

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 IPR2024-00612
U.S. Patent No. 8,249,932

**DECLARATION OF BERNARD J. JANSEN, PH.D.,
IN SUPPORT OF PETITION FOR *INTER PARTES* REVIEW
OF CLAIMS 12-21 OF U.S. PATENT NO, 8,249,932**

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Meta EX1003
IPR2024-00612
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 networks, 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 12-21 of the '932 patent would have been obvious to a POSA prior to February 2, 2007.

Ground	Basis	Claims	References
1	§103	12, 14-21	Amidon and Walsh
2	§103	13	Amidon, Walsh, and Shahine
3	§103	20	Amidon, Walsh, 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 12-21 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")
1007	U.S. Patent No. 8,346,864 to Amidon et al. ("Amidon")
1008	U.S. Patent 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)
1011	U.S. Patent No. 7,263,614 to Roskind ("Roskind")
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")
1021	"GPS Coordinates," TechTarget (Aug. 2022)

Exhibit No.	Description
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)
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/
1031	U.S. Patent No. 8,560,385 to Atazky et al. (“Atazky”)
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,” Aspupshup, accessed at https://www.adpushup.com/blog/the-history-of-online-advertising/ (July 3, 2013)

Exhibit No.	Description
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)
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)

Exhibit No.	Description
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

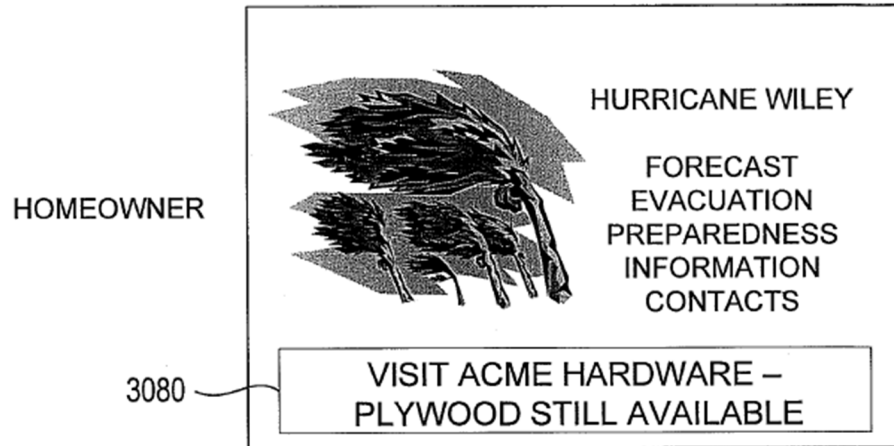
A. Overview of the '932 Patent

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 “obtaining an indication of an occurrence of an event,” “establishing an event node for the situation,” “connecting personal information aggregators [(i.e., user devices)] corresponding to a plurality of individuals,” “aggregating information related to the situation,” and “providing the information and at least one of the plurality of advertisements to each of the information aggregators.” EX1001, Claim 12. 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, "*creating two or more projections of the nodes of the multi-dimensional personal information network based at least in part on the access levels of the individuals corresponding to each of the personal information aggregators.*" EX1002, 71.

36. The Examiner allowed the application following the applicant's amendment and response, stating that the art of record failed to disclose at least "creating two or more projections of the nodes of the multi-dimensional personal information network based at least in part on the access levels of the individuals corresponding to each of the personal information aggregators." 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.”).

VIII. OVERVIEW OF THE PRIOR ART

A. Amidon

51. 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.

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

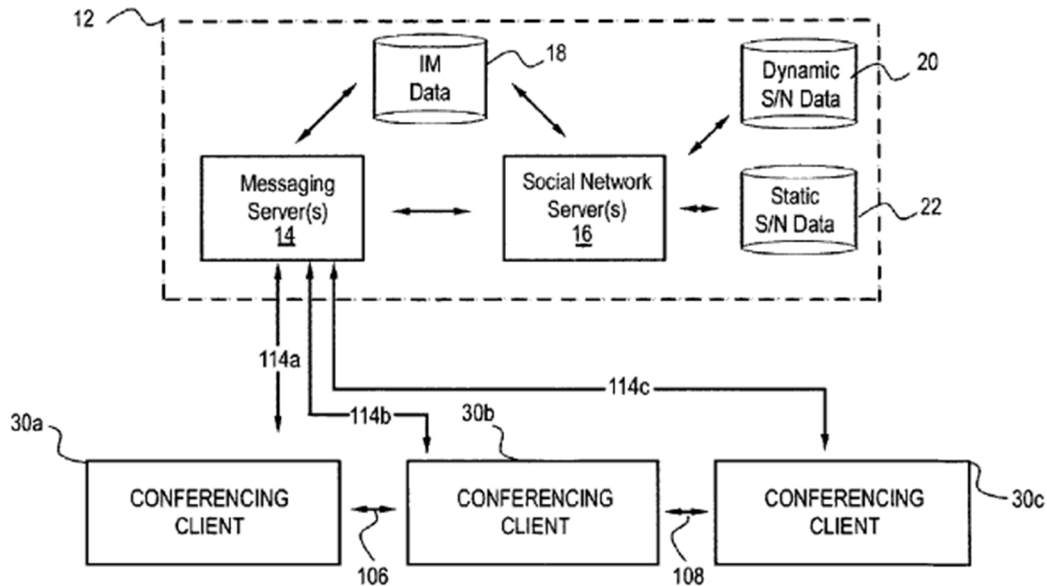
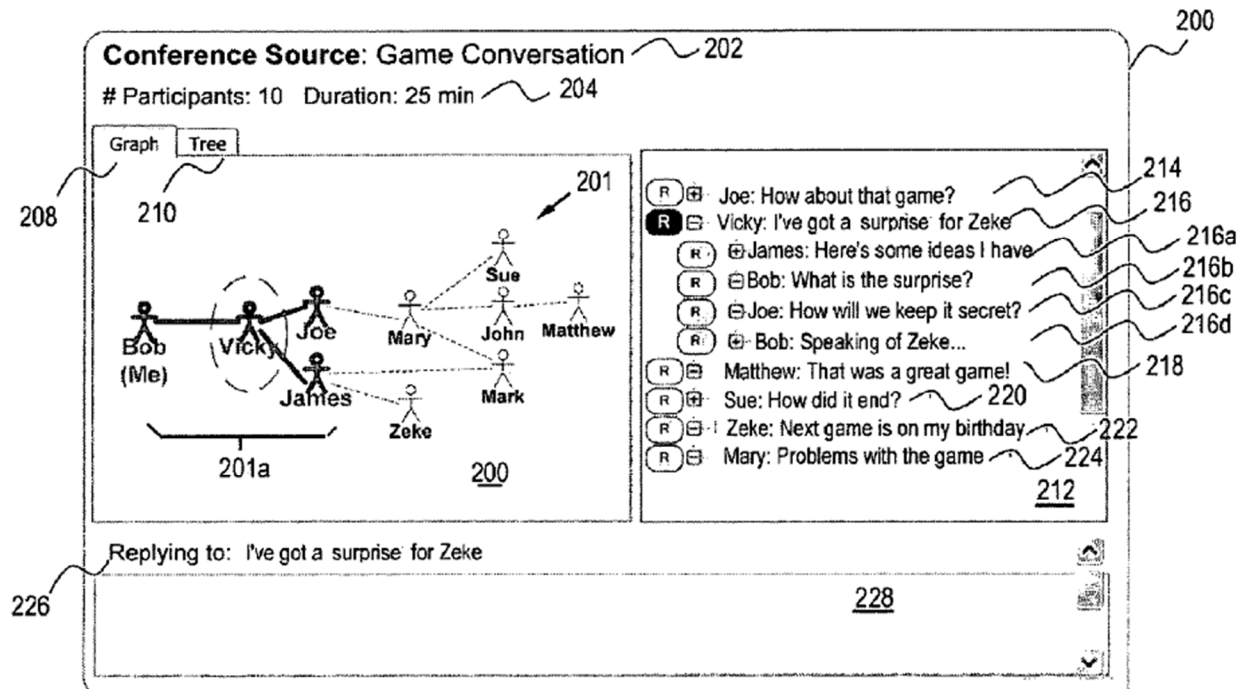


FIGURE 2

EX1007, FIG. 2.

53. “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.

54. 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.

55. 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.

56. 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.

B. Walsh

57. 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.

58. 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.

