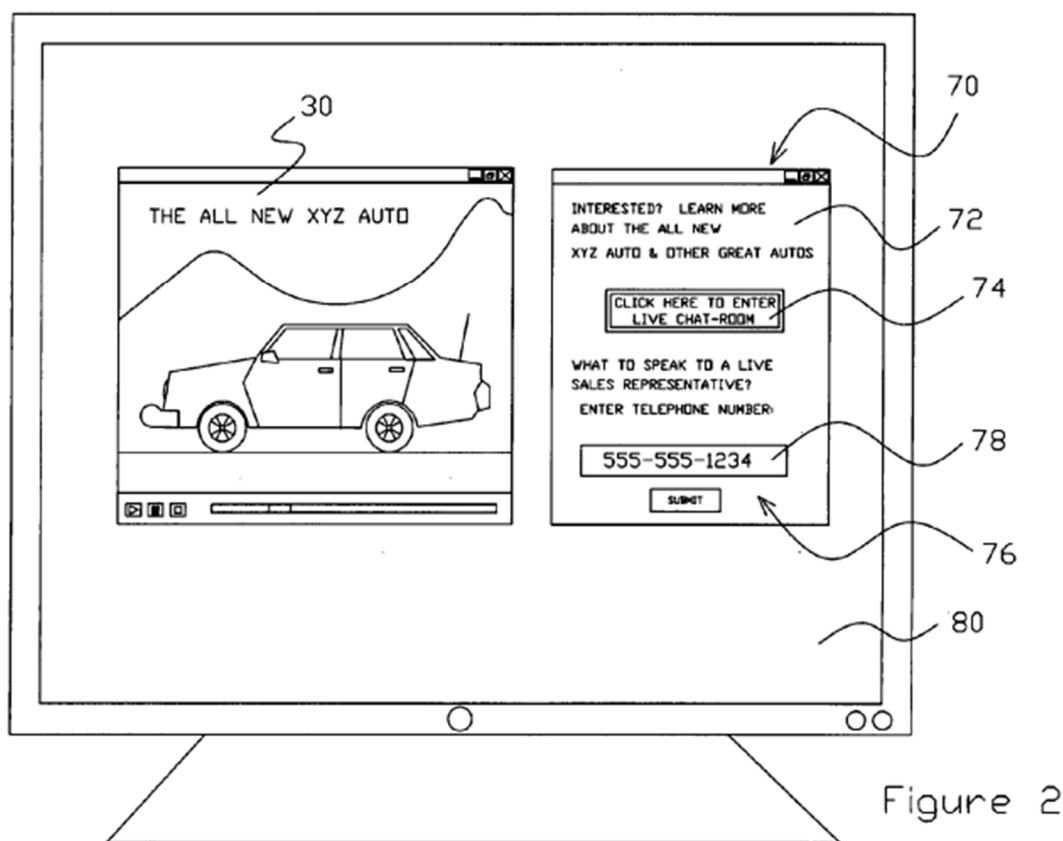
EX1008, FIG. 1.

73. Walsh explains that “a graphical representation of the social network users who are participating in a given communication session is illustrated in the schematic ‘circuit’ shown in display portion 14,” and “display portion 16 associated with [the] user display provides a list of all conversation messages that are contributed by the participating social network users.” EX1008, 5:27-30, 5:64-67. Walsh also explains that “shared content display 18 as well as the advertisement display 20 are customized by the subject session profiling service to provide content and/or ads,” and “[t]his specialized customization for a given user

display will vary user to user depending on the session profile relative to each different user.” EX1008, 6:9-17. “Thus, available content and/or ads or other information may be particularly selected for each user participating in the social network communication session.” EX1008, 6:17-20.

G. Jones

Jones is directed to “[a] system and method of electronic advertisement and commerce” in which a consumer may “access live chat-rooms to discuss or inquire into the advertised products/services.” EX1014, Abstract. Figure 2 of Jones provides “an illustration of a graphical user interface depicting a system and method of electronic advertisement and commerce according to a preferred embodiment of the present invention.” EX1014, ¶21.



EX1014, FIG. 2.

As Jones explains, “window 72 preferably prompts or permits e-mail recipient 60 to enter real-time live chat-room 74.” EX1014, ¶29. “Live chat-room 74 is preferably an online discussion forum sponsored by and/or maintained by business entity 20, wherein upon entry into same, e-mail recipient 60 may discuss (Step 10*h*) the advertised products/services with sales representatives associated with business entity 20.” EX1014, ¶30.

In addition to providing advertisements, Jones discloses providing “announcement[s],” such as a “public service announcement or news broadcast

concerning emergency weather reports.” EX1014, ¶37. Jones explains, “[i]n such instances where advertisement/announcement 30 is a public service announcement or news broadcast concerning emergency weather reports, ... live chat-room 74 and/or telephonic response system 76 of system and method 10 provide the Internet-user with an effective source of immediate information, feedback and participation.” EX1014, ¶37.

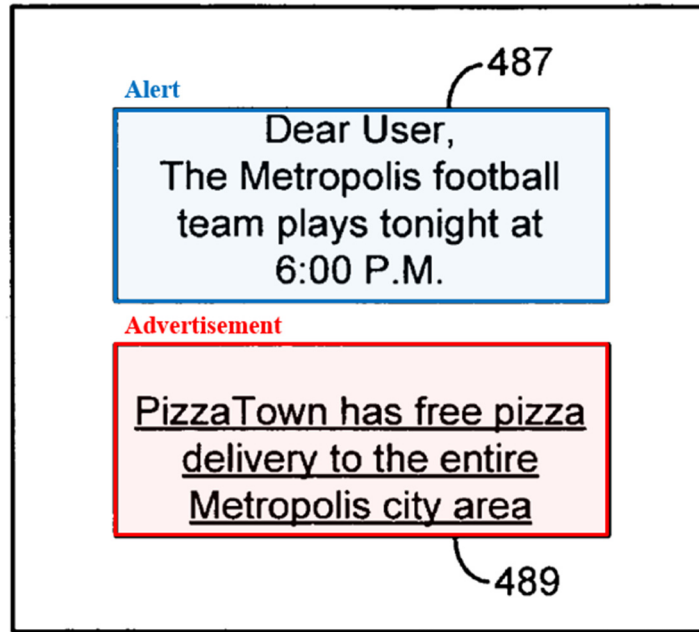
IX. GROUND 1: THE COMBINATION OF CARLSON AND SHAHINE RENDERS OBVIOUS CLAIMS 1-4, 6-11, AND 22-23.

74. In my opinion, the combination of Carlson and Shahine renders obvious claims 1-4, 6-11, and 22-23.

A. Independent Claim 1

1. [1.P] “A method of presenting targeted advertising in a situational network”

75. I understand that in certain circumstances the preamble of a claim may be limiting. To the extent the preamble is determined to be limiting, it is my opinion that Carlson teaches this element. As I discuss above, Carlson is directed to “providing advertising to a user through an alert service.” EX1005, ¶2. Carlson discloses techniques in which “[a]dvertisements are incorporated into alerts generated for a user,” as shown in Figure 4B. EX1005, Abstract.



Carlson, FIG. 4B (annotated).

76. Carlson explains that “[a] server-side alert delivery system can be used by a partner server, client device, or other server to deliver an alert to a user about some event the user has requested,” and “[a] **relevant advertisement**,” that is, a “*targeted advertis[ement]*,” “is selected based upon the content of the alert and other data.” EX1005, Abstract¹. Carlson also expressly discloses that “[a] proactive **targeted advertising** system uses an alert delivery system to generate and deliver advertisements.” EX1005, ¶6. “The targeted advertising system is linked to the alert delivery system to select an advertisement based upon the content of the alert and other data.” EX1005, ¶6.

77. Figure 4A of Carlson “illustrates an embodiment of **a method 400** for

¹ Emphasis added throughout, unless otherwise indicated.

partner-side retrieval of a relevant advertisement.” EX1005, ¶52. Figures 6 and 8 provide variations of this method, for example delivering an alert and targeted advertisement to “a mobile device.” EX1005, ¶¶63, 68. Figure 4A is reproduced below with highlights showing detection of an event, or situation, and presentation of a targeted advertisement.

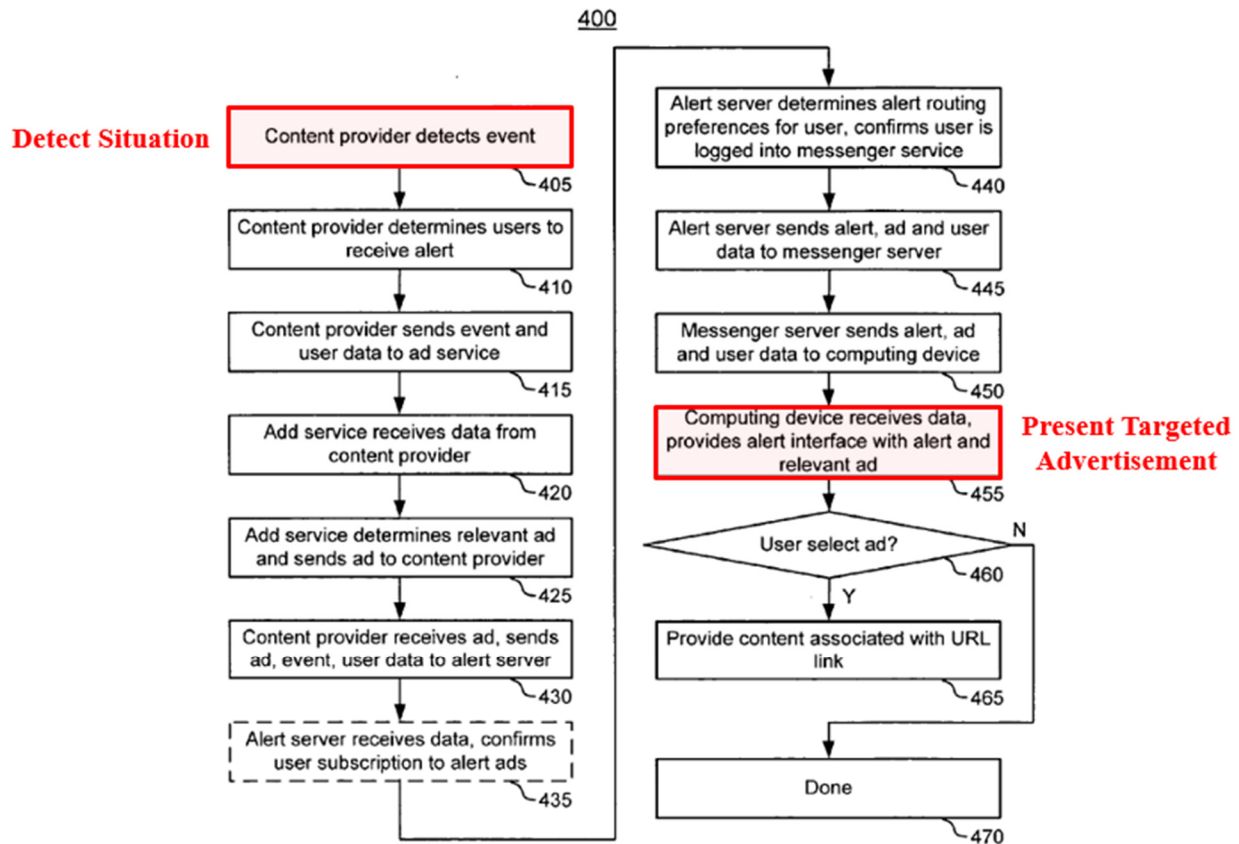


Figure 4A

EX1005, FIG. 4A (annotated).

78. As illustrated in Figure 4A, Carlson describes that “[c]ontent provider 110 detects an event at step 405.” EX1005, ¶52. Carlson explains that “the event

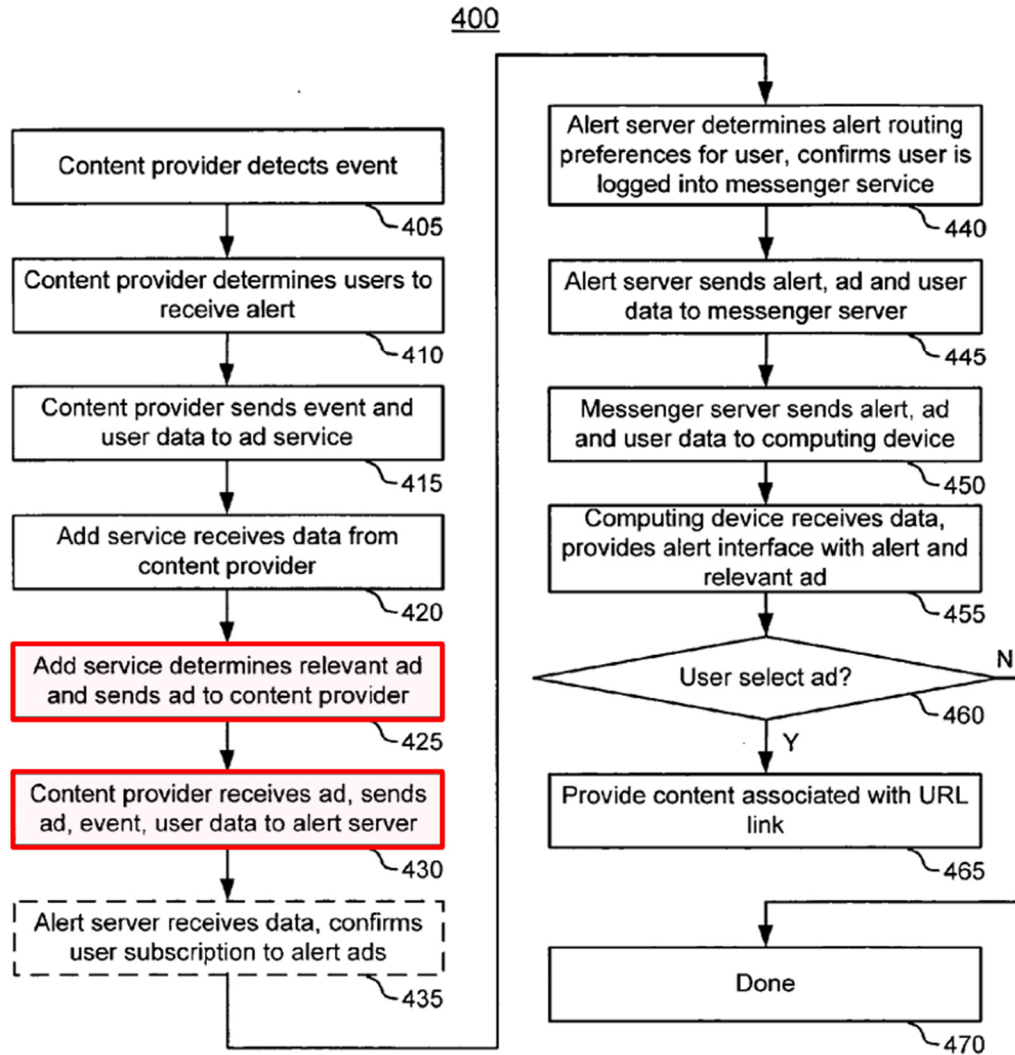
may be any event associated with a service the user has accepted or subscribed to,” for example “when bad weather is forecasted to occur in [the] user’s area, the content provider may detect an event associated with a notification for the bad weather.” EX1005, ¶52. At step 410, “[c]ontent provider 110 determines users to receive an alert,” and “advertisement service 130 determines the relevant advertisement” that “corresponds to the user and the event data received by advertisement service 130.” EX1005, ¶53. At step 450, “the alert, advertisement, and user data [are sent] to computing device 145,” and at step 455, “an alert interface with the alert and relevant advertisement” is displayed to the user, for example, as shown in Carlson’s Figure 4B reproduced above. EX1005, ¶¶58-59, FIG. 4B. Therefore, Carlson discloses “*presenting targeted advertising*” to users.

79. Carlson also discloses that its target advertising techniques are provided “*in a situational network*.” The ’932 patent explains that a “*situational network*” allows the “exchange [of] information over connections to or through a computer network [] regarding the event or situation.” EX1001, 3:50-53. As I discuss above, the ’932 patent’s “*situational network*” uses nothing more than a conventional “computer network,” such as the Internet, to exchange data among a set of users. EX1001, 3:50-53, 13:36-38 (“[T]he computer network 900 may be implemented using the well-known TCP/IP suite of protocols. The Internet and some corporate intranets are examples of computer networks that use the

technologies and standards described above.”). Carlson similarly discloses that its techniques occur in the context of a “*situational network*” because the alerts and advertisements sent in response to a situation are sent over connections to a computer network. For example, Carlson discloses that its computing devices “may operate in a networked environment,” such as “the Internet.” EX1005, ¶49; *see also* EX1005, ¶25 (disclosing communication “over network 180,” which “may be the Internet”). Carlson therefore provides its targeted advertisements to users “*in a situational network*,” just as the ’932 patent does.

2. [1.A] “receiving a plurality of advertisements from at least one advertising entity”

80. In my opinion, Carlson teaches this element. Carlson teaches that its “content provider 110” and “alert server 120” each receives an advertisement from “advertisement service 130” for each user determined to receive an alert, i.e., “*receiving a plurality of advertisements from at least one advertising entity.*” EX1005, ¶53. Such a process is illustrated as part of Carlson’s Figure 4A.



EX1005, FIG. 4A (annotated).

81. For example, with reference to the method illustrated in Figure 4A, Carlson first discloses that “[c]ontent provider 110 determines users to receive an alert at step 410.” EX1005, ¶53. “Next, content provider 110 sends event and user data to advertisement service 130 at step 415.” EX1005, ¶53. “The user data may include the name of the user, identification information for the user, and other meta-data for the user,” such as “information from a user profile, other alerts the

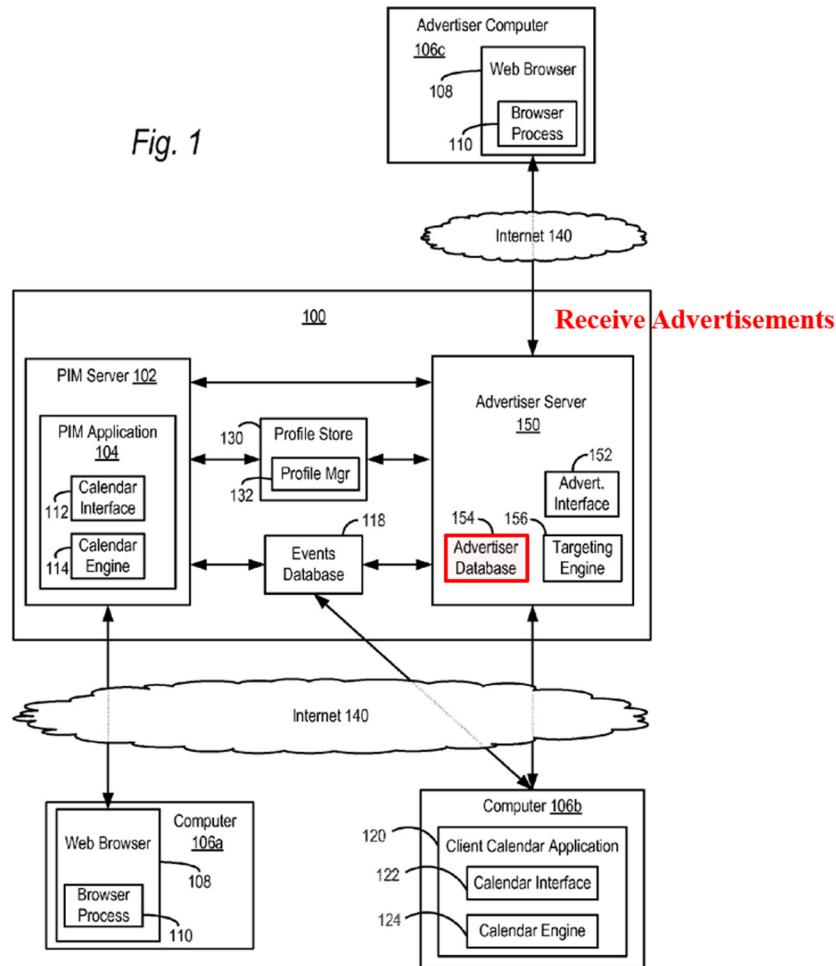
user has subscribed to, [and] address information for the user.” EX1005, ¶53.

82. For each user, “advertisement service 130 **determines the relevant advertisement and sends the advertisement to content provider 110** at step 425.” EX1005, ¶53. And an advertisement is selected for each user (i.e., on a per user basis): “[A]n advertisement is selected which corresponds to the user and event data received by advertisement service 130.” EX1005, ¶53. Carlson’s “content provider 10” in turn “**sends the relevant advertisement**, event data, and user data **to alert server 120.**” EX1005, ¶56. Thus, Carlson discloses “*a plurality of advertisements*”—an advertisement for each user receiving the alert—which are each received by content provider 110 and alert server 120. EX1005, ¶56. Carlson therefore discloses “*receiving a plurality of advertisements*” for users receiving an alert “*from at least one advertising entity,*” Carlson’s advertisement service 130.

83. Carlson in view of Shahine also teaches this element. Carlson discloses that its advertisement service 130 stores or otherwise has access to storage of “*a plurality of advertisements*” associated with “different categories.” EX1005, ¶54. In particular, Carlson discloses that “**keywords are associated with different categories**, such as geographical area, time and/or date, subject, etc.,” and “[e]ach keyword, or combination of keywords, may be associated with an **advertisement.**” EX1005, ¶54. Carlson discloses that an “advertisement can be selected based on the content of the event or alert data,” for example “an

advertisement associated with all detected keywords may be considered more relevant than an advertisement associated with less than all the detected keywords in the event or alert data.” EX1005, ¶55. Thus, advertisements are selected from “*a plurality of advertisements*” in Carlson’s system. Carlson teaches that these advertisements are also associated with “*at least one advertising entity*,” such as services providing “pizza delivery,” “evening news updates,” and “travel services.” EX1005, ¶55.

84. To the extent it is argued that Carlson does not expressly disclose “*receiving*” the advertisements stored or accessible by advertisement service 130, Shahine discloses this operation. Shahine relates to a “method of targeted advertising in association with the use of a calendar application.” EX1015, 14:27-28. Shahine discloses a “service provider system 100” that “include[s] an advertiser server 150 for receiving advertising content and targeting data from advertisers via a computing device,” as shown below in Figure 1 of Shahine. EX1015, 5:32-34.



EX1015, FIG. 1 (annotated).

85. Shahine describes that an “[i]nterface 152 **allows an advertiser to upload an advertisement** including textual and/or graphical data, **which data is then stored in an advertiser database 154** associated with advertiser server 150.” EX1015, 5:39-42. “The interface 152 may also accept targeting data from the advertiser” to aid in targeting specific users. EX1015, 5:45-48. Advertisements may then be sent “from the advertiser server 150 to the client application program in computing device 106b.” EX1015, 6:36-39. Example advertisements received

by Shahine's advertiser server and distributed to users are illustrated, for example, in Figure 5 of Shahine. EX1016, 6:43-45 ("As shown, a **plurality of targeted advertisements 160** may frame the user interface on one or more sides.").

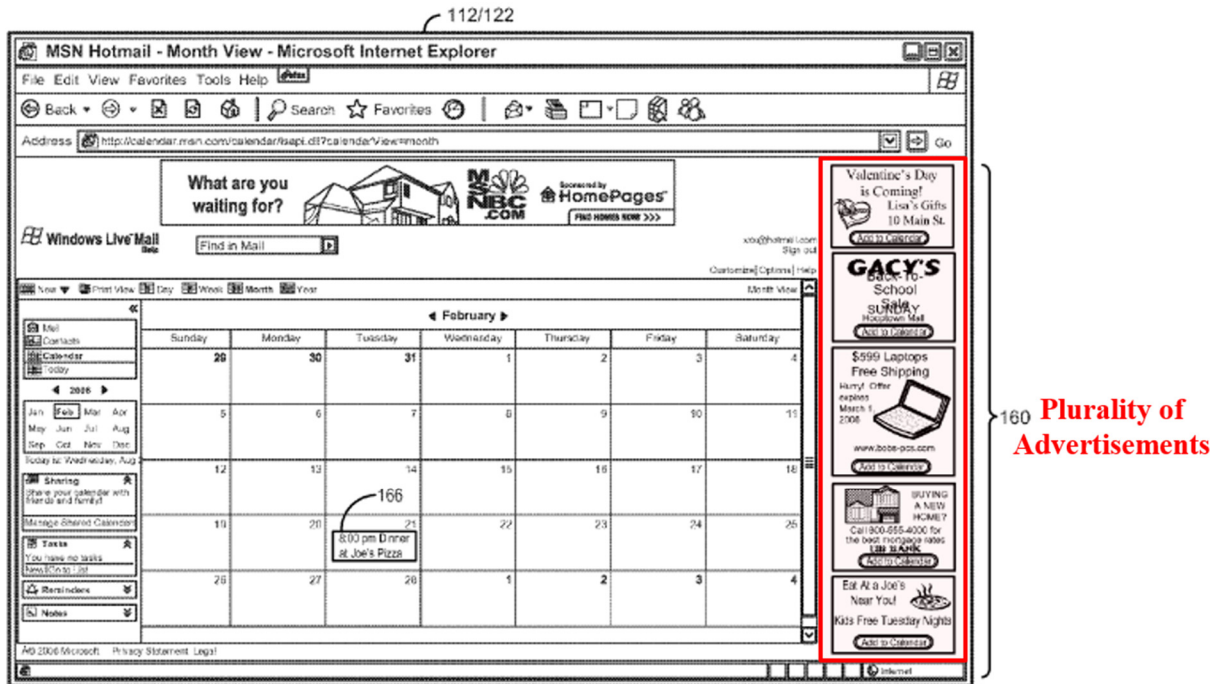


Fig. 5

EX1015, FIG. 5 (annotated).

