

36. (Currently Amended) The method of claim 35, ~~wherein said step of creating and assigning said unique identification code to each viewer's browser is accomplished by said correlator code.23,~~ further comprising the step of counting a view if a said electronic content file is rendered in a said content rendering area and a predefined portion of said content rendering area is within the dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device.

37. (Currently Amended) The method of claim 35, ~~wherein said step of creating and assigning said unique identification code to each viewer's / browser is accomplished by said system server side application.23,~~ wherein said correlator code monitors more than one content rendering area on a said content page.

38. (Currently Amended) A system for the control of content rendering ~~via an electronic communications network at one or more content pages having one or more content page rendering areas, to one or more content page viewers having means for communicating via said electronic communications network and having a browser with one or more window dimensions and scrolling positions on a designated rendering area of a designated content display page via an electronic communications network,~~ comprising:

~~a system end computer equipped and configured for network communications, including one or more computer processors and communicating with said content pages and a server including a database that stores one or more records containing parameters and commands for rendering a content files at a specified content rendering areas of said content pages,~~

~~one or more network communications interface software applications for interfacing with system users and for creating a record in said server database that contains parameters and commands to retrieve, assemble and display said content files at said designated content rendering areas, and~~

~~one or more system computer system communicating with said electronic communications network and said designated content display page, said computer system running one or more software applications for generating code for placement at said designated content pages which, when one of said content page rendering areas a code for detection that a designated portion of said designated rendering area is within the dimensions and scrolling position of said viewer's browser window, causes said parameter and command record for said content page rendering area to be activated, thereby retrieving said content files and assembling and displaying said content at said content rendering area and retrieving from said viewer's browser data pertaining to said content rendering activity, a browser window on a display screen of an electronic communications device of a viewer communicating via said network with said designated content display page; and~~

~~a code written to said designated content display page for detection that said designated portion of said designated rendering area is within the dimensions and scrolling position of said browser window prior to the rendering of designated content within said designated rendering area, said code also causing said designated content to be rendered~~

within said designated rendering area only if said designated portion of said rendering area is determined by said correlator code to be within said dimensions and scrolling position of said browser window, said code also monitoring whether said content is rendered within said designated rendering are and causing data pertaining to said monitoring to be sent via said network.

39. (Currently Amended) The system of claim 38, further comprising a tracking server communicating with said content page and ~~said system server for storage of said content rendering data retrieved from said viewer's browser and said content page.~~ for receiving said rendering data.

40. (Currently Amended) ~~The system of claim 38, wherein said content page rendering areas has positional coordinates and said viewer's browser window dimensions and scrolling positions each have positional coordinates, and said code is written to said content page and determines whether said positional coordinates of said content page rendering area correspond with said positional coordinates of said viewer's browser window dimensions and scrolling position, and triggers content rendering at said content rendering area when said correspondence is determined to exist.~~ The system of claim 39, wherein said system causes a view to be counted if said content file is rendered in said content rendering area and said content rendering area is at least partially within the area defined by the dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device.

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41. (Currently Amended) ~~A system for controlling the rendering of content via an electronic communications network at a designated content rendering area of a content page to one or more viewers having a network communications device with a browser software application with adjustable window dimensions and scrolling position, for perceiving content pages within said browser's window dimensions and scrolling position, comprising:~~

~~a system end computer equipped and configured for communications via said A system for controlling the rendering of content via an electronic communications network, including one or more computer processing units and means for communicating with one or more content pages that have one or more of said content rendering areas and one or more content page triggering areas on said pages, and a system server including a database that stores one or more records containing data pertaining to said content pages, said content page triggering areas, said content page rendering areas and said content files,~~

~~one or more content file servers which house said content files,~~

~~one or more network communications interface software applications for receiving from system users data designating said content pages, content page rendering areas within said content pages, content page triggering areas that, when determined to be within a pre-defined distance outside of a content page viewer's browser window dimensions and scrolling position, will result in content being rendered in said content page rendering area, and content files for rendering at said designated content rendering areas of said content pages; and for creating a record, for storage in said system server database, that contains said data, assigning an identification code to said data record and generating a tag/link to be placed on said content pages, said tag/link including a reference to said data record identification code and a link to a system custom software application; and~~

~~one or more system custom software applications for generating and writing to said designated content page a correlator code to determine when said designated content page triggering area is within said pre-defined distance outside of a content viewer's browser window dimensions and scrolling position, for dynamically generating HTML code to be used as a marker for said designated content page rendering area, and for communicating with said correlator code to cause said content files to be rendered in said content page rendering areas when said correlator code detects that said designated content page triggering~~

~~area is within said pre-defined distance outside of said content viewer's browser window dimensions and scrolling position.~~

comprising:

a system-end computer comprising one or more computer processing units and one or more software applications, and communicating with one or more electronic content pages having two or more content rendering areas within a said electronic content page, said electronic content pages being remotely accessible via said electronic communications network by a viewer using an electronic communications device having a display screen displaying a browser window with an area defined by said window's dimensions and scrolling position for perceiving said electronic content pages;

a correlator code for embedding at a designated electronic content page,

said correlator code at said designated electronic content page retrieving information from said viewer's browser, checking viewer browser screen coordinate data, checking content page rendering area coordinates, checking browser window dimensions, checking browser scrolling position, and causing content to be requested for rendering within said designated content rendering area if said correlator code detects that a predefined portion of said content rendering area is within the dimensions and scrolling position of the viewer's browser window shown in viewer's display screen, said correlator code also reporting the rendering of said designated content via said network if said content is so rendered within said designated content rendering area.

42. (Currently Amended) ~~The system of claim 41, wherein said system software applications further include a content rendering module software application that is embedded at said specified content page rendering area and which communicates with said system server and said correlator code and which, when said specified content page triggering area is within said pre-defined distance outside of the dimensions and scrolling position of said viewer's browser window, causes said content files to be retrieved from said one or more content servers and rendered at said specified content page rendering area.~~ The system of claim 41, wherein said correlator code determines if said predefined portion of a designated content page triggering area is within, or within said pre-defined distance outside of the dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device, and if so, causes said content to be requested and rendered at said content rendering area.

43. (Currently Amended) The system of claim 41, wherein said content page rendering areas within said content pages and said content page triggering areas are ~~the same~~ different areas.

44. (Currently Amended) The system of claim 41, wherein said correlator code retrieves content rendering activity data from said viewer's browser and said content page, ~~and further comprising a tracking server for communicating with said content page and said system server for storage of said content rendering activity data retrieved from said viewer's browser and said content page and causes said data to be sent via said electronic communications network.~~

45. (Currently Amended) The system of claim ~~42~~ 41, further comprising a tracking server for communicating with said content page ~~and said system server for storage of content rendering activity data retrieved from said viewer's browser and said content page.~~

46. (Currently Amended) The system of claim ~~45~~ 44, wherein said content rendering activity data is sent ~~from to~~ to said ~~content rendering module to said system server~~ via file server direct connection communication.

47. (Currently Amended) ~~The system of claim 45, wherein said content rendering activity data is sent from said content rendering module to said tracking server via file server direct connection communication.~~42, wherein a new correlator code is generated for each viewer request for said content page.

48. (Currently Amended) ~~The system of claim 41, wherein said content page triggering area has positional coordinates, said pre-defined distance outside said viewer's browser window dimensions and scrolling position has positional coordinates, and said viewer's browser window dimensions and scrolling position have positional coordinates, and said correlator code determines when said designated content page triggering area is within said pre-defined distance outside of a content viewer's browser window dimensions and scrolling position by determining whether there is correspondence between the positional coordinates of said content page triggering area and the positional coordinates of said area that is said pre-defined distance outside said viewer's browser window dimensions and scrolling position.~~The system of claim 41, wherein said correlator code monitors more than one content rendering area within said content page.

49. (Original) The system of claim 41, wherein said network comprises one or more networks selected from the group consisting of local area computer networks, wide area computer networks, the Internet, cable communications networks, satellite communications networks, television frequency networks, radio frequency communications networks, powerline communications networks and cellular communications networks.

50. (Currently Amended) The system of claim ~~44~~41, further comprising one or more software applications for ~~compilation and presentation of~~providing reports pertaining to content rendering activity data with respect to said content page rendering areas of said content pages.

51. (Currently Amended) The system of claim 44~~50~~, wherein said ~~content rendering activity data retrieved via said correlator code comprises data reports~~ pertaining to content rendering activity at ~~content page further comprise reports comparing content rendering activity at two or more content rendering areas located within the same content page.~~

52. (Currently Amended) The system of claim ~~51~~, wherein said ~~content page rendering areas within said same content page comprise one or more areas selected from the group consisting of the top of said content page, above the fold of said content page, below the fold of said content page and the bottom of said content page~~ 41, wherein said system causes a content rendered event to be counted if said electronic content file is rendered at said content rendering area.

53. (Currently Amended) The system of claim 44, wherein said content rendering activity data retrieved via said correlator code comprises one or more of the ~~data selected from the group consisting of following data:~~ whether said content was rendered and said content rendering area was within said dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device, how long said content was rendered to said viewer at said content page rendering area, the number of said viewers to whom said content was rendered at said content page rendering area, the geographic location of said viewers to whom said content was rendered at said content page area, browser versions used by said viewers to whom said content was rendered at said content page area, how many times said content was rendered to said viewers at said content page rendering area, and viewer click activity with respect to said content rendered to said viewers at said content page rendering area.

54. (Currently Amended) ~~The system of claim 41, wherein said system custom software applications further comprise means for creating a unique identification code that is assigned to each content viewer/browser.~~

A method for controlling the rendering of content via an electronic communications network, comprising the steps of:

generating a correlator code for embedding at a user designated content page accessible via said electronic communications network for determining whether a predefined portion of one or more user designated content page areas within said content page is either at least partially within, or a pre-defined distance outside of, the dimensions and scrolling position of a browser window displayed on a display screen of an electronic communications device of a viewer requesting said content page via said electronic communications network;

retrieving data from said viewer browser;

monitoring, via said correlator code embedded at said designated content page prior to rendering of one or more designated content files within said one or more designated content page areas, whether a predefined portion of said one or more designated content page areas is either at least partially within, or within a pre-defined distance outside of, said the dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device;

causing, via said correlator code, one or more designated electronic content files to be requested via said electronic communications network and rendered at a said designated content page area of said designated electronic content page if said correlator code determines that said predefined portion of said designated content page area is within said dimensions and scrolling position; and

causing a view to be counted with respect to said one or more electronic content files if said one or more electronic content files are rendered in a said content page area and a predefined portion of said content page area is within the dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device.

55. (Currently Amended) ~~The system of claim 54, wherein said means for creating a unique identification code that is assigned to each content viewer/browser comprises said correlator code.~~ The method of claim 54, further comprising the step of designating a content page triggering area which is different from said content page area wherein said one or more designated electronic content files are to be rendered, which if a predefined portion thereof is determined by said correlator code to be within, or within said pre-defined distance outside of said dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device, triggers rendering of said one or more electronic content files at said designated content page area.