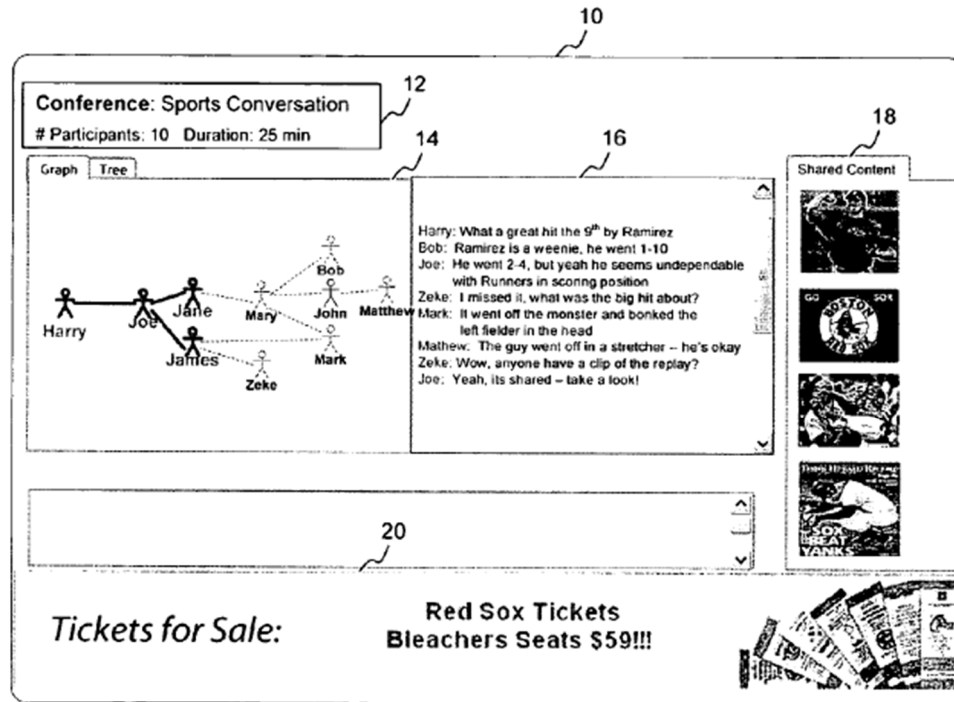


Fig. 1

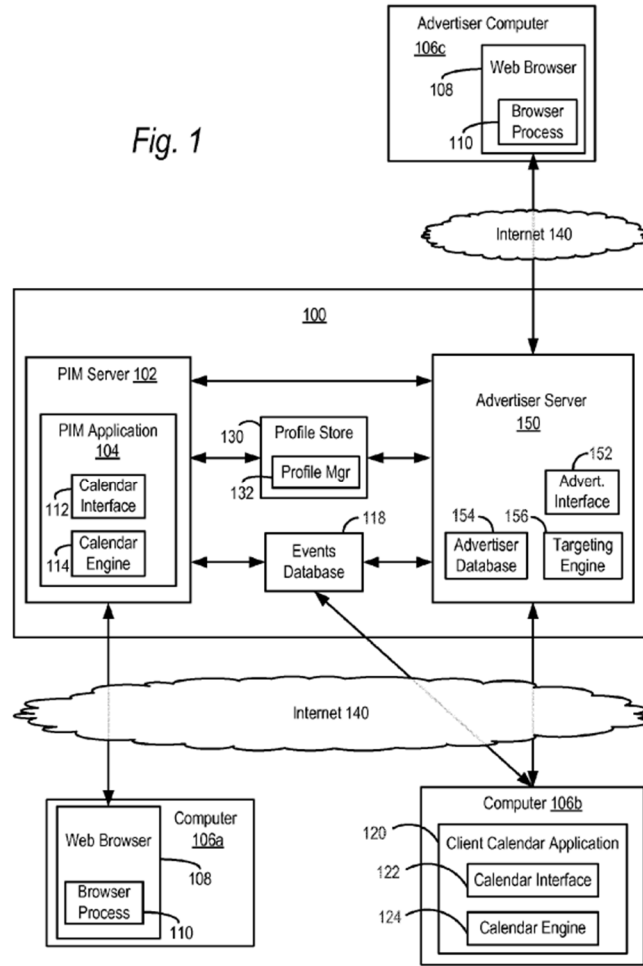
EX1008, FIG. 1.

59. 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.

C. Shahine

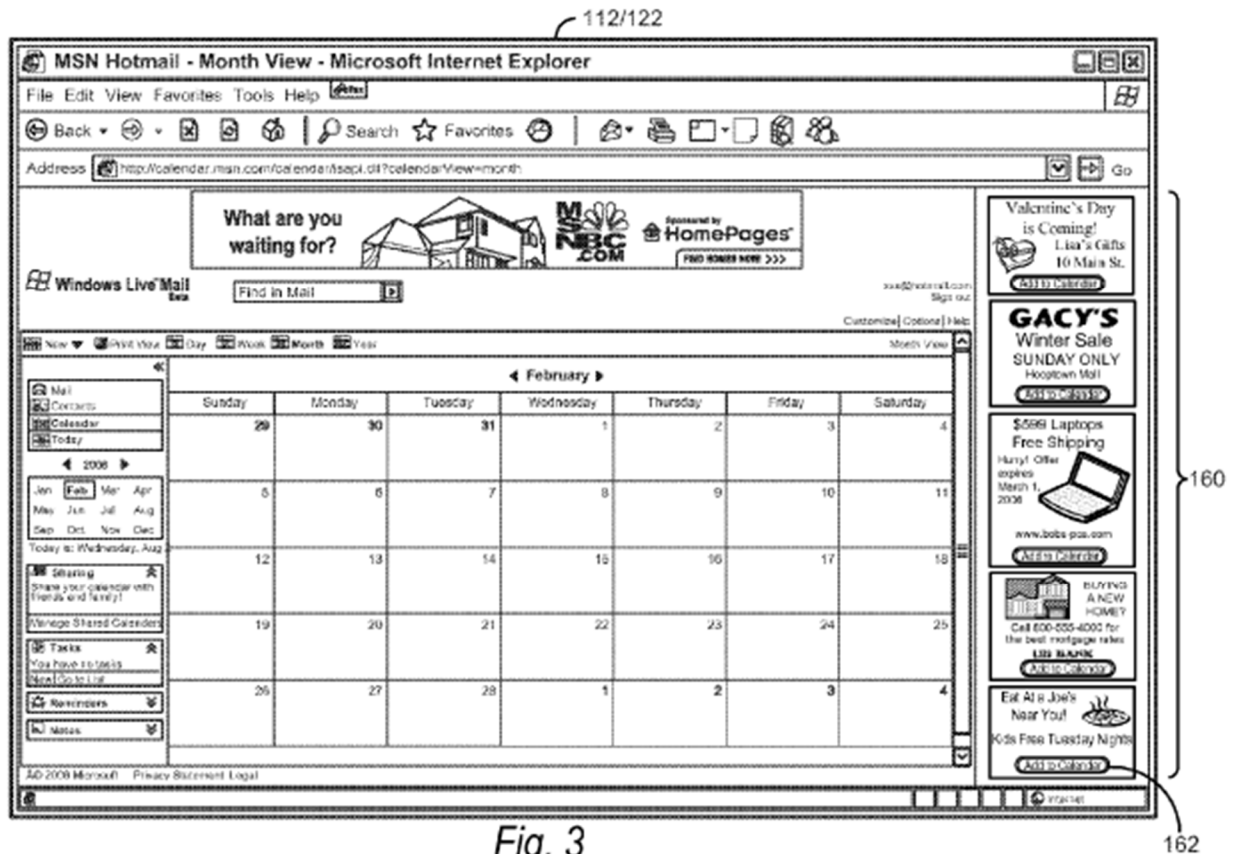
60. Shahine generally relates to a “method of targeted advertising in association with the use of a calendar application.” EX1015, 14:27-28. Shahine discloses a “service provider system 100” that “include[s] an advertiser server 150 for receiving advertising content and targeting data from advertisers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



EX1015, FIG. 1.

61. 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.

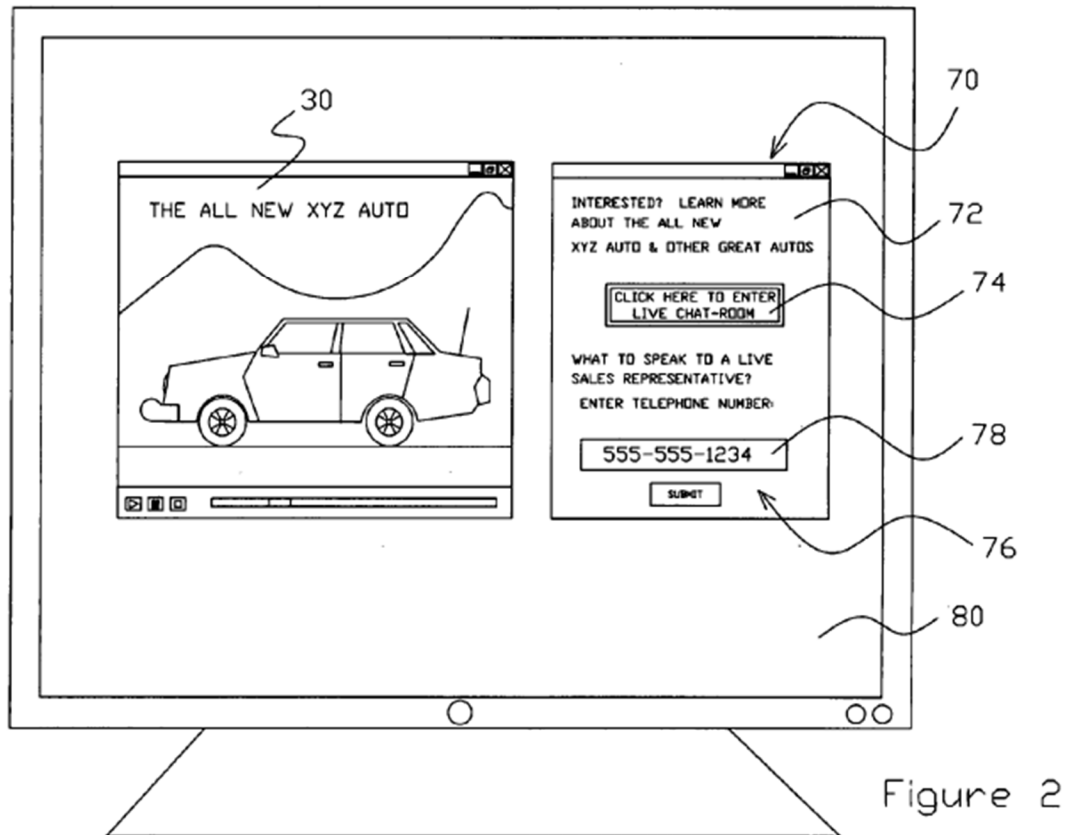


EX1015, FIG. 3.

D. 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.

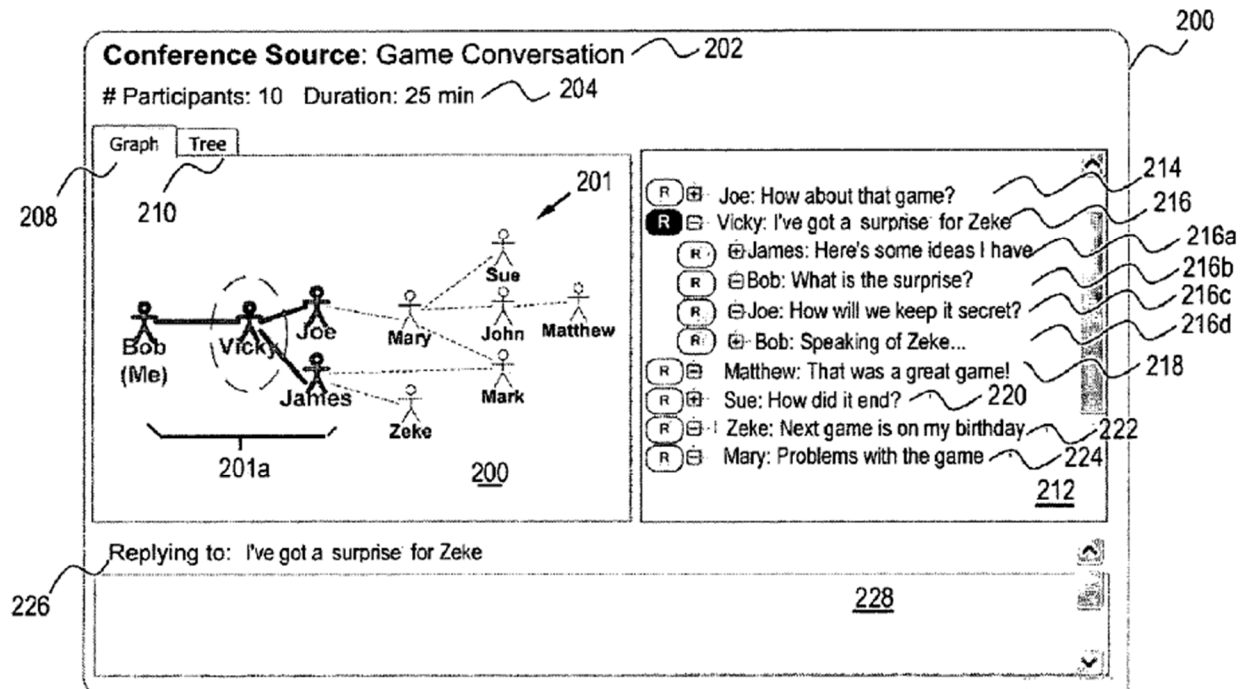
IX. GROUND 1: THE COMBINATION OF AMIDON AND WALSH RENDERS OBVIOUS CLAIMS 12 AND 14-21.