Therefore, Shahine expressly teaches “receiving a plurality of advertisements from at least one advertising entity.”

86. To the extent not already known, it is my opinion that a POSA would have been motivated to look to Shahine for techniques allowing Carlson's advertisement service 130 (or a data store associated with advertisement service 130) to receive advertisements from various advertisers, such as the “pizza delivery service” disclosed in Carlson. EX1005, ¶¶31, 55. Not unexpectedly, this

was the common paradigm before and at the time of the '932 patent: advertising services typically employed ad servers like Shahine's that received and stored advertisements corresponding to various entities. *See* Section VII.B. As Google explained in 2007, "ad serving is the act of serving, or delivering, ads to website." EX1016, 3. Prior to 2007, "ad serving companies such as DoubleClick, Atlas, and MediaPlex [had] been helping advertisers get their ads onto [Web] sites and measure how effective the ads are." EX1016, 3.

87. An example advertisement serving paradigm is illustrated in Exhibit 1013 in which an advertiser provides advertisements to an ad operator, which distributes the advertisements to users. EX1013, 146-48.

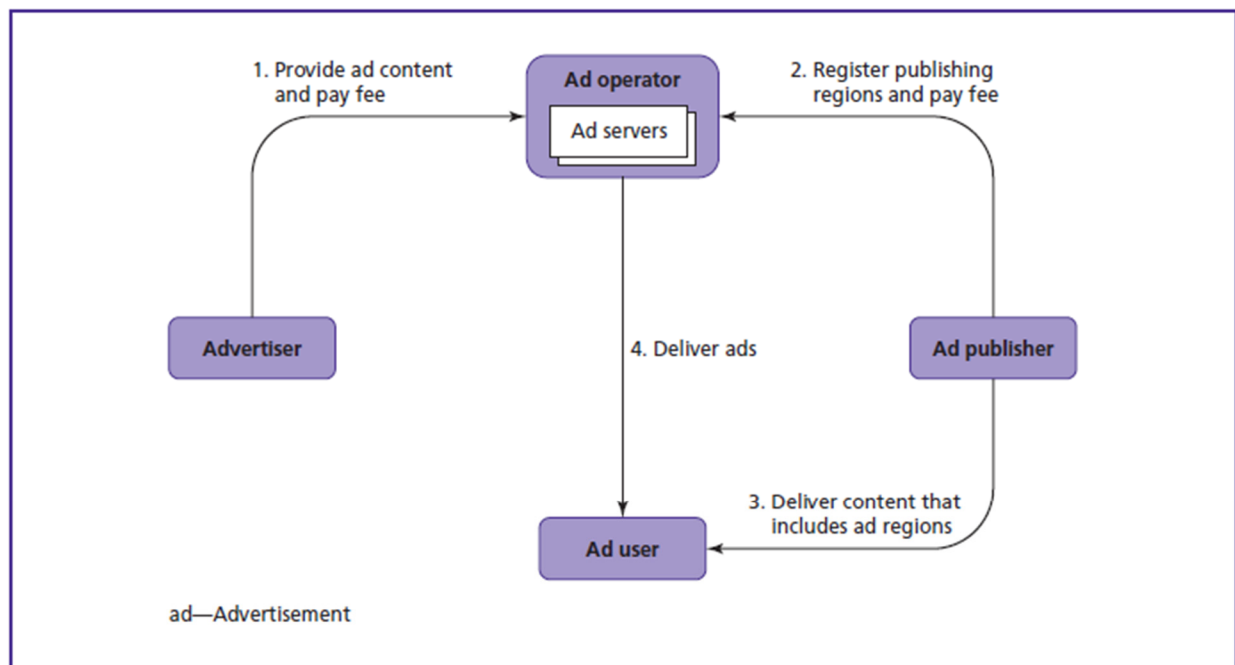


Figure 1.
Business model of the advertising system.

EX1013, 146.

88. **“An advertiser produces an advertisement and submits it to the servers owned by an ad operator.”** EX1013, 146; *see also* EX1013, 146 (“The *advertiser* is an ad provider, responsible for creating the content of one or more advertisements and submitting it [to] the ad operator for publishing.”); EX1029, 1 (“An ad server is a technological system that acts as a centralized platform for ad management and decides instantly which ads are best suited to show on a publisher’s website or app. Top ad serving platforms allow marketers to upload creative assets, set parameters, and track campaign performance”). “The *ad operator* is a company or organization tasked with managing and hosting ad servers and operating advertisement-related services.” EX1013, 145. The **“ad servers”** **“serve as the advertisement repositories** and deliver advertisements to users on request.” EX1013, 145-46. Then, “[t]he ad server delivers the advertisement to the user.” EX1013, 146-147. This model is representative of typical targeted advertising operations at and before the time of the ’932 patent in which ad servers received, stored, and distributed advertisements over the Internet.

89. A POSA would have been motivated to receive advertisements from advertisers to allow those advertisements to be later distributed to users. Put another way, Carlson’s system needs advertisements to select and distribute. It is thus logical, and consistent with typical advertising operations at the time of the ’932 patent, for Carlson’s system to receive and store advertisements for selection

and distribution. *See, e.g.*, EX1013, 146 (“The *advertiser* is an ad provider, responsible for creating the content of one or more advertisements and submitting it [to] the ad operator for publishing.”). A POSA would have had a reasonable expectation of success in doing so using well-known network communication and upload techniques. Indeed, both Carlson’s and Shahine’s systems communicate via conventional computer networks such as the Internet. EX1005, ¶¶25, 49; EX1015, 9:22-28, FIG. 1 (Internet 140).

90. Therefore, it is my opinion that Carlson in view of Shahine also renders obvious “*receiving a plurality of advertisements from at least one advertising entity.*”

3. [1.B] “obtaining an indication of an occurrence of a situation”

91. In my opinion, Carlson teaches this element. As illustrated in Figure 4A, Carlson discloses that “[c]ontent provider 110 **detects an event at step 405.**” EX1005, ¶52. For example, “when bad weather is forecasted to occur in [the] user’s area, the content provider may detect an event associated with a notification for the bad weather.” EX1005, ¶52. “Content provider 110” then sends the “event data” to “alert server 120 at step 430.” EX1005, ¶56.

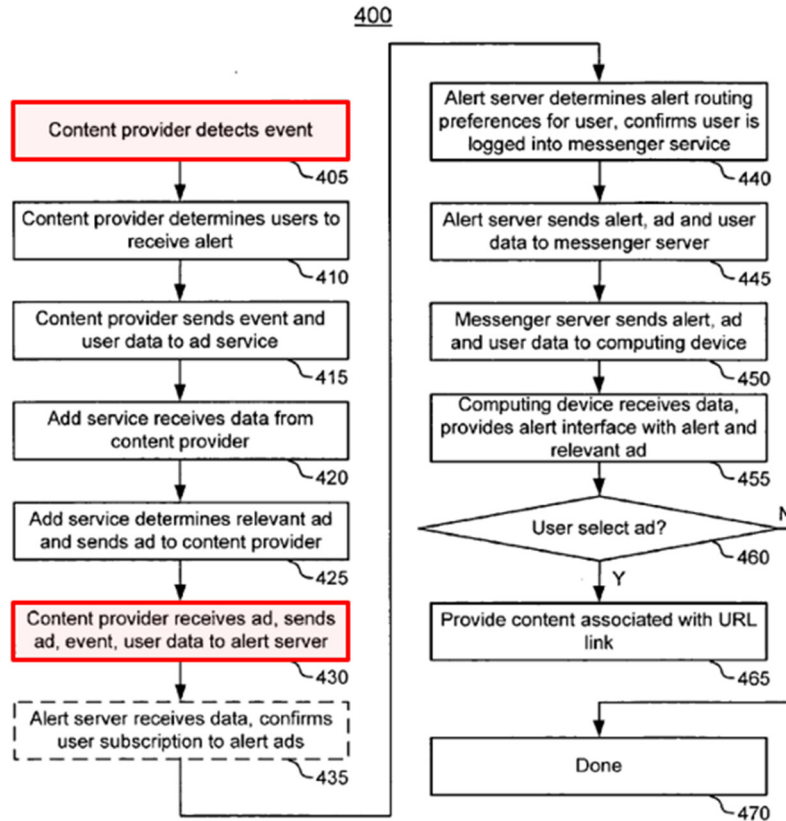


Figure 4A

EX1005, FIG. 4A (annotated).

92. As I discuss above, a “*situation*” in the context of the patent may refer to anything from an emergency to a concert, school closing, or simply “the need for goods or services.” EX1001, 5:66-6:1, 30:23-25, 30:46-47. Similar to the ’932 patent’s disclosure, Carlson’s detected events, such as bad weather, are “*situation[s]*.” Therefore, Carlson teaches that both content provider 110 and alert server 120 “*obtain[] an indication of an occurrence of a situation.*”

4. [1.C] “automatically connecting devices corresponding to a plurality of individuals to the situational network established in response to the situation”

93. In my opinion, Carlson teaches this element. Carlson discloses an automated electronic process for “determin[ing] users to receive an alert” and “send[ing] the alert, advertisement, and user data” to the determined users in response to “detect[ing] an event.” EX1005, ¶¶52-53, 58. Each of the entities involved in Carlson’s automated electronic process are part of an electronic system and may be implemented by the example “computing environment 200” of Carlson’s Figure 2. EX1005, ¶40 (as Carlson explains, “computing environment 200 may be used to implement content provider 110, alert server 120, user data store 128, advertisement service 130, messaging server 140, mail web server 150, mail server 160, mobile service server 170, computing devices 145-165, and mobile device 175.”).

94. As I discuss with respect to Figure 4A, for example, “[c]ontent provider 110 detects an event at step 405.” EX1005, ¶52. Carlson then discloses that “[c]ontent provider 110 determines users to receive an alert at step 410.” EX1005, ¶53. “Users to receive the alert can include users that have indicated a preference to receive information regarding the event detected at step 405,” and “content provider 110 may access a database or mailing list to determine which users shall receive the alert.” EX1005, ¶53. For instance, Carlson discloses a “user

data store 128” that stores information such as “user alert subscription information.” EX1005, ¶30.

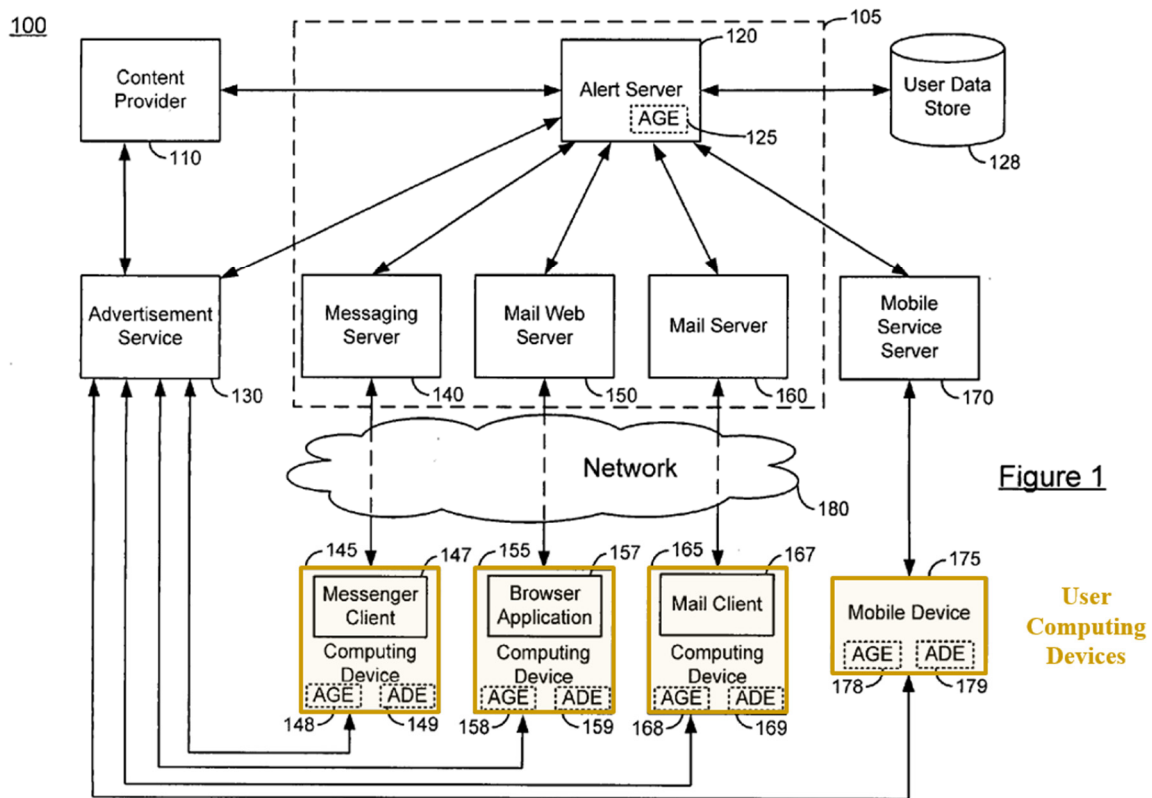
95. After an advertisement is selected, “[m]essaging server 140 receives the data and sends the alert, advertisement, and user data to computing device 145 at step 455.” EX1005, ¶58. Carlson teaches that the alert is sent “over network 180,” illustrated in Figure 1, which Carlson explains “may be the Internet.” EX1005, ¶25. “Computing device 145 receives the alert, advertisement and user data and provides an alert interface with the alert and relevant advertisement at step 455.” EX1005, ¶59. Therefore, in response to a “*situation*,” Carlson discloses that its process creates a “*situational network*” including the users determined to receive an alert, and automatically establishes connections from its system to devices of the users determined to receive an alert such that the users are able to receive the alert and advertisement.

96. I understand that Carlson’s operation is also consistent with Patent Owner’s infringement contentions in the parallel litigation. In particular, I understand that Patent Owner alleges that the accused products meet the “*automatically connecting devices*” limitation by defining and building a target audience to which advertisements may be sent. *See* EX1012, 7-9. In other words, as I understand it, Patent Owner alleges that selection of users to receive an advertisement, and delivery of the advertisements to the users, meets the

“*automatically connecting devices*” limitation of claim 1. As described above, Carlson similarly determines the users to receive an alert and transmits the alert and advertisements to the users. EX1005, ¶¶53, 58-59, FIG. 4A.

5. [1.D] “causing an automatic redirection of a web browser application operating on each of the devices to a webpage containing information related to the situation”

97. In my opinion, Carlson teaches this element. Carlson discloses various user computing devices 145-175 that may receive alerts and advertisements, as shown in Figure 1 below. EX1005, ¶¶35-38.



EX1005, FIG. 1 (annotated).

98. These devices are used by Carlson to illustrate various ways in which

a user may receive alerts and advertisements on the user's device, for example, though a "messenger client application 147," a "browser application 157," or a "mail client 167." EX1005, ¶¶35-38. For example, as I discuss for element [1.C], Carlson discloses automatically displaying an alert received by the user's device: "Computing device 145 receives the alert, advertisement and user data and provides an alert interface with the alert and relevant advertisement at step 455." EX1005, ¶59. Carlson also discloses a "[c]omputing device 155 [that] **includes browser application 157**" (*"a web browser application operating on each of the devices"*), and "[a] user having an account with a web-based mail service provider may access their mail through browser application 157." EX1005, ¶36. "**Alerts may be** delivered to the user's web-based mail account and **accessed through browser application 157,**" and the browser application may "display ads using ADE 159." EX1005, ¶36. Carlson also explains that "[t]his may be performed **in a similar manner to that discussed with respect to computing device 145** in FIGS. 3-6." EX1005, ¶36.

99. A POSA would have understood that "[a] web browser is a software program that allows a user to locate, access, and display web pages." EX1017, 1. Therefore, a POSA would have understood that Carlson discloses "*a webpage containing information related to the situation*" in the form of an alert delivered "through browser application 157." EX1005, ¶36.

100. A POSA would have further understood from Carlson’s disclosure that alerts received by Carlson’s computing device 155 can cause “*automatic redirection*” of the device’s web browser to the “*webpage containing information related to the situation*,” i.e., the alert. First, Carlson discloses that the display of alerts and advertisements through “browser application 157” “may be performed in a similar manner to that discussed with respect to computing device 145 in FIGS. 3-6.” EX1005, ¶36. In its description of Figure 4A, Carlson explains that alerts and advertisements are automatically displayed in “an alert interface” when they are received from alert server 120. EX1005, ¶59 (“Computing device 145 **receives the alert, advertisement and user data and provides an alert interface with the alert and relevant advertisement** at step 455.”). From Carlson’s disclosure, a POSA would have understood that this automatic presentation of the alert and advertisement could be performed either through a native application (as described with respect to computing device 145), or through a web browser (as described with respect to computing device 155).

101. Indeed, techniques for displaying pushed alerts through a web browser were well known at the time of the ’932 patent. As Jhanji explains, for example, many web browsers at and before the time of the ’932 patent “adhere[d] to an industry standard, e.g., the Wireless Application Protocol (WAP) standard.” EX1020, 12:60-63. “WAP is a global specification and open standard that enables

wireless device users to interact and access services and information.” EX1023, 1:47-49. In 2003, four years before the earliest possible priority date of the ’932 patent, Washburn disclosed that “[o]ne of the recent technology advances with WAP is the development of the WAP Push.” EX1023, 1:58-59. “A push can be a **WAP browser session that appears on the screen of a mobile device without an explicit request from the user** at the time the session is initiated,” i.e., automatically presented to the user via the WAP web browser. EX1023, 1:59-62; *see also* EX1023, 7:51-55 (“Once the message is pushed to the recipient’s wireless device, **a browser session is started** by the Session Initiation Application (SIA) which displays a screen” with the message). A POSA would have understood that similar operation could be implemented on any of Carlson’s devices as long as they are equipped with a web browser (e.g., computing device 155 or mobile device 175).

102. It is my opinion that a POSA would have been motivated to perform a similar “push” operation in Carlson’s browser-based embodiments to ensure the alert is timely received by the device user. As Jhanji explains, for example:

[E]mail[] owes it popularity partly to the fact that it allows the user to attend to the emails only when convenient. The rest of the time, the received emails sit patiently in the receiver's mailbox, waiting to be read. However, this manner of use is incompatible with mobile user coordination of events that are location-dependent and are perishable

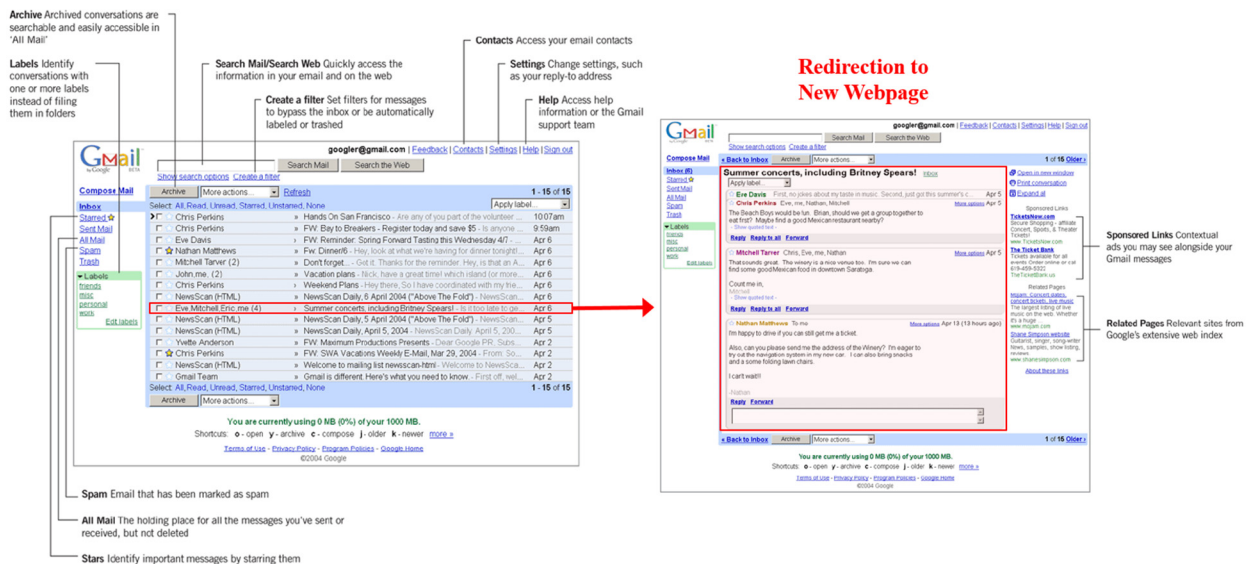
with the passage of time. **By the time the recipient gets around to reading his email, the time for the event may have already passed.**

EX1020, 2:61-3:2.

103. The same motivation applies to alerts distributed by Carlson’s system. Instead of simply delivering alerts to a “web-based mail account,” EX1005, ¶33, automatically displaying the alert through Carlson’s “browser application 157” (i.e., “*causing an automatic redirection of a web browser application*”), EX1005, ¶36, ensures that a user is immediately made aware of the alert. A POSA would have understood that such operation would have been particularly useful for time-sensitive alerts, such as “a bad weather alert.” EX1005, ¶53. And doing so would require only use of the browser application already installed on Carlson’s user devices, without the need for any particular native application. Therefore, it is my opinion that this element would have been obvious in view of Carlson’s disclosure.

104. I also understand that Patent Owner’s infringement contentions in the parallel litigation contend, “[w]hen a user clicks on the presented ad, **they are automatically redirected** to a webpage ... for information related to the situation.” EX1012, 10. In other words, I understand Patent Owner to contend that the claimed “*automatic redirection*” can be initiated by a click. EX1012, 10. It is my opinion that Carlson also teaches this element under Patent Owner’s interpretation.

105. In particular, a POSA would have understood (under Patent Owner’s interpretation of the claim language) that when a user attempts to access an alert sent to their “web-based mail account,” EX1005, ¶36, for example by selecting the alert, this action “*caus[es] an automatic redirection of a web browser application operating on each of the devices to a webpage containing information related to the situation.*” This is how web-based mail systems typically operated at the time of the ’932 patent. Gmail, for instance, operated this way prior to the ’932 patent. See EX1018, 1 (“Gmail is a free, search-based webmail service...”). As shown in the screenshots below, when a user clicks an email within their inbox, the browser automatically redirects to a new webpage displaying the email. EX1018, 4-5.



EX1018, 4-5 (annotated).

106. Similar to Gmail and other web-based mail applications at the time of the ’932 patent, Carlson discloses a “[m]ail web server 150 [that] implements a

web-based mail service for users that subscribe to the mail service.” EX1005, ¶33.

“In particular, users may access and manage a web-based mail account using a browser application in communication with mail web server 150,” and “[m]ail web server 150 may send and receive messages with alert server 120 and computing device 155.” EX1005, ¶33. And, as noted above, Carlson discloses that “[a]lerts may be delivered to the user’s web-based mail account and accessed through browser application 157.” EX1005, ¶36. Thus, under Patent Owner’s interpretation, when users access delivered alerts (for example, by selecting a delivered alert), this would “*caus[e] an automatic redirection of a web browser application operating on each of the devices to a webpage containing information related to the situation,*” including the alert.

6. [1.E] “**providing to each of the devices at least one of the plurality of advertisements for display on the webpage based on determining an affiliation of the corresponding individual to the situation, wherein the affiliation is based at least in part on an effect of the situation on the corresponding individual or their property**”

107. In my opinion, Carlson teaches “*providing to each of the devices at least one of the plurality of advertisements for display on the webpage.*” Carlson discloses that for each user determined to receive the alert, “[m]essaging server 140 receives the data and sends the alert, advertisement, and user data to computing device 145 at step 455,” and “[c]omputing device 145 receives the alert, advertisement and user data and provides an alert interface with the alert and

relevant advertisement at step 455.” EX1005, ¶¶58-59; *see also* EX1005, ¶66

(“The alert interface includes an alert based on the detected event, as well as the relevant advertisement selected from the event data.”). These steps are illustrated in Figure 4A, for example, as shown below.