56. (Currently Amended) ~~A method for controlling the rendering of content on a content page rendering area of a content page based on determination of when a pre-defined area of said content page is within a pre-defined distance outside of the browser window dimensions and scrolling position of a viewer's browser window via an~~ The method of claim 54, further comprising the step of reporting said view via a communication from said correlator code via said electronic communications network, comprising the steps of:

~~designating one or more content pages, one or more content page areas and one or more content files, said content files being previously stored in electronic file format in a mass storage device of a computer system for rendering at a said designated content page areas of said content pages;~~

~~storing as a record within a system-side database data pertaining to a said content pages, a said content page rendering areas and a said content files;~~

~~generating and placing at said one or more designated content pages a tag/link that when activated by a content page viewer request for said designated content page, links to a system server-side application and retrieves, via said server-side application, data from said record stored in said system server-side database and data pertaining to said viewer and viewer browser from said content page request;~~

~~generating and writing a correlator code to said designated content pages which determines whether said designated content rendering areas of said designated content pages is within a pre-defined distance outside of said viewer's browser window dimensions and scrolling position and generates an HTML layer to serve as a marker for said designated content page areas where said designated content files is to be rendered;~~

~~generating a query string and link for placement at said content pages, which when activated by said correlator code based on detection that one of said designated content page areas is within said pre-defined distance outside of the dimensions and scrolling position of said viewer's browser window, dynamically generates HTML codes and tags to render said designated content files in said content page rendering areas of said content pages.~~

57. (Currently Amended) The method of claim ~~56~~54, further comprising the step of ~~designating a causing the rendering of a said content file at a said content page triggering areas which is different from said content page rendering areas, which when within said pre-defined distance outside of said viewer's browser window dimensions and scrolling position, triggers rendering of said content files rendering area to be counted if said content file is rendered at said content page rendering areas.~~

58. (Currently Amended) The method of claim ~~56~~, further comprising the step of ~~compiling and presenting reports pertaining to content rendering activity data with respect to a said content page rendering areas of a said content pages 54, wherein a new correlator code is generated and written to said electronic content page for each viewer request for an electronic content page wherein said tag is placed.~~

59. (Currently Amended) The method of claim ~~56~~54, further comprising the step of ~~creating and assigning a unique identification code to each content viewer/browser causing a communication to be sent via said electronic communications network if a said content file is rendered in a said content page area and a predefined portion of said content page area is at least partially within the dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device.~~

60. (Currently Amended) The method of claim ~~59~~, wherein said step of creating and assigning said unique identification code to each content viewer/browser is accomplished by system of claim 1, wherein said correlator code determines whether a designated content file has been previously rendered in a designated rendering area before rendering said content file.

61. (Currently Amended) ~~The method of claim 59, wherein said step of creating and assigning said unique identification code to each content viewer/browser is accomplished by said system server side application.~~The method of claim 23, further comprising the step of determining, via said correlator code, whether a designated content file has been previously rendered in a designated rendering area before rendering said content file.

62. (New) The system of claim 38, wherein said correlator code determines whether a designated content file has been previously rendered in a designated rendering area before rendering said content file.

63. (New) The system of claim 41, wherein said correlator code determines whether a designated content file has been previously rendered in a designated rendering area before rendering said content file.

64. (New) The method of claim 54, further comprising the step of determining, via said correlator code, whether a designated content file has been previously rendered in a designated rendering area before rendering said content file.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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12/316,781

12/16/2008

Brad Krassner

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06/05/2014

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EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 06/05/2014

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

Notice of Non-Compliant Amendment (37 CFR 1.121)	Application No.	Applicant(s)
	12/316,781	KRASSNER ET AL.
	Examiner	Art Unit
	Shawn S. Joseph	2176

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

The amendment document filed on 15 October 2012 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
 - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See attached.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **two months** from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the _____ non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
- Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/ANDREW DYER/ Primary Examiner, Art Unit 2176	/Shawn S. Joseph/ Examiner, Art Unit 2176
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Continuation of 4E. The claims do not provide proper markup. For example, claim 17 only provides underlined text as currently amended, but does not provide the strikethrough text which has been deleted. Examiner notes that this is only an exemplary indication that the submitted claims are non-compliant (See MPEP § 714(II)(c)). Applicant is required to revisit the claims and meticulously ensure that the submission is in compliance.

Notice of Non-Compliant Amendment (37 CFR 1.121)	Application No.	Applicant(s)
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THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
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 - ☐ C. Other _____.
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
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- ☐ 3. Amendments to the drawings:
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 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
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- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

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2. Applicant is given **two months** from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the _____ non-compliant amendment in compliance with 37 CFR 1.121.

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- Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/ANDREW DYER/ Primary Examiner, Art Unit 2176	/Shawn S. Joseph/ Examiner, Art Unit 2176
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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 055368.0101	FOR FURTHER ACTION	See Form PCT/IPEA/416																								
International application No. PCT/US06/48805	International filing date (<i>day/month/year</i>) 21 December 2006 (21.12.2006)	Priority date (<i>day/month/year</i>) 24 December 2005 (24.12.2005)																								
International Patent Classification (IPC) or national classification and IPC IPC: G06Q 30/00(2006.01) USPC: 705/14.1																										
Applicant RICH MEDIA CLUB, LLC																										
1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of <u>7</u> sheets, including this cover sheet. 3. This report is also accompanied by ANNEXES, comprising: a. ☒ (<i>sent to the applicant and to the International Bureau</i>) a total of <u>0</u> sheets, as follows: ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. ☐ (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions). 4. This report contains indications relating to the following items: <table style="width: 100%; border: none;"> <tr> <td style="width: 10%;">☒</td> <td style="width: 20%;">Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td>☐</td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td>☐</td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td>☐</td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td>☒</td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td>☐</td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td>☐</td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td>☐</td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>			☒	Box No. I	Basis of the report	☐	Box No. II	Priority	☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	☐	Box No. IV	Lack of unity of invention	☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	☐	Box No. VI	Certain documents cited	☐	Box No. VII	Certain defects in the international application	☐	Box No. VIII	Certain observations on the international application
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☐	Box No. VIII	Certain observations on the international application																								
Date of submission of the demand 12 July 2007 (12.07.2007)	Date of completion of this report 20 January 2011 (20.01.2011)																									
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Form PCT/IPEA/409 (cover sheet)(April 2007)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US06/48805

Box No. I Basis of the report

1. With regard to the language, this report is based on:

- ☒ the international application in the language in which it was filed.
- ☐ a translation of the international application into English, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3(a) and 23.1(b))
- ☐ publication of the international application (under Rule 12.4(a))
- ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- ☒ the international application as originally filed/furnished
- ☒ the description:
pages 1-56 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____
- ☒ the claims:
pages 57-62 as originally filed/furnished
pages* NONE as amended (together with any statement) under Article 19
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____
- ☒ the drawings:
pages 1-43 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

5. ☐ This report has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 70.2(e)).

* If item 4 applies, some or all of those sheets may be marked "superseded."

Form PCT/IPEA/409 (Box No. I) (April 2007)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US06/48805

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>11</u>	YES
	Claims <u>1-10 and 12-21</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-21</u>	NO
Industrial Applicability (IA)	Claims <u>1-21</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and Explanations (Rule 70.7)
Please See Continuation Sheet

Form PCT/IPEA/409 (Box No. V) (April 2007)

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

V. 2. Citations and Explanations:

Claims 1-10 and 12-21 lack novelty under PCT Article 33(2) as being anticipated by US 2005/0033641 A1 to Jha et al. (hereinafter 'dha').

As to claim 1 and 21, Jha teaches a system for the creation, distribution and tracking of electronic advertisements on a network, comprising: a system-end computer equipped and configured for network communications, including computer processing means a dispatcher server containing a database that stores one or more files containing parameters and commands for each advertisement, a network user-end computer configured and equipped for network communications and communicating with said network (e.g. In operation 114, the ad script may request, on behalf of the user, advertisement(s) from an ad server. As part of its request for advertisement(s) (also referred to as an "ad request"), the ad script may also send to ad server, the ad parameter values, which may have been extracted in operation 112, and/or other parameters, see para [0047]), an ad publisher-end computer configured and equipped for network communications and communicating with said system dispatcher server and network user-end computers (e.g. Advertiser profile/Geo-profile may include historical information about geo-location data, based on user IP address, for users selecting the given advertisement, see para [0113]), one or more advertisement servers configured and equipped for network communications communicating with said system-end dispatcher server and ad publisher-end computers and having one or more advertisement content files stored thereon which are made available for licensing for use in creating an advertisement (e.g. In operation 116, the ad server may target advertisement(s), based on at least the ad request sent in operation 114, see para [0048]), one or more network communications interface software

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applications for interfacing with system users and also providing a menu for selection of one or more advertising content files made available for licensing for use in creating an advertisement and creating a file in said dispatcher server database that contains parameters and commands to retrieve, assemble and display said one or more advertisement files as well as the total cost-per-use of the licensed ad content files and the location(s) where the ad will be displayed (e.g. A menu or taskbar pulldown can be considered a form of pop-up. So can the little message box you get when you move your mouse over taskbars in many PC applications, see para [0243]), said system software applications further including an ad module software application that is embedded at the desired ad display location and which, when acted upon by a network user, causes the system to conduct an auction to select an advertisement to be displayed at said ad display location based on said advertiser bids, which in turn causes said ad parameter and command file for the selected advertisement to be activated, thereby retrieving said ad content files from said one or more ad servers and assembling and displaying said ad at said ad display location (e.g. search referral query, "best type of weight loss," may be embedded in the search referral URL, and may be extracted from it, see para [0059]), network communication means for displaying said advertisement to said network user (e.g. Ad pricing may refer to the mechanism(s) by which an advertiser may pay, using real currency or an optional non-cash credit currency, the publisher for displaying the ad(s), see para [0127]), a tracking server communicating with said advertisement server (e.g. an advertiser may be interested in tracking the "sales conversion rate" due to a particular ad, see para [0160]) and said dispatcher server for tracking of usage of licensed advertisement content files to calculate and charge an advertiser the cost-per-use rate for said licensed advertisement content files each time said files are displayed (e.g. Any Web server can be enabled by using Netscape's SSLRef program library which can be downloaded for noncommercial use or licensed for commercial use, see para [0252]), and means for a system advertiser user to upload information about said advertiser user's products/services into said system and means for completing e-commerce transactions via said system involving purchase of said products/services from said advertiser user in response to said advertiser user's advertisement (e.g. Conversion may refer to a visitor performing a certain desirable action on a publisher's or advertiser's web site. Examples of desirable actions could be "visit advertiser's landing page", "sign up as a new user on advertiser's Web site", "purchase a product on advertiser's web site" etc, see para [0160]).

As to claim 2, Jha teaches the system of claim 1, wherein said tracking utilizes file server direct connection (e.g. When you are set up with direct access to the Internet, your computer is provided with a copy of the TCP/IP program just as every other computer that you may send messages to or get information from also has a copy of TCP/IP, see para [0218]; and e.g. TCP/IP is a two-layering program. The higher layer, Transmission Control Protocol (TCP), manages the assembling of a message or file into smaller packet that are transmitted over the Internet and received by a TCP layer that reassembles the packets into the original message, see para [0219]).

As to claim 3, Jha teaches the system of claim 1, wherein said content files are made available for licensing on a cost-per-use basis (e.g. an advertiser may specify a different max cost-per-click (CPC) price for each of the following types of visits, see para [0128]).

As to claim 4, Jha teaches the system of claim 1, further comprising means for a system advertiser user to upload information about said advertiser user's products/services into said system and means for completing e-commerce transactions via said system involving purchase of said products/services from said advertiser user in response to said advertiser user's advertisement (e.g. Plug-in applications are programs that can easily be installed and used as part of your Web browser. Initially, the Netscape browser allowed you to download, install, and define supplementary programs that played sound or motion video or performed other functions, see para [024]).

As to claim 5, Jha teaches the system of claim 1, wherein said dispatcher server database ad parameter file further includes keyword terms that said ad will be associated with and said advertiser's bid for display of said advertisement at said display location in response to said keyword terms being referenced by a network user by action at said display location (e.g. Advertiser profile/Keyword profile may refer to the keywords or phrases that may be specified by the advertiser, corresponding to the given advertisement, see para [0108]).