62. In my opinion, the combination of Amidon and Walsh renders obvious claims 12 and 14-21.

A. Overview of the Motivation to Combine Amidon and Walsh

63. 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.A. 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.

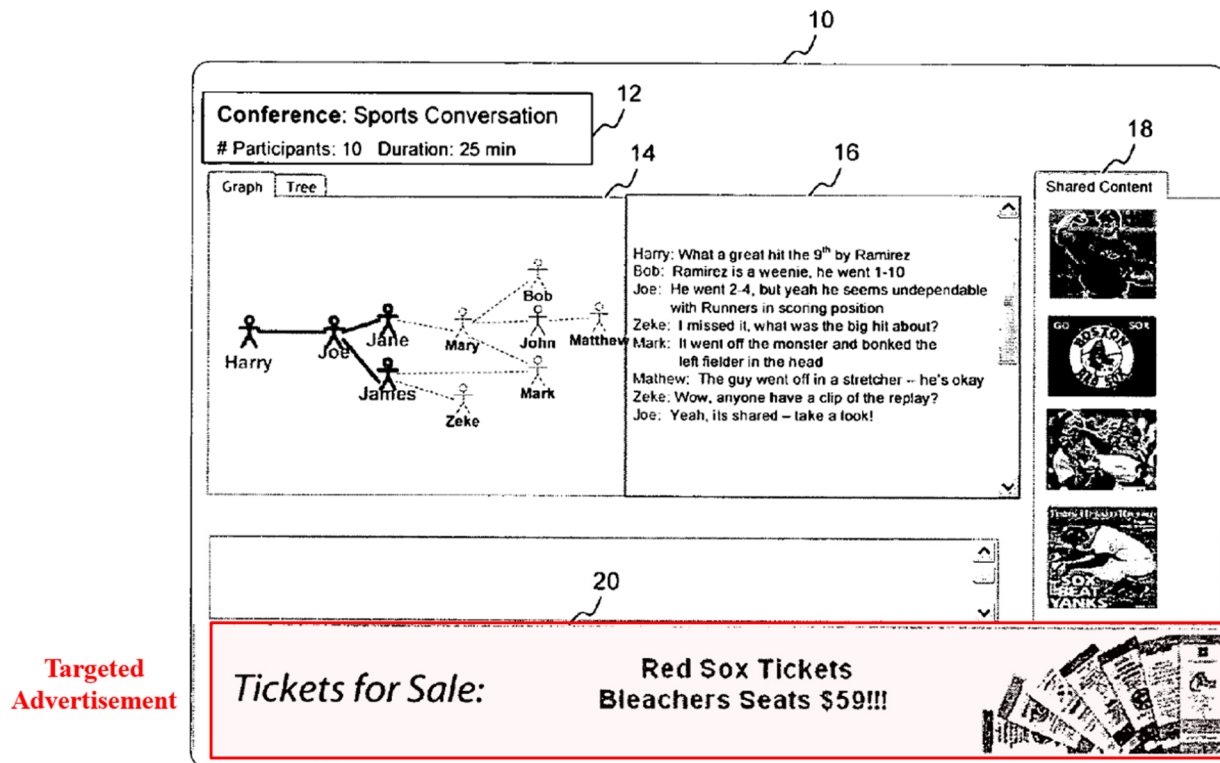
64. Figure 4 of Amidon “illustrates an exemplary user interface which may be used by one or more users participating in social network conferences.” EX1007, 16:65-67.



EX1007, FIG. 4.

65. 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.

66. 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).

67. 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, 6:9-17.¹ “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.

68. 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

¹ Emphasis added, unless otherwise indicated.

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.

69. 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).

70. 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).

B. Independent Claim 12

1. [12.P] "A method of presenting targeted advertising in a situational network"

71. 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 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.

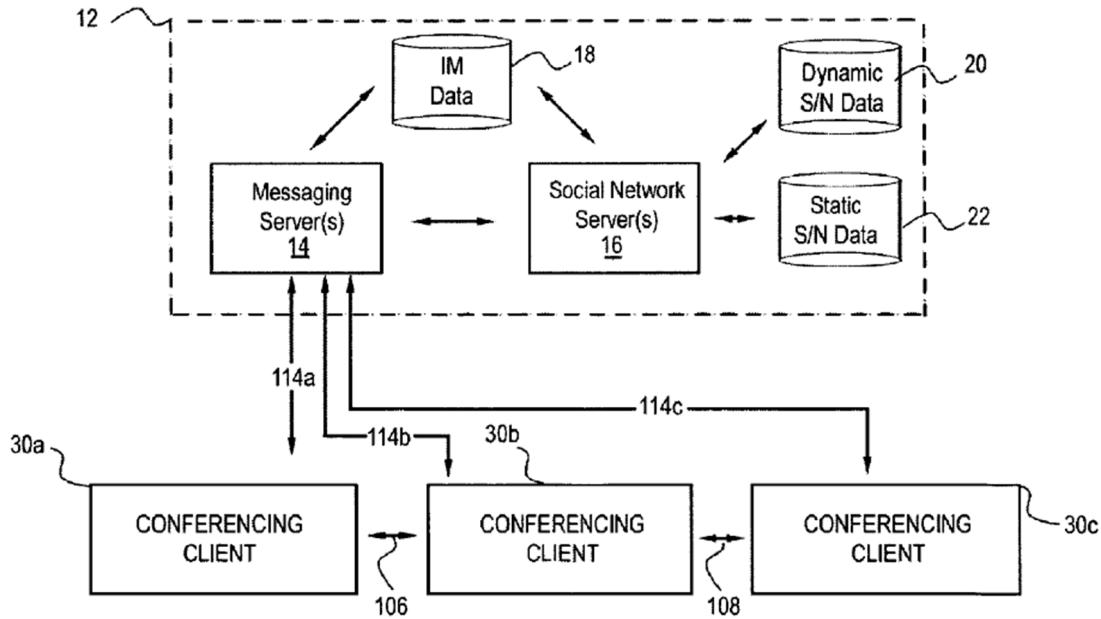
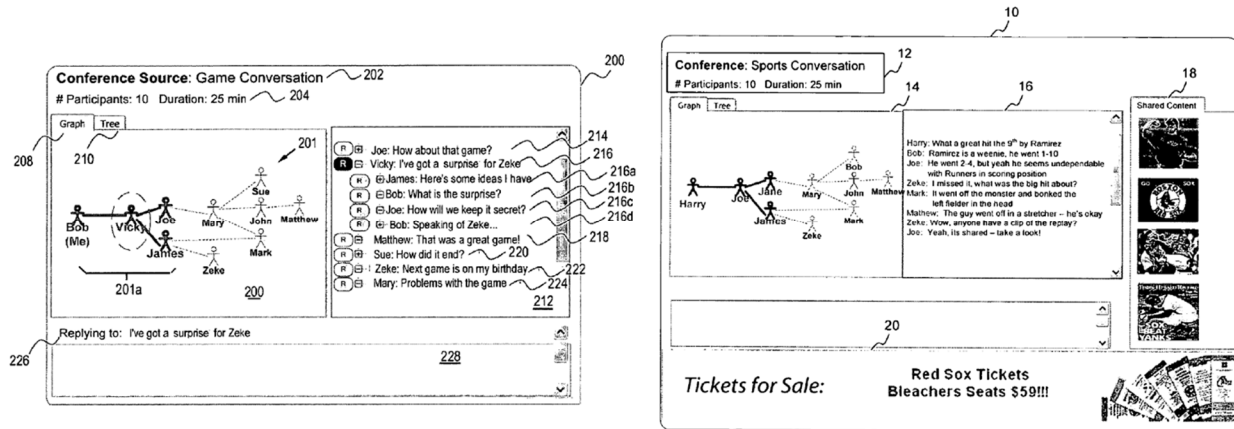


FIGURE 2

EX1007, FIG. 2.

72. 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).

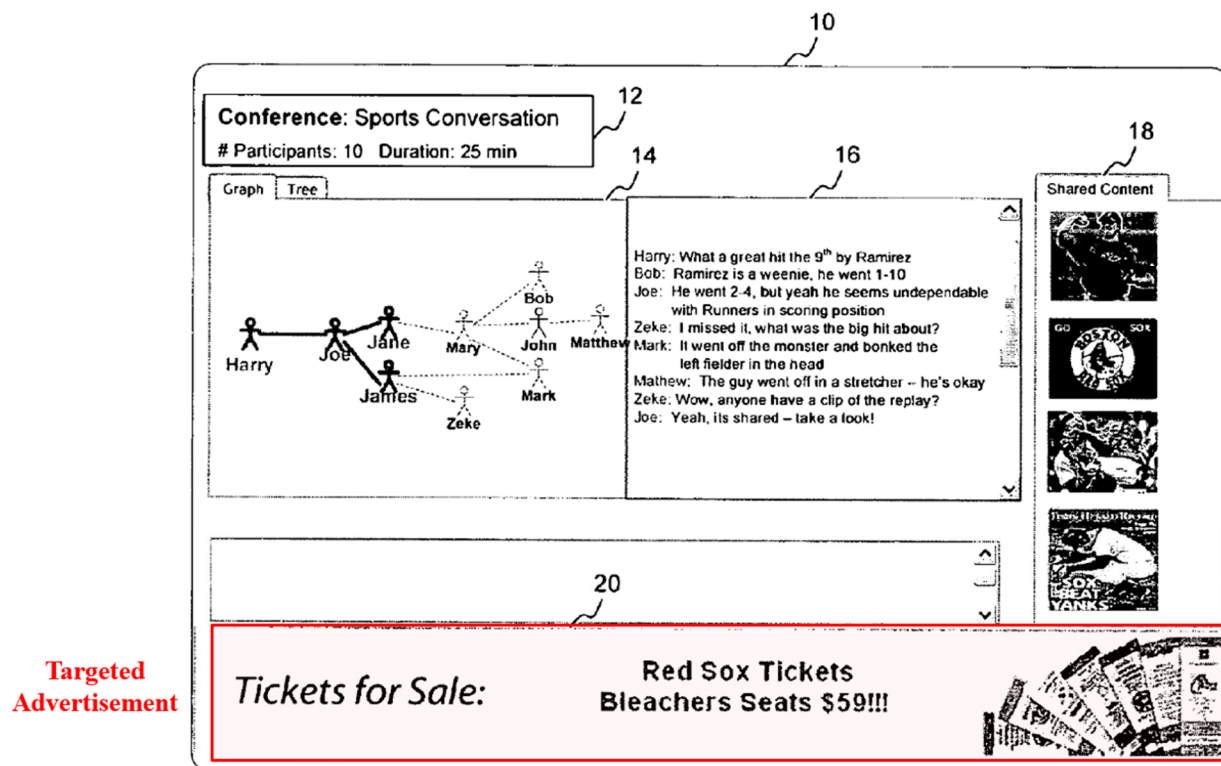


EX1007, FIG. 4; EX1008, FIG. 1.