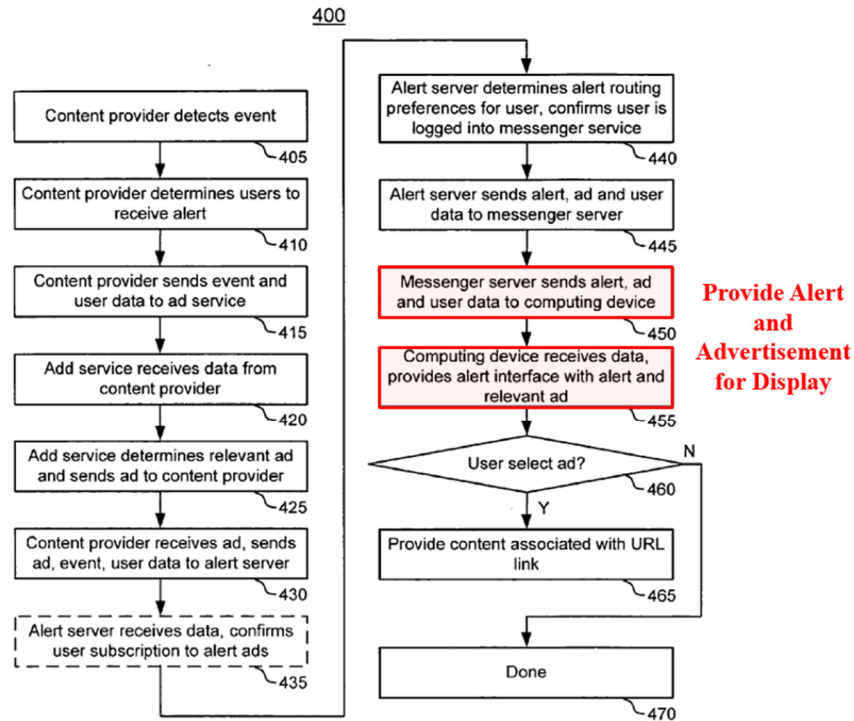
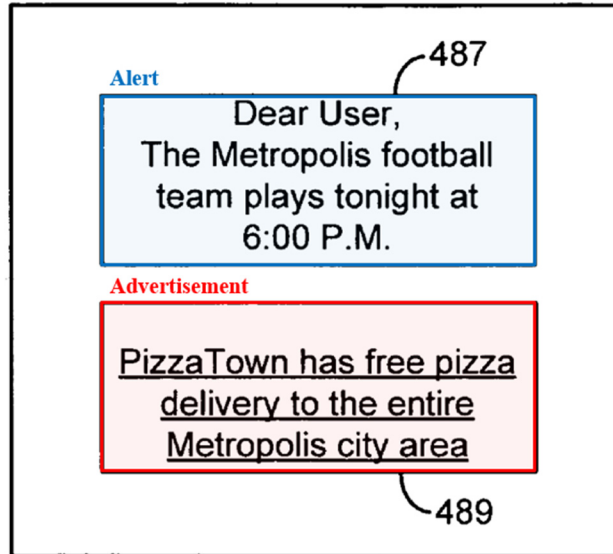


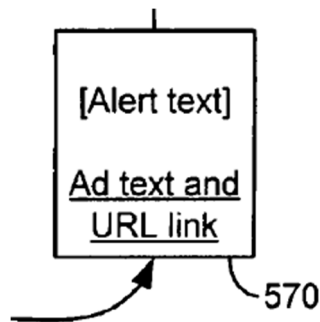
Figure 4A

EX1005, FIG. 4A (annotated).

108. Carlson also provides an example display of the advertisement, as shown in Figures 4B and 5 below.



EX1005, FIG. 4B (annotated).



EX1005, FIG. 5 (excerpted).

109. As I discuss for element [1.D], Carlson provides the “*advertisements for display on the webpage*,” for example, when delivering the alert “to the user’s web-based mail account” or more generally “through browser application 157.” EX1005, ¶36.

110. For a number of reasons, it is also my opinion that Carlson teaches that advertisements are “*provid[ed] ... based on determining an affiliation of the corresponding individual to the situation, wherein the affiliation is based at least*

in part on an effect of the situation on the corresponding individual or their property.” First, Carlson’s advertisement can be provided based on the location of the user: “In some cases, the time of day of the alert and/or **the location to which the alert is delivered may be considered in selecting the advertisement.**”

EX1005, ¶21; *see also* EX1005, ¶24 (disclosing “user location” as a relevancy metric “used by the advertisement targeting system to determine an advertisement for a user”). Carlson’s operation is consistent with the disclosure of the ’932 patent, which describes that “[a]n **affiliation** that a user has with the situation **is used as a basis for delivering the targeted advertisements.**” EX1001, 27:25-26.

The ’932 patent further describes location as an affiliation: “The affiliation between the user and the situation is determined from one or more factors, including but not limited to, **proximity of the user to the situation....**” EX1001, 27:26-29. And a POSA would have understood that the location of a user, for example with respect to a weather event, relates to the “*effect of the situation on the corresponding individual or their property.*” For example, a POSA would have understood that when “bad weather is forecasted to occur in [the] user’s area,” EX1005, ¶52, the bad weather would typically have an effect user or the user’s property (e.g., car or house).

111. Second, Carlson discloses that the advertisement can be provided based on a user’s subscription to a particular event service, which itself indicates

“an effect of the situation [(i.e., the event)] on the corresponding individual or their property.” In other words, because the user has subscribed to a particular event service, the user has indicated that they are affected by events provided by the service. Carlson discloses that **“the event may be any event associated with a service the user has accepted or subscribed to,” “[f]or example, a user may have subscribed to a weather service.”** EX1005, ¶52; *see also* EX1005, ¶30 (storing “user alert subscription information”). “In this case, when bad weather is forecasted to occur in [the] user's area, the content provider may detect an event associated with a notification for the bad weather.” EX1005, ¶52. Carlson then discloses that **“one or more relevant advertisements can be determined based on a textual analysis of the event** and other data.” EX1005, ¶54.

112. Third, Carlson discloses that advertisements are provided based on a number of other “[r]elevancy metrics,” including “user metadata, ... a device on which the alert is displayed, user location, user actions, or other information associated with the user.” EX1005, ¶24. “Metadata may include data related to the categorization of the type of content being sent, such as sports, travel, weather, information about categories of other alerts the user subscribes to, or other data.” EX1005, ¶24; *see also* EX1005, ¶53 (“Other meta-data may include information from a user profile, other alerts the user has subscribed to, address information for user, or other information.”). Since the advertisement may be provided based on

various user information, such as alert categories (e.g., weather, sports, travel) to which the user subscribes, a POSA would have understood the advertisement for a particular user to be provided based on “*an effect of the situation of the corresponding individual.*”

113. Moreover, I understand that Patent Owner’s infringement contentions in the parallel litigation contend that when a user clicks an ad, that in itself indicates “*an effect of the situation on the corresponding individual or their property.*” See EX1012, 17 (“Individuals and those with property that will be affected by the situation or event corresponding to the ‘objective’ of an Ad Campaign will be those who have already taken the desired action. **The very fact that such individuals have taken the desired [action] indicates they perceive the situation effects them personally and/or their property.**”). Under this interpretation, Carlson similarly discloses that a user may click an ad, indicating “*an effect of the situation on the corresponding individual or their property*”: “**If input is received indicating the user has selected the advertisement** at step 670, additional content is provided at step 675. In one embodiment, the additional content may be provided in a separate window as a result of the user's selection of a URL link.” EX1005, ¶66. Thus, it is my opinion that Carlson also teaches this element under Patent Owner’s interpretation of the claim.

B. Independent Claim 22

1. [22.P] “A system for presenting targeted advertising in a situational network”

114. To the extent the preamble is determined to be limiting, it is my opinion that Carlson teaches this element for the reasons I discuss for element [1.P]. Additionally, Carlson discloses that its techniques are part of “[a] proactive targeted advertising **system**...” Therefore, it is my opinion that Carlson teaches “*[a] system for presenting targeted advertising in a situational network.*”

2. [22.A] “a central server, corresponding to a situation authority, configured to”

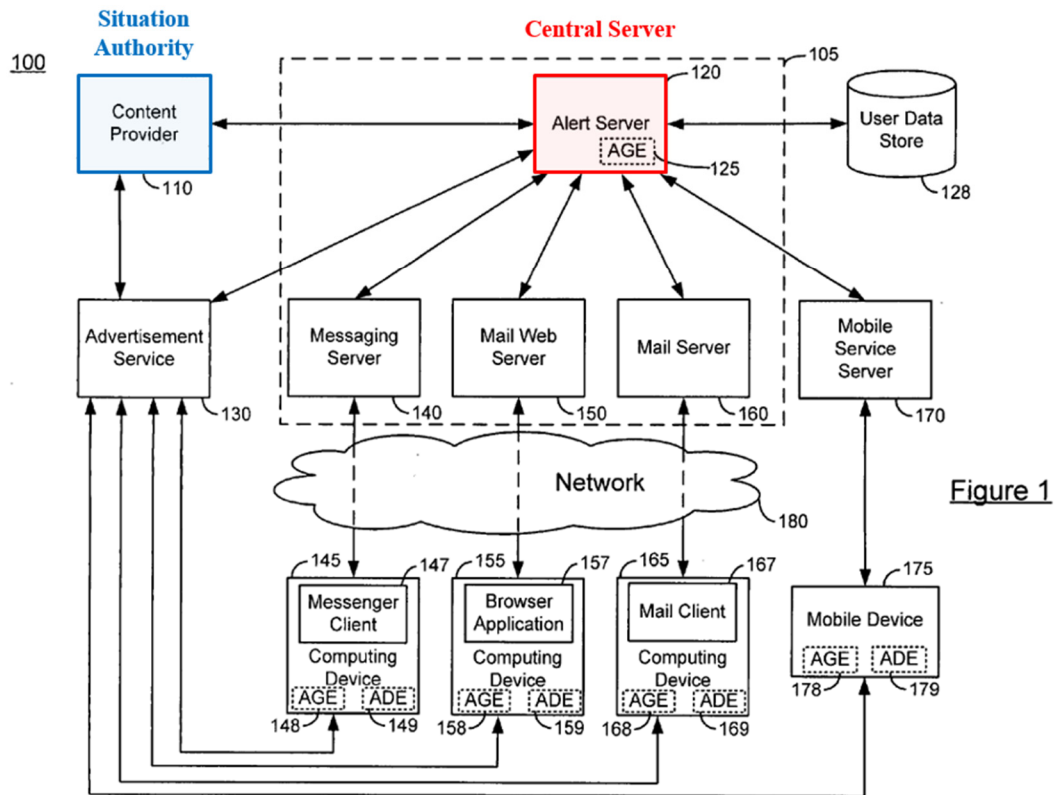
115. Elements [22.B]-[22.F] are substantively identical to elements [1.A]-[1.E], as shown in the following chart.

Claim 1	Claim 22
[1.A] receiving a plurality of advertisements from at least one advertising entity;	[22.B] receive a plurality of advertisements from at least one advertising entity,
[1.B] obtaining an indication of an occurrence of a situation;	[22.C] obtain an indication of an occurrence of a situation,
[1.C] automatically connecting devices corresponding to a plurality of individuals to the situational network established in response to the situation;	[22.D] automatically connect devices corresponding to a plurality of individuals to the situational network established in response to the situation,
[1.D] causing an automatic redirection of a web browser application operating on each of the devices to a webpage	[22.E] cause an automatic redirection of a web browser application operating on each of the devices to a webpage

containing information related to the situation; and	containing information related to the situation, and
[1.E] providing to each of the devices at least one of the plurality of advertisements for display on the webpage based on determining an affiliation of the corresponding individual to the situation, wherein the affiliation is based at least in part on an effect of the situation on the corresponding individual or their property.	[22.F] provide at least one of the plurality of advertisements to each of the devices for display on the webpage based on determining an affiliation of the corresponding individual to the situation, wherein the affiliation is based at least in part on an effect of the situation on the corresponding individual or their property;

116. Element [22.A] recites “*a central server, corresponding to a situation authority, configured to*” perform elements [22.B]-[22.F]. Relevant to this claim language, the ’932 patent specification explains, “in a centralized architecture embodiment, user devices 402 in the SitNet 3012 corresponding to users 250 are connected using centralized connections 3013 to a situation authority server 3011 associated with a situation authority 207.” EX1001, 6:17-21. Therefore, the ’932 patent provides that the claimed “*central server, corresponding to a situation authority,*” refers to a server (or centralized architecture) that is associated with a “*situation authority.*” However, the “*central server*” need not be the “*situation authority*” itself. Nor is a one-to-one relationship required between the “*central server*” and the “*situation authority*”—just that the “*central server*” be associated with the “*situation authority.*”

117. Carlson teaches this architecture. Carlson discloses a centralized “[a]lert server 120” (“*a central server*”) that is associated with (“*correspond[s] to*”) a “[c]ontent provider 110” (“*a situation authority*”), as shown in Figure 1 below. EX1005, ¶¶28-29, FIG. 1.



EX1005, FIG. 1 (annotated).

118. Carlson discloses that “[c]ontent provider 110 may send and receive messages with alert server 120 and advertisement service 130.” EX1005, ¶28.

“Content provider 110” may provide “event data,” and “[t]he event data may be used to generate an event by alert server 120,” which “transmits alerts to users.”

EX1005, ¶¶28-29. Therefore, Carlson discloses that content provider 110 is

associated with alert server 120. Carlson's "content provider 110" also provides a "*situation authority*" because it is "associated with a service the user has accepted or subscribed to," such as "a weather service" or "sporting news service," "provid[ing] event data" to alert server 120. EX1005, ¶¶52, 28 ("For example, **content provider 110 may provide event data** regarding the weather, such as forecasts and current weather conditions."), 56 ("Content provider 110 ... sends the relevant advertisement, **event data**, and user data to alert server 120"). This understanding is consistent with the examples of situation authorities provided in the '932 patent. Particularly, the '932 patent provides similar examples of "*situation authorit[ies]*" to those disclosed in Carlson, including, among others, "news organizations" and "weather agencies." EX1001, 3:63-4:3.

119. Therefore, it is my opinion that Carlson's architecture, including Carlson's content provider and alert server, provides this claim element.

3. [22.B] "receive a plurality of advertisements from at least one advertising entity"

120. In my opinion, Carlson, alone or in view of Shahine, teaches this element for the reasons I discuss for element [1.A].

4. [22.C] "obtain an indication of an occurrence of a situation"

121. In my opinion, Carlson teaches this element for the reasons I discuss for element [1.B].

5. **[22.D] “automatically connect devices corresponding to a plurality of individuals to the situational network established in response to the situation”**

122. In my opinion, Carlson teaches this element for the reasons I discuss for element [1.C].

6. **[22.E] “cause an automatic redirection of a web browser application operating on each of the devices to a webpage containing information related to the situation”**

123. In my opinion, Carlson teaches this element for the reasons discussed for element [1.D].

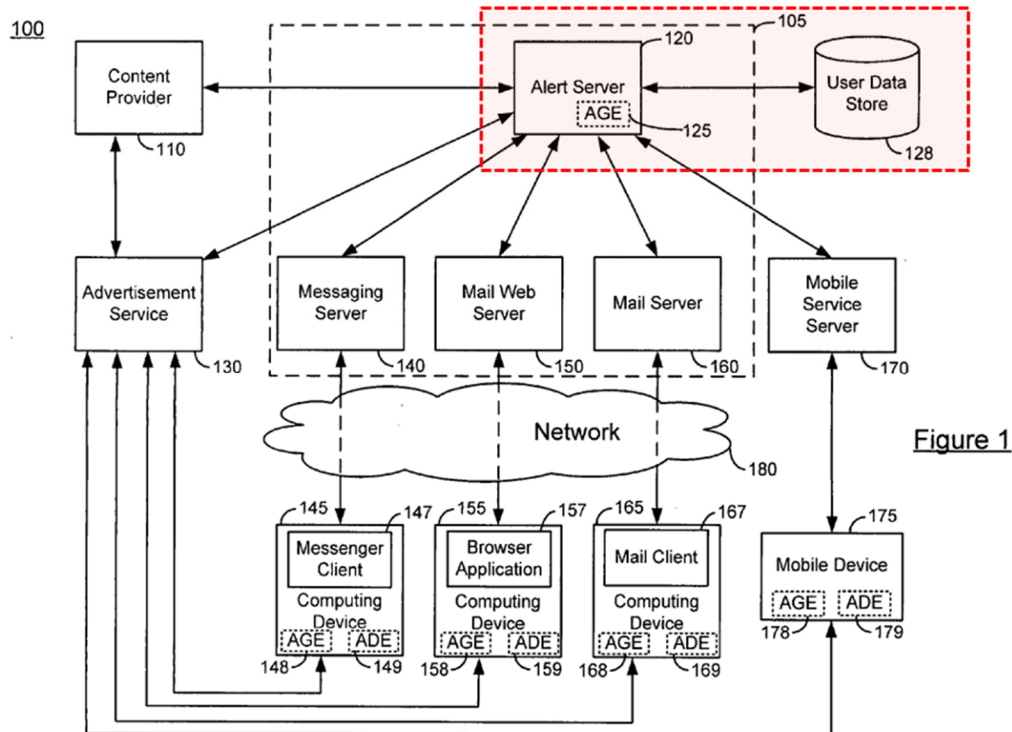
7. **[22.F] “provide at least one of the plurality of advertisements to each of the devices for display on the webpage based on determining an affiliation of the corresponding individual to the situation, wherein the affiliation is based at least in part on an effect of the situation on the corresponding individual or their property”**

124. In my opinion, Carlson teaches this element for the reasons I discuss for element [1.E].

8. **[22.G] “a database associated with the central server for storing information related to availability of a service at a plurality of service locations affected by the situation”**

125. In my opinion, Carlson teaches this element. For example, Carlson discloses a “user data store 128” that stores user subscription information to location-based services, such as “a weather service.” EX1005, ¶¶30, 52. User data store is “*associated with the central server,*” as shown in Figure 1—Carlson discloses that “[a]lert server 120 may transmit and receive messages from user data

store 128.” EX1005, ¶29; *see also* EX1005, ¶29 (“For example, alert server 120 may confirm a user has subscribed to receive advertisements in an alert. The confirmation can be done locally or by querying a remote server, such as user data store 128.”).



EX1005, FIG. 1 (annotated).

126. A POSA would have recognized that user data store 128 is or includes “*a database*” because it contains organized “data such as user account data for a mail provider service, user contact lists, user alert subscription information, user instant messaging account information, user mobile device account information, and other data.” EX1005, ¶30. Indeed, databases were well known at the time of the ’932 patent and were a common way to implement a data store. *See, e.g.,*

EX1019, ¶9 (disclosing “a group information **data store (e.g., database** that maintains group, event, and person information)”). Therefore, it is my opinion that Carlson discloses “*a database associated with the central server.*”

127. As noted in the previous paragraph, Carlson discloses that “[u]ser **data store** 128 stores data and other information for users of the relevant advertisement generation system 105,” including “**user alert subscription information.**” EX1005, ¶30. “For example, a user may have subscribed to a **weather service,**” and “**when bad weather is forecasted to occur in [the] user's area,** the content provider may detect an event associated with a notification for the bad weather.” EX1005, ¶52. That users are subscribed to a service associated with particular locations indicates the “*availability of a service at a plurality of service locations affected by the situation.*” In other words, Carlson discloses that the weather service services “*a plurality of service locations*” that may be affected by a weather event—“**when bad weather is forecasted to occur in [the] user's area.**” EX1005, ¶52.

128. Additionally, Carlson discloses an “advertisement service 130” that is “*associated with the central server*”: “**Alert server 120 may transmit and receive messages from** user data store 128, content provider 110, **advertisement service 130....**” EX1005, ¶29. As I discuss for element [1.A], Carlson teaches that advertisement service 130 stores or otherwise has access to information about the

“availability of a service at a plurality of service locations affected by the situation.” For example, Carlson discloses that “[t]he advertisement service can select an advertisement associated with [the] event data,” such as a “pizza delivery service,” and that “[t]he service can be selected such that it is available within the user’s geographic area during the time of the sporting event mentioned in the alert.” EX1005, ¶31. Carlson also discloses comparing event data “to one or more advertisement keywords” as part of selecting an advertisement, which may be “associated with different categories, such as **geographical area.**” EX1005, ¶54. A POSA would have therefore understood that Carlson’s advertisement service 130 contains or otherwise accesses *“a database ... for storing information related to availability of a service at a plurality of service locations affected by the situation,”* such as the availability of a “pizza delivery service.” EX1005, ¶¶31, 54.

9. [22.H] **“a plurality of devices, each device corresponding to an individual connected via the situational network, configured to connect to the central server, and receive at least one of the advertisements based on the affiliation of the respective individual to the situation”**

129. In my opinion, Carlson teaches this element for the reasons I discuss for elements [1.C] and [1.E].

C. Claim 2

130. Claim 2 recites, *“wherein the affiliation is based at least in part on the location of the at least one individual.”* Carlson teaches this element.

131. In my opinion, Carlson, alone or in combination with Shahine, teaches the additional elements of claim 2. As discussed for element [1.E], Carlson discloses that **“the location to which the alert is delivered may be considered in selecting the advertisement.”** EX1005, ¶¶21, 24 (disclosing “user location” as a relevancy metric “used by the advertisement targeting system to determine an advertisement for a user”). A POSA would have understood that the location of a user can relate the user to a situation. For example, if a weather event is occurring in the user’s area, the user is related to the situation by the user’s location. Therefore, because the user location relates the user to the situation, it is my opinion that Carlson discloses *“wherein the affiliation is based at least in part on the location of the at least one individual.”*

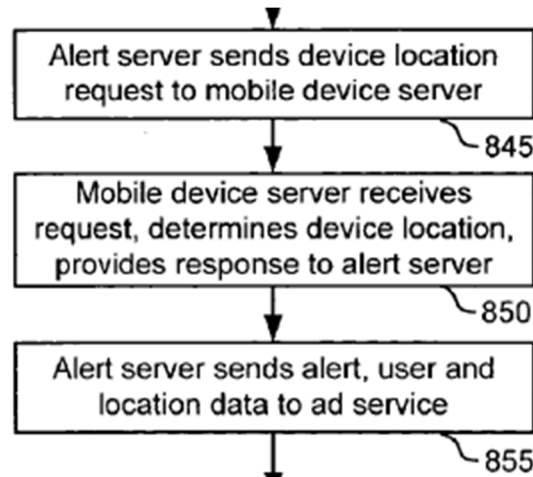
D. Claim 3

132. Claim 3 recites, *“wherein the location of the at least one individual is determined using positional coordinates obtained from the connected device.”* Carlson teaches this element.

133. In my opinion, Carlson, alone or in combination with Shahine, teaches the additional elements of claim 3. In particular, Carlson discloses that a mobile device (for example, mobile device 175 of Carlson’s Figure 1) is one of the user devices that may receive alerts and advertisements. EX1005, ¶¶31, 71. Similar to Figures 4A and 6 of Carlson, Figure 8 of Carlson “illustrates an embodiment of a

method 800 for server-side retrieval of an advertisement for an alert.” EX1005,

¶68. “Method 800 is similar to method 600 except that the user receives an alert through a mobile device and **mobile device location data is determined before selecting a relevant advertisement.**” EX1005, ¶68.



EX1005, FIG. 8 (excerpted).

134. As illustrated in Figure 8, Carlson discloses that “[a]lert server 120 sends a device location request to mobile service server 170 at step 845.” EX1005, ¶69. “Mobile service server 170 receives the request, **determines the user device location**, and provides a response to alert server 120 at step 850.” EX1005, ¶69.

Carlson explains that “**the mobile service server may determine the mobile device's location using GPS information inherent in the mobile device.**”

EX1005, ¶69. “For example, most modern cell phones utilize GPS information and are capable of transmitting this information to a mobile service server.” EX1005,

¶69. “The **location data is then provided** to advertising service 130 for selection

of a relevant ad.” EX1005, ¶¶67, 70.

135. A POSA would have understood that the “GPS information inherent in the mobile device” would include “*positional coordinates obtained from the connected device.*”² GPS stands for Global Positioning System and provides precise positional data via satellites orbiting the Earth. *See* EX1021, 2. The positional data includes “GPS coordinates,” which “are usually expressed as the combination of latitude and longitude.” EX1021, 1. Therefore, a POSA would have understood that the “GPS information” disclosed by Carlson includes “*positional coordinates obtained from the connected device.*”

136. Additionally, a POSA would have understood that both mobile and non-mobile computing devices at the time of the ’932 patent included browser applications capable of accessing webpages and “web-based mail,” as Carlson discusses. EX1005, ¶36. For example, as early as 1999, Jhanji disclosed “Internet-capable mobile devices,” such as “Internet-capable cellular phones,” that included “a web browser (i.e., an application for accessing websites and webpages).”

EX1020, 12:51-59. “In the case of Internet cellular phones, the front-end may be a manufacturer-specific web browser or one that adheres to an industry standard, e.g., the Wireless Application Protocol (WAP) standard.” EX1020, 12:60-63. This

² For purposes of my analysis, I have been instructed to interpret the phrase “*the connected device*” in claim 3 to refer to an individual’s device.

understanding is consistent with Carlson’s disclosure that the same exemplary “computing environment 200 may be used to implement ... computing devices 145-165, and mobile device 175.” EX1005, ¶40. Thus, a POSA would have understood that any of Carlson’s disclosed alert/advertisement delivery methods may be applied to both mobile and non-mobile devices.

E. Claim 4

137. Claim 4 recites, “*wherein the affiliation is based at least in part on a profile for the at least one individual.*” Carlson teaches this element.

138. In my opinion, Carlson, alone or in combination with Shahine, teaches the additional elements of claim 4. Carlson discloses that relevancy “[m]etrics are used by the advertisement targeting system to determine an advertisement for a user.” EX1005, ¶24. “Relevancy metrics may include ... **user metadata**, the time an alert is generated and/or delivered, a device on which the alert is displayed, user location, user actions, or other information associated with the user.” EX1005, ¶24. And Carlson discloses that the “**meta-data may include information from a user profile.**” EX1005, ¶53. “[C]ontent provider 110 sends event and user data to advertisement service 130,” which is then used to “determine[] the relevant advertisement” for a user. EX1005, ¶53.