As to claim 6, Jha teaches the system of claim 1, wherein said system software applications further include an ad module software application that is embedded at the desired ad display location and which, when acted upon by a network user, causes the system to conduct an auction to select an advertisement to be displayed at said ad display location based on said advertiser bids, which in turn causes said ad parameter and command file for

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the selected advertisement to be activated, thereby retrieving said ad content files from said one or more ad servers and assembling and displaying said ad at said ad display location (e.g. a max.bid price specified for an advertisement is lower than the rain bid price specified by the publisher, then the ad may not satisfy the bid price requirement for that publisher web page, see para [0119]).

As to claim 7, Jha teaches the system of claim 6, wherein said advertiser bids comprise the product of said advertiser's licensed ad content cost-per-use rate multiplied by said ad's usage rate (e.g. the ad(s) remaining after operation 1814 may be sorted using a combination of (a) advertiser bid price, (b) click-through-rate, (c) conversion-rate, see para [0125]).

As to claim 8, Jha teaches the system of claim 6, wherein said advertiser bids are specified by said advertisers (e.g. the ad(s) remaining after operation 1814 may be sorted using a combination of (a) advertiser bid price, (b) click-through-rate, (c) conversion-rate, see para [0125]).

As to claim 9, Jha teaches the system of claim 6, wherein said tracking server further tracks display of each ad to calculate and charge the advertiser the amount bid for each display (e.g. an account associated with at least one of the selected advertisements is charged a fee, see para [0140]).

As to claim 10, Jha teaches the system of claim 6, wherein said network comprises the Internet (e.g. a user may access a location for conducting a search, such as for example, a search of information in a database, a computer, and/or a network (e.g., a LAN, Internet, etc. see para [0040] and FIG.1).

As to claim 12, Jha teaches the system of claim 6 wherein said network comprises a cellular communications network (e.g. examples of wireless equipment in use today include the Global Positioning System, cellular telephone phones and pagers, cordless computer accessories (for example, the cordless mouse), home-entertainment-system control boxes, remote garage-door openers, two-way radios, and baby monitors, see para [0229]).

As to claim 13, Jha teaches the system of claim 6, wherein said network comprises a satellite communications network (e.g. it will be possible to link any computer to the Internet via satellite, no matter where in the world the computer might be located, see para [0229]).

As to claim 14, Jha teaches the system of claim 6, wherein said network comprises a combination of two or more networks selected from the group consisting of local area computer networks, wide area computer networks, the Internet, cable communications networks, satellite communications networks, television frequency networks, radio frequency communications networks, and cellular communications networks (e.g., a LAN, Internet, etc.), see para [0040] and FIG.1).

As to claim 15, Jha teaches a method for licensing of electronic advertisement content for use in creation of an advertisement on a network, comprising the steps of: selecting one or more advertisement content files previously stored in electronic file format in an advertisement server configured for network communications and made available for licensing on a recurring cost-per use basis for use in creating an ad for placement at a network location (e.g. an advertiser may specify a different max cost-per-click (CPC) price for each of the following types of visits, see para [0128]), storing the network location address where said on or more selected advertisement files will be displayed, the server location address for said advertisement files, as well as the total cost-per-use of the licensed content comprising said files and tracking parameters in a dispatcher server-based database ad parameter and command file for use in retrieving, assembling and displaying said ad files (e.g. ad parameters may include information about a network address of the other page (e.g., a URL of the second web page), see para [0134]), embedding in said ad display location a software application that is executed when a network user acts on said ad display location to communicate with said dispatcher server to retrieve said stored ad parameter and command file, which in turn communicates with said ad server to retrieve, assemble and display said licensed ad content files as an advertisement for the network user (e.g. web page may include "Embedded URLs", such as for example embedded images, and scripts, such as for example javascripts, etc. in order to display the web page, a browser may have to fetch the documents corresponding to these embedded URLs, as well as execute the scripts embedded in the web page, see para [0200]) and calculates the total cost per-use to be charged to the advertiser for both use of said licensed content files and display of said ad at said ad display location (e.g. an account associated with at least one of the selected advertisements

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is charged a fee. In one such embodiment, the request may be categorized based on at least Whether or not the request arises from a selection of a search result generated by a search engine in response to a search query. The fee charged to the account may then be dependant on the categorization of the request, see para [0140]).

As to claim 16, Jha teaches the method of claim 15, wherein said content is licensed for use on a recurring cost-per-use basis (e.g. Web server can be enabled by using Netscape's SSLRef program library which can be downloaded for noncommercial use or licensed for Commercial use, see para [0252]).

As to claim 17, Jha teaches the method of claim 15, further comprising the step of storing in said ad parameter and command file one or more keyword terms with which said ad will be associated (e.g. Advertiser profile/Keyword profile may refer to the keywords or phrases that may be specified by the advertiser, corresponding to the given advertisement, see para [0108]).

As to claim 18, Jha teaches the method of claim 17, further comprising the step of storing in said ad parameter and command file the advertiser's bid amount for display of said ad at a specified location when one or more of said specified keyword terms are referenced by a network user at said ad display location, and selecting the ad to be displayed at said ad display location via an auction based on a ranking of said advertiser bids for same (e.g. ad server may also take into account several other parameters such as geo-location of the user as inferred from user's IP address, advertiser preferences, publisher preferences, etc. to select/construct the advertisement, see para [0071]; and e.g. bidding may be allowed that is a function of the type of visit the current visit is, see para [0259]).

As to claim 19, Jha teaches the method of claim 17, wherein said advertiser bids comprise the product of said advertiser's licensed ad content total cost-per-use multiplied by said ad's usage rate (e.g. an account associated with at least one of the selected advertisements is charged a fee. In one such embodiment, the request may be categorized based on at least whether or not the request arises from a selection of a search result generated by a search engine in response to a search query. The fee charged to the account may then be dependant on the categorization of the request, see para [0140]).

As to claim 20, Jha teaches the system of claim 17, wherein said advertiser bids are specified by said advertisers (e.g. Advertiser bid price may refer to the maximum price that an advertiser may be willing to pay. Depending on the pricing model, this may refer to the maximum price each time the ad is shown ("per impression"), selected ("per click-through"), or converted into a customer ("per acquisition") among other pricing models, see para [0152]).

Claim 11 lacks inventive step under PCT Article 33(3) as being obvious over Jha in view of US 2003/0171985 A1 to Prabhu et al. (hereinafter 'Prabhu').

As to claim 11, Jha teaches the system of claim 6, but fails to explicitly teach wherein said network comprises a cable communications network. Prabhu teaches wherein said network comprises a cable communications network (e.g. The processor 12 may cause a pay-per-view television program from the TV and Cable tuner card 20 to be displayed on the monitor 24 if an appropriate amount of money is deposited in either the coin validator 22 or the card reader and validator 18, see para [0163]). It would have been obvious to one of ordinary skill in the art to combine the teachings of Prabhu and Jha, because Prabhu's teachings would have allowed Jha to teach including the cable TV network in the realm of network advertising, thereby improving the overall quality, usability and flexibility of the solution.

Claims 1-21 have industrial applicability as defined by PCT Article 33(4) because the subject matter can be made or used in industry.

REMARKS

Claims 1-8 and 10-48 and 50-61 have been amended and remain in the application. New dependent claims 62-64 have been added. Support for the amendments is found throughout the specification and drawings, including, without limitation, in Figs. 1, 3, 4-c, 5, 20-22 and 24 and paragraphs [0009], [0012], [0013], [0051], [0053], [0056], [0064], [0065], [0068] and [0071]. An unmarked version of claims 1-64 is attached as Appendix A to this response for examiner's convenience.

A. Amendment of Title of Invention. The title of the invention has been amended in response to the examiner's request for an amended title. The amended title is essentially the same as the title suggested by the examiner: "Rendering Content on a Web Page Only When a Predefined Area of the Web Page is Within, or Within a Pre-Defined Distance Outside of, the Requester's Browser Window Dimensions and Scrolling Position." The Applicant respectfully trusts that the amended title acceptable to the examiner.

B. Objection to Claims 1-61 With Respect to Use of the Phrase "one or more."
Claims 1-61 have been further amended to address the examiner's objection to use of the phrase "one or more."

C. Rejection of Claims 1-61 under 35 U.S.C. Section 103(a).

The Applicant notes the examiner's rejection of Claims 1-2, 5-10, 22-25 and 35-40 under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0205651 ("Dutta") in view of an article titled "Implementing Dynamic Scroll with Ajax, JavaScript and XML" dated June 6, 2007 ("Kofman"), and the examiner's rejection of Claims 3-4, 11-21, 26-34 and 41-61 under 35 U.S.C. Section 103(a) as being unpatentable over Dutta in view of Kofman and further in view of U.S. Patent Application Publication No. 2005/0108095

("Perlmutter"), and respectfully requests reconsideration and withdrawal of same in light of the amended claims submitted herein and the following discussion.

With respect to the Examiner's rejection of Claims 1-2, 5-10, 22-25 and 35-40, the Applicant respectfully submits that the following elements present in the Applicant's independent system Claims 1, 38 and 41, as amended and consequently are also present in each of claims that depend thereupon, are not disclosed or suggested in Dutta or Kofman or their combination:

(with respect to Claim 1): a user interface for receiving from system users data designating one or more content pages, as well as one or more content rendering areas within the designated content page(s) and one or more content files for rendering at the designated content rendering area.

a tag that is generated by a system software application for placement at the designated content page and includes a reference to the above-referenced data record and a link to a system software application.

a system software application which when activated by the above-referenced tag that links to it when the content page where the tag has been placed is requested by a viewer, uses the reference to the stored data record from the tag to retrieve the stored data record and generate and write to the content page a correlator code.

(with respect to Claim 38): a code written to the designated content display page for detection that a designated portion of the designated rendering area is within the dimensions and scrolling position of the viewer's browser window prior to the rendering of designated content within the designated rendering area, said code also causing the designated content to be rendered within the designated rendering area only if said designated portion of the rendering area is determined by the code to be within the dimensions and scrolling position of said browser window,

the code also monitoring whether the content is rendered within the designated rendering area and causing data pertaining to the monitoring to be sent via the network

(with respect to claim 41) a correlator code that is written to the designated electronic content page and which: (i) retrieves information from the viewer's browser to determine whether a predefined portion of the designated rendering area of the content page is within the dimensions and scrolling position of the viewer's browser window displayed on the viewer's display screen,

(ii) checks viewer browser screen coordinate data,

(iii) checks content page rendering area coordinates,

(iv) checks browser window dimensions,

(v) checks browser scrolling position,

(vi) causes content to be requested for rendering within said designated content rendering area if said correlator code detects that a predefined portion of said content rendering area is within the dimensions and scrolling position of the viewer's browser window shown in viewer's display screen, and

(vii) reports the rendering of said designated content via said network if said content is so rendered within said designated content rendering area.

the correlator code further causing the designated content files to be rendered at the designated content rendering area of the content page if such predefined area of such content page is within such browser window dimensions and scrolling position.

Similarly, with respect to the Applicant's independent method claims 23 and 54 and the related dependent claims, as amended, the Applicant respectfully submits that the combination of

Dutta and Kofman does not disclose or suggest several elements of claim 23, including the following:

- receiving via a user interface of a computer system data designating an electronic content page, a content page rendering area within said designated electronic content page, and one or more electronic content files for rendering at said designated content page rendering areas of said electronic content page; or

- generating at the system end and placing on the designated content page a tag/link that when activated links to a system-side application and retrieves the data pertaining to the designated content page, content page rendering area and content files, as well as data pertaining to the viewer browser; or

- generating, via a system application, and writing to the content page, a correlator code which determines whether the designated content page rendering area is within the viewer's browser window dimensions and scrolling position, also generating a marker for the designated rendering area where the designated content is to be rendered; or

- determining via the correlator code whether a predefined portion of a designated content page rendering area is within the viewer's browser window dimensions and scrolling position.