73. 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.

74. 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).

75. 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.

76. 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. [12.A] “obtaining an indication of an occurrence of a situation”

77. 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

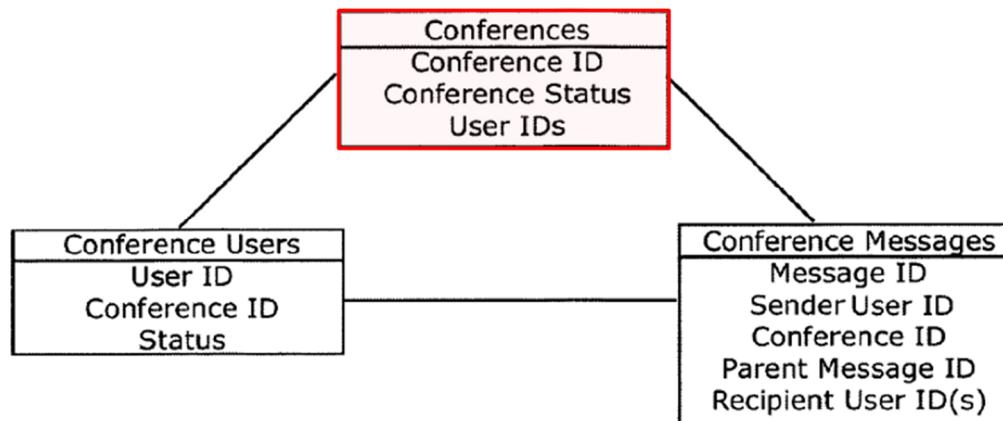
to the same song,” which is “*obtain[ed]*” by Amidon’s “social network conferencing system 12” when received from the client device. EX1007, 9:57-61, 13:66-14:3. And, as I explained above, this understanding of “*situation*” is consistent with how the word is used in the ’932 patent, which may refer 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.

3. [12.B] “establishing an event node for the situation in a multi-dimensional personal information network”

78. In my opinion, Amidon teaches this element. 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.

79. Second, Amidon teaches “*establishing an event node for the situation in a multi-dimensional personal information network*” in the form of a “social network conference” to which users may connect. EX1007, 10:37-44. 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.



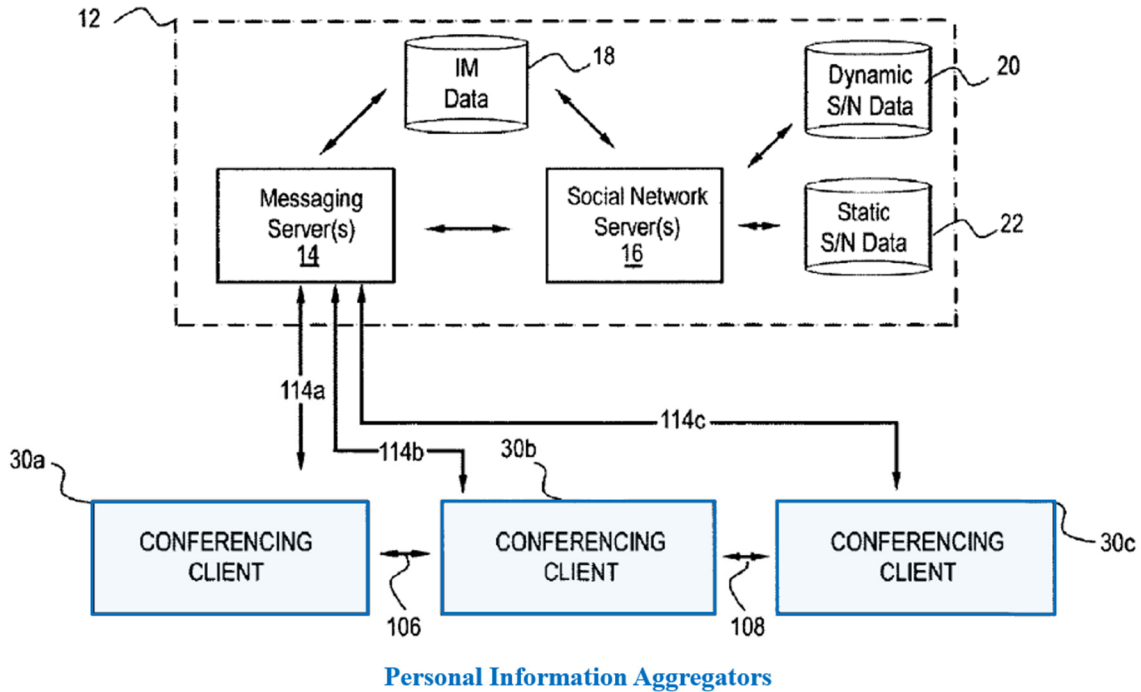
EX1007, FIG. 3 (annotated).

80. 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.

4. **[12.C] "automatically connecting personal information aggregators corresponding to a plurality of individuals to the event node, the personal information aggregators each corresponding to a different node in the multi-dimensional personal information network and assigned an access level according to a role of the respective individual within the situational network"**

81. In my opinion, Amidon teaches this element. First, Amidon discloses "*personal information aggregators corresponding to a plurality of individuals ..., the personal information aggregators each corresponding to a different 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).

82. Amidon explains that “[s]uch devices may include **cellular telephones or other devices** with GPS capability.” EX1007, 16:16-22. And each conferencing client 30 is associated with a user of Amidon’s “*multi-dimensional personal information network*.” See, e.g., EX1007, 9:61-65 (“For example, each user of clients 30 may receive information about the user’s respective social networks from system 12, such as a diagram or chart of the social network rendered by client 30.”). Therefore, each of Amidon’s conferencing clients “*correspond[s] to a different node in the multi-dimensional personal information network*,” that is, different computing devices connected to Amidon’s conferencing system.

83. 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.

84. Second, Amidon discloses "*automatically connecting personal information aggregators corresponding to a plurality of individuals to the event node,*" by connecting the participants to the conference. For example, Amidon discloses that "[e]ach conferencing client 30 ... provide[s] messaging functionality, interact[s] with one or more users of the device, and interface[s] 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. In other words, Amidon automatically connects user devices to the conference (“*the event node*”) such that users may communicate with one another.

85. Third, Amidon discloses “*the personal information aggregators each [are] ... assigned an access level according to a role of the respective individual within the situational network.*” For example, Amidon discloses that “a participation policy may be defined whereby **users have different access levels**, with the participation policy included with conference metadata, message metadata, or otherwise provided to the conferencing system and associated with the conference.” EX1007, 13:10-14. Amidon explains that “[t]he access levels may provide for some users to moderate and fully participate in the conference,” while “[o]ther users may be allowed to participate but not moderate.” EX1007, 13:14-21. “Still other users may be allowed to participate, but in a limited extent—for example, the users may be able to view the conference, but not to send messages to the conference, or to only send messages to designated users (such as a moderator or moderators).” EX1007, 13:17-21. Amidon also discloses that “The access levels may be defined based on any parameters discussed herein”—for example, location or “degrees of separation,”—“either alone or in combination.” EX1007, 13:21-23.

Therefore, in line with the claim language, it is my opinion that Amidon teaches determining roles of users participating in a conference and assigning access levels for those roles.

5. [12.D] “creating two or more projections of the nodes of the multi-dimensional personal information network based at least in part on the access levels of the individuals corresponding information [] aggregators”

86. In my opinion, Amidon teaches this element. As I have discussed previously, the '932 patent describes that a “*projection*” simply 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.

87. Amidon discloses that “[a] participation policy or participation policies may be provided to any desired degree of granularity,” and “**access levels may be defined based on any parameters discussed herein.**” EX1007, 13:21-23,

13:29-30. Amidon discloses, for example, that “**users within 2 degrees of separation** from a moderator may be allowed to fully participate, [and] **users within four degrees of separation** may be allowed to view the conference but not participate.” EX1007, 13:23-29. In this manner, Amidon’s process creates a “*two or more projections of the nodes of the multi-dimensional personal information network*” based on the users’ access levels, that is, “*based at least in part on the access levels of the individuals corresponding information [] aggregators.*” In other words, the subset of users within two degrees of separation are “allowed to fully participate,” while the subset of users within four degrees of separation “may be allowed to view the conference but not participate.” EX1007, 13:23-29. These “*projections*” may also be used to control message distribution, for example allowing a user to send a “message only to those within one degree of separation,” etc. EX1007, 21:9-16; *see also* EX1007, 2:60-63 (“users participating in the conference can direct messages to desired users in the conference”).

88. Amidon further discloses that “[a]dditional parameters may include geographical parameters,” and that “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. A POSA would have therefore understood from Amidon’s disclosure that, similar to degrees of separation, Amidon teaches defining participation access levels based on location,

creating “*projections*” of users based on the locations of user devices. For example, “users within a certain distance” may be allowed to fully participate, while users beyond that distance may be allowed to view the conference but not participate.

EX1007, 12:58-65, 13:23-29.

6. [12.E] “aggregating information related to the situation received from the personal information aggregators connected through the situational network”

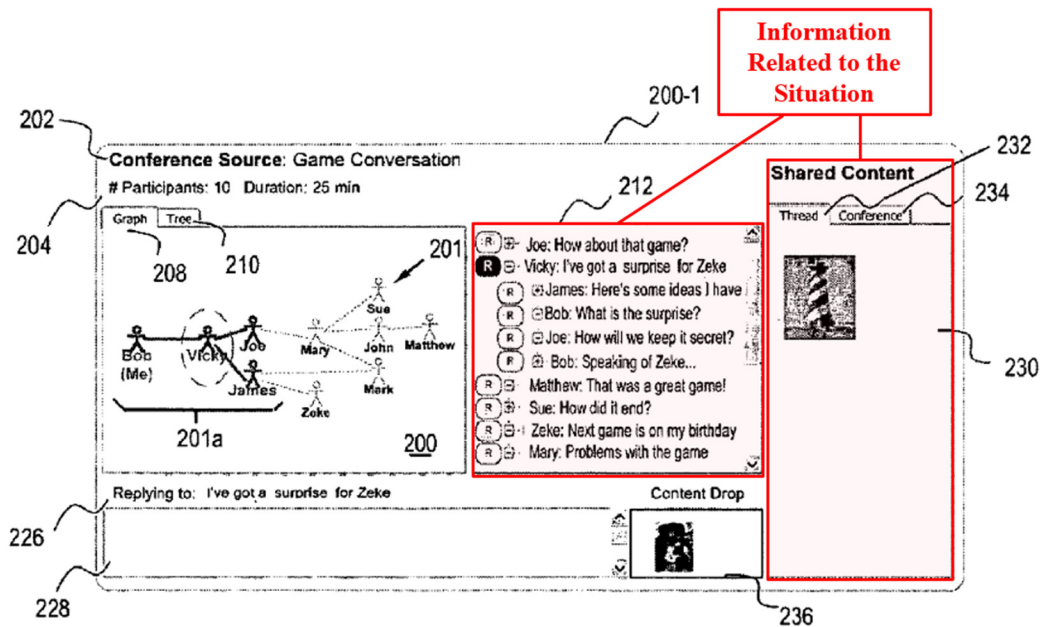
89. In my opinion, Amidon teaches this element. Amidon discloses, “[o]nce a conference has been initiated, users participating in the conference can direct messages to desired users,” as well as “share [] content with some or all participants of a social network conference.” EX1007, 2:57-63, 18:66-19:1.