139. Additionally, a POSA would have understood relevancy metrics such as “a device on which the alert is displayed, user location, user actions, [] other

information associated with the user,” and “categories of other alerts the user subscribes to,” EX1005, ¶24, are part of a user profile (“*a profile for the at least one individual*”) because they provide information about the user. A POSA would have understood that this is the type of information that typically makes up a user profile. *See, e.g.*, EX1011, 5:33-37 (“In one implementation, a user’s profile data includes, for example, a user list, identified interests, a geographic location, an Internet protocol address associated with the client device, a general account, and demographic information”). A POSA would have further understood that user profile information can relate the user to the situation, such as the user’s location, categories of alerts the user subscribes to, or demographic information. For example, a location may relate the user to a weather event, demographic information may relate the user to a particular concert, a subscription to a “sporting news service,” EX1005, ¶52, may relate a user to a particular sporting event, etc. Thus, Carlson teaches “*wherein the affiliation is based at least in part on a profile for the at least one individual.*”

F. Claim 6

140. Claim 6 recites, “*wherein the indication is obtained by a situation authority.*”

141. In my opinion, Carlson, alone or in combination with Shahine, teaches the additional elements of claim 6 in at least two different ways. First, Carlson

teaches this element for the reasons I discuss for element [22.A]. In particular, Carlson teaches that its “content provider 110” provides a “*situation authority*” because it is “associated with a service the user has accepted or subscribed to,” such as “a weather service” or “sporting news service.” EX1005, ¶52. Carlson also discloses that “[c]ontent provider 110 detects an event” and “provide[s] event data” to alert server 120. EX1005, ¶¶52, 28 (“For example, content provider 110 may provide event data regarding the weather, such as forecasts and current weather conditions.”), 56 (“Content provider 110 ... sends the relevant advertisement, event data, and user data to alert server 120”). The ’932 patent provides similar examples of “*situation authorit[ies]*,” including, among others, “news organizations” and “weather agencies.” EX1001, 3:63-4:3.

142. Second, Carlson’s “alert server 120” provides a “*situation authority*” because it generates events “from the event data received from the content provider” and provides alerts or other information regarding the event to users. In particular, Carlson discloses that “[t]he event data [provided by content provider 110] may be user **to generate an event by alert server 120.**” EX1005, ¶¶28, 58 (“[A]lert server 120 generates the alert from the event data received from the content provider”). Carlson discloses that “[t]he alert server then sends the alert, advertisement, and user data to messaging server 140,” which in turn is sent “to computing device 145.” EX1005, ¶58. Therefore, a POSA would have understood

that Carlson’s “alert server 120” provides a “*situation authority*,” because, among other things, it “provide[s] comprehensive information related to the situation.” EX1001, 3:59-63.

G. Claim 7

143. Claim 7 recites, “*wherein the situation authority establishes an event node in a multi-dimensional personal information network corresponding to the situation and the devices include personal information aggregators, each personal information aggregator corresponding to a node in the multi-dimensional personal information network.*”

144. In my opinion, Carlson, alone or in combination with Shahine, teaches the additional elements of claim 7. First, Carlson teaches “*a multi-dimensional personal information network.*” The patent explains that “[a]n N-dimensional social network (NDSN), also called a multi-dimensional personal information network, captures and manages multi-dimensional relationships between persons and other entities that are users of the network.” EX1001, 14:10-13. Carlson teaches “*a multi-dimensional personal information network*” in which users are connected through multiple relationships.

145. As one example, Carlson discloses that its network manages and captures relationships of users through various alert subscriptions. “For example, a **user may have subscribed to a weather service**”; “[i]n another example, **the user**

may have subscribed to a sporting news service.” EX1005, ¶52. Carlson also discloses that “[u]ser data store 128 stores data and other information for users,” including “user alert subscription information.” EX1005, ¶30. Thus, user data store 128 stores which users are subscribed to the same services and therefore Carlson’s network captures and manages relationships in the form of subscription information. This is consistent with the types of relationships discussed in the ’932 patent. For example, the patent describes that “the NDSN might utilize dimensions that link participants by preferences and behaviors, e.g., **a preference for a type of product or service.**” EX1001, 14:25-27.

146. As another example, Carlson discloses capturing and managing relationships of users based on “**a preference to receive information regarding the event detected.**” EX1005, ¶53. Carlson discloses, “[i]n one embodiment, content provider 110 may access a database or **mailing list** to determine which users shall receive [an] alert.” EX1005, ¶53.

147. As yet another example, Carlson discloses that “[u]ser data store 128” stores “user account data for a mail provider service [and] user contact lists.” EX1005, ¶30. A POSA would have understood that a “contact list” relates the user to other users on the contact list. Gmail, for example, stored and provided access to “email contacts,” i.e., a list of other mail users that have a relation to the Gmail user. EX1018, 4 (“**Contacts** Access your email contacts”). Carlson’s “contact list”

for a particular user would have similarly contained a list of users and contact information for those users in some form. EX1005, ¶30. Therefore, it is my opinion that Carlson teaches “*a multi-dimensional personal information network.*”

148. Second, Carlson teaches that “*the devices include personal information aggregators, each personal information aggregator corresponding to a node in the multi-dimensional personal information network.*” The ’932 patent describes that “[a] Personal Information Aggregator (PIA) provides a user with the ability to store, organize and control personal information.” EX1001, 7:52-54. The patent further explains that “[t]he PIA 400 or CIA may be implemented on a variety of hardware and software platforms, e.g., **a handheld device, a personal computer** or a dedicated appliance,” and that “**a mobile phone** may be configured to provide the additional functions of a PIA.” EX1001, 12:61-63, 13:16-17. A PIA in the context of the ’932 patent is therefore little more than a personal computer of mobile device participating in the network.

149. Similar to the description in the ’932 patent, Carlson discloses user devices in the form of “computing devices 145-165, and mobile device 175” that communicate with Carlson’s system “over network 180.” EX1005, ¶25. These devices provide “*personal information aggregator[s]*” because they allow access to personal information such as “user location, user actions, or other information associated with the user.” EX1005, ¶¶24, 34 (“Mobile server 170 sends and

receives information with alert server 120 and mobile device 175.”). As one example, Carlson discloses that its user devices aggregate and provide GPS information associated with the user:

In one embodiment, the mobile service server may determine the mobile device's location using GPS information inherent in the mobile device. For example, most modem cell phones utilize GPS information and are capable of transmitting this information to a mobile service server.

EX1005, ¶69.

150. Additionally, personal computing devices and cell phones at the time of the '932 patent provided users the ability to store, organize, and control numerous types of personal information. For example, it was well known to provide the ability to organize and control a user's information via the Internet through a computing device or cell phone. *See, e.g.*, EX1020, 13:4-13 (“[A] user registered with the inventive communication system may use the Internet to access the system for updating information about himself. As mentioned earlier, this information includes not only profile information...”). As another example, even long before smart phones became prevalent, personal digital assistant (PDA) devices allowed users to store, organize, and control personal information, as well as connect to the Internet and other networks to transmit and receive data. *See, e.g.*, EX1022 (Handbook for the Palm V Organizer), 49 (illustrating storage and entry

of user information such as calendar, contact lists, to do lists, and memos), 171 (“You can use the TCP/IP software to connect with Internet Service Providers (ISPs)”). This type of user information was commonly stored, organized, and controlled using various types of computing devices, including PDAs, desktops, laptops, mobile phones, etc. A POSA would have therefore understood that Carlson’s “computing devices 145-165, and mobile device 175” would have similar functionality. EX1005, ¶31.

151. Third, Carlson teaches “*wherein the situation authority establishes an event node in a multi-dimensional personal information network corresponding to the situation.*” The ’932 patent provides that “[t]he situation or event itself may also be associated with a node on the SitNet, known as the event node for the SitNet.” EX1001, 7:31-33. “For example, an entity ... establishes an event node in an NDSN that propagates up-to-date information on the situation to PIAs.” EX1001, 7:33-38.

152. Carlson discloses establishment of “*an event node*” in line with the description in the ’932 patent. For example, that “alert server 120” “**generate[s] an event**” (i.e., “*an event node*”) from event data received from “content provider 110.” EX1005, ¶28 (“The event data [provided by content provider 110] may be user **to generate an event by alert server 120.**”). The generated event, in turn, is used to propagate up-to-date information to user devices in the form of alerts.

EX1005, ¶¶53, 58 (“alert server 120 generates the alert from the event data,” which is sent to user devices determined to receive the alert). Therefore, it is my opinion that Carlson teaches the additional elements of claim 7.

H. Claim 8

153. Claim 8 recites, “*wherein the situation is a weather phenomenon.*”

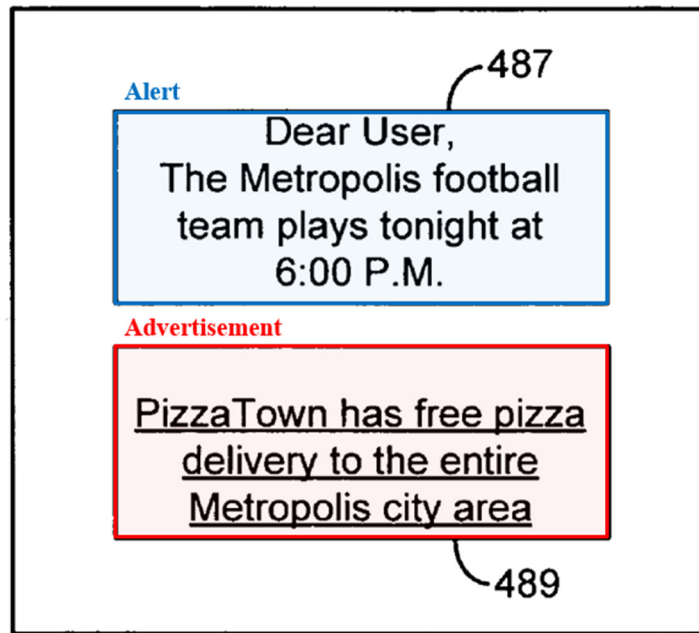
154. In my opinion, Carlson, alone or in combination with Shahine, teaches the additional elements of claim 8. For example, Carlson discloses that “a user may have subscribed to a weather service.” EX1005, ¶52. “In this case, **when bad weather is forecasted to occur in [the] user's area**, the content provider may **detect an event associated with a notification for the bad weather**,” i.e., “*a weather phenomenon.*” EX1005, ¶52.

I. Claim 9

155. Claim 9 recites, “*wherein some of the plurality of advertisements provide notifications about services relevant to the situation.*” Carlson teaches this element.

156. In my opinion, Carlson, alone or in combination with Shahine, teaches the additional elements of claim 9. Carlson discloses that “the advertisement provided with the alert is determined to be relevant to the alert.” EX1005, ¶24. For example, Figure 4B provides an alert regarding a sporting event (“*the situation*”) and an advertisement providing a “*notification[] about services relevant to the*

situation,” as shown in Figure 4B of Carlson below. EX1005, ¶60, FIG. 4B.



Carlson, FIG. 4B (annotated).

157. Specifically, Carlson explains that “the alert provides information of a sporting event within the user’s area at a particular time,” and “[t]he advertisement provides a related service, a food delivery service, in the user’s area when the subject of the alert occurs.” EX1005, ¶60; *see also* EX1005, ¶31 (“In the example, the selected advertisement may relate to a pizza delivery service,” and “[t]he service can be selected such that it is available within the user’s geographic area during the time of the sporting event mentioned in the alert.”). Therefore, it is my opinion that Carlson teaches this element.

J. Claim 10

158. Claim 10 recites, “*wherein the affiliation is based in part on a*

projection of the situational network that includes the corresponding individual, each individual in the projection having the same affiliation with the situation.”

159. In my opinion, Carlson, alone or in combination with Shahine, teaches the additional elements of claim 10. The '932 patent describes that a “*projection*” refers to a determined subset of users or devices within a network. For example, the patent describes that “[a] user might desire to work with a **‘projected’ view, i.e., a subset of the nodes**, of the NDSN 100.” EX1001, 16:8-9; *see also* EX1001, 14:35-37 (“The NDSN can also provide a ‘projected’ view of a subset of the members of the NDSN...”). “Such a ‘projected’ view allows the user to use and manage smaller portions of the entire social network.” EX1001, 14:37-39. For instance, “[a] user may want to share information with only **a subset of the total number of users connected to the situational network**, and thus may request or create **a projection representing those other users that the user has the most interest in sharing information.**” EX1001, 21:59-64.

160. In my opinion, Carlson teaches this element in at least two ways. First, as I discuss for claim 2, Carlson discloses providing advertisements to a subset of users (“*a projection of the situational network*”) affiliated with the event based on their geographic location. For example, Carlson discloses that “**the location** to which the alert is delivered **may be considered in selecting the advertisement.**” EX1005, ¶21. For instance, “[t]he service [of the advertisement]

can be selected such that it is available within the user's geographic area

during the time of the sporting event mentioned in the alert.” EX1005, ¶31.

Therefore, consistent with the language of claim 10, Carlson's provision of advertisements is based, at least in part, on determining users “*having the same affiliation with the situation*”—the subset of users within the same geographic area.

161. Second, Carlson discloses determining a subset of users to which advertisements should be provided that are affiliated with the event based on subscription to a particular event service. In particular, Carlson discloses that “the event may be any event associated with **a service the user has accepted or subscribed to,**” “[f]or example, **a user may have subscribed to a weather service.**” EX1005, ¶52; *see also* EX1005, ¶53 (“Users to receive the alert can include **users that have indicated a preference to receive information regarding the event detected** at step 405.”). Carlson then discloses that “one or more relevant advertisements can be determined based on a textual analysis of the event.” EX1005, ¶54. Therefore, it is my opinion that Carlson teaches that its provision of advertisements is also based on a subset of users (“*a projection of the situational network*”) affiliated with an event through the same subscription, i.e., “*wherein the affiliation is based in part on a projection of the situational network that includes the corresponding individual, each individual in the projection having the same affiliation with the situation.*”

K. Claim 11

162. Claim 11 recites, “*wherein the projection is a geographic projection of nodes of the situational network.*”

163. In my opinion, Carlson, alone or in combination with Shahine, teaches the additional elements of claim 11 for the reasons I discuss with respect to claim 10.

L. Claim 23

164. Claim 23 recites, “*wherein at least one device of the plurality of devices is a personal information aggregator.*”

165. In my opinion, Carlson, alone or in combination with Shahine, teaches the additional elements of claim 23 for the reasons I discuss with respect to claim 7.

X. GROUND 2: THE COMBINATION OF CARLSON, SHAHINE, AND LUNDY RENDERS OBVIOUS CLAIMS 1-4, 6-11, AND 22-23.

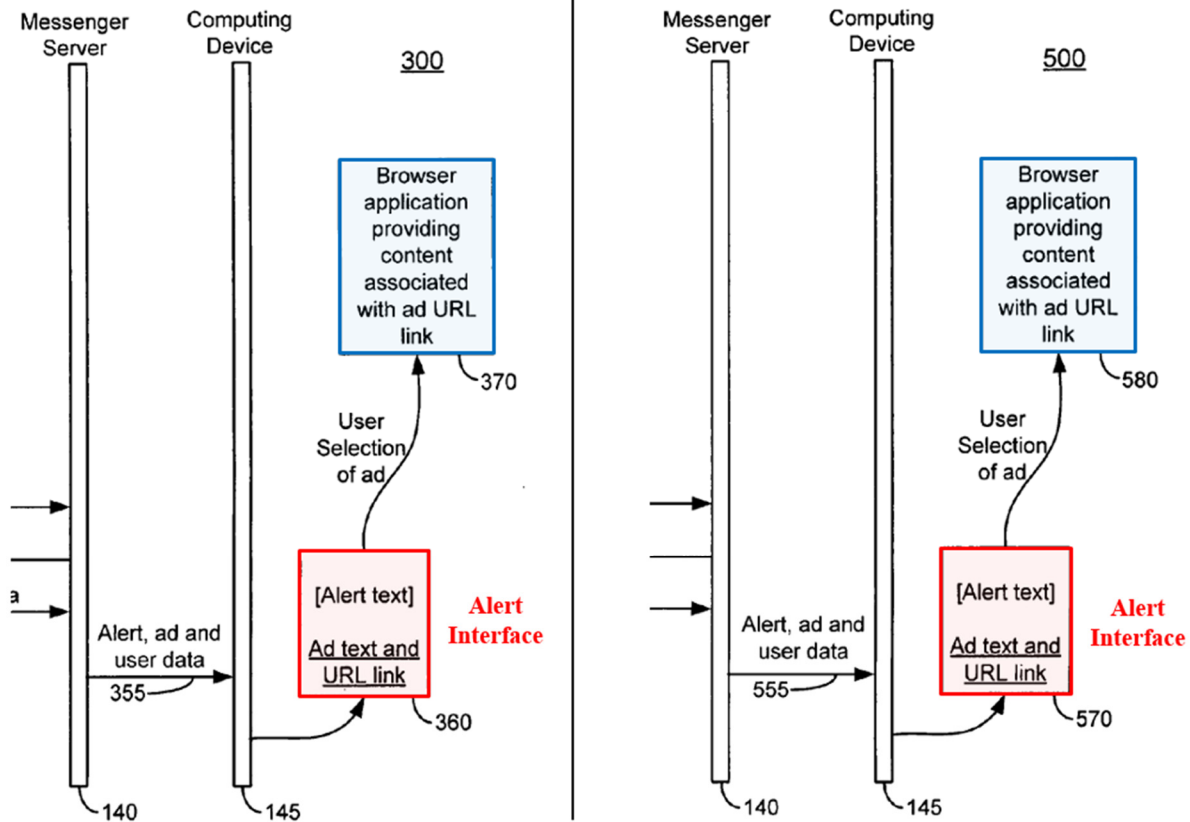
166. As I discussed with respect to Ground 1, it is my opinion that Carlson, alone or in view of Shahine, teaches every element of claims 1-4, 6-11, 22, and 23. However, it is my opinion that the combination of Carlson, Shahine, and Lundy also teaches every element of claims 1-4, 6-11, 22, and 23.

167. As I noted for element [1.D] of claim 1 (“*causing an automatic redirection of a web browser application operating on each of the devices to a webpage containing information related to the situation*”), I understand that Patent

Owner's infringement contentions in the parallel litigation contend, "[w]hen a **user clicks** on the presented ad, **they are automatically redirected** to a webpage ... for information related to the situation." EX1012, 10. In other words, I understand Patent Owner to contend that the claimed "*automatic redirection*" of element [1.D] (and element [22.E], which recites similar language) can be initiated by a click. EX1012, 10. To the extent it is argued that Carlson does not teach this element, under Patent Owner's interpretation it is my opinion that Lundy also teaches element [1.D] of claim 1 and element [22.E] of claim 22.

A. Elements [1.D] of Claim 1 and [22.E] of Claim 22

168. As I discuss above in Ground 1, Carlson discloses providing an alert and advertisement to a user device. EX1005, ¶¶52-58. For example, Carlson discloses that its "alert server [] sends the alert, advertisement and user data to messaging server 140," which "receives the data and sends the alert, advertisement, and user data to computing device 145." EX1005, ¶58. Carlson's user device "receives the alert, advertisement and user data and provides an alert interface with the alert and relevant advertisement." EX1005, ¶59. An example "alert interface is illustrated as alert 360 of FIG. 3" and "alert interface 570 of FIG. 5," as shown below. EX1005, ¶¶59, 66.



EX1005, FIGs. 3, 5 (excerpted and annotated).

169. Carlson explains that if the user “select[s] the advertisement” in the alert interface, “[a]dditional content associated with the selected advertisement is provided,” “illustrated as content page 370 of FIG. 3” and “content page 580 of FIG. 5.” EX1005, ¶¶61, 66. The advertisement may be “a link associated with a URL,” “[f]or example, in the case of a pizza delivery service, the URL may be a website providing more information for the company providing the pizza delivery.” EX1005, ¶61; *see also* EX1005, FIG. 3 (Element 370: “Browser application providing content associated with ad URL link”). Under Patent Owner’s interpretation of the claims, a user’s click on an advertisement in

Carlson's alert interface "*caus[es] an automatic redirection of a web browser application operating on each of the devices to a webpage containing*" information associated with the advertisement.

170. Carlson does not explicitly disclose techniques for allowing a user to access *additional* information regarding a situation, beyond the information provided with the alert. In the case of a more serious event, for example "when bad weather is forecasted to occur in [the] user's area," EX1005, ¶52, a POSA would have recognized the benefits to allowing the user to access additional information regarding the event (e.g., time, severity, precise location, etc.). To the extent not already known, this would have led a POSA to search for and locate Lundy, which expressly discloses such operation.

171. Lundy is directed to "distributing Dynamic Content Alerts (DCA) to end users that are consuming IP enabled content." EX1006, ¶3. Figure 2A of Lundy "shown an exemplary embodiment of [Lundy's] system," reproduced below. EX1006, ¶27.

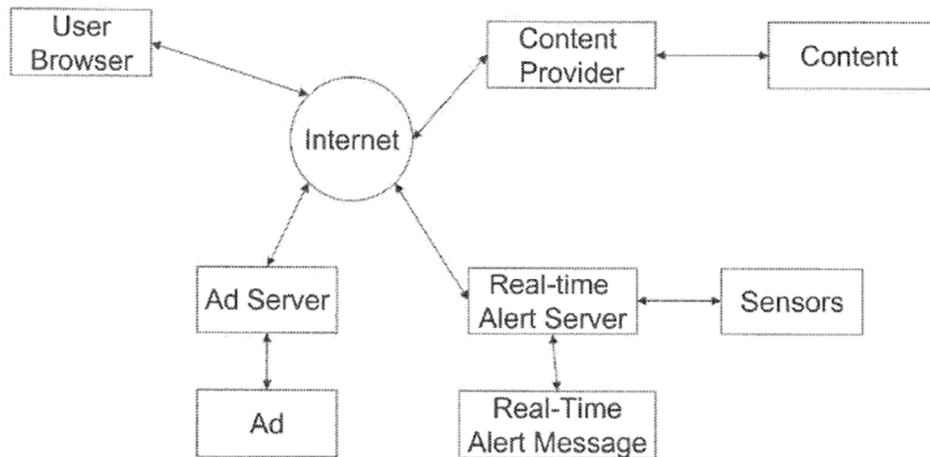


Fig. 2A

EX1006, FIG. 2A.

172. Lundy discloses that “[a] user (not shown) uses browser 102 to connect to the Internet,” and [b]rowser 102 sends a request to content provider 120.” EX1006, ¶44. “Content provider 120, in response to the request, constructs a web page including content 121 and ad tags,” and “[a]d server 108 uses the ad tags to insert ad 109 into content 121 by providing ad 109 to browser 102.” EX1006, ¶44. When Lundy’s “DCA server 150 detects the occurrence of an event,” “DCA server 150 sends an automatic insertion order to ad server 108.” EX1006, ¶44. “The automatic insertion order causes the ad server to add DCA message [(a dynamic content alert message)] 152 to ad 109.” EX1006, ¶44.

173. An example “screen shot of a web page that includes an alert message” is illustrated within “IFrame 300” of Lundy’s Figure 3. EX1006, ¶51.

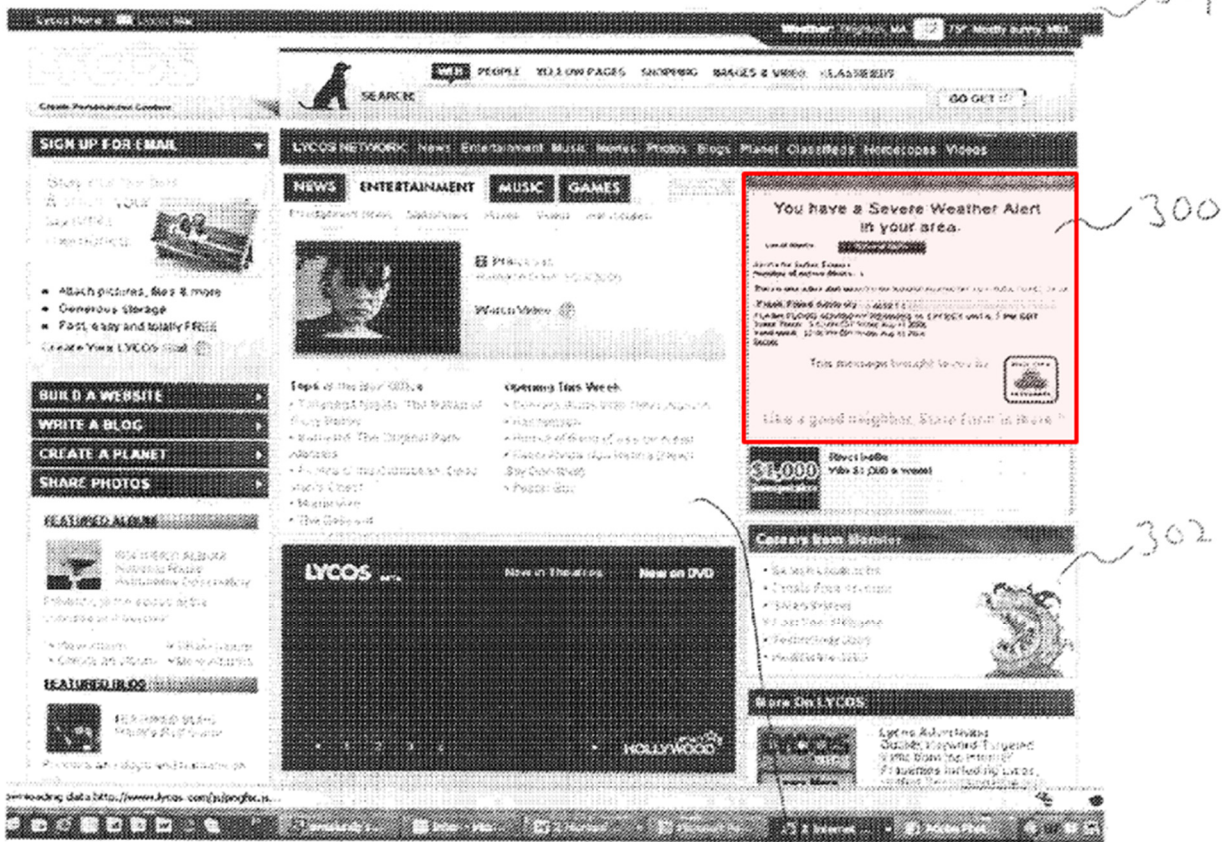


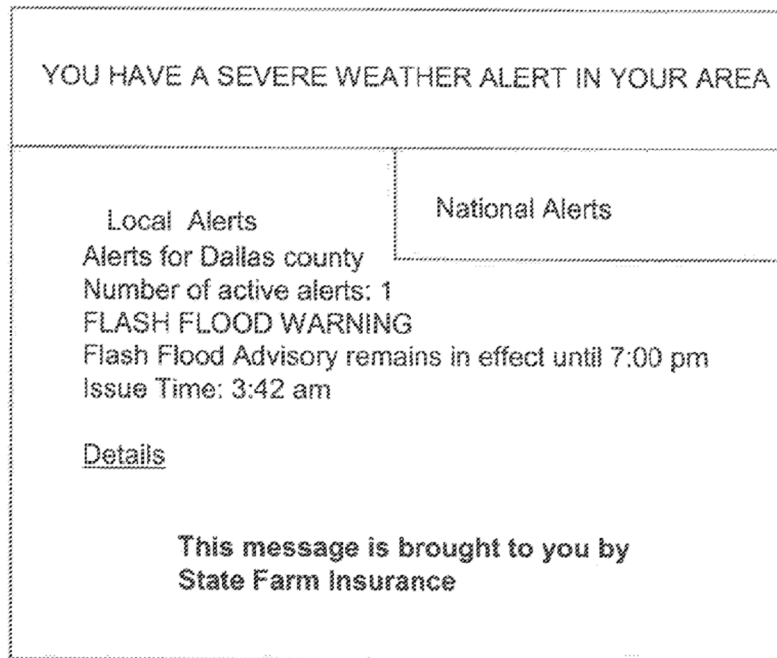
Fig. 3

EX1006, FIG. 3 (annotated).