Similarly, with respect to claim 54, it is respectfully submitted that the combination Kofman and Dutta does not suggest the steps in the Applicant's method of:

- generating a correlator code for embedding at a user designated content page accessible via the electronic communications network for determining whether a predefined portion of one or more user designated content page areas within the content page is either at least partially within, or a pre-defined distance outside of, the dimensions and scrolling position of a browser window displayed on a display screen of an electronic communications device of a viewer requesting said

content page via the electronic communications network; or

- monitoring, via a correlator code embedded at the designated content page prior to rendering of one or more designated content files within one or more designated content page areas, whether a predefined portion of the one or more designated content page areas is either at least partially within, or within a pre-defined distance outside of, the dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device; or

- causing, via a correlator code, one or more designated electronic content files to be requested via the electronic communications network and rendered at a the designated content page area of the designated electronic content page if the correlator code determines that the predefined portion of the designated content page area is within such dimensions and scrolling position; or

- causing a view to be counted with respect to the electronic content files if the electronic content files are rendered in a designated content page area and a predefined portion of the content page area is within the dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device.

The Applicant respectfully submits that the combination of Dutta and Kofman does not disclose or suggest above-noted elements and the hypothetical system or method achieved by combining Dutta and Kofman would not perform substantially the same function substantially the same way to achieve substantially the same result as the present invention, nor is the rationale for combining them stated by the examiner relevant with respect to the Applicant's invention. It is noted that the secondary content that is rendered in Dutta is not rendered within a pre-designated user-designated rendering space on the page, and whatever area where the secondary content is

rendered in Dutta is not monitored to determine whether or not it comes within the dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device. Dutta does not discuss controlling where on a display page the designated secondary content in Dutta is rendered. Additionally, with respect to the Kofman article cited by the Examiner, Kofman also does not enable a user to designate a content page rendering area, or optionally a different triggering area. The only rendering area mentioned in Kofman is the bottom row of a table, and it is not designated by a user.

Additionally, as noted above, neither Dutta nor Kofman disclose or suggest a system user interface for system users to designate a content page of their choice, a content rendering area of their choice, optionally also a triggering area of their choice, and content of their choice, or a correlator code that is generated by the system application and is written to the content page. Kofman discusses a tag that a programmer can program (not a tag that is automatically generated for the system user as in the present invention) to add rows of content *sequentially* to the *bottom* of a page as the viewer scrolls down. (See Kofman page 3 of 5 under "Conclusion": "In this article I have covered the implementation of an Ajax-enabled dynamic table that fetches new content rows of data as the user scrolls down, and appends them at the end.") By contrast, in the present invention the correlator code in the present invention as claimed determines whether *any* user designated rendering area on a content page (whether at the top or bottom or either side) is within the viewer's browser window dimensions and scrolling position on an ongoing basis, even after the content is rendered.

Furthermore, the reason indicated in the office action as the purpose for combining Dutta and Kofman, namely, "for the purpose of convenience in implementing pages with a plurality of content, as taught by Kofman," is not the purpose, motivation or goal of the Applicant's invention,

and as such the stated purpose or motivation to combine Dutta and Kofman is not present with respect to the Applicant's invention. A system combining the teachings of Dutta and Kofman, or further in combination with U.S. Patent Application Publication No. 2005/0108095 A1 ("Perlmutter"), would not disclose or suggest all of the claimed elements of the Applicant's invention, or the results achieved with the Applicant's invention with respect to improved online advertising metrics for both advertisers and publishers.

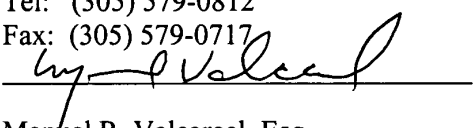
In sum, the Applicant respectfully submits that the Applicant's invention as claimed in independent claims 1, 23, 38, 41 and 54 and the remaining claims that depend upon such independent claims, as amended, are not unpatentable under 35 U.S.C. Section 103(a) based on Dutta in view of Kofman, or further in view of Perlmutter because the combination of Dutta, Kofman and Perlmutter does not disclose or suggest all of the claim limitations.

The Applicant respectfully submits that the application and claims, as amended, are in condition for allowance. Nonetheless, should the Examiner still have any comments, questions or suggestions, the Examiner is respectfully requested to telephone the undersigned at the telephone number listed below. If the Examiner disagrees the undersigned respectfully requests a telephonic interview at a date and time convenient for the Examiner in order to further explain the patentable distinctions of the Applicant's invention as compared to combinations of Dutta, Kofman and Perlmutter.

Respectfully submitted,

Date: October 12, 2012

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AMENDMENTS TO THE CLAIMS:

The following listing will replace all prior versions of the claims in the application:

What is claimed is:

1. (currently amended) A system for controlling and monitoring the rendering of content files via an electronic communications network ~~at a designated content page rendering area to one or more viewers having a network communications device with a browser software application with adjustable window dimensions and scrolling position, and for perceiving content page areas within said browser's window dimensions and scrolling position, comprising:~~ comprising:

~~a system-end computer equipped and configured for communications~~

a system-end computer comprising one or more computer processors and one or more software applications, said system-end computer communicating with one or more servers, databases and electronic content pages, said electronic content pages having one or more content rendering areas within a said electronic content page, said electronic content pages being remotely accessible via said electronic communications network, ~~including one or more computer processing units and means for, communicating with one or more content pages that have one or more of said content rendering areas and one or more content page triggering areas on said pages, and a system server including a database that stores one or more records containing data pertaining to said content pages, said content page triggering areas, said content page rendering areas and said content files;~~

one or more content file servers which house content files, by a viewer using an electronic communications device having a display screen displaying a browser window with an area defined by said window's dimensions and scrolling position for perceiving said electronic content pages;

~~one or more network communications~~ a system user interface software applications for receiving from system users data designating a content page, a content page rendering area within said content page, a content page triggering area that, when determined to be within a content page viewer's browser window dimensions and scrolling position, will result in content being rendered in said content page rendering area, and a content file for rendering at said designated content rendering area of said content page; data designating: (i) one or more of said electronic content pages; (ii) one or more of said content rendering areas within a said electronic content page, and (iii) one or more electronic content files stored at a said server, and for creating a record, containing said data for storage in a said system server database, that contains said data, assigning an identification code to said data record and generating a tag/link to be placed database;

a tag for placement on a said designated electronic content page, said tag/link including having a reference to a said stored data record identification code and a link to a system custom software application; and a link to a said system software application, said tag causing a communication to be sent from said electronic content page wherein said tag is placed to said system software application in response to a request by a viewer for the electronic content page wherein said tag is placed;

~~one or more~~

said system custom software applications for generating and software application executing in response to receiving said communication from said tag to retrieve said data from said stored data record referenced in said tag, and cause a correlator code to be generated for writing to said designated content page a correlator code to determine when said designated content page triggering area is within a content viewer's browser window dimensions and scrolling position, for dynamically generating HTML code to be used as a marker for said designated content page

~~rendering area, and for communicating with said correlator code to cause said content file to be rendered in said content page rendering area when said correlator code detects that said designated content page triggering area is within said content viewer's browser window~~electronic content page;

a correlator code that is written to said designated electronic content page, which determines, via retrieval of information from said viewer's browser, whether a predefined portion of said content rendering area is within the dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device, and causes said one or more electronic content files designated in said stored data record to be rendered at said designated content rendering area if said predefined portion of said content rendering area is determined to be within said dimensions and scrolling position.

2. (currently amended) The system of claim 1, wherein said ~~system~~ software applications further ~~include~~comprise a content rendering module software application that is embedded at a said ~~specified~~designated content page-rendering area ~~when and wherein if~~ said correlator code determines that a predefined portion of said specified designated content page triggering rendering area is within the dimensions and scrolling position of said viewer's the browser window and displayed on the display screen of the viewer's electronic communications device, said content rendering module communicates with a said content server to retrieve and render a said designated electronic content files file at said specified content-page rendering area.

3. (currently amended) The system of claim 1, wherein said correlator code retrieves content rendering activity data from said viewer's browser, ~~and further comprising a tracking server for communicating with said correlator code at~~ for sending from said content page ~~and said~~

~~system server for storage of content rendering activity data~~via said electronic communications network.

4. (currently amended) The system of claim 2, wherein said content rendering module receives content rendering activity data from said correlator code ~~and further comprising a tracking server for communicating with said content rendering module at said content page and said system server for storage of said content rendering activity data~~via retrieval of said data by said correlator code from said viewer's browser for sending from said content page via said electronic communications network.

5. (currently amended) The system of claim ~~2,3~~, wherein said content rendering activity data is sent ~~from said content rendering module to said system~~ server via file server direct connection communication.

6. (currently amended) The system of claim 4, wherein said content rendering activity data is sent ~~from said content rendering module to said tracking~~ server via file server direct connection communication.

7. (currently amended) The system of claim 1, wherein said ~~content page rendering area within said content~~ correlator code determines, via retrieval of information from said viewer's browser application, whether a predefined portion of a content page triggering area is within the dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device, and causes a said electronic content file designated in said stored data record to be retrieved from said server and rendered at said designated content rendering area of said electronic page and if said content page triggering area are the same areas, is within said dimensions and scrolling position.

8. (currently amended) ~~The system of claim 1, wherein said content page triggering area has positional coordinates, said viewer's browser window dimensions and scrolling position have positional coordinates, and said correlator code determines when said designated content page triggering area is within a content viewer's browser window dimensions and scrolling position by determining whether there is correspondence between the positional coordinates of said content page triggering area and the positional coordinates of said viewer's browser window dimensions and scrolling position.~~ The system of claim 1, wherein said system software application generates a new correlator code for each viewer request for an electronic content page wherein said tag is placed.

9. (original) The system of claim 1, wherein said network comprises one or more networks selected from the group consisting of local area computer networks, wide area computer networks, the Internet, cable communications networks, satellite communications networks, television frequency networks, radio frequency communications networks, powerline communications networks and cellular communications networks.

10. (currently amended) The system of claim 1, wherein said content file ~~to be~~is rendered ~~in said content page area is rendered when the said~~if said correlator code determines that a designated content page triggering area or a designated content rendering area is partially within said content viewer's browser window dimensions and scrolling position.

11. (currently amended) The system of claim 1, wherein said correlator code monitors more than one designated content rendering area within the same content page. ~~The system of claim 1, further comprising one or more software applications for compilation and presentation of reports pertaining to content rendering activity data with respect to said content page rendering area of said content page.~~

12. (currently amended) The system of claim ~~11~~, ~~wherein said~~ 1, further comprising one or more software applications for providing reports pertaining to content rendering activity data further ~~comprise reports comparing with respect to a said~~ content rendering activity at content page rendering areas located within the same content page area.

13. (currently amended) The system of claim 12, wherein said reports pertaining to content page rendering areas within said same content page that are compared in said reports comprise one or more areas selected from the group consisting of the top of said content page, above the fold of said content page, below the fold of said content page and the bottom of said content page rendering activity data further comprise reports comparing content rendering activity at two or more content rendering areas.

14. (currently amended) The system of claim ~~11~~, 1, wherein said ~~reports comprise data~~ pertaining to how long said system causes a content was rendered event to said viewer ~~at~~ be counted if said electronic content file is rendered at a said content page rendering area.

15. (currently amended) The system of claim ~~11~~, 12, wherein said reports comprise data pertaining to ~~the number of~~ how long a said viewers to whom said electronic content file was rendered to a viewer at a said content page rendering area.

16. (currently amended) The system of claim ~~11~~, 12, wherein said reports comprise data pertaining to the ~~geographic location~~ number of said viewers to whom a said electronic content file was rendered at a said content page rendering area.