Amidon also discloses “*aggregating information related to the situation received from the personal information aggregators connected through the situational network*” in the form of messages and other content received from users for distribution and display to other users of the conference.

90. For example, as illustrated in Figure 5 below, “thread display area 212 includes a plurality of threads (214, 216, 218, 220, 222, 224), each thread comprising data (messages, content, etc.) exchanged amongst the members of conference 201.” EX1007, 17:22-26. Amidon explains that “[s]everal of the threads are displayed as expandable trees such that the user may select a thread and see one or more replies and sub-threads.” EX1007, 17:26-29. Additionally,

Amidon discloses that “shared content area 230 includes icons or other indicators of content that is presently being shared amongst conference participants.”

EX1007, 18:55-58. That is, Amidon aggregates and displays messages and content shared in the conference within thread display area 212 and shared content area 230.



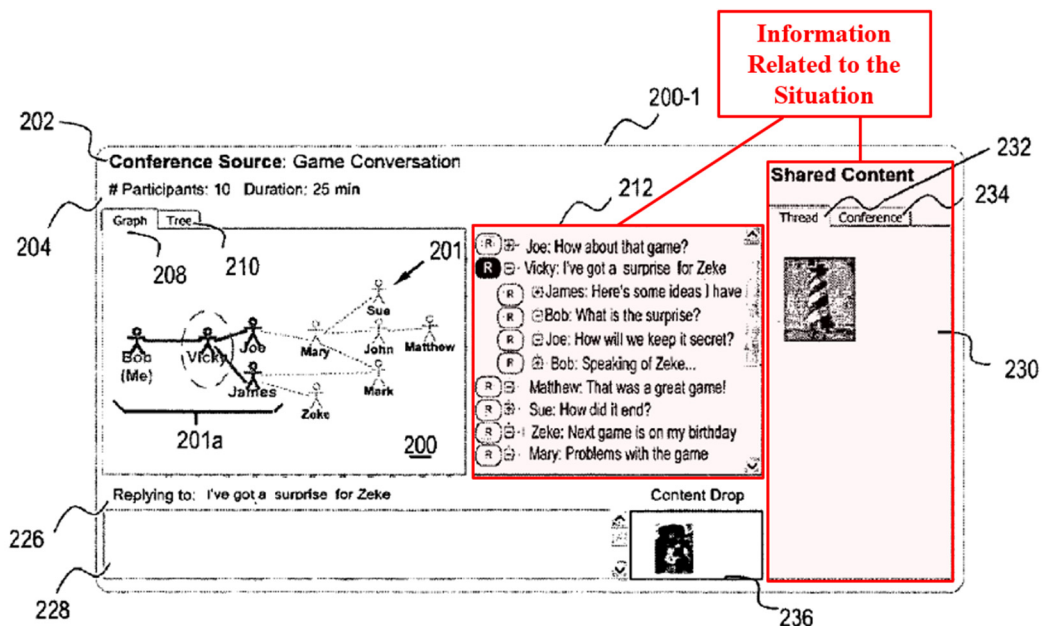
EX1007, FIG. 5 (annotated).

91. Therefore, it is my opinion that Amidon teaches “*aggregating information related to the situation,*” for example, the messages and content shared by users, for display within a conference window and within individual threads of thread display area 212.

7. [12.F] “providing the information and at least one of a plurality of advertisements to each of the information

aggregators based on which of the two or more projections includes the respective personal information aggregator”

92. In my opinion, Amidon in view of Walsh teaches this element. As I discuss with respect to element [12.E], Amidon “*provid[es] the information ... to each of the information aggregators*” (that is, distributes the messages and shared content), as illustrated below in the user interface of Amidon’s Figure 5.



EX1007, FIG. 5 (annotated).

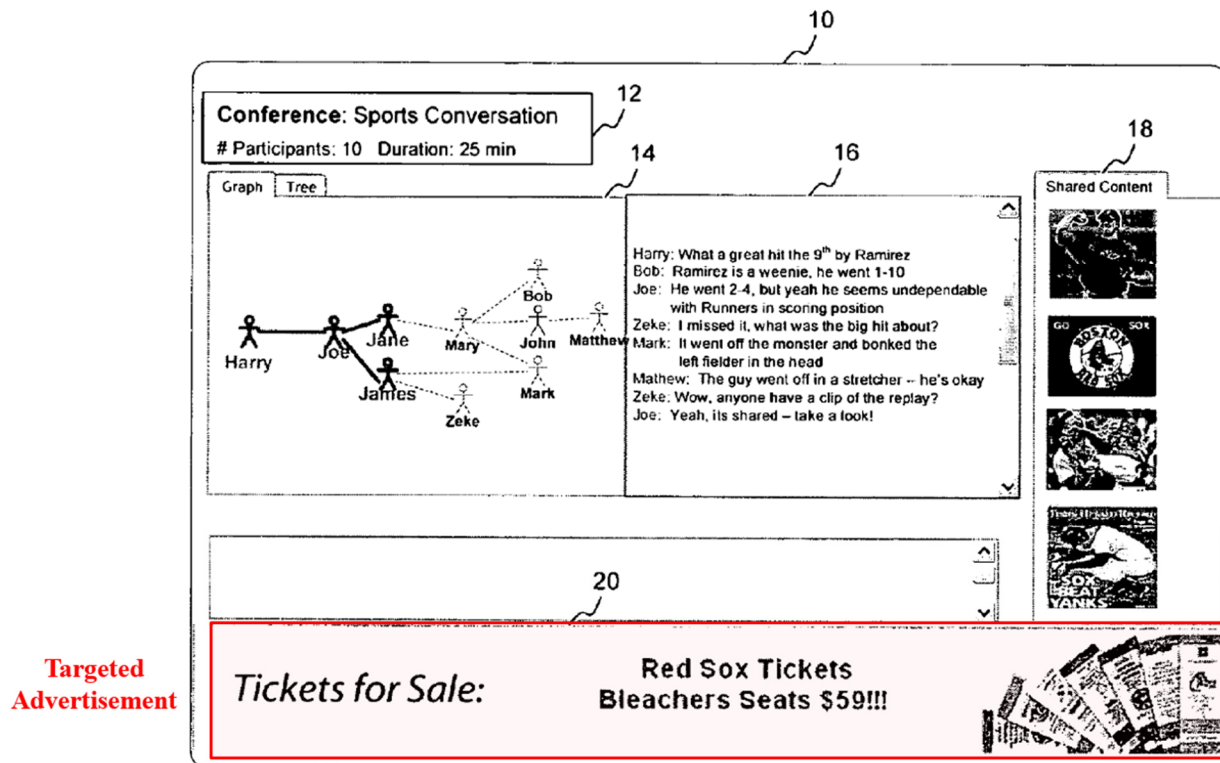
93. Amidon also discloses that the information is provided “*based on which of the two or more projections includes the respective personal information aggregator.*” As one example, Amidon discloses creating a projection of “users to moderate and fully participate in the conference,” and a projection of “users [that] may be allowed to participate but not moderate.” EX1007, 13:14-17. In that case, some messages may be sent to or viewable only by “moderators.” EX1007, 13:17-

21; *see also* EX1007, 13:30-33 (“a participation policy may specify **participation, visibility**, and other parameters at the conference level, **thread/discussion level**, **and/or even on a message-by-message basis.**”). Amidon, therefore, teaches providing the information (e.g., messages) to user devices based on which projection includes the user (and associated device).

94. A POSA also would have recognized that Amidon’s distribution of information is not limited to the “moderator” example discussed above. In particular, because Amidon teaches that “visibility” of information can be controlled based on “any desired degree of granularity,” EX1007, 13:8-33, a POSA would have understood that Amidon teaches providing information to users based on any desired projection. Indeed, Amidon provides other similar examples of selective distribution of information, for example providing messages “only to those within one degree of separation,” etc. EX1007, 21:9-16; *see also* EX1007, 2:60-63 (“users participating in the conference can direct messages to desired users in the conference”).

95. Additionally, Walsh discloses “*providing ... at least one of a plurality of advertisements to each of the information aggregators.*” 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 below. EX1008, 13:30-33. Walsh discloses

that “ads ... may be particularly selected for each user participating in the social network communication session.” EX1008, 6:17-20. Walsh also teaches providing its advertisements “based on which of the two or more projections includes the respective personal information aggregator.” For example, Walsh illustrates providing advertisements based on location, as illustrated in Figure 1 of Walsh, which was common to increase the effectiveness of advertisements. *See, e.g.*, EX1026, 7 (“Geo-targeting is a widely practiced form of online targeting. It obviously makes sense to geo-target for companies whose products or services are available only in regional or local markets.”).



EX1008, FIG. 1 (annotated).

96. For the reasons I discuss in Section IX.A, a POSA would have been

motivated to incorporate Walsh's advertisement distribution and display into Amidon's system based on well-known benefits of displaying advertisements, such as generating ad revenue. As I explain in Section IX.A, a POSA would have had a reasonable expectation of success in doing so. In particular, Walsh discloses the same conference interface as Amidon with the addition of an advertisement provided to the user. *Compare* EX1007, FIG. 5, *with* EX1008, FIG. 1; *see* Section IX.A.

C. Claim 14

97. Claim 14 recites, “*wherein the two or more projections are based at least in part on a geographic proximity of the nodes of the situational network.*”

98. In my opinion, Amidon teaches the additional elements of claim 14 for the reasons I discuss for element [12.D]. In particular, Amidon discloses that its “parameters may include geographical parameters,” and that “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. A POSA would have therefore understood from Amidon's disclosure that Amidon teaches defining participation access levels based on location, creating “*projections*” of users based on the locations of user devices. For example, as Amidon teaches, “users within a certain distance” (“*a geographic proximity*”) may be allowed to fully participate, while users beyond that distance may be

allowed to view the conference but not participate. EX1007, 12:58-65, 13:23-29.

D. Claim 15

99. Claim 15 recites, “*wherein the locations of the personal information aggregators corresponding to the nodes are determined using positional coordinates obtained from the personal information aggregators.*”

100. In my opinion, Amidon teaches the additional elements of claim 15. 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. A POSA would have understood that “GPS” information of the users’ devices would include “*positional coordinates obtained from the personal information aggregators.*” 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.