174. The alert (“You have a Severe Weather Alert in your area”), as well as an advertisement for sponsor “State Farm” is illustrated in “IFrame 300.” EX1006, ¶51, FIG. 3. In the example illustrated in Figure 3, “there is a severe weather alert in the geographic area of the user that retrieves the web page 300, as indicated by the inserted message ‘You have a severe weather alert in your area. This message is brought to you by State Farm.’” EX1006, ¶51.

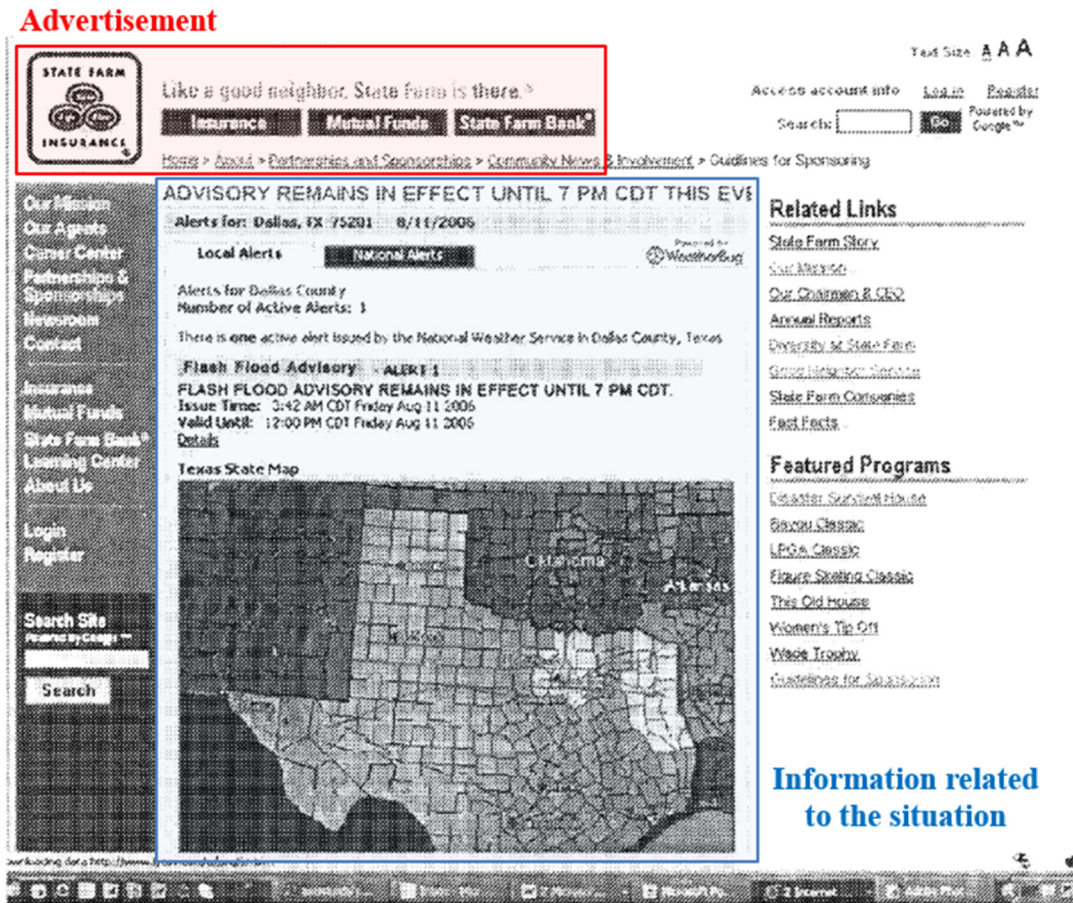
175. Figure 4 of Lundy similarly shows “an example of the advertisement

that includes alert message.” EX1006, ¶51.



EX1006, FIG. 4.

176. Lundy discloses that “[t]he name of Company D [(e.g., State Farm)] shown in the advertisement may be a hyperlink,” and “[i]f the user clicks the hyperlink ... **the website of Company D may provide the user with additional information regarding the dynamic real-time information included in the advertisement.**” EX1006, ¶60. “FIG. 5 shows an example of a webpage served by Company D's website (in this example Company D is State Farm™).” EX1006, ¶61.



EX1006, FIG. 5 (annotated).

177. Lundy explains: “As shown in FIG. 5, the State Farm website provides the user with additional information about the severe weather alert included in the advertisement shown in FIGS. 3 and 4.” EX1006, ¶61. An advertisement for State Farm is also shown on the webpage, as illustrated at the top of Figure 5, which I have annotated. EX1006, FIG. 5. Therefore, when a user selects an advertisement, under Patent Owner’s interpretation (see EX1012, 10) Lundy expressly discloses “causing an automatic redirection of a web browser application operating on each of the devices to a webpage containing information

related to the situation,” as shown in Lundy’s Figure 5.

B. Motivation to Combine Lundy with Carlson and Shahine

178. In my opinion, a POSA would have been motivated to incorporate Lundy’s techniques of redirecting a web browser to a website with additional information regarding a situation into Carlson-Shahine’s system. Such incorporation would allow a user to quickly access detailed information related to a situation (such as in Lundy’s example of severe weather) and remain up-to-date on the situation. For example, the information illustrated in Figure 5 of Lundy provides a user with useful information about the timing and length of a flash flood advisory and the specific counties affected. EX1006, FIG. 5.

179. In my opinion, a POSA also would have had a reasonable expectation of success incorporating Lundy’s techniques because this would amount to nothing more than incorporating well-known techniques (redirecting a browser to a website containing particular content) into Carlson’s known system. For example, in Carlson, when a user selects an advertisement, a browser is redirected to “a website providing more information for the company.” EX1005, ¶61, FIG. 3, element 370 (“Browser application providing content associated with ad URL link”). Lundy’s “website [that] provides the user with additional information about the severe weather alert,” EX1006, ¶61, is no different in any technical aspect from Carlson’s. Lundy’s website simply provides additional and useful information to the user

regarding the event. In other words, the only difference is the specific data presented on the website. Additionally, Carlson and Lundy are both directed to the same field of delivering alerts to users and even address the same types of situations (e.g., severe weather events). *Compare* EX1005, ¶53 (“[I]n the case of a bad weather alert...”), *with* EX1006, ¶58 (“The weather information can include ... severe weather alerts”). Therefore, it is my opinion that a POSA would have been motivated to combine Lundy with Carlson and Shahine, would have had a reasonable expectation of success in doing so, and that the results of the combination would have been predictable (i.e., redirecting a browser to a website with additional information regarding a situation).

XI. GROUNDS 3 AND 4: THE COMBINATION OF CARLSON, SHAHINE, AND ROSKIND (GROUND 3), AND THE COMBINATION OF CARLSON, SHAHINE, LUNDY, AND ROSKIND (GROUND 4), RENDER OBVIOUS CLAIM 5.

180. In my opinion, the combination of Carlson, Shahine, and Roskind renders obvious claim 5. Similarly, the combination of Carlson, Shahine, Lundy, and Roskind renders obvious claim 5.

A. Claim 5

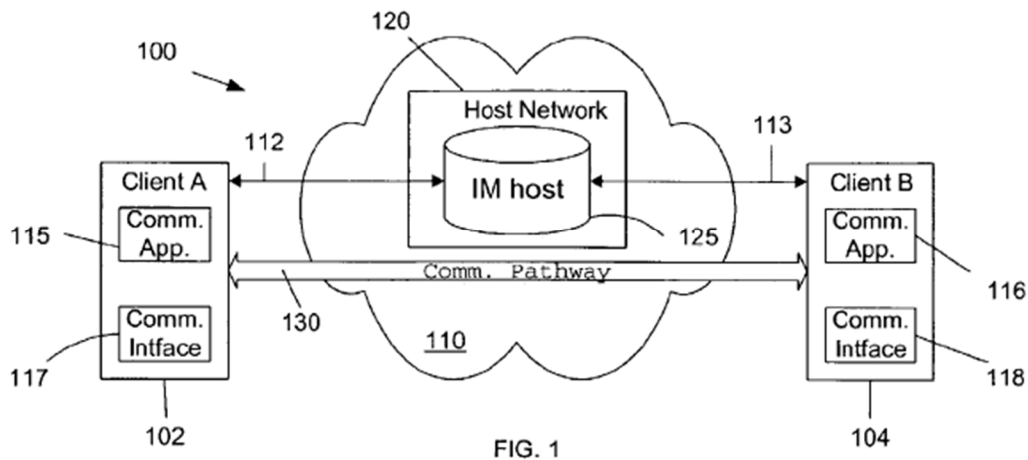
181. Claim 5 recites, “*wherein the profile is stored on the connected device.*”

182. As I discuss with respect to claim 4, Carlson discloses the use of “meta-data [that] may include information from **a user profile**,” which is sent to

advertisement service 130 to “determine[] the relevant advertisement” for a user.

EX1005, ¶53. Carlson does not explicitly disclose that its user profile information “*is stored on the connected device*” (i.e., the user device), as claim 5 recites, but Roskind does.

183. Roskind “relates to network communications,” including “facilitat[ing] communications between the users” of communications applications. EX1011, 1:6-7, 1:29-44 (“As a result, a connection or communications pathway may be automatically created and/or configured between the client devices of the users to facilitate communications between the users...”). Roskind’s Figure 1 illustrates “an exemplary communications system including communications pathways.” EX1011, 2:34-36.



EX1011, FIG. 1.

184. As illustrated in Figure 1, Roskind’s “communications system 100 includes a client A device 102 and client B device 104 that are associated with

users A and B.” EX1011, 2:56-58. Roskind discloses that “[o]nce a client device 102 or 104 has connected to the IM host 120, the communications applications 115 and 116 may send and receive messages.” EX1011, 3:2-5.

185. Roskind also discloses that its communications system stores “**user profile data**,” which “includes, for example, a user list, identified interests, a geographic location, an Internet protocol address associated with the client device, a general account, and demographic information.” EX1011, 5:29-37. “The user may enter, edit and/or delete profile data using an installed IM application on the client device.” EX1011, 5:37-38. Roskind discloses that “[t]he **user profile data also may be saved locally on a client device**” (i.e., “*wherein the profile is stored on the connected device*”). EX1011, 5:49-52. In this case, “the client device may provide the user profile or user profile data to the host network 120 at specified times or when requested.” EX1011, 5:49-52. Alternatively, “**the user profile may be stored locally at the client A device 102** *[a]nd* at the host network 120 and may be periodically synchronized (e.g., at login).” EX1011, 5:52-55 (italics in original). Therefore, Roskind explicitly discloses a user “*profile [that] is stored on the connected device*”—that is, stored on the client device.

B. Motivation to Incorporate Roskind’s Teachings

186. In my opinion, a POSA would have recognized that storing Carlson’s user profile data on the user’s device or at a remote location are merely obvious

variations of one another. There are effectively only two places in which Carlson's user profile data could be stored—either locally on the user's device or remotely (e.g., in user data store 128). Both are viable and well-known options, as Roskind indicates. EX1011, 5:49-55. For example, storing user profile data remotely may offer efficient access to profile data by Carlson's alert server 120, while storing user profile data locally on the user device may allow for increased security and control of personal information, having the data reside only on a device that the user controls. Moreover, a POSA would have recognized that storing Carlson's user profile data locally on the user device would enable a user to edit profile information at any time, even without a network connection (for example, when mobile device 175 travels outside of a service area). A POSA, therefore, would have considered the relative advantages and disadvantages of each option depending on the specific goals of the system.

187. In my opinion, a POSA also would have had a reasonable expectation of success storing user profile data on the client device. For example, Carlson discloses that its user devices have “storage media” for “storage of information.” EX1005, ¶45. As Roskind discloses, the user profile data could either be stored solely on Carlson's client device or synchronized periodically with Carlson's alert server (e.g., through storage in user data store 128). *See* EX1011, 5:52-55 (“[T]he user profile may be stored locally at the client A device 102 [a]nd at the host

network 120 and may be periodically synchronized (e.g., at login).”). Since advertisement service 130 is connected to both Carlson’s alert server and user devices (as illustrated by the connections shown in Figure 1), user profile data could be communicated from either location (user data store 128 or user computing devices 145-175) to the advertisement service. EX1005, FIG. 1. Therefore, it is my opinion that a POSA would have had a reasonable success incorporating Roskind’s user profile storage techniques, and the results would have been predictable.

XII. GROUND 5: THE COMBINATION OF AMIDON, WALSH, AND SHAHINE RENDERS OBVIOUS CLAIMS 1-11 AND 22-23.

188. In my opinion, the combination of Amidon, Walsh, and Shahine renders obvious claims 1-11 and 22-23.

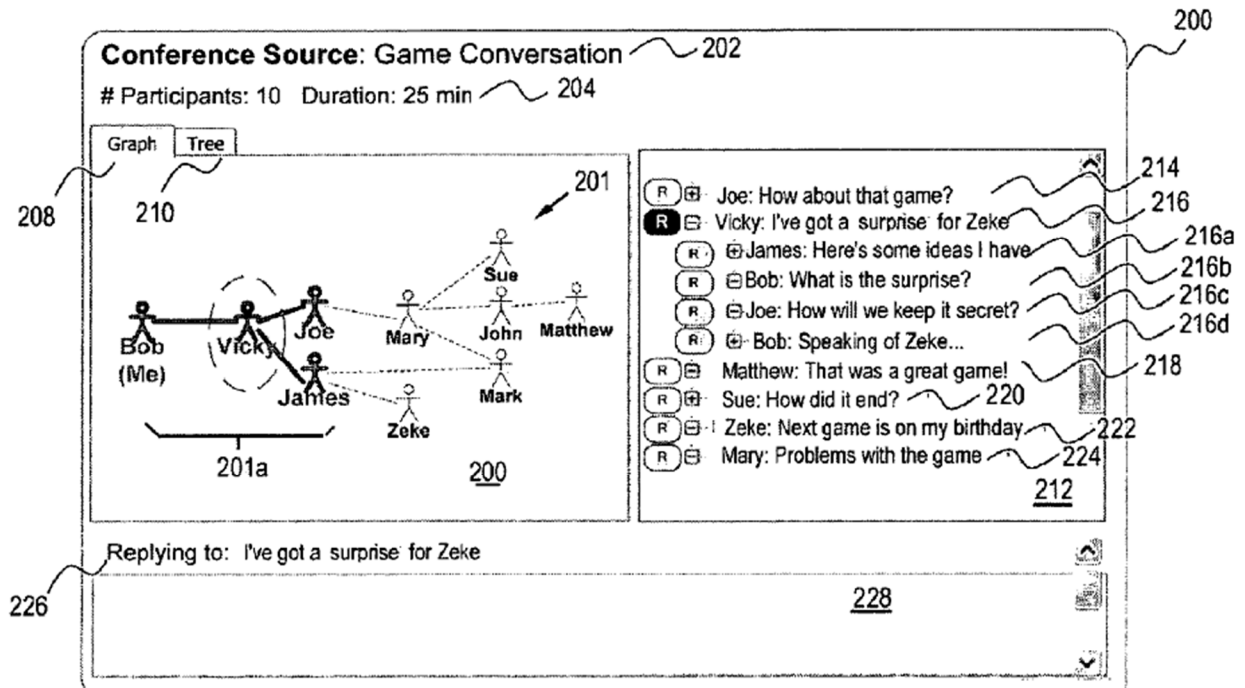
A. Overview of the Motivation to Combine Amidon, Walsh, and Shahine

189. As I discuss above, Amidon is directed to “providing systems and methods for users to conduct online conferences based on underlying social network structures.” EX1007, 2:54-56; Section VIII.E. Amidon discloses: “Using the presently disclosed technology, a user can specify the nature and extent of a conference amongst members of a social network based on various parameters,” and “[o]nce a conference has been initiated, users participating in the conference can direct messages to desired users.” EX1007, 2:57-63.

190. Figure 4 of Amidon “illustrates an exemplary user interface which

may be used by one or more users participating in social network conferences.”

EX1007, 16:65-67.

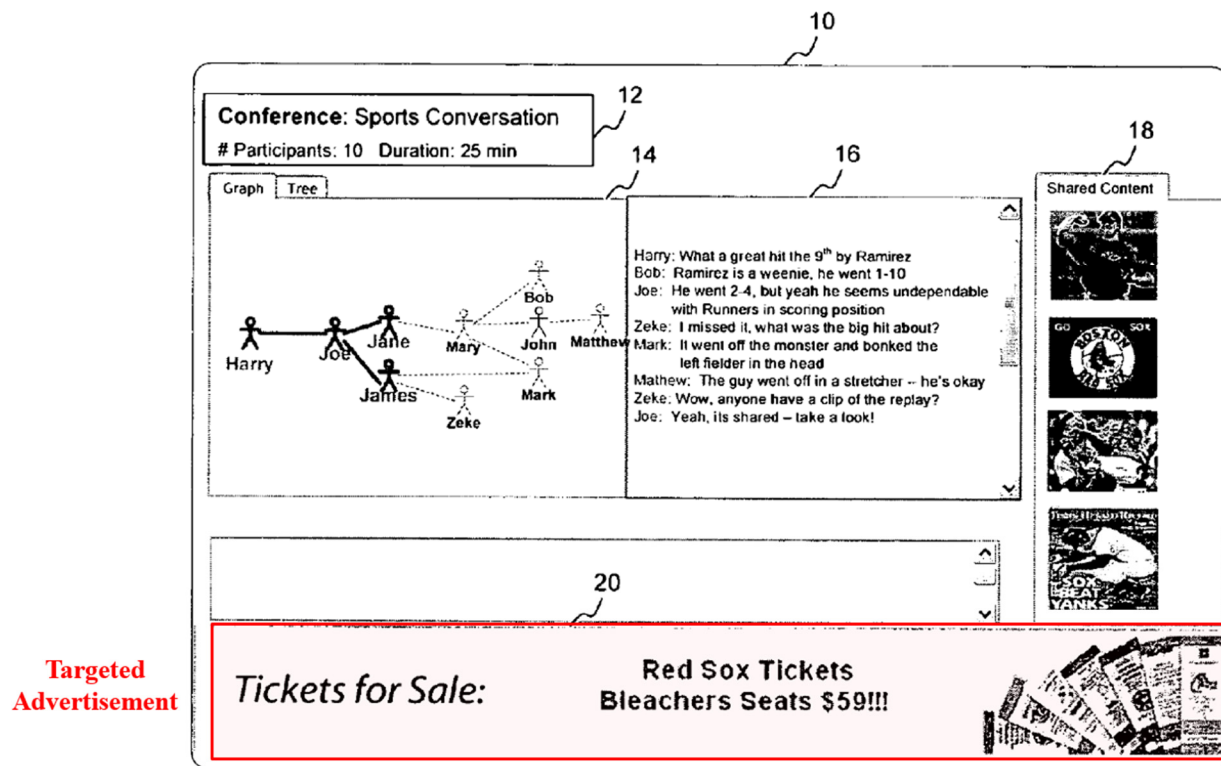


EX1007, FIG. 4.

191. As illustrated in Figure 4, the conference window 200 includes a “[t]itle bar 202 [that] provides a description of the presently-selected conference (‘Game Conversation’), while area 204 includes conference metadata (in this example, the number of participants and duration of the conference).” EX1007, 17:2-7. “Window 200 further includes conference thread display area 212,” which includes “data (messages, content, etc.) exchanged amongst the members of conference 201.” EX1007, 17:21-26.

192. Amidon and Walsh are related patents and have the same inventors:

Christopher Amidon, Richard Walsh, and Alfredo Issa. EX1007, Cover (75); EX1008, Cover (75). Walsh's disclosure relates to "communication sessions (e.g., a messaging conference) of social network users" and is based on the same general system disclosed by Amidon, as is apparent from the figures depicting the conference interface in each patent. EX1008, 1:7-12, FIG. 1; EX1007, FIG. 4. For example, Figure 1 of Walsh illustrates the same conference interface disclosed by Amidon, with the addition of a targeted advertisement presented in "an advertisement display 20." EX1008, 4:65-5:8, FIG. 1.



EX1008, FIG. 1 (annotated).

193. Walsh discloses that "shared content display 18 as well as the advertisement display 20 are customized by the subject session profiling service to

provide content and/or ads,” and “[t]his specialized customization for a given user display **will vary user to user depending on the session profile relative to each different user.**” EX1008, 6:9-17. “Thus, available content and/or **ads** or other information **may be particularly selected for each user** participating in the social network communication session.” EX1008, 6:9-20. In other words, Walsh discloses incorporation of advertisements targeted to users participating in a messaging conference, selecting an appropriate advertisement for each user involved in the conference.

194. Although Amidon does not explicitly disclose providing targeted advertisements within its social network conferences, a POSA would have recognized the well-known benefits of doing so, such as generating ad revenue. *See, e.g.*, EX1016, 3 (explaining that companies like “AOL, Yahoo!, and MSN” had “more than \$1 billion in annual display ad revenue” in 2007). In particular, a POSA would have understood that by displaying advertisements through Amidon’s conference interface, as disclosed in Walsh, ad revenue would be generated by users clicking on the advertisements. EX1016, 4 (“Google makes money primarily by selling text-based ads to advertisers and their agencies. These are displayed on Google.com and partner sites through our AdSense program. **We get paid when consumers click on the ads.**”). It is clear that the inventors of Amidon themselves recognized these or other benefits of including advertisements within social

network conferences, as they explicitly disclosed including targeted advertisements in Walsh using the same conference system disclosed in Amidon. It is, therefore, my opinion that a POSA considering Amidon would have been motivated to seek out a reference such as Walsh for specific targeted advertising techniques.

195. A POSA also would have had a reasonable expectation of success incorporating Walsh's advertising techniques into Amidon's conference system because this would amount to nothing more than incorporating well-known techniques (selecting and displaying relevant advertisements to a user) into Amidon's known conferencing system. Walsh explicitly discloses how to make this combination, illustrating Amidon's conference interface with an incorporated advertisement display. *See* EX1008, FIG. 1; *see also* EX1008, 13:30-33 ("Advertisements may [] be selected by comparison of available ads to the session profile and provided to a user in the advertisement display portion 20 of user interface 10" of Figure 1). Therefore, it is my opinion that a POSA would have been motivated to combine Amidon and Walsh, would have had a reasonable expectation of success in doing so, and that the results of the combination would have been predictable (i.e., Amidon's conference interface with targeted advertisements displayed during the conference, as in Walsh).

196. Additionally, to the extent it is argued that Amidon and Walsh do not expressly disclose "*receiving a plurality of advertisements from at least one*

advertising entity,” a POSA would have been motivated to look to a reference such as Shahine. As I discuss for Ground 1, Shahine discloses techniques that allow “an advertiser to upload an advertisement including textual and/or graphical data, which data is then stored in an advertiser database 154.” EX1015, 5:39-42. A POSA would have been motivated to receive and store advertisements in Amidon-Walsh’s system, as in Shahine, for similar reasons as I discussed for Ground 1—to allow selection and distribution of advertisements to users. EX1008, 6:9-20 (“available content and/or ads or other information may be particularly selected for each user participating in the social network communication session”), FIG. 1; Section IX.A.2. It is my opinion that a POSA would have had a reasonable expectation of success in doing so using well-known network communication and upload techniques. *See* Section IX.A.2. Indeed, both Amidon and Walsh disclose communication via standard computer networks, such as the Internet. EX1007, 6:11-12 (“The present disclosure also refers to the relay of communicated data over a network such as the Internet.”); EX1008, 14:1-3 (A “social network communication session (e.g., an instant messaging conference) may occur over a network 43, such as the Internet.”).