17. (currently amended) The system of claim 12, wherein said reports comprise data pertaining to the geographic location of a said viewer to whom a said electronic content file was rendered at a said content rendering area.

18. (currently amended) ~~The system of claim 12,~~ wherein said reports comprise data pertaining to browser ~~versions~~version used by ~~a said viewers~~viewer to whom ~~a said electronic content file~~ was rendered at ~~a said content page~~rendering area.

19. (currently amended) The system of claim ~~11,12,~~ wherein said reports comprise data pertaining to how many times said ~~a said electronic content file~~ was rendered to ~~a said viewers at said content page rendering area.~~ 19. (original) ~~The system of claim 11, wherein said reports comprise data pertaining to viewer click activity with respect to said content rendered to said viewers at said content page~~viewer at a said content rendering area.

20. (currently amended) ~~The system of claim 1, wherein said system custom software applications further comprise means for creating a unique identification code that is assigned to each content viewer/browser~~12, wherein said reports comprise data pertaining to viewer click activity with respect to said electronic content rendered to a said viewer at a said content rendering area.

21. (currently amended) ~~The system of claim 20, wherein said means for creating a unique identification code that is assigned to each content viewer/browser comprises said correlator code. The system of claim 1, correlator code causes a communication to be sent to a said server if a said electronic content file is rendered in a said content rendering area and said content rendering area is at least partially within the dimensions and scrolling position of the browser window displayed on the display device of said viewer's electronic communications device.~~

22. (currently amended) ~~A method for controlling the rendering of content via an electronic communication network on a designated content page rendering area of a content page based on determination of when said designated content page rendering area of said content page is within~~

~~the browser window dimensions and scrolling position of a viewer's browser window, comprising the steps of:~~

~~designating one or more content pages, one or more content page rendering areas and one or more content files, said content files being previously stored in electronic file format in a mass storage device of a computer system for rendering at said designated content page rendering area of said content page;~~

~~storing as a record within a database data pertaining to said content page, said content page rendering area and said content file;~~

~~generating and placing on said designated content page a tag/link that when activated by a content page viewer request for said designated content page, links to a system server side application and retrieves, via said server side application, data from said record stored in said system server side database and data pertaining to said viewer and viewer browser from said content page request;~~

~~generating and writing a correlator code to said designated content page which determines whether said designated content rendering area of said designated content page is within said viewer's browser window dimensions and scrolling position and generates an HTML layer to serve as a marker for said designated content page rendering area where said designated content file is to be rendered; generating a query string and link for placement at said content page, which when activated by said correlator code based on detection that said designated content page~~The system of claim 1, wherein said system counts a view if said electronic content file is rendered in said content rendering area and said content rendering area is at least partially within the dimensions and scrolling position of said viewer's browser window, dynamically generates HTML codes and tags to render said designated content file in said content page rendering area of said content

page, the browser window displayed on the display device of said viewer's electronic communications device.

23. (currently amended) ~~The method of claim 22, further~~ A method for controlling the rendering of content via an electronic communication network, comprising the step of designating a content page triggering area which is different from said content page rendering area, which when within said viewer's browser window steps of:

receiving via a user interface of a computer system having one or more computer processors and one or more software applications, data designating: (i) one or more electronic content pages having one or more content page rendering areas within a said electronic content page, (ii) one or more of said content page rendering areas and (iii) one or more electronic content files, said electronic content files being previously stored at a server;

storing as a record within a database said data designating a said content page, said one or more content page rendering areas and said one or more content files;

generating at said computer system-end a tag/link for placement on said designated electronic content page;

causing a software application at said computer system to execute in response to said tag/link being activated by a viewer request for said designated electronic content page, wherein said viewer makes said request via an electronic communications device communicating via said electronic communications network, said electronic communications device having display screen displaying a browser window for perceiving electronic content pages within the area of said window defined by said window's dimensions and scrolling position, triggers rendering of said content file at said content page rendering area;

retrieving, via said software application, data from said stored record;

retrieving data pertaining to said viewer browser from said viewer's electronic content page request;

generating via a software application at said computer system-end a correlator code for embedding at said content page for determining whether a said designated content rendering area of said designated electronic content page is within the dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device;

monitoring, via said correlator code at said designated content page, whether said designated content page rendering area is within the dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device;

causing said designated electronic content files to be rendered at said designated content page rendering area of said designated electronic content page if said correlator code determines that said designated content page rendering area is at least partially within said window dimensions and scrolling position.

24. (currently amended) The method of claim 23, further comprising the step of monitoring, via said correlator code at said designated content page, whether a predefined portion of a designated content page triggering area which is different from said content page rendering area is within the dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device, and causing said content file to be rendered at said content page rendering area if said content page triggering area is determined to be within the dimensions and scrolling position of the browser window displayed on said display screen. ~~The method of claim 22, wherein said electronic communications network comprises one~~

~~or more networks selected from the group consisting of local area computer networks, wide area computer networks, the Internet, cable communications networks, satellite communications networks, television frequency networks, radio frequency networks, powerline communications networks and cellular communications networks.~~

25. (currently amended) The method of claim 23 wherein said electronic communications network comprises one or more networks selected from the group consisting of local area computer networks, wide area computer networks, the Internet, cable communications networks, satellite communications networks, television frequency networks, radio frequency networks, powerline communications networks and cellular communications networks. ~~The method of claim 22, wherein said content file to be rendered in said content page rendering area is rendered when said designated content page rendering area is partially within said content viewer's browser window dimensions and scrolling position.~~

26. (currently amended) The method of claim ~~22,23~~, further comprising the step of ~~compiling and presenting reports pertaining to content rendering activity data with respect to said content page rendering area of said content page~~causing a communication to be sent via said electronic communications network if a said electronic content file is rendered in a said content rendering area and said content rendering area is at least partially within the dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device.

27. (currently amended) The method of claim ~~26, wherein said~~23, further comprising the step of ~~compiling and presenting~~providing reports ~~further comprises comparing~~pertaining to content rendering activity ~~at~~data with respect to said content page rendering areas ~~located within the same~~area of said electronic content page.

28. (currently amended) The method of claim 27, wherein said step of providing reports further comprises comparing content page rendering areas within said same content page comprise one activity at two or more content rendering areas selected from the group consisting of the top of said content page, above the fold of said content page, below the fold of said content page and the bottom of said content page.

29. (currently amended) ~~The method of claim 26, wherein said step of compiling and presenting reports further comprises compiling and presenting data pertaining to how long said content was rendered to said viewer~~ The method of claim 23, further comprising the step of causing the rendering of a said electronic content file at a said content page rendering area to be counted if said electronic content file is rendered at said content page rendering area after said content rendering area is determined to be at least partially within the dimensions and scrolling position of said browser window.

30. (currently amended) The method of claim ~~26,27~~, wherein said step of ~~compiling and presenting~~ providing reports further comprises ~~compiling and presenting~~ providing data pertaining to ~~the number of how long a said viewers to whom said~~ electronic content file was rendered to a said viewer at a said content page rendering area.

31. (currently amended) The method of claim ~~26,27~~, wherein said step of ~~compiling and presenting~~ providing reports further comprises ~~compiling and presenting~~ providing data pertaining to the ~~geographic location~~ number of said viewers to whom a said electronic content file was rendered at a said content page rendering area.

32. (currently amended) The method of claim ~~26,27~~, wherein said step of ~~compiling and presenting~~ providing reports further comprises ~~compiling and presenting~~ providing data pertaining

~~to browser versions used by said viewers~~the geographic location of a said viewer to whom a said
electronic content file was rendered at a said content page rendering area.

33. (currently amended) The method of claim ~~26,27~~, wherein said step of ~~compiling and~~
~~presenting~~providing reports further comprises ~~compiling and presenting~~providing data pertaining
to ~~how many times said~~the browser version used by a said viewer to whom a said electronic
content file was rendered ~~to said viewers at~~ a said content page rendering area.

34. (currently amended) The method of claim ~~26,27~~, wherein said step of ~~compiling and~~
~~presenting~~providing reports further comprises ~~compiling and presenting~~providing data pertaining
to ~~viewer click through activity with respect to said~~how many times a said electronic content file
was rendered to a said viewer ~~at~~ a said content page rendering area.

35. (currently amended) The method of claim ~~22~~, ~~further comprising the step of creating~~
~~and assigning a unique identification code to each viewer's browser~~27, wherein said step of
providing reports further comprises providing data pertaining to viewer click through activity with
respect to a said electronic content file rendered to a said viewer at a said content page rendering
area.

36. (currently amended) The method of claim ~~35~~, ~~wherein said step of creating and~~
~~assigning said unique identification code to each viewer's browser is accomplished by said~~
~~correlator code~~23, further comprising the step of counting a view if a said electronic content file is
rendered in a said content rendering area and a predefined portion of said content rendering area is
within the dimensions and scrolling position of the browser window displayed on the display
screen of the viewer's electronic communications device.

37. (currently amended) The method of claim ~~35~~, ~~wherein said step of creating and~~
~~assigning said unique identification code to each viewer's browser is accomplished by said system~~

~~server-side application~~23, wherein said correlator code monitors more than one content rendering area on a said content page.

38. (currently amended) A system for the control of content rendering ~~via an electronic communications network at one or more content pages having one or more content page rendering areas, to one or more content page viewers having means for communicating via said electronic communications network and having a browser with one or more window dimensions and scrolling position~~on a designated rendering area of a designated content display page via an electronic communications network, comprising:

~~a system-end computer equipped and configured for network communications, including one or more computer processors and communicating with said content page and a server including a database that stores one or more records containing parameters and commands for rendering a content file at a specified content rendering area of said content page,~~

~~one or more network communications interface software applications for interfacing with system users and for creating a record in said server database that contains parameters and commands to retrieve, assemble and display said content file at said designated content rendering area, and~~

~~one or more system~~computer system communicating with said electronic communications network and said designated content display page, said computer system running one or more software applications for generating code for placement at said designated content page which, when one of said content page rendering areasa code for detection that a designated portion of said designated rendering area is within the dimensions and scrolling position of said viewer's browser window, causes said parameter and command record for said content page rendering area to be activated, thereby retrieving said content file and assembling and displaying said content at said

~~content rendering area and retrieving from said viewer's browser data pertaining to said content rendering activity.~~

a browser window on a display screen of an electronic communications device of a viewer communicating via said network with said designated content display page; and

a code written to said designated content display page for detection that said designated portion of said designated rendering area is within the dimensions and scrolling position of said browser window prior to the rendering of designated content within said designated rendering area, said code also causing said designated content to be rendered within said designated rendering area only if said designated portion of said rendering area is determined by said correlator code to be within said dimensions and scrolling position of said browser window, said code also monitoring whether said content is rendered within said designated rendering area and causing data pertaining to said monitoring to be sent via said network.

39. (currently amended) The system of claim 38, further comprising a tracking server communicating with said content page ~~and said system server for storage of said content rendering data retrieved from said viewer's browser and said content page.~~

for receiving said rendering data.

40. (currently amended) ~~The system of claim 38, wherein said content page rendering area has positional coordinates and said viewer's browser window dimensions and scrolling positions each have positional coordinates, and said code is written to said content page and determines whether said positional coordinates of said content page rendering area correspond with said positional coordinates of said viewer's browser window dimensions and scrolling position, and triggers content rendering at said content rendering area when said correspondence is determined to exist.~~ The system of claim 39, wherein said system causes a view to be counted if said content

file is rendered in said content rendering area and said content rendering area is at least partially within the area defined by the dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device.