101. Therefore, a POSA would have understood that the “GPS” information used in Amidon to determine the “location of particular users” would include “*positional coordinates obtained from the personal information aggregators.*” EX1007, 12:59-61, 16:16-22.

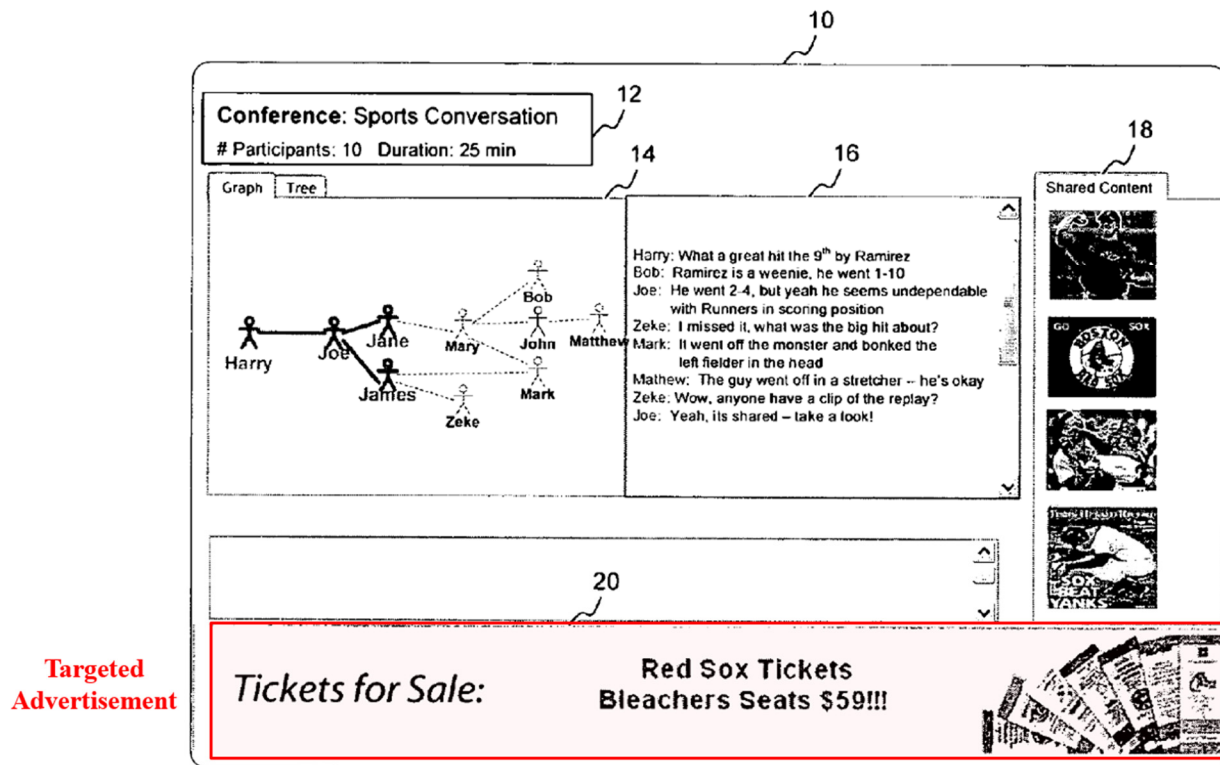
E. Claim 16

102. Claim 16 recites, “*wherein different advertisements of the plurality of advertisements are provided to each of the two or more projections.*”

103. In my opinion, Amidon in view of Walsh teaches the additional elements of claim 16. As I discuss for element [12.D], Amidon discloses creating “*projections*” based on “geographical parameters,” such as “users from a particular location.” See EX1007, 12:58-65, 13:23-29. Walsh also teaches that advertisements may be provided based on geographical parameters. For example, 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.” EX1008, 13:30-33, 6:17-20 (“ads ... may be particularly selected for each user participating in the social network communication session.”). 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; *see also* EX1008, 11:5-8 (“[M]essages and content associated with users in the same state as the target user (e.g., North Carolina) may be assigned a [higher] multiplier.”). Therefore, Walsh teaches that advertisements

can be provided to users based on geographic location.

104. As illustrated in Figure 1 of Walsh, Walsh provides an example in which 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.



EX1008, FIG. 1 (annotated).

105. Although Walsh does not expressly disclose providing “*different advertisements*” to users in different geographic locations, a POSA would have understood that such operation would increase the effectiveness of the provided advertisements. *See, e.g.*, EX1026, 7 (“Geo-targeting is a widely practiced form of online targeting. It obviously makes sense to geo-target for companies whose

products or services are available only in regional or local markets.”); EX1024, 68 (“[M]obile technology also makes it possible to locate a particular consumer. Location-based advertising takes advantage of this feature to target people in a certain location.”); EX1025, 1 (“The relevance of a mobile ad depends on ... the proximity of the mobile consumer to the product or service being advertised.”). For example, a user participating in the conference residing or present in a location geographically distant from Boston would be unlikely to purchase Red Sox tickets, while a user in closer geographic proximity would be more likely to purchase tickets.

106. Therefore, a POSA would have been motivated to provide “*different advertisements*” to users of different geographic locations to increase the probability of the user acting on the advertisement. Such techniques were common and well-known. For example, Walsh already discloses using location information to select advertisements for users, as I have discussed previously. EX1008, 6:17-20, 10:58-11:1, 13:30-33; *see also* EX1026, 1, 7 (“Best Practices for Optimizing Web Advertising Effectiveness”: “Geo-targeting is a widely practiced form of online targeting.”); EX1024, 68; EX1025, 1.

F. Claim 17

107. Claim 17 recites, “*wherein the at least one advertisement is selected based on targeting criteria for each of the two or more projections.*”

108. In my opinion, Amidon in view of Walsh teaches the additional elements of claim 17 for the reasons I discuss for claim 16. In particular, Amidon in view of Walsh teaches selecting advertisements for users based on geographical criteria, which is “*targeting criteria for each of the two or more projections.*” See Section IX.E. A POSA would have been motivated to target users of different “*projections*” to increase the effectiveness of advertisements. See, e.g., EX1024, 68; EX1025, 1.

G. Claim 18

109. Claim 18 recites, “*wherein the targeting criteria is determined using aggregate user demographic information obtained from the personal information aggregators corresponding to each of the two or more projections.*”

110. In my opinion, Amidon in view of Walsh teaches the additional elements of claim 18. Amidon discloses that its “[s]ocial network server 16 may interact with users of clients 30a, 30b, and 30c to define social network relationships and preferences,” including allowing users to “maintain [a] social network profile.” EX1007, 9:10-15. Amidon also discloses that “[s]ocial network data may be used, for instance, to determine the extent of **social network groups (such as grouping members by common interest, age or other demographic information, etc.).** EX1007, 9:32-38. Therefore, Amidon discloses “*using aggregate user demographic information obtained from the personal information*

aggregators.”

111. Walsh also discloses, as part of its session profile computation, “adjusting [session profile] ratings based on social network characterizations,” e.g., “based on [users’] social network information.” EX1008, 7:47-51, 9:14-19. As Amidon discloses, a POSA would have understood that a user’s social network information would typically include “demographic information.” EX1007, 9:32-38; *see also* 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**”). Because “[a]dvertisements may [] be selected by comparison of available ads to the session profile,” EX1008, 13:30-33, a POSA would have understood that Walsh teaches selecting advertisements based on aggregate social network information such as user demographic groupings. EX1007, 9:32-38; EX1008, 7:47-51, 9:14-19.

112. Additionally, using “*aggregate user demographic information*” to target advertisements was well-known. Indeed, Amidon discusses in its background that “in some [social network] systems, a user may direct announcements or **sales pitches toward members of a social network based on** member parameters, such as degree of separation or member characteristics, such as **demographic groupings** or group membership.” EX1007, 2:29-35. Use of

demographics as part of targeting criteria was known to increase the effectiveness of advertisements. *See, e.g.*, EX1027, 2 (disclosing collecting “demographic information” so that “advertising can be carried out very precisely and with a clear focus on the target group”); EX1031, 19:3-11 (disclosing an “advertising campaign process” in which “[m]ultiple social networks are searched for users meeting the campaign requirements [], for example by demographics,” to “achieve better targeting”), FIG. 18. Therefore, to the extent it is argued that neither Amidon nor Walsh expressly discloses using “*aggregate user demographic information*” as part of advertising targeting criteria, a POSA would have been motivated to do so to increase the effectiveness of advertisements.

H. Claim 19

113. Claim 19 recites, “*wherein the event node is established by a situation authority using an event node server.*”

114. In my opinion, Amidon teaches the additional elements of claim 19. Amidon discloses “a system 12 that supports social network based conferencing,” which includes a “messaging server 14” 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, 8:36-37.

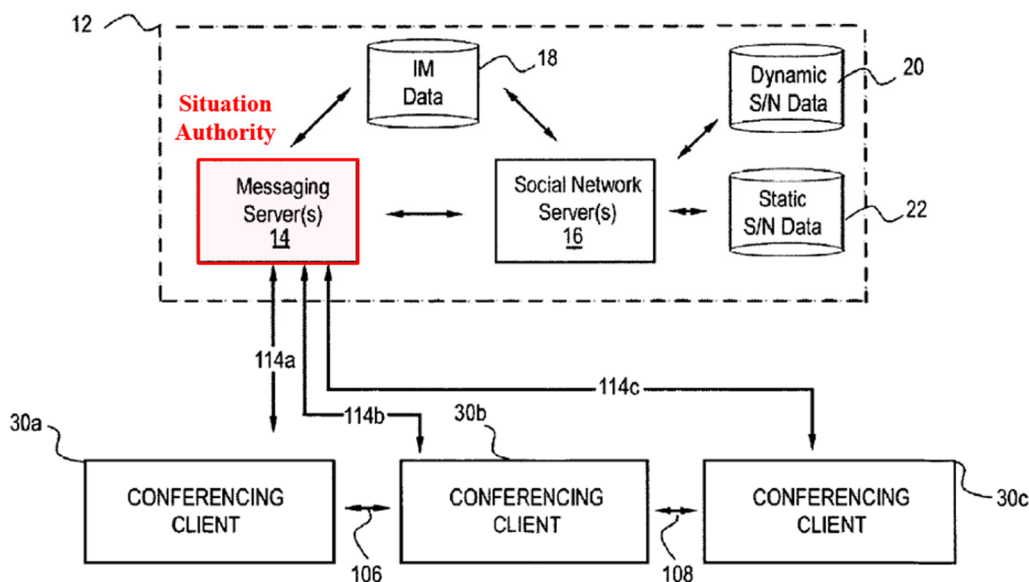


FIGURE 2

EX1007, FIG. 2 (annotated).