B. Independent Claim 1

1. [1.P] “A method of presenting targeted advertising in a situational network”

197. To the extent the preamble is determined to be limiting, it is my

opinion that Amidon in view of Walsh teaches this element. Amidon discloses “systems and **methods** for users to conduct online conferences based on underlying social network structures.” EX1007, 2:54-56. Amidon’s architecture provides a “*situational network*” because, similar to the ’932 patent, it “allows the participants [] to interact and exchange information over connections to or through a computer network [] regarding [an] event or situation.” EX1001, 3:50-53. For example, Amidon discloses that “[t]he present disclosure [] refers to the relay of communicated data over a network such as the Internet,” and “[u]sers may participate in social network conferences by way of any suitable communication technique(s).” EX1007, 3:4-5, 6:11-12. An example architecture is illustrated in Figure 2 of Amidon, which illustrates that “each client 30a, 30b, and 30c interfaces with messaging server via respective links 114a, 114b, and 114c.” EX1007, 8:36-40.

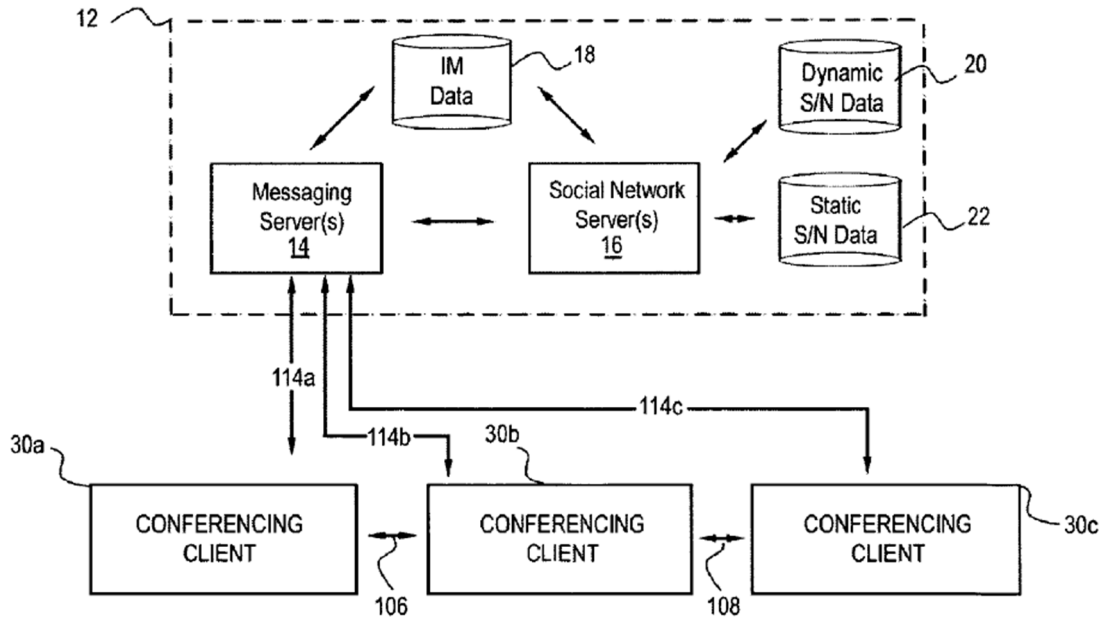
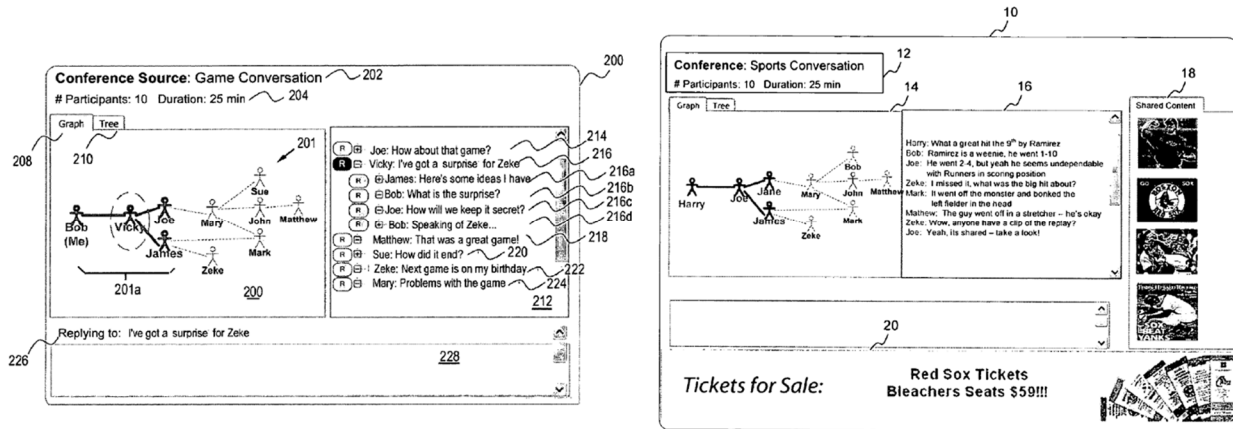


FIGURE 2

EX1007, FIG. 2.

198. Amidon discloses that in its system, “a user can specify the nature and extent of a conference amongst members of a social network,” and “[o]nce a conference has been initiated, users participating in the conference can direct messages to desired users in the conference.” EX1007, 2:57-63. As both Amidon and Walsh disclose, each conference relates to a situation (“the nature ... of a conference,” EX1007, 2:57-63), such as a particular game, sporting event, or request to “talk about vacation.” EX1007, 21:35-38, FIG. 4 (“Game Conversation”: users discussing a game that previously occurred); EX1008, FIG. 1 (“Sports Conversation”: users discussing a Red Sox baseball game).

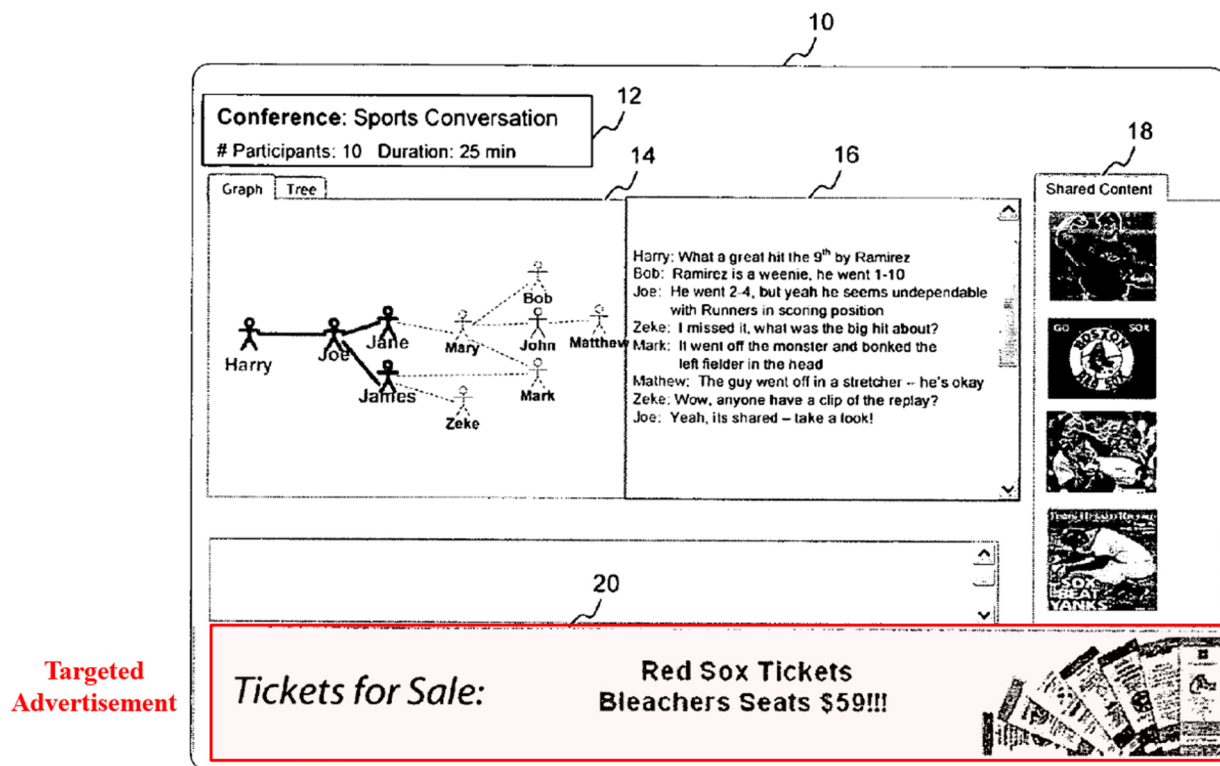


EX1007, FIG. 4; EX1008, FIG. 1.

199. This understanding of “*situation*” is consistent with how the word is used in the ’932 patent. The ’932 patent uses the term “*situation*” broadly. For example, a “*situation*” in the context of the patent may refer to anything from an emergency to a concert, school closing, or simply “the need for goods or services.” EX1001, 5:66-6:1 (“i.e. the need for goods or services is the situation”), 30:23-25, 30:46-47 (“[a] situational network may be established where the situation is a social event, such as a concert or festival”). Amidon’s and Walsh’s conference examples provide similar “*situation[s]*” to those described in the ’932 patent, such as a Red Sox baseball game provided in Walsh. EX1008, FIG. 1.

200. Walsh further discloses “[a] *method of presenting targeted advertising*” within Amidon’s “*situational network*.” Walsh discloses “providing improved methods and systems of classifying communication sessions among users in a social network.” EX1008, 2:16-20. As part of those systems and

methods, Walsh discloses “computing a session profile,” which “represents a snapshot of the communication classification (e.g., a conferencing classification) at a given moment in time.” EX1008, 6:21-25. As Walsh describes, “[a]dvertisements may [] be selected by comparison of available ads to the session profile and provided to a user in the advertisement display portion 20 of user interface 10,” as shown in Figure 1 of Walsh. EX1008, 13:30-33.



EX1008, FIG. 1 (annotated).

201. Walsh also discloses that the selected advertisements are individually targeted to each user:

This specialized customization for a given user display **will vary user to user depending on the session profile relative to each different**

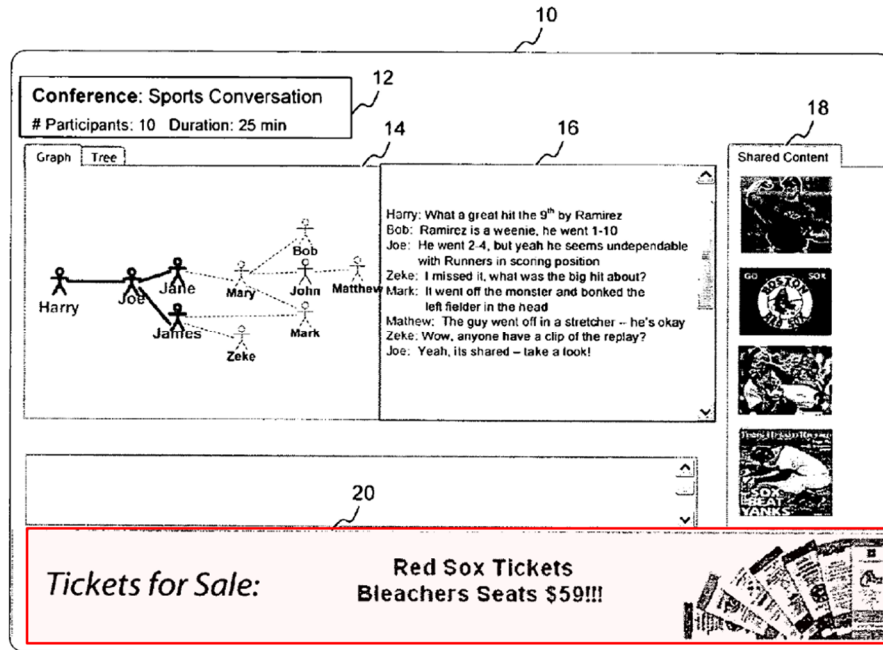
user. Thus, available content and/or ads or other information may be particularly selected for each user participating in the social network communication session.

EX1008, 6:15-20.

202. In other words, Walsh discloses computation of a “session profile” for each user, which can be used to select an appropriate advertisement for each user and present the advertisement within the conference interface. EX1008, 6:15-20, FIG. 2. Therefore, it is my opinion that Amidon in view of Walsh teaches the preamble of claim 22.

2. [1.A] “receiving a plurality of advertisements from at least one advertising entity”

203. In my opinion, Amidon and Walsh, alone or in view of Shahine, teach this element. Walsh describes that “[a]dvertisements may [] be selected by **comparison of available ads** to the session profile and provided to a user in the advertisement display portion 20 of user interface 10,” as shown in Figure 1. EX1008, 13:30-33. Walsh also explains that “ads ... may be particularly selected for each user participating in the social network communication session.” EX1008, 6:17-20. In other words, Walsh discloses multiple advertisements from which an advertisement for each user can be selected. Walsh therefore discloses “*a plurality of advertisements*” available for selection and distribution to users.



EX1008, FIG. 1 (annotated).

204. A POSA would have also understood from Walsh's disclosure that Walsh's "available ads," such as the advertisement for "Red Sox Tickets" illustrated in Figure 1, would be "*associated with at least one advertising entity,*" for example, an organization selling Red Sox tickets. As I noted previously, this is how systems displaying advertisements generate revenue—by displaying advertisements from other entities desiring to sell goods or services. *See, e.g.,* EX1016, 3-4 (discussing selling "ads to advertisers and their agencies" to generate "display ad revenue").

205. Additionally, as I discuss in Section XII.A, Shahine expressly discloses receiving advertisements from various advertisers for storage and distribution to users. For example, Shahine discloses techniques that allow "an

advertiser to upload an advertisement including textual and/or graphical data, which data is then stored in an advertiser database 154 associated with advertiser server 150.” EX1015, 5:39-42. Advertisements may then be sent “from the advertiser server 150 to the client application program” for display on the user’s device. EX1015, 6:31-39. A POSA would have been motivated to incorporate such operation into Amidon-Walsh’s system so that Walsh’s “comparison of available ads to the session profile” may be performed. EX1008, 13:30-33. As I discuss in Section IX.A.2, at the time of the ’932 patent, advertising services such as Walsh’s typically employed ad servers, similar to Shahine’s advertisement server 150 that received and stored advertisements for distribution to users. A POSA therefore would have been motivated to use this well-known and common paradigm in Amidon-Walsh’s system to allow for storage and distribution of Walsh’s “available ads.” EX1008, 13:30-33, FIG. 1.

3. [1.B] “obtaining an indication of an occurrence of a situation”

206. In my opinion, Amidon teaches this element. Amidon discloses that “clients 30 support **transmitting metadata to social network conferencing system 12 to define one or more social network conferences.**” EX1007, 9:57-61, 10:25-34 (“[T]he conference metadata is sent to messaging server 14” to initiate a conference). “For example, a user may provide for formation of conferences based on content metadata—for instance, a user may provide for the system to

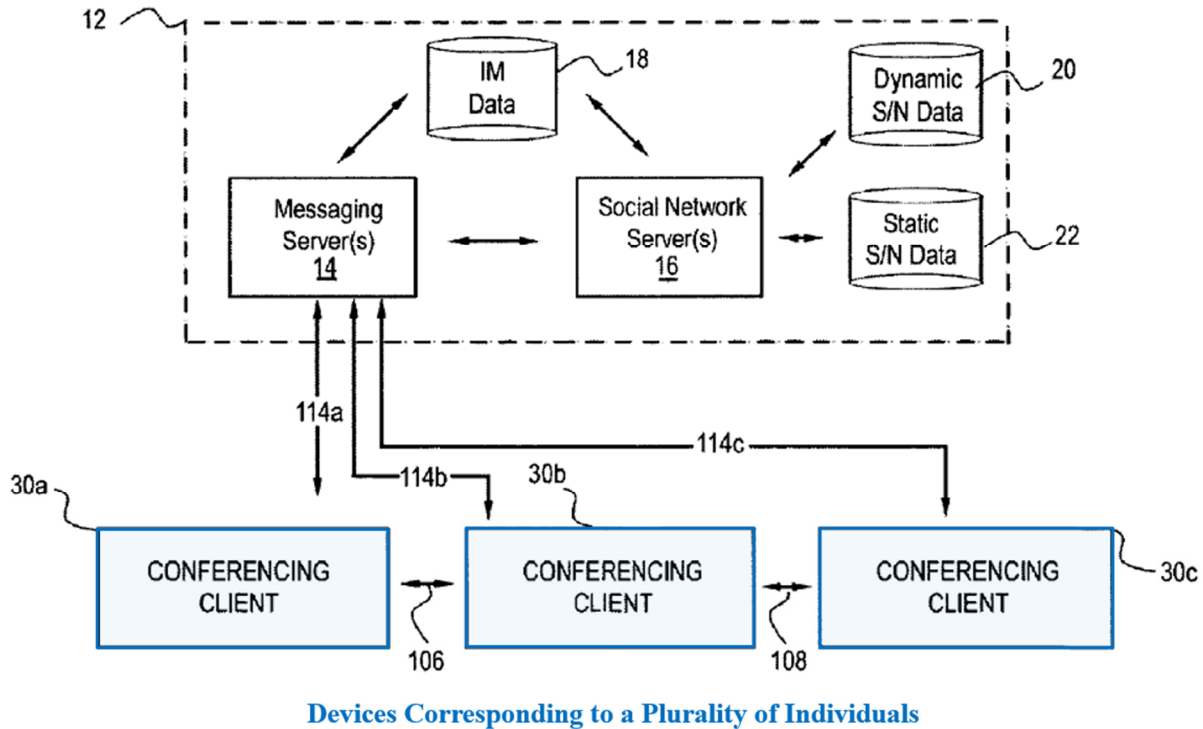
automatically form a conference including all users currently listening to the same song, music by the same artist, music of the same genre, etc.” EX1007, 13:66-14:3. The metadata transmitted to the conferencing system therefore provides “*an indication of an occurrence of a situation*,” for example “users currently listening to the same song,” which is “*obtain[ed]*” by Amidon’s “social network conferencing system 12” when received from the client device. EX1007, 9:57-61, 13:66-14:3. As I explained above, this understanding of “*situation*” is consistent with how the word is used in the ’932 patent, which may refer to anything from an emergency to a concert, school closing, or simply “the need for goods or services.” EX1001, 5:66-6:1, 30:23-25, 30:46-47.

4. [1.C] “automatically connecting devices corresponding to a plurality of individuals to the situational network established in response to the situation”

207. In my opinion, Amidon teaches this element. Amidon discloses that when a user seeks to initiate a conference, “conference metadata is sent to messaging server 14 using link 114a,” and “[d]ata defining the social network conference, including the participant list, is then stored in computer-readable form.” EX1007, 10:32-41. Amidon discloses that the participants included in the conference may be determined based on the conference metadata. For example, the conference initiator may specify to include users within “a degree of separation,” or “based on geographical parameters, such as users within a certain distance, users

from a particular location, and so on.” EX1007, 10:11-24, 12:59-65; *see also* EX1007, 3:33-36 (“Based on the social network data and the distribution parameter(s), multiple other users may be identified for inclusion in a social network conference.”), 3:40-47 (“For example, a first user may provide one or more distribution parameter(s) that identify inclusion or exclusion rules, such as a desired degree of separation...”), 4:5-9 (“For example, participation may be defined geographically, such as limiting a conference to users within a particular locale or within a certain distance from one another.”).

208. Amidon then teaches “*automatically connecting devices corresponding to a plurality of individuals to the situational network established in response to the situation*” by connecting the participants to the conference. For example, Amidon discloses “conferencing clients 30a, 30b, and 30c” (“*devices corresponding to a plurality of individuals*”), which are illustrated in Figure 2 below. EX1007, 8:12-13.



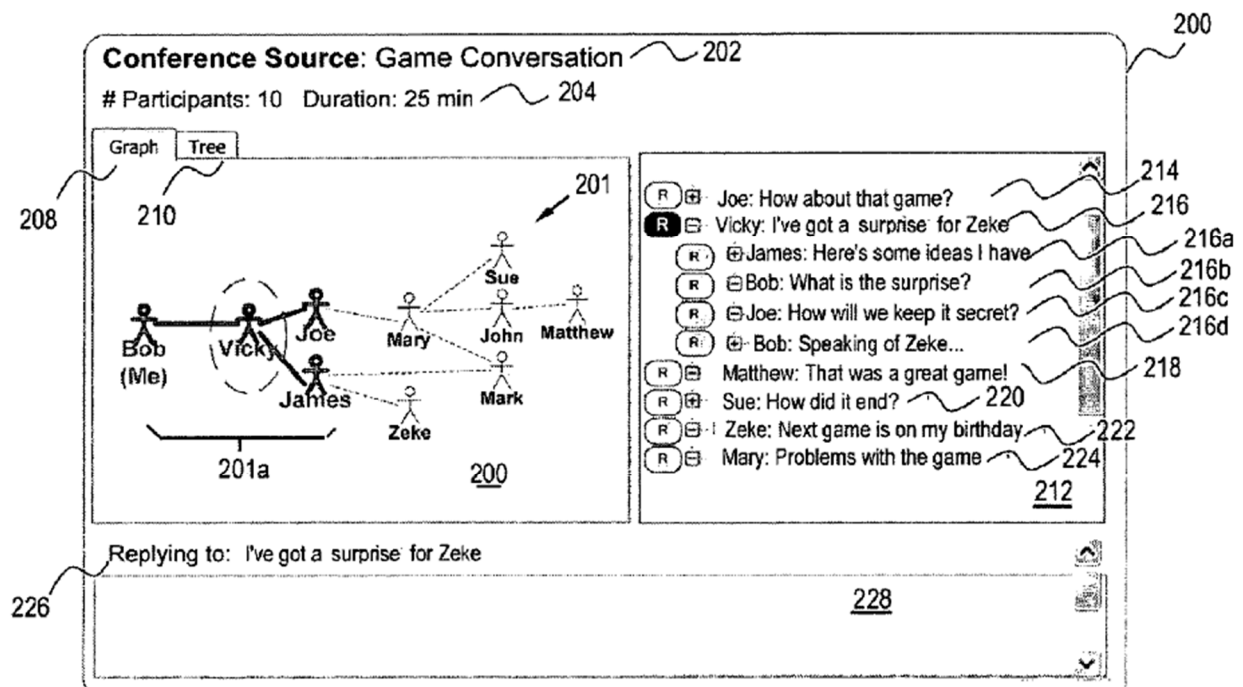
EX1007, FIG. 2 (annotated).

209. Amidon explains that “[e]ach conferencing client 30 comprises one or more computing devices each accessing instructions that configure client 30 to provide messaging functionality, interact with one or more users of the device, and interface with one or more computing devices comprising social network conferencing system 12.” EX1007, 8:14-19, 19:54-61 (“FIG. 6B illustrates a plurality of networked computing devices,” and “[e]ach user K through P is associated with one or more social network conferencing system clients 330.”), FIG. 6B. And “[o]nce a conference has been initiated, users participating in the conference can direct messages to desired users in the conference,” EX1007, 2:60-63—that is, Amidon automatically connects user devices participating in the

conference such that users may communicate with one another. And, as discussed with respect to element [1.P], Amidon's architecture provides a "*situational network*" for each conference because it "allows the participants [] to interact and exchange information over connections to or through a computer network [] regarding [an] event or situation." EX1001, 3:50-53. Therefore, it is my opinion that Amidon teaches this element.

1. [1.D] "causing an automatic redirection of a web browser application operating on each of the devices to a webpage containing information related to the situation"

210. In my opinion, Amidon teaches this element. Figure 4 of Amidon "illustrates an exemplary user interface which may be used by one or more users participating in social network conferences." EX1007, 16:65-67.



EX1007, FIG. 4.

211. Amidon explains that “window 200 is rendered by conferencing client 30 based on data including data sent to and from social network conferencing system 12.” EX1007, 16:67-17:2. Amidon further discloses that “**all or part of conferencing client functionality** may be provided by one or more network-based applications or processes running on computing devices interfaced to each client computing device.” EX1007, 8:27-31. “For example, **messaging and/or social network functionality may be provided through web-based applications, with client 30 providing the user interface (i.e. rendering web page displays and/or running client-side applications, scripts, and the like).**” EX1007, 8:31-35.

212. In Amidon’s “web-based” embodiments, a POSA would have understood based on Amidon’s disclosure that Amidon teaches providing its user interface illustrated in Figure 4 as a “web page” via “*a web browser application operating on each of the devices.*” EX1007, 8:31-35. In particular, a POSA would have understood that “[a] web browser is a software program that allows a user to locate, access, and display web pages.” EX1017, 1. Therefore, a POSA would have understood that when Amidon’s “user interface” is provided by “rendering web page displays,” EX1007, 8:31-35, Amidon teaches rendering web pages by a web browser.