41. (currently amended) ~~A system for controlling the rendering of content via an network at a designated content rendering area of a content page to one or more viewers having a network communications device with a browser software application with adjustable window dimensions and scrolling position, for perceiving content pages within said browser's window dimensions and scrolling position, comprising:~~

~~a system end computer equipped and configured for communications via said~~

A system for controlling the rendering of content via an electronic communications network, including one or more computer processing units and means for communicating with one or more content pages that have one or more of said content rendering areas and one or more content page triggering areas on said pages, and a system server including a database that stores one or more records containing data pertaining to said content pages, said content page triggering areas, said content page rendering areas and said content files,

one or more content file servers which house said content files,

one or more network communications interface software applications for receiving from system users data designating said content pages, content page rendering areas within said content pages, content page triggering areas that, when determined to be within a pre defined distance outside of a content page viewer's browser window dimensions and scrolling position, will result in content being rendered in said content page rendering area, and content files for rendering at said designated content rendering areas of said content pages; and for creating a record, for storage in said system server database, that contains said data, assigning an identification code to said data

~~record and generating a tag/link to be placed on said content pages, said tag/link including a reference to said data record identification code and a link to a system custom software application; and~~

~~one or more system custom software applications for generating and writing to said designated content page a correlator code to determine when said designated content page triggering area is within said pre-defined distance outside of a content viewer's browser window dimensions and scrolling position, for dynamically generating HTML code to be used as a marker for said designated content page rendering area, and for communicating with said correlator code to cause said content files to be rendered in said content page rendering areas when said correlator code detects that said designated content page triggering area is within said pre-defined distance outside of said content viewer's browser window dimensions and scrolling position.~~

comprising:

a system-end computer comprising one or more computer processing units and one or more software applications, and communicating with one or more electronic content pages having two or more content rendering areas within a said electronic content page, said electronic content pages being remotely accessible via said electronic communications network by a viewer using an electronic communications device having a display screen displaying a browser window with an area defined by said window's dimensions and scrolling position for perceiving said electronic content pages;

a correlator code for embedding at a designated electronic content page,

said correlator code at said designated electronic content page retrieving information from said viewer's browser, checking viewer browser screen coordinate data, checking content page rendering area coordinates, checking browser window dimensions, checking browser scrolling

position, and causing content to be requested for rendering within said designated content rendering area if said correlator code detects that a predefined portion of said content rendering area is within the dimensions and scrolling position of the viewer's browser window shown in viewer's display screen, said correlator code also reporting the rendering of said designated content via said network if said content is so rendered within said designated content rendering area.

42. (currently amended) ~~The system of claim 41, wherein said system software applications further include a content rendering module software application that is embedded at said specified content page rendering area and which communicates with said system server and said correlator code and which, when said specified content page triggering area is within said pre-defined distance outside of the dimensions and scrolling position of said viewer's browser window, causes said content files to be retrieved from said one or more content servers and rendered at said specified content page rendering area.~~ content page rendering area within said content page and said ~~The system of claim 41, wherein said correlator code determines if said predefined portion of a designated content page triggering area is within, or within said pre-defined distance outside of the dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device, and if so, causes said content to be requested and rendered at said content rendering area.~~

43. (currently amended). The system of claim 41, wherein said content rendering area and said content page triggering area are ~~the same~~ different areas.

44. (currently amended) The system of claim 41, wherein said correlator code retrieves content rendering activity data from said viewer's browser and said content page, ~~and further comprising a tracking server for communicating with said content page and said system server for~~

~~storage of said content rendering activity data retrieved from said viewer's browser and said content page and causes said data to be sent via said electronic communications network.~~

45. (currently amended) The system of claim 41, further comprising a tracking server for communicating with said content page ~~and said system server~~ for storage of content rendering activity data retrieved from said viewer's browser and said content page.

46. (currently amended) The system of claim 44, wherein said content rendering activity data is sent ~~from to~~ said ~~content rendering module to said system~~ server via file server direct connection communication.

47. (currently amended) The system of claim 45, ~~wherein said content rendering activity data is sent from said content rendering module to said tracking server via file server direct connection communication~~ 42, wherein a new correlator code is generated for each viewer request for said content page.

48. (currently amended) ~~The system of claim 41, wherein said content page triggering area has positional coordinates, said pre-defined distance outside said viewer's browser window dimensions and scrolling position has positional coordinates, and said viewer's browser window dimensions and scrolling position have positional coordinates, and said correlator code determines when said designated content page triggering area is within said pre-defined distance outside of a content viewer's browser window dimensions and scrolling position by determining whether there is correspondence between the positional coordinates of said content page triggering area and the positional coordinates of said area that is said pre-defined distance outside said viewer's browser window dimensions and scrolling position.~~ The system of claim 41, wherein said correlator code monitors more than one content rendering area within said content page.

49. (original) The system of claim 41, wherein said network comprises one or more networks selected from the group consisting of local area computer networks, wide area computer networks, the Internet, cable communications networks, satellite communications networks, television frequency networks, radio frequency communications networks, powerline communications networks and cellular communications networks.

50. (currently amended) The system of claim ~~44~~,41, further comprising one or more software applications for ~~compilation and presentation of~~providing reports pertaining to content rendering activity data with respect to said content page rendering areas of said content pages.

51. (currently amended) The system of claim ~~44~~,50, wherein said ~~content rendering activity data retrieved via said correlator code comprises data~~reports pertaining to content rendering activity ~~at content page~~further comprise reports comparing content rendering activity at two or more content rendering areas ~~located within the same content page~~.

52. (currently amended) The system of claim ~~51~~, wherein said ~~content page rendering areas within said same content page comprise one or more areas selected from the group consisting of the top of said content page, above the fold of said content page, below the fold of said content page and the bottom of said content page~~41, wherein said system causes a content rendered event to be counted if said electronic content file is rendered at said content rendering area.

53. (currently amended) The system of claim 44, wherein said content rendering activity data retrieved via said correlator code comprises one or more of the ~~data selected from the group consisting of~~following data: whether said content was rendered and said content rendering area was within said dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device, how long said content was rendered to said viewer at said content page rendering area, the number of said viewers to whom said content

was rendered at said content page rendering area, the geographic location of said viewers to whom said content was rendered at said content page area, browser versions used by said viewers to whom said content was rendered at said content page area, how many times said content was rendered to said viewers at said content page rendering area, and viewer click activity with respect to said content rendered to said viewers at said content page rendering area.

54. (currently amended) ~~The system of claim 41, wherein said system custom software applications further comprise means for creating a unique identification code that is assigned to each content viewer/browser.~~

A method for controlling the rendering of content via an electronic communications network, comprising the steps of:

generating a correlator code for embedding at a user designated content page accessible via said electronic communications network for determining whether a predefined portion of one or more user designated content page areas within said content page is either at least partially within, or a pre-defined distance outside of, the dimensions and scrolling position of a browser window displayed on a display screen of an electronic communications device of a viewer requesting said content page via said electronic communications network;

retrieving data from said viewer browser;

monitoring, via said correlator code embedded at said designated content page prior to rendering of one or more designated content files within said one or more designated content page areas, whether a predefined portion of said one or more designated content page areas is either at least partially within, or within a pre-defined distance outside of, said the dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device;

causing, via said correlator code, one or more designated electronic content files to be requested via said electronic communications network and rendered at a said designated content page area of said designated electronic content page if said correlator code determines that said predefined portion of said designated content page area is within said dimensions and scrolling position; and

causing a view to be counted with respect to said one or more electronic content files if said one or more electronic content files are rendered in a said content page area and a predefined portion of said content page area is within the dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device.

55. (currently amended) ~~The system of claim 54, wherein said means for creating a unique identification code that is assigned to each content viewer/browser comprises said correlator code.~~
The method of claim 54, further comprising the step of designating a content page triggering area which is different from said content page area wherein said one or more designated electronic content files are to be rendered, which if a predefined portion thereof is determined by said correlator code to be within, or within said pre-defined distance outside of said dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device, triggers rendering of said one or more electronic content files at said designated content page area.

56. (currently amended) ~~A method for controlling the rendering of content on a content page rendering area of a content page based on determination of when a pre-defined area of said content page is within a pre-defined distance outside of the browser window dimensions and scrolling position of a viewer's browser window via an~~
The method of claim 54, further comprising

the step of reporting said view via a communication from said correlator code via said electronic communications network, comprising the steps of:

~~designating one or more content pages, one or more content page areas and one or more content files, said content files being previously stored in electronic file format in a mass storage device of a computer system for rendering at a said designated content page area of said content page;~~

~~storing as a record within a system side database data pertaining to a said content page, a said content page rendering area and a said content file;~~

~~generating and placing at said one or more designated content pages a tag/link that when activated by a content page viewer request for said designated content page, links to a system server side application and retrieves, via said server side application, data from said record stored in said system server side database and data pertaining to said viewer and viewer browser from said content page request;~~

~~generating and writing a correlator code to said designated content page which determines whether said designated content rendering area of said designated content page is within a pre-defined distance outside of said viewer's browser window dimensions and scrolling position and generates an HTML layer to serve as a marker for said designated content page area where said designated content file is to be rendered; generating a query string and link for placement at said content page, which when activated by said correlator code based on detection that one of said designated content page areas is within said pre-defined distance outside of the dimensions and scrolling position of said viewer's browser window, dynamically generates HTML codes and tags to render said designated content file in said content page rendering area of said content page.~~

57. (currently amended) The method of claim ~~56~~54, further comprising the step of ~~designating a~~causing the rendering of a said content file at a said content page ~~triggering area~~which is different from said content page rendering area, which when within said pre-defined distance outside of said viewer's browser window dimensions and scrolling position, triggers rendering of said content filerendering area to be counted if said content file is rendered at said content page rendering area.

58. (currently amended) The method of claim ~~56~~, further comprising the step of compiling and presenting reports pertaining to content rendering activity data with respect to a said content page rendering area of a said content page~~54~~, a new correlator code is generated and written to said electronic content page for each viewer request for an electronic content page wherein said tag is placed.

59. (currently amended) The method of claim ~~56~~54, further comprising the step of ~~creating and assigning a unique identification code to each content viewer/browser. causing a communication to be sent via said electronic communications network if a said content file is rendered in a said content page area and a predefined portion of said content page area is at least partially within the dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device.~~

60. (currently amended) The ~~method of claim 59, wherein said step of creating and assigning said unique identification code to each content viewer/browser is accomplished by~~system of claim 1, wherein said correlator code determines whether a designated content file has been previously rendered in a designated rendering area before rendering said content file.

61. (currently amended) ~~The method of claim 59, wherein said step of creating and assigning said unique identification code to each content viewer/browser is accomplished by said~~

~~system server side application. The method of claim 23, further comprising the step of determining, via said correlator code, whether a designated content file has been previously rendered in a designated rendering area before rendering said content file.~~

62. (new) The system of claim 38, wherein said correlator code determines whether a designated content file has been previously rendered in a designated rendering area before rendering said content file.

63. (new) The system of claim 41, wherein said correlator code determines whether a designated content file has been previously rendered in a designated rendering area before rendering said content file.

64. (new) The method of claim 54, further comprising the step of determining, via said correlator code, whether a designated content file has been previously rendered in a designated rendering area before rendering said content file.

APPENDIX A

What is claimed is:

1. (currently amended) A system for controlling and monitoring the rendering of content files via an electronic communications network, comprising:

a system-end computer comprising one or more computer processors and one or more software applications, said system-end computer communicating with one or more servers, databases and electronic content pages, said electronic content pages having one or more content rendering areas within a said electronic content page, said electronic content pages being remotely accessible via said electronic communications network by a viewer using an electronic communications device having a display screen displaying a browser window with an area defined by said window's dimensions and scrolling position for perceiving said electronic content pages;

a system user interface for receiving data designating: (i) one or more of said electronic content pages; (ii) one or more of said content rendering areas within a said electronic content page, and (iii) one or more electronic content files stored at a said server, and for creating a record containing said data for storage in a said database;

a tag for placement on a said designated electronic content page, said tag having a reference to a said stored data record and a link to a said system software application, said tag causing a communication to be sent from said electronic content page wherein said tag is placed to said system software application in response to a request by a viewer for the electronic content page wherein said tag is placed;

said system software application executing in response to receiving said communication from said tag to retrieve said data from said stored data record referenced in said tag, and cause a correlator code to be generated for writing to said designated electronic content page;

a correlator code that is written to said designated electronic content page, which determines, via retrieval of information from said viewer's browser, whether a predefined portion of said content rendering area is within the dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device, and causes said one or more electronic content files designated in said stored data record to be rendered at said designated content rendering area if said predefined portion of said content rendering area is determined to be within said dimensions and scrolling position.