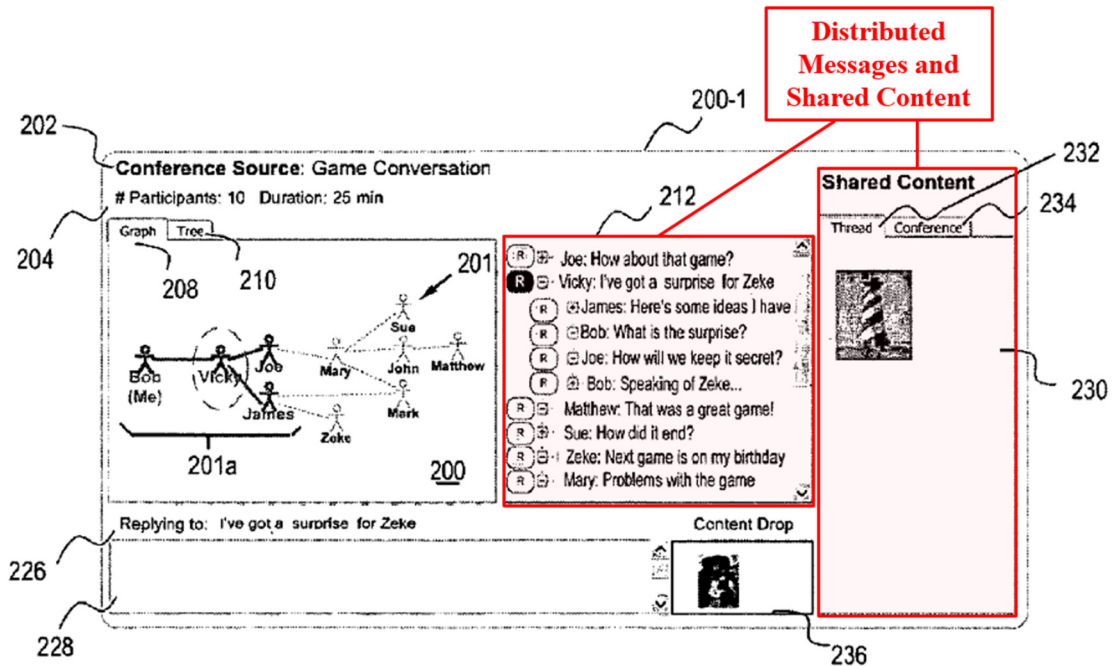
115. “[E]ach client 30a, 30b, and 30c interfaces with messaging server via respective links 114a, 114b, and 114c,” and “[u]sers of clients 30a, 30b, and 30c may then send messages, such as instant messages, to one another via server 14 using links 114.” EX1007, 8:36-37, 8:49-51; *see also* EX1007, 8:44-47 (“[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, Amidon’s “messaging server 14” connects client devices and other network resources in Amidon’s disclosed architecture.

116. 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 “[u]sers 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. 8:31-35, 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 is “*an event node server*” that provides conferencing functionality to users of the conferencing system.

117. Amidon’s “messaging server 14” also corresponds 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-

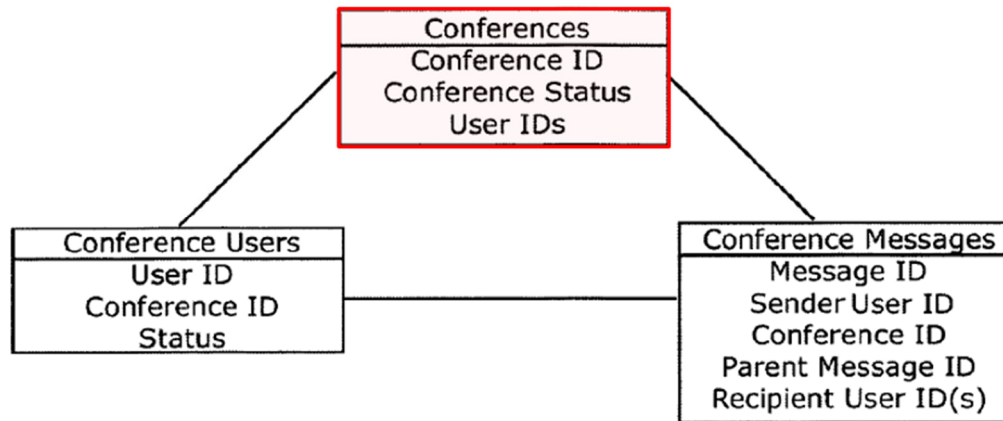
drop functionality whereby a user can drag content to be shared into drop area
236.”).



EX1007, FIG. 5 (annotated).

118. Amidon also teaches that “*the event node is established by a situation authority using an event node server.*” For example, as I discuss for element [12.B], Amidon’s messaging server 14 provides a “social network conference” to which users may connect. EX1007, 10:37-44. 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, 10:40-44. 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).

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.

119. Therefore, it is my opinion that Amidon teaches “*wherein the event node is established by a situation authority using an event node server.*”

I. Claim 20

120. Claim 20 recites, “*wherein the situation is a weather phenomenon.*”

121. 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 20 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.

122. Nevertheless, even if the language of claim 8 is determined to be limiting, it is my opinion that claim 20 is taught by Amidon and Walsh in view of Jones, as I discuss with respect to Ground 3.

J. Claim 21

123. Claim 21 recites, “*wherein the connections cause a raised affinity between each of the personal information aggregators and the event node along a dimension corresponding to the situation.*”

124. In my opinion, Amidon teaches the additional elements of claim 21. I note that the '932 patent does not define or restrict the form in which the claimed “*raised affinity*” is represented. Rather, the '932 patent explains, “[i]f there are multiple dimensions connecting the users [in a SitNet], the dimension related to interests in the event or situation (e.g., travel) may have a temporally raised affinity.” EX1001, 21:3-9. “During the situation or event, users may have a greater need for information about the event or situation and are more likely to share or provide information to other users in the SitNet.” EX1001, 21:9-12. Therefore, due to the “raised affinity,” “the user’s PIA will utilize most if [sic] its resource sharing or searching for information about the situation or event.” EX1001, 21:12-18.

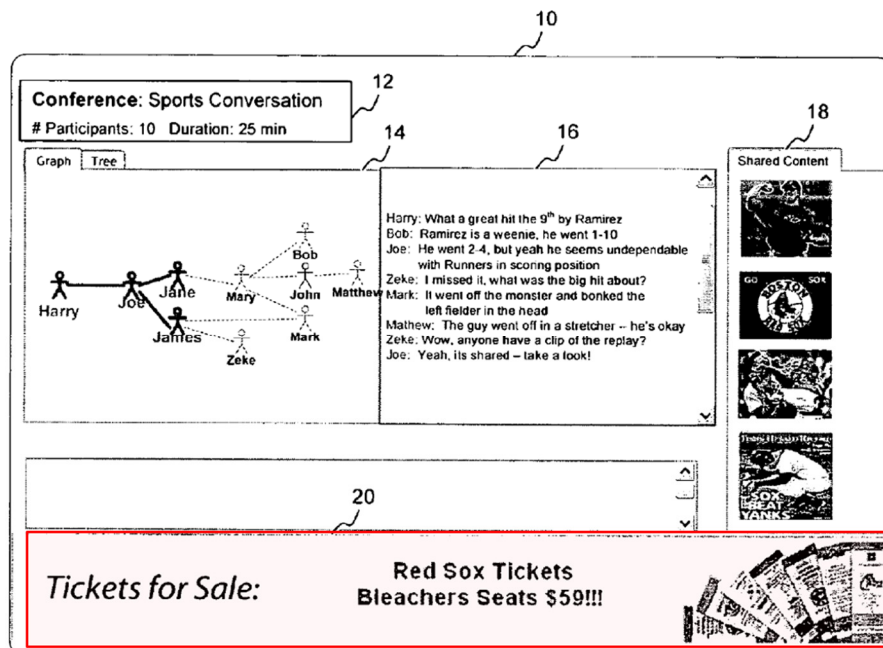
125. Similar to the '932 patent, Amidon discloses that during a situation (while the user is connected to a conference), user devices connected to the conference will be using their resources to share or view information related to the situation. For example, Amidon discloses initiating a conference to “talk about vacation” in which users share messages and content related to vacation. EX1007, 21:18-45 (“Conferencing application 340, messaging client 342, and P2P client 344 could be configured to interact to support drag-and-drop content sharing amongst the conference participants using interfaces such as those illustrated in FIG. 5.”); *see also* EX1007, 8:44-51 (“one or more software applications running on each client 30 provide messaging functionality.... Users of clients 30a,30b, and 30c may then send messages, such as instant messages, to one another via server 14 using links 114 and/or by direct links such as 106 and 108.”).

126. Thus, connecting to a conference in Amidon “*cause[s] a raised affinity between each of the personal information aggregators and the event node along a dimension corresponding to the situation,*” for example, travel or vacation, making the users more likely to share information about travel or vacation. Further, connecting to the conference is likely to lead to increased resource usage of the users’ devices directed toward sharing information about travel or vacation. Therefore, in line with the description in the '932 patent, it is my opinion that Amidon teaches the additional elements of claim 21.

X. GROUND 2: THE COMBINATION OF AMIDON, WALSH, AND SHAHINE RENDERS OBVIOUS CLAIM 13.

127. Claim 13 recites, “*wherein the plurality of advertisements are received from at least one advertising entity.*”

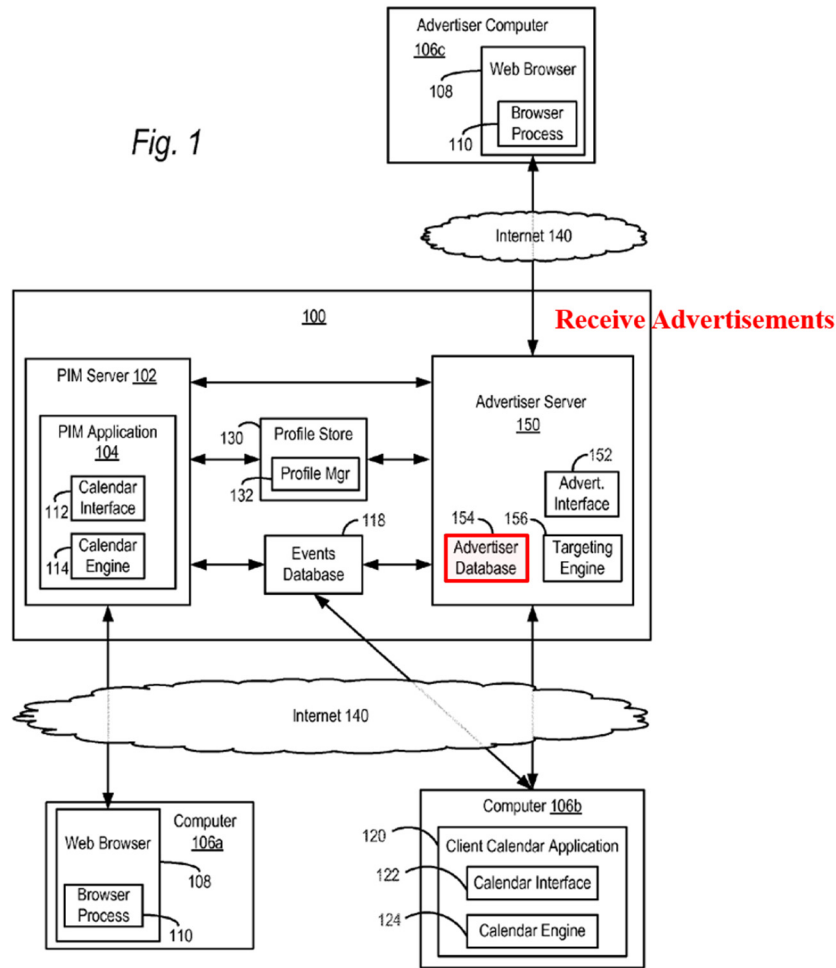
128. In my opinion, Amidon and Walsh, alone or in view of Shahine, teach the additional elements of claim 13. Walsh describes that “[a]dvertisements may [] be selected by **comparison of available ads** to the session profile and provided to a user in the advertisement display portion 20 of user interface 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).