213. Amidon also teaches “*causing an automatic redirection of a web*

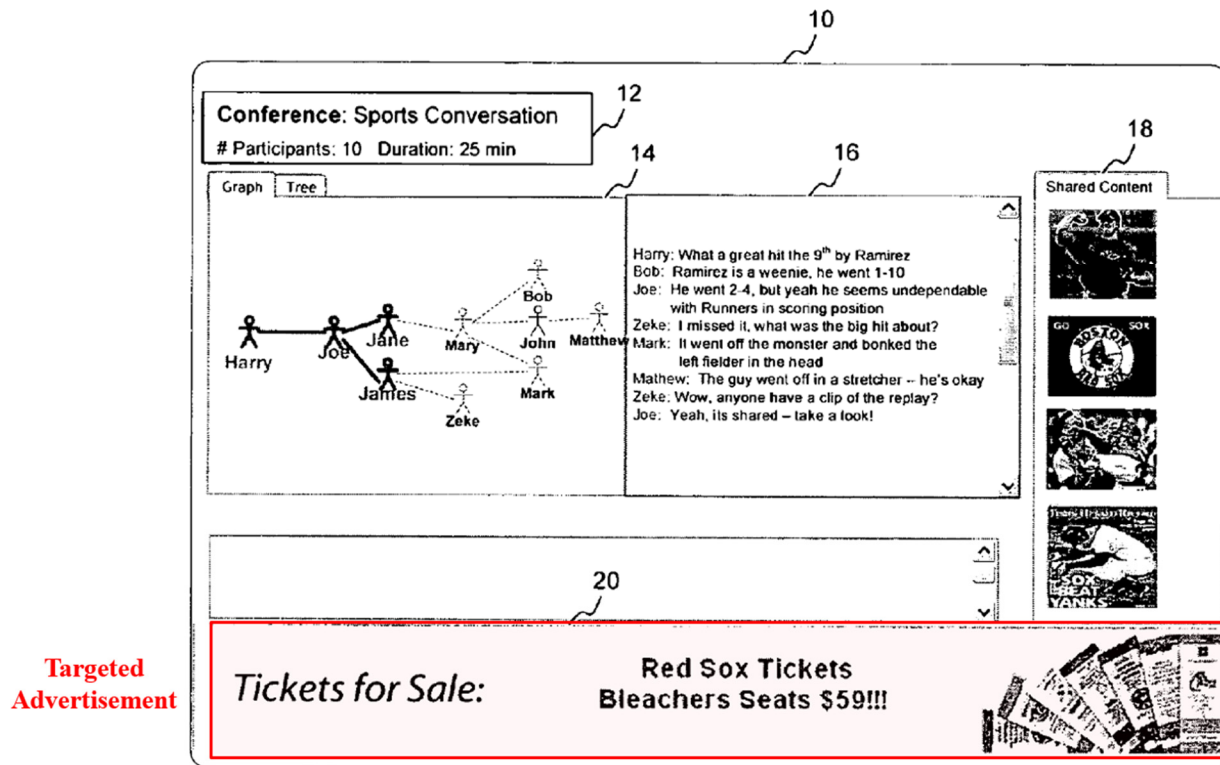
browser application operating on each of the devices to a webpage containing information related to the situation” for users included in a conference. Amidon discloses that its system can “automatically form a conference including [selected] users.” EX1007, 14:26-27, 13:58-60 (“[S]ystem 12 may support automatic conference formation”). “For example, the system may be configurable to automatically convert a plurality of IM communication sessions (or other type(s) of communication sessions) into a conference.” EX1007, 13:60-64. As another example, “a user may provide for the system to automatically form a conference including all users currently listening to the same song, music by the same artist, music of the same genre, etc.” EX1007, 13:67-14:3.

214. As noted above, in Amidon’s “web-based” embodiments, Amidon discloses that its conference user interface is provided as a “web page.” EX1007, 8:31-35. Therefore, a POSA would have understood that when a user is included in the conference, the browser operating on their device would be “*automatically redirect[ed]*” to the web page rendering the conference user interface, for example, the user interface depicted in Amidon’s Figure 4. EX1007, 8:27-35, 16:65-17:2. Additionally, as illustrated in Amidon’s Figure 4, the “*webpage contain[s] information related to the situation,*” such as “data (messages, content, etc.) exchanged amongst the members of the conference” related to the situation, “a description of the presently-selected conference,” and users participating in the

conference. EX1007, 17:3-14, 17:21-26. Therefore, it is my opinion that Amidon teaches this element.

2. [1.E] “providing to each of the devices at least one of the plurality of advertisements for display on the webpage based on determining an affiliation of the corresponding individual to the situation, wherein the affiliation is based at least in part on an effect of the situation on the corresponding individual or their property”

215. In my opinion, Amidon in view of Walsh teaches this element. Walsh teaches that “[a]dvertisements may [] be selected by comparison of available ads to the session profile **and provided to a user in the advertisement display portion 20 of user interface 10,**” as shown in Figure 1. EX1008, 13:30-33.



EX1008, FIG. 1 (annotated).

216. Walsh also teaches that “**ads ... may be particularly selected for each user** participating in the social network communication session.” EX1008, 6:17-20. Therefore, in Amidon’s “web-based” embodiments, EX1007, 8:27-35, Amidon in view of Walsh teaches “*providing to each of the devices at least one of the plurality of advertisements for display on the webpage.*”

217. Additionally, Walsh teaches that advertisements are “*provid[ed] ... based on determining an affiliation of the corresponding individual to the situation, wherein the affiliation is based at least in part on an effect of the situation on the corresponding individual or their property.*” In particular, Walsh discloses a “method of computing a session profile,” and that “**[a]dvertisements may [] be selected by comparison of available ads to the session profile....**” EX1008, 6:21-23, 13:30-33; *see also* EX1008, 6:9-15 (“[S]hared content display 18 as well as the **advertisement display 20 are customized by the subject session profiling service to provide content and/or ads**”). Walsh explains, “[i]n general, a session profile represents a snapshot of the communication classification (e.g., a conferencing classification) at a given moment in time.” EX1008, 6:23-25.

218. Walsh also explains that session profiles are computed for each user: “[T]he subject session profiling system **personalizes analysis for each user in a session based on their social network information.**” EX1008, 9:16-19; *see also* EX1008, 2:60-64 (“**providing personalized classifications for each user (or**

various selected users) participating in a communication session based on their individual respective social network information.”).

219. In Walsh’s process, “keywords in conversation messages and content metadata [(for example, a ‘content description’)] may be detected and scored.” EX1008, 6:45-48, 6:65-67. These scores are then adjusted for each user based on relevance to that user. For example, Walsh’s session profiling process “enables keyword scores associated with a given message or content item to be adjusted based on the **geographic location** of its contributing user.” EX1008, 10:58-61. For instance, “messages and content associated with users in the same state as the target user (e.g., North Carolina) may be assigned a [higher] multiplier.” EX1008, 11:5-8.

220. Therefore, Walsh discloses “*determining an affiliation of the corresponding individual to the situation*” by scoring information related to the situation (e.g., messages and shared content) based on the user’s location. EX1008, 10:58-61, 11:5-8. By taking into account user locations, Walsh’s process allows “ads” to “be particularly selected for each user” based on their location, such as providing an advertisement for Boston Red Sox tickets to a user within the Boston area, as illustrated in Figure 1 of Walsh. EX1008, 6:17-20, FIG. 1. A POSA therefore would have understood that the location of a user may indicate “*an effect of the situation on the corresponding individual or their property,*” for example,

that a user within the Boston area would be interested in Red Sox tickets.

221. As another example, Walsh discloses, as part of its session profile service, “a user can select a message or piece of content and can rate it on a scale from 1-5 (or by selection from some other predetermined rating definitions).” EX1008, 8:62-65. “This user feedback rating can also be used to modify or scale the initial rating associated with a given message or content item.” EX1008, 8:65-67. Walsh further discloses that “an ultimate session profile may include a plurality of adjusted ratings for each message and/or content item,” and “[a]dvertisements may [] be selected by comparison of available ads to the session profile.” EX1008, 12:44-47, 13:30-33.

222. As the messages and content items shared within a conference provide information related to the situation (as I discuss with respect to element [1.D]), a POSA would have understood that the user’s rating of messages and content items indicates an “*effect of the situation on the corresponding individual or their property*,” allowing more relevant ads to be provided to the user. EX1008, 6:9-20; *see also* EX1008, 12:24-30 (“process for computing session profiles includes a step of adjusting message and content item ratings based on classification parameters that are customized by a user,” and “users may have their own preferences to configure profile generation based on what that particular user deems is important.”). Therefore, it is my opinion that Amidon in view of Walsh

teaches this element.

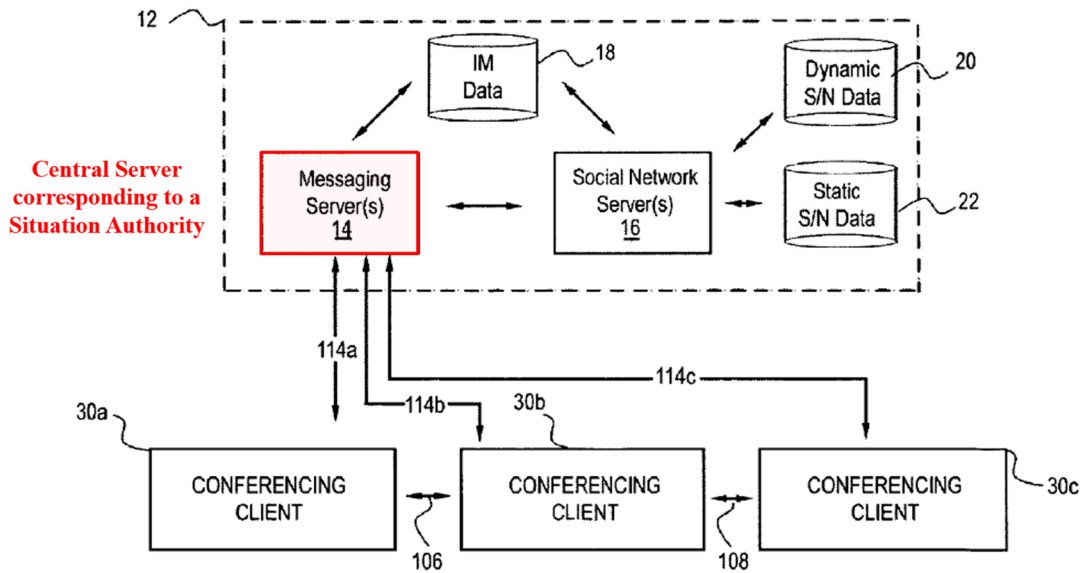
C. Independent Claim 22

1. [22.P] “A system for presenting targeted advertising in a situational network”

223. To the extent the preamble is determined to be limiting, it is my opinion that Amidon in view of Walsh teaches this element for the reasons I discuss for element [1.P]. *See* Section XII.B.1. Additionally, I note that Amidon discloses both “**systems** and methods for users to conduct online conferences based on underlying social network structures.” EX1007, 2:54-56.

2. [22.A] “a central server, corresponding to a situation authority, configured to”

224. In my opinion, Amidon, alone or in view of Walsh and Shahine, teaches this element. Amidon discloses “a system 12 that supports social network based conferencing,” which includes a “messaging server 14” (a “*central server*”) connected to other components of system 12, such as conferencing clients 30a, 30b, and 30c, and social network server 16, as shown below in Figure 2 of Amidon. EX1007, 8:1-5, 8:36-40.



EX1007, FIG. 2 (annotated).

225. “[E]ach client 30a, 30b, and 30c interfaces with messaging server via respective links 114a, 114b, and 114c,” and “[u]sers of clients 30a, 30b, and 30c may then send messages, such as instant messages, to one another via server 14 using links 114.” EX1007, 8:36-40, 8:49-51; *see also* EX1007, 8:44-47 (“[O]ne or more software applications running on each client 30 provide messaging functionality. For example, clients 30a, 30b, and 30c may each interact with messaging server 14 over respective links 114a, 114b, and 114c...”). Therefore, in Amidon’s disclosed architecture, Amidon’s “messaging server 14” provides a “*central server*” that connects client devices and other network resources.

226. Moreover, because client devices interface with Amidon’s conferencing system via “messaging server 14,” as illustrated in Figure 2, a POSA would have understood that “messaging server 14” would provide conference data

(e.g., messages, shared content, and advertisements) to clients during a conference.

For example, Amidon discloses that “Users of clients 30a, 30b, and 30c may then

send messages, such as instant messages, to one another **via server 14**,” and

“messaging and/or social network functionality may be provided through web-

based applications, with client 30 providing the user interface (i.e. rendering web

page displays and/or running client-side applications, Scripts, and the like).”

EX1007. 8:31-37, 8:44-59; *see also* 14:44-49 (“The conferencing system can also

provide for the messaging content to be relayed between the messaging

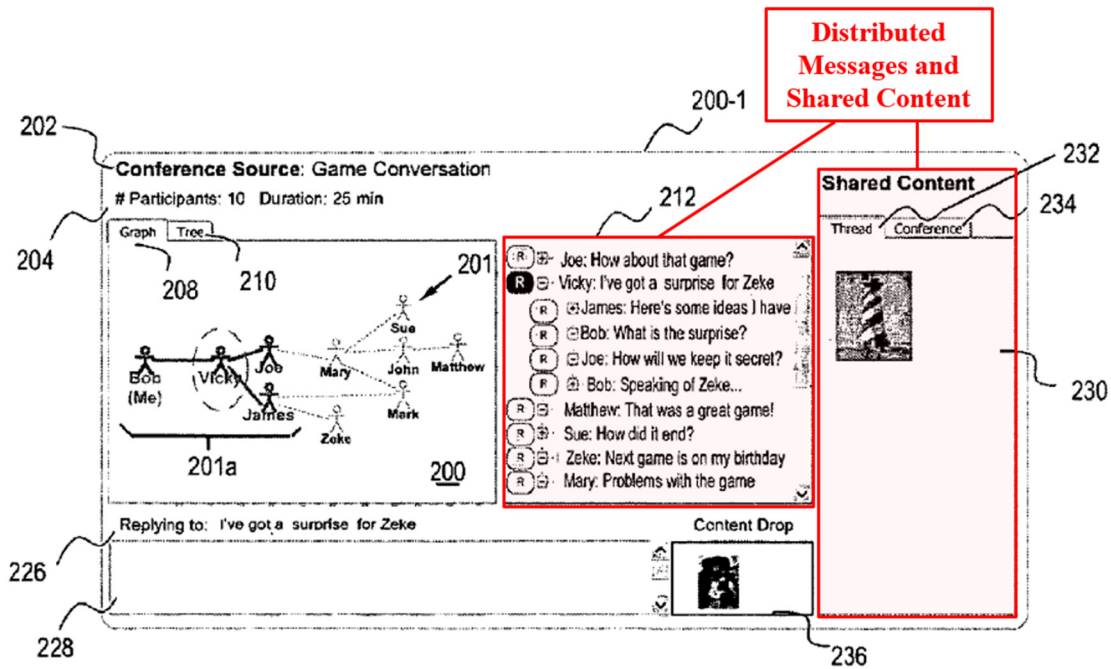
servers...”). In other words, a POSA would have understood from Amidon’s

disclosure that messaging server 14 provides conferencing functionality to users of

the conferencing system.

227. Amidon’s “messaging server 14” also “*correspond[s] to a situation authority*” because it is “able to aggregate and provide comprehensive information related to the situation,” as the ’932 patent describes. EX1001, 3:59-63. For example, Amidon’s “messaging server 14” receives messages/content (i.e., information related to the situation) from and distributes messages/content to users participating in a conference, and aggregates messages and content within a “web-based application[,]” as illustrated in Amidon’s Figure 5. EX1007, 8:31-35, 8:49-51, 18:63-19:3 (“Content drop area 236 may be configured to provide drag-and-drop functionality whereby a user can drag content to be shared into drop area

236.”).



EX1007, FIG. 5 (annotated).

228. Additionally, when a user seeks to initiate a conference, Amidon discloses that “conference metadata is sent to messaging server 14 using link 114a,” “[m]essaging server 14 is configured to recognize the conference metadata,” and “[d]ata defining the social network conference, including the participant list, is then stored in computer-readable form.” EX1007, 10:32-41. Therefore, “messaging server 14” provides a “*central server, corresponding to a situation authority*,” configured to facilitate Amidon’s social network conferences.

3. [22.B] “receive a plurality of advertisements from at least one advertising entity”

229. In my opinion, Amidon and Walsh, alone or in view of Shahine, teach

this element for the reasons I discuss for element [1.A].

4. [22.C] “obtain an indication of an occurrence of a situation”

230. In my opinion, Amidon teaches this element for the reasons I discuss for element [1.B].

5. [22.D] “automatically connect devices corresponding to a plurality of individuals to the situational network established in response to the situation”

231. In my opinion, Amidon teaches this element for the reasons I discuss for element [1.C].

6. [22.E] “cause an automatic redirection of a web browser application operating on each of the devices to a webpage containing information related to the situation”

232. In my opinion, Amidon teaches this element for the reasons I discuss for element [1.D].

7. [22.F] “provide at least one of the plurality of advertisements to each of the devices for display on the webpage based on determining an affiliation of the corresponding individual to the situation, wherein the affiliation is based at least in part on an effect of the situation on the corresponding individual or their property”

233. In my opinion, Amidon in view of Walsh teaches this element for the reasons I discuss for element [1.E].

8. [22.G] “a database associated with the central server for storing information related to availability of a service at a plurality of service locations affected by the situation”

234. In my opinion, Amidon teaches this element. Amidon discloses that

“user devices and/or the conferencing system may support location-based services such that the location of particular users can be determined.” EX1007, 12:59-61.

And “[b]ased on the user location data, **conference participation can be determined based on geographical parameters**, such as users within a certain distance, users from a particular location, and so on.” EX1007, 12:62-65.

235. Amidon also discloses that “users can specify one or more rules or parameters defining participation in a conference,” such as location-based parameters, and the user’s “[c]lient 30 then sends the conference metadata to the conferencing system 12.” EX1007, 13:35-39. “Messaging server 14 is configured to recognize the conference metadata,” and ultimately “[d]ata defining the social network conference, including the participant list, is then stored in computer-readable form.” EX1007, 10:40-41. “For example, **data defining social network conferences may be maintained in one or more additional databases** accessible by social network conferencing system 12.” EX1007, 10:41-44; *see also* EX1007, 15:6-17 (“Conferences may be defined by a database record including a conference ID and list of users by user.... [F]or instance, a record may be included for each user indicating the status of each user with regard to one or more conferences by conference ID.”), FIG. 3.

236. Based on Amidon’s disclosure, a POSA would have understood that when a user specifies conference participation parameters including multiple

geographic locations (e.g., multiple cities or a distance covering multiple locations), the “[d]ata defining the social network conference” (for example, the participation parameters and participant list) indicate the “*availability of a service [(a social network conference)] at a plurality of service locations affected by the situation.*” In other words, Amidon’s database stores information about the locations to which a conference is being served. As I discuss above, Amidon discloses that this data is stored in “*a database associated with the central server.*” EX1007, 10:41-44, 15:6-7. Therefore, it is my opinion that Amidon teaches this element.

9. **[22.H] “a plurality of devices, each device corresponding to an individual connected via the situational network, configured to connect to the central server, and receive at least one of the advertisements based on the affiliation of the respective individual to the situation”**

237. In my opinion, Amidon and Walsh, alone or in view Shahine, teach this element for the reasons I discuss with respect to elements [1.C], [1.E], and [22.A].

D. Claim 2

238. Claim 2 recites, “*wherein the affiliation is based at least in part on the location of the at least one individual.*” Carlson teaches this element.

239. In my opinion, Amidon teaches the additional elements of claim 2. Amidon discloses that “user devices and/or the conferencing system may support

location-based services such that **the location of particular users can be determined,**” and “[t]he location of a particular user may therefore be used to provide conferencing functionality....” EX1007, 12:59-61, 16:23-25. Walsh further discloses, as part of its session profile computation, “**keyword scores** associated with a given message or content item [can] be **adjusted based on the geographic location** of its contributing user.” EX1008, 10:58-61. “For example, in one embodiment **keyword scores may be increased for messages and content received from users that are geographically closer to a target user.**” EX1008, 10:66-11:1. In other words, Amidon discloses that a user may be affiliated with a situation based on his or her location (for example, to determine participation in a conference), and Walsh discloses using that location to select and provide advertisements to the user.

240. Therefore, because Walsh provides advertisements based on “the session profile relative to each different user,” EX1008, 6:15-20, which is “*based at least in part on the location of the at least one individual,*” it is my opinion that Amidon in view of Walsh teaches this element.

E. Claim 3

241. Claim 3 recites, “*wherein the location of the at least one individual is determined using positional coordinates obtained from the connected device.*” Carlson teaches this element.

242. In my opinion, Amidon teaches the additional elements of claim 3.

Amidon discloses that “user devices and/or the conferencing system may support location-based services such that **the location of particular users can be determined,**” and “[s]uch devices may include cellular telephones or other devices with **GPS capability.**” EX1007, 12:59-61, 16:16-22. As I discuss with respect to claim 3 in Ground 1, a POSA would have understood that “GPS” information of the user’s device would include “*positional coordinates obtained from the connected device.*” See Section IX.D.

243. In particular, GPS provides precise positional data via satellites orbiting the Earth. See EX1021, 2. The positional data includes “GPS coordinates,” which “are usually expressed as the combination of latitude and longitude.” EX1021, 1. Therefore, it is my opinion that Amidon teaches “*wherein the location of the at least one individual is determined using positional coordinates obtained from the connected device.*”

F. Claim 4

244. Claim 4 recites, “*wherein the affiliation is based at least in part on a profile for the at least one individual.*” Carlson teaches this element.

245. In my opinion, Amidon in view of Walsh teaches the additional elements of claim 4. As I discuss with respect to element [1.E] of claim 1, Walsh discloses “computing a session profile,” and that “[a]dvertisements may [] be

selected by comparison of available ads to the session profile” computed for a conference (that is, the situation). EX1008, 6:21-23, 13:30-33. To compute the “session profile,” “keywords in conversation messages and content metadata may be detected and scored” and then adjusted based on “various parameters ... such as user participation and social network characterization.” EX1008, 6:65-67, 7:43-51. Walsh discloses that ads are provided based on “**the session profile relative to each different user**,” that is, “*based at least in part on a profile for the at least one individual.*” EX1008, 6:9-20.

G. Claim 5

246. Claim 5 recites, “*wherein the profile is stored on the connected device.*”

247. In my opinion, Amidon in view of Walsh teaches the additional elements of claim 7. In particular, Walsh discloses that “the [session] profile may be stored in a profile database **located at the user’s client system** or at a server.” EX1008, 13:2-4; *see also* EX1008, 14:17-21 (“[A]lthough the profiling functionality is illustrated as occurring in a server 40 separate from each client 41, **the presently disclosed profiling methodology may alternatively be performed by a profile application provided at each client 41**”). Therefore, it is my opinion that Amidon in view of Walsh teaches “*wherein the profile is stored on the connected device.*”

H. Claim 6

248. Claim 6 recites, “*wherein the indication is obtained by a situation authority.*”

249. In my opinion, Amidon teaches the additional elements of claim 6 for the reasons I discuss for elements [1.B] of claim 1 and [22.A] of claim 22.

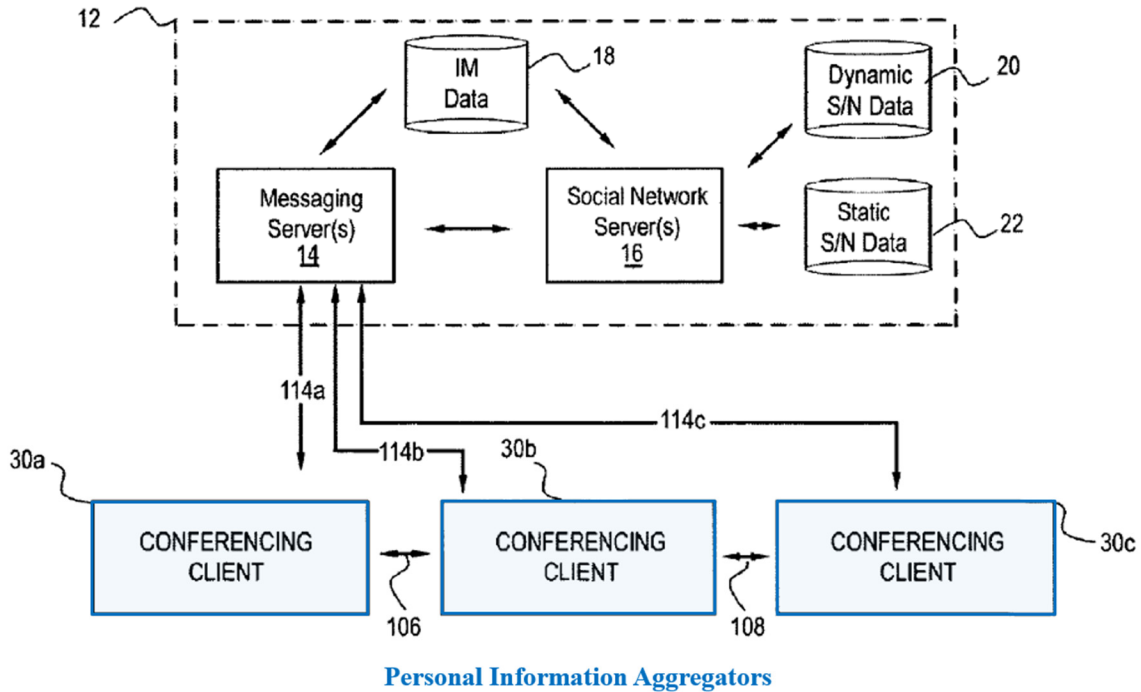
I. Claim 7

250. Claim 7 recites, “*wherein the situation authority establishes an event node in a multi-dimensional personal information network corresponding to the situation and the devices include personal information aggregators, each personal information aggregator corresponding to a node in the multi-dimensional personal information network.*”

251. In my opinion, Amidon teaches the additional elements of claim 7. First, Amidon teaches “*a multi-dimensional personal information network.*” In particular, Amidon discloses a “[s]ocial network server 16 [that] stores data defining one or more social networks, social network member data, and other social network data in one or more stores 22.” EX1007, 9:23-25. “For example, store 22 may comprise one or more databases identifying, social network users, **characteristics for each user (profile information, etc.), relationships between each user**, and privacy, informational, and system parameter settings for each user.” EX1007, 9:25-30. These relationships span multiple dimensions, “such as

grouping members by common interest, age or other demographic information, etc.” EX1007, 9:32-38. “Social network data” may also be used “to calculate data about social network users and the networks themselves, such as determining degrees of separation between users.” EX1007, 9:32-38. Amidon therefore discloses “*a multi-dimensional personal information network*” in which users are connected along multiple dimensions.