2. (currently amended) The system of claim 1, wherein said software applications further comprise a content rendering module software application that is embedded at a said designated content rendering area and wherein if said correlator code determines that a predefined portion of said designated content page rendering area is within the dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device, said content rendering module communicates with a content server to retrieve and render a said designated electronic content file at said content rendering area.

3. (currently amended) The system of claim 1, wherein said correlator code retrieves content rendering activity data from said viewer's browser for sending from said content page via said electronic communications network.

4. (currently amended) The system of claim 2, wherein said content rendering module receives content rendering activity data from said correlator code via retrieval of said data by said correlator code from said viewer's browser for sending from said content page via said electronic communications network.

5. (currently amended) The system of claim 3, wherein said content rendering activity data is sent to said server via file server direct connection communication.

6. (currently amended) The system of claim 4, wherein said content rendering activity data is sent to said server via file server direct connection communication.

7. (currently amended) The system of claim 1, wherein said correlator code determines, via retrieval of information from said viewer's browser application, whether a predefined portion of a content page triggering area is within the dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device, and causes a said electronic content file designated in said stored data record to be retrieved from said server and rendered at said designated content rendering area of said electronic page if said content page triggering area is within said dimensions and scrolling position.

8. (currently amended) The system of claim 1, wherein said system software application generates a new correlator code for each viewer request for an electronic content page wherein said tag is placed.

9. (original) The system of claim 1, wherein said network comprises one or more networks selected from the group consisting of local area computer networks, wide area computer networks, the Internet, cable communications networks, satellite communications networks, television frequency networks, radio frequency communications networks, powerline communications networks and cellular communications networks.

10. (currently amended) The system of claim 1, wherein said content file is rendered if said correlator code determines that a designated content page triggering area or a designated content rendering area is partially within said content viewer's browser window dimensions and scrolling position.

11. (currently amended) The system of claim 1, wherein said correlator code monitors more than one designated content rendering area within the same content page.

12. (currently amended) The system of claim 1, further comprising one or more software applications for providing reports pertaining to content rendering activity data with respect to a said content rendering area.

13. (currently amended) The system of claim 12, wherein said reports pertaining to content rendering activity data further comprise reports comparing content rendering activity at two or more content rendering areas.

14. (currently amended) The system of claim 1, wherein said system causes a content rendered event to be counted if said electronic content file is rendered at a said content rendering area.

15. (currently amended) The system of claim 12, wherein said reports comprise data pertaining to how long a said electronic content file was rendered to a viewer at a said content rendering area.

16. (currently amended) The system of claim 12, wherein said reports comprise data pertaining to the number of said viewers to whom a said electronic content file was rendered at a said content rendering area.

17. (currently amended) The system of claim 12, wherein said reports comprise data pertaining to the geographic location of a said viewer to whom a said electronic content file was rendered at a said content rendering area.

18. (currently amended) The system of claim 12, wherein said reports comprise data pertaining to browser version used by a said viewer to whom a said electronic content file was rendered at a said content rendering area.

19. (currently amended) The system of claim 12, wherein said reports comprise data pertaining to how many times said a said electronic content file was rendered to a said viewer at a said content rendering area.

20. (currently amended) The system of claim 12, wherein said reports comprise data pertaining to viewer click activity with respect to said electronic content rendered to a said viewer at a said content rendering area.

21. (currently amended) The system of claim 1, correlator code causes a communication to be sent to a said server if a said electronic content file is rendered in a said content rendering area and said content rendering area is at least partially within the dimensions and scrolling position of the browser window displayed on the display device of said viewer's electronic communications device.

22. (currently amended) The system of claim 1, wherein said system counts a view if said electronic content file is rendered in said content rendering area and said content rendering area is at least partially within the dimensions and scrolling position of the browser window displayed on the display device of said viewer's electronic communications device.

23. (currently amended) A method for controlling the rendering of content via an electronic communication network, comprising the steps of:

receiving via a user interface of a computer system having one or more computer processors and one or more software applications, data designating: (i) one or more electronic content pages having one or more content page rendering areas within a said electronic content page, (ii) one or more of said content page rendering areas and (iii) one or more electronic content files, said electronic content files being previously stored at a server;

storing as a record within a database said data designating a said content page, said one or

more content page rendering areas and said one or more content files;

generating at said computer system-end a tag/link for placement on said designated electronic content page;

causing a software application at said computer system to execute in response to said tag/link being activated by a viewer request for said designated electronic content page, wherein said viewer makes said request via an electronic communications device communicating via said electronic communications network, said electronic communications device having display screen displaying a browser window for perceiving electronic content pages within the area of said window defined by said window's dimensions and scrolling position;

retrieving, via said software application, data from said stored record;

retrieving data pertaining to said viewer browser from said viewer's electronic content page request;

generating via a software application at said computer system-end a correlator code for embedding at said content page for determining whether a said designated content rendering area of said designated electronic content page is within the dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device;

monitoring, via said correlator code at said designated content page, whether said designated content page rendering area is within the dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device;

causing said designated electronic content files to be rendered at said designated content page rendering area of said designated electronic content page if said correlator code determines

that said designated content page rendering area is at least partially within said window dimensions and scrolling position.

24. (currently amended) The method of claim 23, further comprising the step of monitoring, via said correlator code at said designated content page, whether a predefined portion of a designated content page triggering area which is different from said content page rendering area is within the dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device, and causing said content file to be rendered at said content page rendering area if said content page triggering area is determined to be within the dimensions and scrolling position of the browser window displayed on said display screen.

25. (currently amended) The method of claim 23, wherein said electronic communications network comprises one or more networks selected from the group consisting of local area computer networks, wide area computer networks, the Internet, cable communications networks, satellite communications networks, television frequency networks, radio frequency networks, powerline communications networks and cellular communications networks.

26. (currently amended) The method of claim 23, further comprising the step of causing a communication to be sent via said electronic communications network if a said electronic content file is rendered in a said content rendering area and said content rendering area is at least partially within the dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device.

27. (currently amended) The method of claim 23, further comprising the step of providing reports pertaining to content rendering activity data with respect to said content rendering area of said electronic content page.

28. (currently amended) The method of claim 27, wherein said step of providing reports further comprises comparing content rendering activity at two or more content rendering areas.

29. (currently amended) The method of claim 23, further comprising the step of causing the rendering of a said electronic content file at a said content page rendering area to be counted if said electronic content file is rendered at said content page rendering area after said content rendering area is determined to be at least partially within the dimensions and scrolling position of said browser window.

30. (currently amended) The method of claim 27, wherein said step of providing reports further comprises providing data pertaining to how long a said electronic content file was rendered to a said viewer at a said content page rendering area.

31. (currently amended) The method of claim 27, wherein said step of providing reports further comprises providing data pertaining to the number of said viewers to whom a said electronic content file was rendered at a said content page rendering area.

32. (currently amended) The method of claim 27, wherein said step of providing reports further comprises providing data pertaining to the geographic location of a said viewer to whom a said electronic content file was rendered at a said content page rendering area.

33. (currently amended) The method of claim 27, wherein said step of providing reports further comprises providing data pertaining to the browser version used by a said viewer to whom a said electronic content file was rendered at a said content page rendering area.

34. (currently amended) The method of claim 27, wherein said step of providing reports further comprises providing data pertaining to how many times a said electronic content file was rendered to a said viewer at a said content page rendering area.

35. (currently amended) The method of claim 27, wherein said step of providing reports further comprises providing data pertaining to viewer click through activity with respect to a said electronic content file rendered to a said viewer at a said content page rendering area.

36. (currently amended) The method of claim 23, further comprising the step of counting a view if a said electronic content file is rendered in a said content rendering area and a predefined portion of said content rendering area is within the dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device.

37. (currently amended) The method of claim 23, wherein said correlator code monitors more than one content rendering area on a said content page.

38. (currently amended) A system for the control of content rendering on a designated rendering area of a designated content display page via an electronic communications network, comprising:

a computer system communicating with said electronic communications network and said designated content display page, said computer system running one or more software applications for generating a code for detection that a designated portion of said designated rendering area is within the dimensions and scrolling position of a browser window on a display screen of an electronic communications device of a viewer communicating via said network with said designated content display page; and

a code written to said designated content display page for detection that said designated portion of said designated rendering area is within the dimensions and scrolling position of said browser window prior to the rendering of designated content within said designated rendering area, said code also causing said designated content to be rendered within said designated rendering area

only if said designated portion of said rendering area is determined by said correlator code to be within said dimensions and scrolling position of said browser window, said code also monitoring whether said content is rendered within said designated rendering area and causing data pertaining to said monitoring to be sent via said network.

39. (currently amended) The system of claim 38, further comprising a tracking server communicating with said content page for receiving said rendering data.

40. (currently amended) The system of claim 38, wherein said system causes a view to be counted if said content file is rendered in said content rendering area and said content rendering area is at least partially within the area defined by the dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device.

41. (currently amended) A system for controlling the rendering of content via an electronic communications network, comprising:

a system-end computer comprising one or more computer processing units and one or more software applications, and communicating with one or more electronic content pages having two or more content rendering areas within a said electronic content page, said electronic content pages being remotely accessible via said electronic communications network by a viewer using an electronic communications device having a display screen displaying a browser window with an area defined by said window's dimensions and scrolling position for perceiving said electronic content pages;

a correlator code for embedding at a designated electronic content page,

said correlator code at said designated electronic content page retrieving information from said viewer's browser, checking viewer browser screen coordinate data, checking content page

rendering area coordinates, checking browser window dimensions, checking browser scrolling position, and causing content to be requested for rendering within said designated content rendering area if said correlator code detects that a predefined portion of said content rendering area is within the dimensions and scrolling position of the viewer's browser window shown in viewer's display screen, said correlator code also reporting the rendering of said designated content via said network if said content is so rendered within said designated content rendering area.

42. (currently amended) The system of claim 41, wherein said correlator code determines if said predefined portion of a designated content page triggering area is within, or within said pre-defined distance outside of the dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device, and if so, causes said content to be requested and rendered at said content rendering area.

43. (currently amended) The system of claim 41, wherein said content rendering area within said content page and said content page triggering area are different areas.

44. (currently amended) The system of claim 41, wherein said correlator code retrieves content rendering activity data from said viewer's browser and said content page and causes said data to be sent via said electronic communications network.

45. (currently amended) The system of claim 44, further comprising a tracking server for communicating with said content page for storage of content rendering activity data retrieved from said viewer's browser and said content page.

46. (currently amended) The system of claim 44, wherein said content rendering activity data is sent to said server via file server direct connection communication.

47. (currently amended) The system of claim 41, wherein a new correlator code is generated for each viewer request for said content page.

48. (currently amended) The system of claim 41, wherein said correlator code monitors more than one content rendering area within said content page.

49. (original) The system of claim 41, wherein said network comprises one or more networks selected from the group consisting of local area computer networks, wide area computer networks, the Internet, cable communications networks, satellite communications networks, television frequency networks, radio frequency communications networks, powerline communications networks and cellular communications networks.