129. 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").

130. 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*," as I discuss in Section VIII.C, Shahine 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," as illustrated in Figure 1 below. EX1015, 5:39-42.



EX1015, FIG. 1 (annotated).

131. 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. Example advertisements received by Shahine’s advertiser server and distributed to users are illustrated, for example, in Figure 5 of Shahine. EX1015, 6:43-45 (“As shown, **a plurality of targeted advertisements 160** may frame the user interface on one or more sides.”).

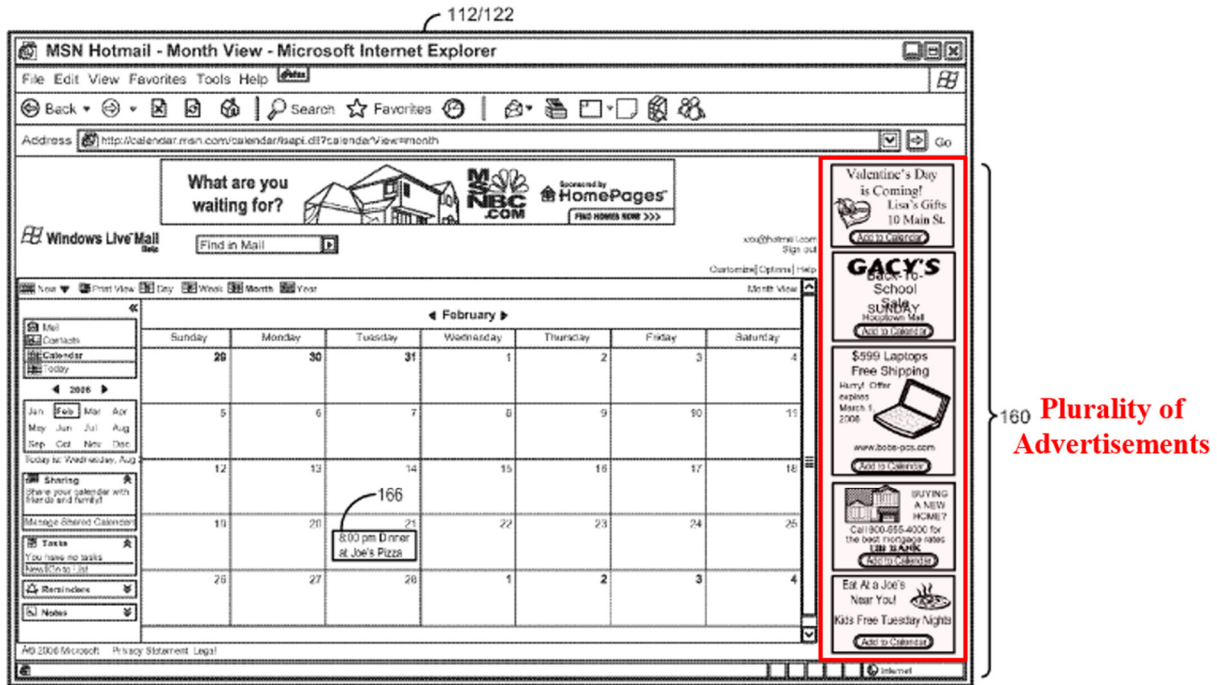


Fig. 5

EX1015, FIG. 5 (annotated).

132. To the extent not already known, it is my opinion that 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 **Error! Reference source not found.**, 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 corresponding to various entities for distribution to users. As Google explained in 2007, "ad serving is the act of serving, or delivering, ads to websites." 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.

133. 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.

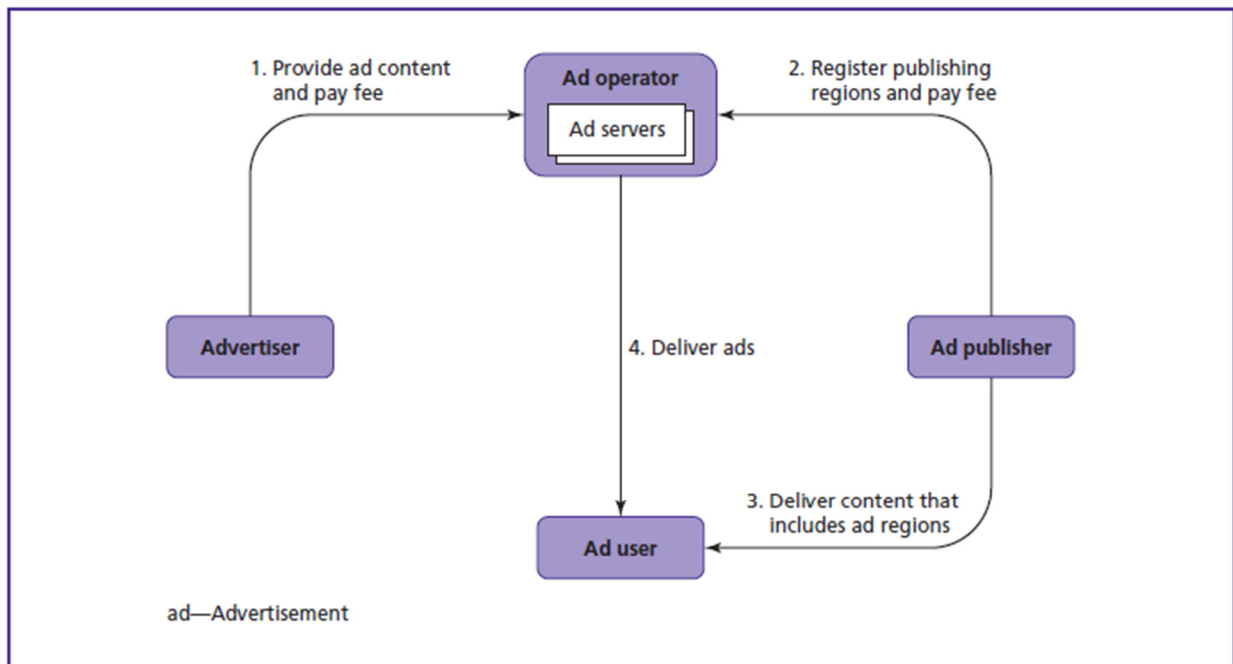


Figure 1.
Business model of the advertising system.

EX1013, 146.

134. “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. 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.

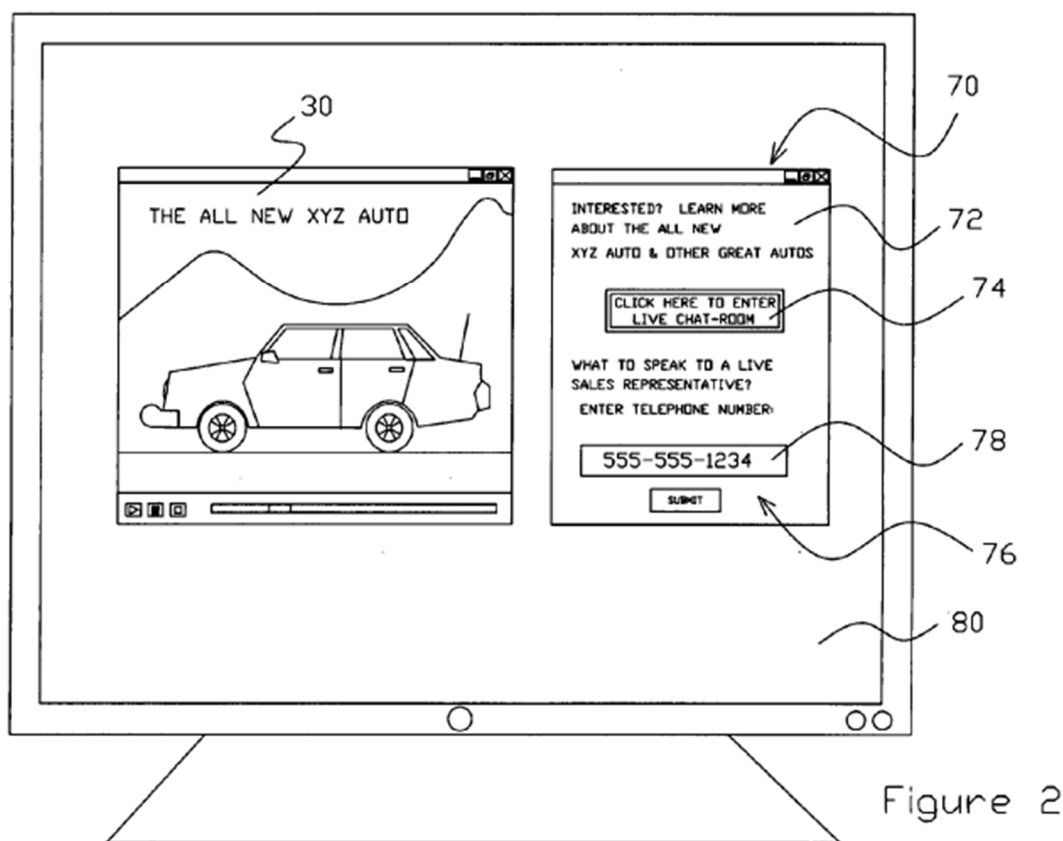
135. A POSA therefore would have been motivated to use Shahine's well-known and common paradigm for receiving advertisements in Amidon-Walsh's system to allow for storage and distribution of Walsh's "available ads." EX1008, 13:30-33, FIG. 1. It is my opinion that a POSA would have had a reasonable expectation of success in doing so using well-known network communication and upload techniques. 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.”).

XI. GROUND 3: THE COMBINATION OF AMIDON, WALSH, AND JONES RENDERS OBVIOUS CLAIM 20.

136. Claim 20 recites, “*wherein the situation is a weather phenomenon.*” In my opinion, the combination of Amidon, Walsh, and Jones renders obvious claim 20.

137. As I discuss in Section VIII.C, 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.

138. 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.*”

139. 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.

XII. CONCLUSION

140. 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 such cross-examination is required, I will appear for cross-examination within the United States during the time allotted.

141. 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

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