252. Second, Amidon teaches that “*the devices include personal information aggregators, each personal information aggregator corresponding to a node in the multi-dimensional personal information network.*” Amidon discloses that “[e]ach conferencing client 30 comprises one or more computing devices each accessing instructions that configure client 30 to provide messaging functionality, interact with one or more users of the device, and interface with one or more computing devices comprising social network conferencing system 12.” EX1007, 8:14-19. Amidon’s client computing devices are illustrated, for example, in Figure 2 below.



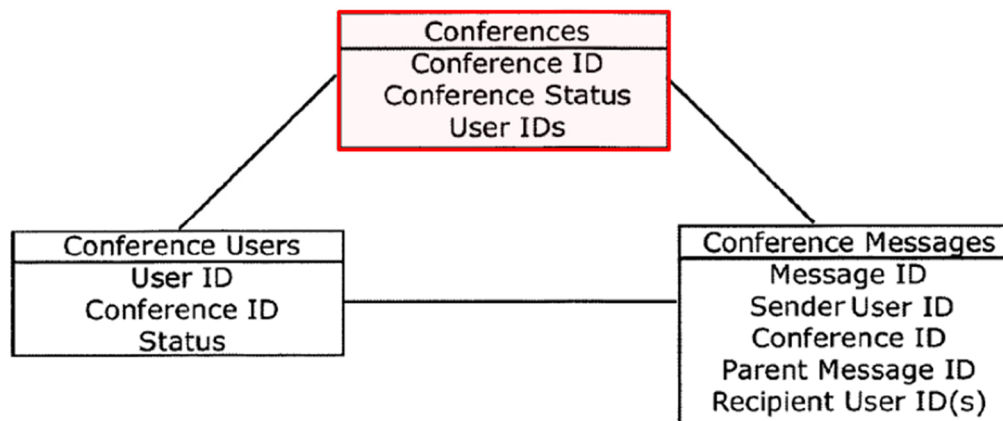
EX1007, FIG. 2 (annotated).

253. Amidon explains that “[s]uch devices may include **cellular telephones or other devices** with GPS capability.” EX1007, 16:16-22. As described in the ’932 patent, Amidon’s client devices are “*personal information aggregator[s]*” because they “provide[] a user with the ability to store, organize and control personal information.” EX1001, 7:52-54. For example, “[c]lients 30 may [] be in communication with social network server 16,” and “social network server 16 may provide a web-based interface for users to define friends, upload and edit contact lists, and view and maintain social network profile web pages.” EX1007, 9:9-15. Additionally, “a social network client application or process running on clients 30 ... may be used for the user to define social network

relationships and preferences, as well as conference formation, participation, message filtering, and other parameters and preferences.” EX1007, 9:15-22.

Therefore, each of Amidon’s client computing devices is equipped with the ability to store, organize, and control various personal information.

254. Third, Amidon teaches “*wherein the situation authority establishes an event node in a multi-dimensional personal information network corresponding to the situation*” in the form of a “social network conference” to which users may connect. EX1007, 10:37-44. For example, when a user initiates a conference, “[m]essaging server 14 is configured to recognize the conference metadata,” and “data defining social network conferences may be maintained in one or more additional databases accessible by social network conferencing system 12.” EX1007, 10:33-37, 10:40-44. For example, “[c]onferences may be defined by a database record including a conference ID and list of users by user ID,” as illustrated in Figure 3 of Amidon. EX1007, 15:6-15.



EX1007, FIG. 3 (annotated).

255. And “[o]nce a conference has been initiated, users participating in the conference can direct messages to desired users in the conference....” EX1007, 2:60-63. Therefore, Amidon’s messaging server 14 is configured to “*establish[] an event node in a multi-dimensional personal information network corresponding to the situation*” in the form of a social network conference.

J. Claim 8

256. Claim 8 recites, “*wherein the situation is a weather phenomenon.*”

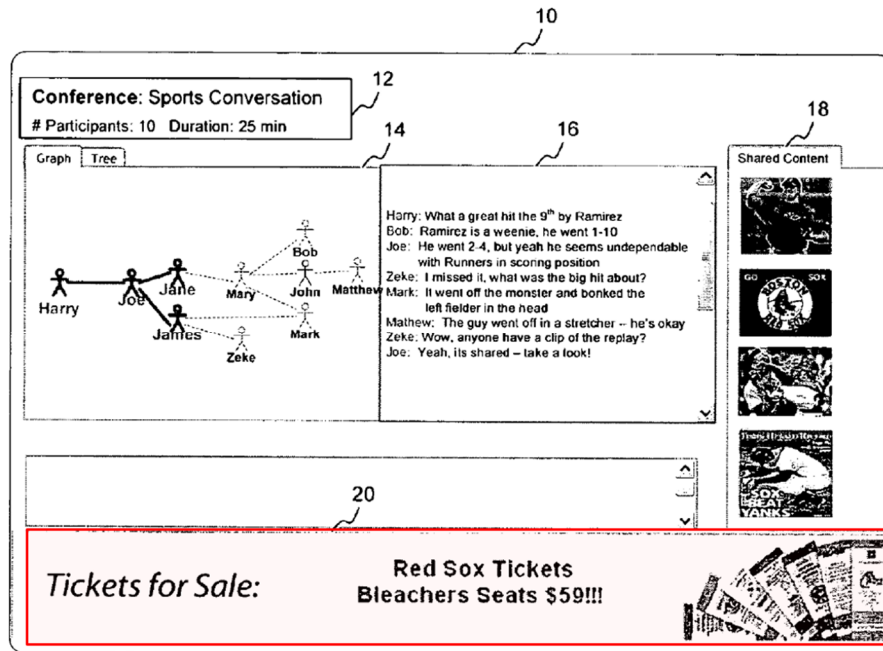
257. I have been told that claim language without any bearing on a claimed method should be deemed non-limiting when it does not result in a manipulative difference in the steps of the claim. While I do not provide an opinion as to whether the language of claim 8 is limiting, it is my opinion that the “*situation*” being “*a weather phenomenon*” does not result in any difference in how the claims operate. In other words, the claimed steps operate the same way regardless of the subject matter of the situation. Therefore, to the extent the language of claim 8 is determined to be non-limiting, it is my understanding that the language of claim 8 would have no effect on the determination of whether claim 8 is obvious.

258. Nevertheless, even if the language of claim 8 is determined to be limiting, it is my opinion that claim 8 is taught by Amidon, Walsh, and Shahine in view of Jones, as I discuss with respect to Ground 6.

K. Claim 9

259. Claim 9 recites, “*wherein some of the plurality of advertisements provide notifications about services relevant to the situation.*” Carlson teaches this element.

260. In my opinion, Amidon teaches the additional elements of claim 9. For example, Walsh’s Figure 1 depicts users discussing a Boston Red Sox game and an advertisement for a ticket sales service, which provides a “*notification[] about services relevant to the situation,*” that is, a notification about a service relevant to the sporting event being discussed in the conference. EX1008, FIG. 1.



EX1008, FIG. 1 (annotated).

261. Therefore, it is my opinion that Amidon in view of Walsh teaches this element.

L. Claim 10

262. Claim 10 recites, “*wherein the affiliation is based in part on a projection of the situational network that includes the corresponding individual, each individual in the projection having the same affiliation with the situation.*”

263. In my opinion, Amidon teaches the additional elements of claim 10. Amidon discloses creating “*a projection of the situational network*” based on various parameters, such as “geographic parameters.” EX1007, 12:37-65. For example, Amidon discloses, “[b]ased on [] user location data, conference participation can be determined based on geographical parameters, such as **users within a certain distance, users from a particular location**, and so on.” EX1007, 12:58-65. Amidon further discloses that “[o]ther parameters may include ... **membership in a group, interests, demographic characteristics**, and the like.” EX1007, 12:44-46. Therefore, Amidon discloses creating “*a projection of the situational network that includes the corresponding individual, each individual in the projection having the same affiliation with the situation.*”

264. Walsh further discloses that its session profile computation takes into account the “geographic location” of users participating in a conference, and that “[a]dvertisements may [] be selected by comparison of available ads to the session profile.” EX1008, 10:58-11:1, 13:30-33. For example, as illustrated in Walsh’s Figure 1, a POSA would have understood that the location of the users

participating in a conference can be used to provide a targeted advertisement for “Red Sox Tickets,” which are more likely to be bought by users within close proximity to the Boston Red Sox. EX1008, FIG. 1. Therefore, Amidon-Walsh teaches that “*the affiliation is based in part on a projection of the situational network that includes the corresponding individual, each individual in the projection having the same affiliation with the situation,*” for example, the users’ locations.

M. Claim 11

265. Claim 11 recites, “*wherein the projection is a geographic projection of nodes of the situational network.*”

266. In my opinion, Amidon teaches the additional elements of claim 11 for the reasons I discuss with respect to claim 10.

N. Claim 23

267. Claim 23 recites, “*wherein at least one device of the plurality of devices is a personal information aggregator.*”

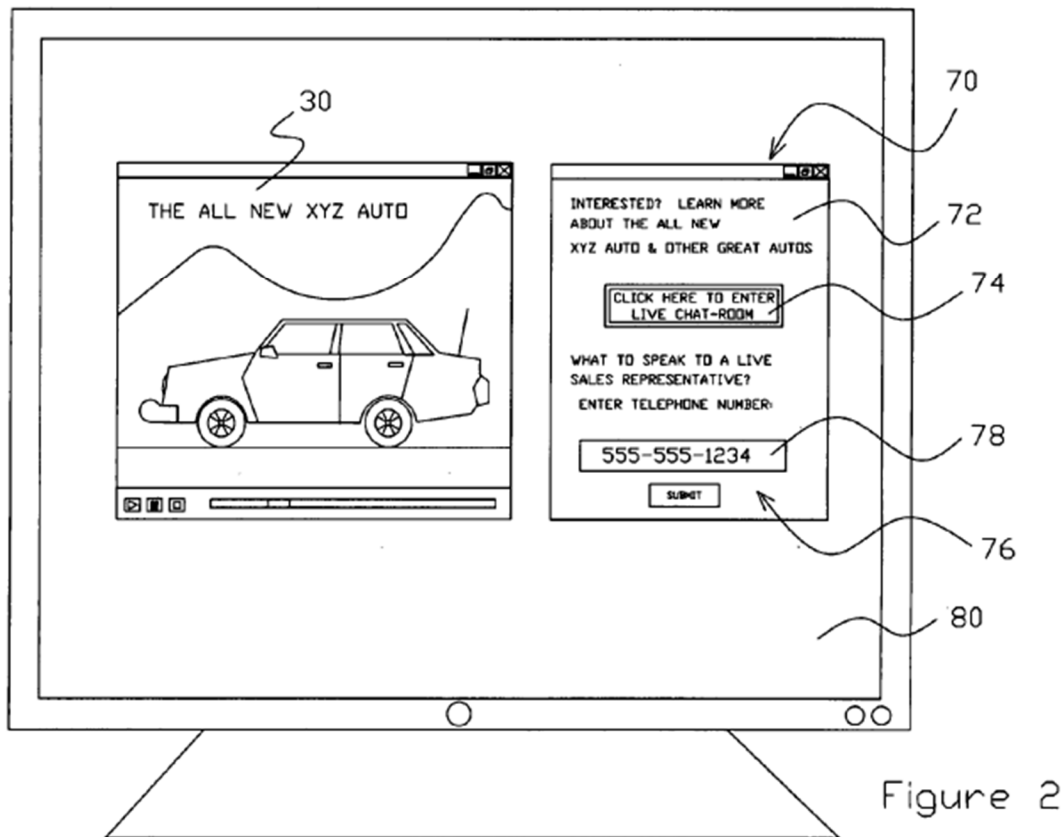
268. In my opinion, Amidon teaches the additional elements of claim 23 for the reasons I discuss for claim 7.

XIII. GROUND 6: THE COMBINATION OF AMIDON, WALSH, SHAHINE, AND JONES RENDERS OBVIOUS CLAIM 8.

269. Claim 8 recites, “*wherein the situation is a weather phenomenon.*” In my opinion, the combination of Amidon, Walsh, Shahine, and Jones renders

obvious claim 8.

270. As I discuss in Section VIII.G, Jones is directed to “[a] system and method of electronic advertisement and commerce” in which a consumer may “access live chat-rooms to discuss or inquire into the advertised products/services.” EX1014, Abstract. Figure 2 of Jones provides “an illustration of a graphical user interface depicting a system and method of electronic advertisement and commerce according to a preferred embodiment of the present invention.” EX1014, ¶21.



EX1014, FIG. 2.

271. In addition to providing advertisements, Jones discloses providing

“announcement[s],” such as a “public service announcement or news broadcast concerning **emergency weather reports**,” i.e., “*a weather phenomenon*.” EX1014, ¶37. Jones explains that “[i]n such instances where advertisement/announcement 30 is a public service announcement or news broadcast concerning **emergency weather reports**, ... **live chat-room 74** and/or telephonic response system 76 of system and method 10 **provide the Internet-user with an effective source of immediate information, feedback and participation**.” EX1014, ¶37. Therefore, Jones teaches connecting users via an Internet chat-room in response to “*a weather phenomenon*.”

272. In view of Jones’s disclosure, a POSA would have found it obvious to use Amidon’s conferencing system to host conferences related to weather events. As Jones discloses, “where advertisement/announcement 30 is a public service announcement or news broadcast concerning emergency weather reports,” a “live chat-room” or conference provides “Internet-user[s] with an effective source of immediate information” regarding the weather event. EX1014, ¶37. A POSA would have also recognized that Amidon’s conferencing system is already equipped to support such conferences, requiring no modifications. For example, Amidon’s system already allows “users to specify the nature and extent of a conference,” and “[o]nce a conference has been initiated, users participating in the conference can direct messages to desired users in the conference.” EX1007, 2:57-

63. Therefore, Amidon’s conferencing system is well equipped to support conferences concerning weather events.

XIV. LUNDY’S PRIORITY DATE

273. I have been told that for a published application to be entitled to the filing date of an earlier filed provisional application, the provisional application must provide support for at least one of the claims of the published application, as well as the portions of the published application relied upon. Lundy was filed on August 24, 2007, and claims priority to U.S. Provisional No. 60/839,683 (EX1010; “’683 provisional”). EX1006, Cover (21), (60). In my opinion, the ’683 provisional provides support for both the subject matter of Lundy relied upon in this declaration (which I understand are also relied upon in the petition) and Lundy’s claims.

274. With respect to the subject matter relied upon in Section X of this declaration, the ’683 provisional includes the same figures and description relied upon in Lundy. *Compare* EX1005, ¶¶3, 27, 44, 51, 60-61, FIGs. 3-5, *with* EX1010, ¶¶1, 17, 33, 40, 50-51, FIGs. 3-5. There is no substantive difference between these paragraphs and figures, and therefore each paragraph and figure of Lundy relied upon has a corresponding paragraph or figure in the ’683 provisional providing the same disclosure. The following chart is provided for clarity:

Disclosure of Lundy (EX1006) Relied Upon	Corresponding Support in ’683 provisional (EX1010)
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EX1006, ¶3	EX1010, ¶1
EX1006, ¶27	EX1010, ¶17
EX1006, ¶44	EX1010, ¶33
EX1006, ¶51	EX1010, ¶40
EX1006, ¶¶60-61	EX1010, ¶50-51
EX1006, FIGs. 3-5	EX1006, FIGs. 3-5

275. With respect to Lundy’s claims, the ’683 provisional provides support for at least claim 8 of Lundy, as shown in the chart below. At the outset, I note that claim 8 of Lundy is identical to claim 8 of the ’683 provisional. *Compare* EX1005, Claim 8, *with* EX1010, Claim 8. The chart below also identifies example portions of the ’683 provisional specification that support claim 8 of Lundy.

Lundy Claim 8 (EX1005)	Support in ’683 provisional (EX1010)
A method presenting content, comprising steps of:	The ’683 provisional provides support for this element. <i>See</i> EX1010, Abstract, Claim 8. EX1010, Abstract: “A method of presenting content, including steps of: determining a location associated with a user; receiving notice of a dynamic content alert (DCA); creating an advertisement that includes real-time information related to the dynamic content being within a predetermined range of the location associated with the user; and presenting the advertisement to the user.”

	EX1010, Claim 8: “A method presenting content, comprising steps of.”
obtaining dynamic real-time information when a predetermined condition is satisfied;	The '683 provisional provides support for this element. <i>See</i> EX1010, ¶¶33-36, Claim 8. EX1010, Claim 8: “obtaining dynamic real-time information when a predetermined condition is satisfied.” EX1010, ¶33: “A user (not shown) uses browser 102 to connect to the Internet. Browser 102 sends a request to content provider 120. Content provider 120, in response to the request, constructs a web page including content 121 and ad tags. Ad server 108 uses the ad tags to insert ad 109 into content 121 by providing ad 109 to browser 102. However, if predetermined conditions are met (i.e., DCA server 150 detects the occurrence of an event through sensors 151) DCA server 150 sends an automatic insertion order to ad server 108. The automatic insertion order causes the ad server to add DCA message 152 to ad 109.” EX1010, ¶34: “Server 150 stores and generates dynamic content. Dynamic content includes, but is not limited to, weather information, traffic information, stock market information, sports information, news, DHS, Amber and FEMA alerts, etc. The system shown in Fig. 2A matches dynamic content and creates an automatic insertion order. The automatic insertion order is a script, which when executed, determines if a DCA is displayed to a user via an advertisement. The automatic insertion order is sent through multiple ad serving application program interfaces.”

including the dynamic real-time information in an advertisement;	The '683 provisional provides support for this element. <i>See</i> EX1010, Abstract, ¶¶33-36, 40, 49, 52, 58, Claim 8, FIGs. 3-4. EX1010, Claim 8: “including the dynamic real-time information in an advertisement.” EX1010, ¶34: “Server 150 stores and generates dynamic content. Dynamic content includes, but is not limited to, weather information, traffic information, stock market information, sports information, news, DHS, Amber and FEMA alerts, etc. The system shown in Fig. 2A matches dynamic content and creates an automatic insertion order. The automatic insertion order is a script, which when executed, determines if a DCA is displayed to a user via an advertisement. The automatic insertion order is sent through multiple ad serving application program interfaces.” EX1010, ¶36: “Each ad call results in a call to the DCA server, which performs an IP check to determine a location of the user. A person of ordinary skill in the art knows how to determine a physical location from an IP address, and further explanation will not be provided. If the automatic insertion order previously stored on the real-time alert server 150 and the location are a match, dynamic content identified by the real-time alert server is passed into the advertisement and delivered to the user. For example, if the real-time information indicates there is a severe thunderstorm warning for zip code 20878, the automatic insertion order may include a script that performs the following logical operation: if the user is located in zip
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	code 20878, then display an advertisement that includes the thunderstorm warning (including dynamic real-time information). Then, if the IP check determines that the user is in zip code 20878, an advertisement on a webpage the user is viewing includes the above-noted advertisement and alert regarding the thunderstorm.”
accessing a database that stores sponsor information in correspondence with a characteristic of the dynamic real-time information;	The '683 provisional provides support for this element. <i>See</i> EX1010, ¶¶56-57, Claim 8. EX1010, Claim 8: “accessing a database that stores sponsor information in correspondence with a characteristic of the dynamic real-time information.” The '683 provisional discloses storing sponsor information with characteristics of the dynamic real-time information, such as types of dynamic content or alerts: EX1010, ¶56: “In another embodiment, server 108 combines dynamic real-time information obtained from DCA server 122 and advertisement sponsor database 110. In one embodiment, one sponsor is the exclusive sponsor of all alerts used in conjunction with content provider A or with the type of alerts (i.e., sponsor XI sponsors all traffic alerts, sponsor X2 sponsors all weather alerts, sponsor X3 sponsors Amber alerts, etc). In another embodiment, the sponsors may be cycled through (i.e., each sponsor is used for one hour or based on specific alert types such as Winter Weather Advisories). In another embodiment, each sponsor only sponsors certain dynamic content type. In an example using weather information, if

	the dynamic real-time temperature information is displayed to the user, the sponsor is selected based on this data.” EX1010, ¶57: “For example, server 108 executes the following logical process: if the temperature is above 90 degrees, then display sponsor X1 (a brand of a popular soft drink), if the temperature is below 70 degrees, then display sponsor X2 (an advertisement for weather stripping), and otherwise display sponsor X3 (an advertisement for clothing).”
determining, based on information stored in the database, which sponsor corresponds with the dynamic real-time information;	The ’683 provisional provides support for this element. <i>See</i> EX1010, ¶¶56-57, Claim 8. EX1010, Claim 8: “determining, based on information stored in the database, which sponsor corresponds with the dynamic real-time information.” EX1010, ¶56: “In another embodiment, server 108 combines dynamic real-time information obtained from DCA server 122 and advertisement sponsor database 110. In one embodiment, one sponsor is the exclusive sponsor of all alerts used in conjunction with content provider A or with the type of alerts (i.e., sponsor XI sponsors all traffic alerts, sponsor X2 sponsors all weather alerts, sponsor X3 sponsors Amber alerts, etc). In another embodiment, the sponsors may be cycled through (i.e., each sponsor is used for one hour or based on specific alert types such as Winter Weather Advisories). In another embodiment, each sponsor only sponsors certain dynamic content type. In an example using weather information, if the dynamic real-time temperature information is displayed to the

	user, the sponsor is selected based on this data.” EX1010, ¶57: “For example, server 108 executes the following logical process: if the temperature is above 90 degrees, then display sponsor X1 (a brand of a popular soft drink), if the temperature is below 70 degrees, then display sponsor X2 (an advertisement for weather stripping), and otherwise display sponsor X3 (an advertisement for clothing).”
including the sponsor in the advertisement; and	The ’683 provisional provides support for this element. <i>See</i> EX1010, ¶¶40, 49, 52, 58, Claim 8, FIGs. 3-4, 6. EX1010, Claim 8: “including the sponsor in the advertisement.” EX1010, ¶40: “Fig. 3 is a screen shot of a web page that includes an alert message in accordance with an embodiment of the present invention. In this example, web page 301 includes content 304 supplied by Lycos™ and advertisements 302 supplied by Monster.com™ 302. IFrame 300 includes dynamic real-time information and sponsor information, in accordance with the present invention. In this example, there is a severe weather alert in the geographic area of the user that retrieves the web page 300, as indicated by the inserted message ‘You have a severe weather alert in your area. This message is brought to you by State Farm.’ Fig. 4 is an example of the advertisement that includes alert message. As shown in Fig. 4, the alert message includes sponsor information by State Farm™ and information about the severe

	weather alert.” EX1010, FIG. 4: 
presenting the advertisement to a user.	The '683 provisional provides support for this element. <i>See</i> EX1010, ¶¶33-36, 40, 58, Claim 8, FIGs. 3-4, 6. EX1010, Claim 8: “presenting the advertisement to a user.” EX1010, ¶40: “Fig. 3 is a screen shot of a web page that includes an alert message in accordance with an embodiment of the present invention. In this example, web page 301 includes content 304 supplied by Lycos™ and advertisements 302 supplied by Monster.com™ 302. IFrame 300 includes dynamic real-time information and sponsor information, in accordance with the present invention. In this example, there is a severe weather alert in the geographic area of the user that retrieves the web page 300, as indicated by the inserted message ‘You have a severe weather alert in your area. This message is brought to you by State Farm.’ Fig. 4 is an example of the advertisement that includes

alert message. As shown in Fig. 4, the alert message includes sponsor information by State Farm™ and information about the severe weather alert.”

EX1010, FIG. 4:

**You have a Severe Weather Alert
in your area.**

Local Alerts

Alerts for Dallas County

Number of Active Alerts: 1

There is one active alert issued by the National Weather Service in Dallas County, Texas

Flash Flood Advisory - ALERT 1

FLASH FLOOD ADVISORY REMAINS IN EFFECT UNTIL 7 PM CDT.

Issue Time: 3:42 PM CDT Friday Aug 11 2006

Valid Until: 12:00 PM CDT Friday Aug 11 2006

Details

This message brought to you by



Like a good neighbor, State Farm is there.®

XV. CONCLUSION

276. In signing this declaration, I recognize that the declaration will be filed as evidence in an *inter partes* review before the Patent Trial and Appeal Board of the United States Patent and Trademark Office. I also recognize that I may be subject to cross-examination in the case and that cross-examination will take place within the United States. If cross-examination is required, I will appear for cross-examination within the United States during the time allotted.

277. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Executed on this 29th day of February, 2024, in Doha, Qatar.

Bernard J. Jansen

Bernard J. Jansen

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