50. (currently amended) The system of claim 41, further comprising one or more software applications for providing reports pertaining to content rendering activity data with respect to said content page rendering areas of said content pages.

51. (currently amended) The system of claim 50, wherein said reports pertaining to content rendering activity further comprise reports comparing content rendering activity at two or more content rendering areas.

52. (currently amended) The system of claim 41, wherein said system causes a content rendered event to be counted if said electronic content file is rendered at said content rendering area.

53. (currently amended) The system of claim 44, wherein said content rendering activity data retrieved via said correlator code comprises one or more of the following data: whether said content was rendered and said content rendering area was within said dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device, how long said content was rendered to said viewer at said content page

rendering area, the number of said viewers to whom said content was rendered at said content page rendering area, the geographic location of said viewers to whom said content was rendered at said content page area, browser versions used by said viewers to whom said content was rendered at said content page area, how many times said content was rendered to said viewers at said content page rendering area, and viewer click activity with respect to said content rendered to said viewers at said content page rendering area.

54. (currently amended) A method for controlling the rendering of content via an electronic communications network, comprising the steps of:

generating a correlator code for embedding at a user designated content page accessible via said electronic communications network for determining whether a predefined portion of one or more user designated content page areas within said content page is either at least partially within, or a pre-defined distance outside of, the dimensions and scrolling position of a browser window displayed on a display screen of an electronic communications device of a viewer requesting said content page via said electronic communications network;

retrieving data from said viewer browser;

monitoring, via said correlator code embedded at said designated content page prior to rendering of one or more designated content files within said one or more designated content page areas, whether a predefined portion of said one or more designated content page areas is either at least partially within, or within a pre-defined distance outside of, said the dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device;

causing, via said correlator code, one or more designated electronic content files to be requested via said electronic communications network and rendered at a said designated content

page area of said designated electronic content page if said correlator code determines that said predefined portion of said designated content page area is within said dimensions and scrolling position; and

causing a view to be counted with respect to said one or more electronic content files if said one or more electronic content files are rendered in a said content page area and a predefined portion of said content page area is within the dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device.

55. (currently amended) The method of claim 54, further comprising the step of designating a content page triggering area which is different from said content page area wherein said one or more designated electronic content files are to be rendered, which if a predefined portion thereof is determined by said correlator code to be within, or within said pre-defined distance outside of said dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device, triggers rendering of said one or more electronic content files at said designated content page area.

56. (currently amended) The method of claim 54, further comprising the step of reporting said view via a communication from said correlator code via said electronic communications network.

57. (currently amended) The method of claim 54, further comprising the step of causing the rendering of a said content file at a said content page rendering area to be counted if said content file is rendered at said content page rendering area.

58. (currently amended) The method of claim 54, a new correlator code is generated and written to said electronic content page for each viewer request for an electronic content page wherein said tag is placed.

59. (currently amended) The method of claim 54, further comprising the step of causing a communication to be sent via said electronic communications network if a said content file is rendered in a said content page area and a predefined portion of said content page area is at least partially within the dimensions and scrolling position of the browser window displayed on the display screen of the viewer's electronic communications device.

60. (currently amended) The system of claim 1, wherein said correlator code determines whether a designated content file has been previously rendered in a designated rendering area before rendering said content file.

61. (currently amended) The method of claim 23, further comprising the step of determining, via said correlator code, whether a designated content file has been previously rendered in a designated rendering area before rendering said content file.

62. (new) The system of claim 38, wherein said correlator code determines whether a designated content file has been previously rendered in a designated rendering area before rendering said content file.

63. (new) The system of claim 41, wherein said correlator code determines whether a designated content file has been previously rendered in a designated rendering area before rendering said content file.

64. (new) The method of claim 54, further comprising the step of determining, via said correlator code, whether a designated content file has been previously rendered in a designated rendering area before rendering said content file.

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		Arrival at Unit	October 13, 2012, 8:38 am	DULLES, VA 20102	
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To: Examiner Shawn Joseph and Supervisory Patent Examiner Doug Hutton
Art Unit 2176
Fax No. 571-273-8300

Application Serial No. 12/316,781
Title: Content Rendering Control System and Method
Filing Date: December 16, 2008
Re: Proposed Agenda for Telephonic Interview

Below is a proposed agenda for the telephonic interview that was previously requested with respect to the current rejection of claims in the above-referenced application. Please consider and advise as to whether the requested for an interview will be granted.

A. Discussion of rejection of independent claims 1, 22, 38, 41 and 56:

1. With respect to claims 22, 38 and 56: These claims refer to designating a content rendering area and determining whether the rendering area is within the viewer's browser window dimensions and scrolling position, unlike claims 1 and 41 which refer to determining whether the triggering area is within the viewer's browser window dimensions and scrolling position. Dutta detects focus on word or other content on a page and then provides related secondary content. Dutta does not disclose where such secondary content is rendered or a way to designate a rendering area. The invention as claimed in claims 22, 38 and 56 deals with whether a designated content page rendering area is determined to be within the viewer's browser window dimensions and scrolling position (regardless of whether the viewer is focusing on it).

Kofman only discloses "dynamic scrolling" to add rows to the bottom of a table, it does not disclose designating a content rendering area (there is no choice in the rendering area, it is the bottom of a table) and there is no element of determining whether a designated rendering area on a content page is within a viewer's browser window dimensions and scrolling position.

2. With respect to claims 22 and 41, the examiner states that "under the broadest reasonable interpretation 'a designated [rendering] area' is not limiting beyond the scope of a focus area on a page. In fact, the page itself can be considered a designated area."

However, claims 22 and 41 refer to detecting whether a designated triggering area is within a viewer's browser window dimensions and scrolling position or within a predefined distance outside of same, and if yes, rendering content in a designated rendering area (regardless of whether the viewer is focusing on either a triggering area or rendering area. A viewer cannot "focus" on a triggering area that is outside the viewer's browser window dimensions and scrolling position). It is not a reasonable interpretation of the claims to consider the entire page a triggering area, or to consider the entire page a rendering area. Dutta does not indicate where the

secondary content in Dutta is rendered -if it is rendered as a full page then the rendering area is on a different page than the triggering area and it cannot be said that Dutta has triggering and rendering areas on the same content page. The claims refer to the "said content page" having rendering and triggering areas within "said content page."

3. With regard to the examiner's statements pertaining to movement of a mouse being equivalent to detecting whether a designated content rendering or triggering area is within a viewer's browser window dimensions and scrolling position, detection of movement of a mouse is not enough to determine whether a designated area is within the viewers' browser window dimensions and scrolling position. For example, detecting whether a viewer scrolls down still does not detect what dimension of the content page is within the browser dimensions, i.e., a portion of the page is or is not within the browser window dimensions.

4. The cited references do not disclose or suggest an application for, or step of, generating a tag/link for placement on the content page, as well as an application for, or step of, generating a correlator code at the system end and writing the correlator code to the content page.

5. The cited references do not disclose or suggest creation and storage at the system end of a data record which is linked to by the tag/link that is generated and placed on the content page, that contains the data designating the content page, the content page triggering area, the content page rendering area and the content files to be rendered in the content rendering area.

6. The purpose stated in the office action for combining Dutta and Kofman, *for convenience in implementing pages with much content*, is not a relevant purpose of the present invention-the purpose of the present invention is to be able to control content rendering based on whether or not a designated rendering area on a content page for rendering of such content is within the viewer's browser window dimensions and scrolling position, so that advertisers are not charged for ads that are never within the viewers' browser screen dimensions and scrolling position.

There is no motivation or suggestion to combine Dutta and Kofman, nor would it make sense or work to combine them as they appear to teach away from each other and not be compatible, nor would combining them achieve the claimed invention as a whole. A viewer of a page using Dutta is supposed to get secondary content based on what secondary content is associated with primary content that the viewer is focusing on, and getting such secondary content by adding a row to a table using dynamic scrolling as referred to in Kofman would require additional scrolling by the viewer, which would change the "focus" detected by Dutta, which could interfere with the providing of secondary content discussed in Dutta.

B. Possible Claim Amendments:

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1. Proposed amendment to refer to "system interface" for users to designate a rendering area within a content page. The cited references do not disclose or suggest an interface for receiving at the system end from users a designation of a content page or a triggering area or a rendering area on said content page as well as the content to be rendered in said rendering area within said content page.
2. Proposed amendment to refer to content being rendered "only" when the designated triggering or rendering area is within the viewer's browser window dimensions and scrolling position.
3. Proposed amendment to refer to correlator code also determining, after initial rendering of the content, whether the designated rendering area is no longer within the viewer's browser window dimensions and scrolling position.

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Art Unit 2176
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5. The cited references do not disclose or suggest creation and storage at the system end of a data record which is linked to by the tag/link that is generated and placed on the content page, that contains the data designating the content page, the content page triggering area, the content page rendering area and the content files to be rendered in the content rendering area.

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3. Proposed amendment to refer to correlator code also determining, after initial rendering of the content, whether the designated rendering area is no longer within the viewer's browser window dimensions and scrolling position.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/316,781	12/16/2008	Brad Krassner	055368.010100	2529
7590 Greenberg Traurig, P.A. Suite 4400 333 Avenue of the Americas Miami, FL 33131			EXAMINER JOSEPH, SHAWN S	
			ART UNIT 2176	PAPER NUMBER
			MAIL DATE 04/13/2012	DELIVERY MODE PAPER

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

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

Office Action Summary	Application No.	Applicant(s)	
	12/316,781	KRASSNER ET AL.	
	Examiner	Art Unit	
	Shawn S. Joseph	2176	

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

Period for Reply

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

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on ____.

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

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

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

Disposition of Claims

5) ☒ Claim(s) 1-61 is/are pending in the application.

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

6) ☐ Claim(s) ____ is/are allowed.

7) ☒ Claim(s) 1-61 is/are rejected.

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

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

Application Papers

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

11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

1) ☐ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>1/18/12</u> .	4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____. 5) ☐ Notice of Informal Patent Application 6) ☐ Other: _____.
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Applicant's Response

In Applicant's response dated 01/18/2012 Applicant amended Claims 1, 2, 7, 10-11, 18, 20, 22-23, 25-26, 33, 35-38, 40-41, 43, 50, 53-54, 56- 58 and arguments against rejections of Claims 1-61 of the Office Action dated 07/19/2011 have been presented.

Based on Applicant's amendments, the objection to the Abstract is withdrawn.

Based on Applicant's amendments, the objection to claims 1-61 is withdrawn.

Based on the filing of Terminal Disclaimer, rejection of claims under 1, 22, 38, 41, and 56 is withdrawn.

Based on Applicant's amendments, rejection of claims 35-37 under 35 U.S.C. 112 is withdrawn.

Claims 1-61 stand rejected under 35 U.S.C. 103.

Title of the Invention

37 C.F.R. 1.72(a) states: "The title of the invention may not exceed 500 characters in length and **must be as** short and **specific as possible**" (emphasis added). Thus, the title of the invention is not sufficiently descriptive.

A new title is required that is more clearly and more specifically indicative of the invention to which the claims are directed.

The examiner notes that the edited Title in the Response dated 01/18/2012 simply rearranged the words of the original Title and adds nothing of significance to the Title.

The examiner suggests the following Title:

RENDERING CONTENT ON A WEB PAGE ONLY WHEN A PREDEFINED AREA OF
THE WEB PAGE IS WITHIN THE REQUESTER'S BROWSER WINDOW
DIMENSIONS AND SCROLLING POSITION.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if 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 person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 5-10, 22-25, 35-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al., U.S. Pub. US 2004/0205651 A1 (hereinafter, "Dutta"), in view of Kofman, "Implementing Dynamic Scroll with Ajax, JavaScript, and XML," June 6, 2007, (hereinafter, "Kofman").

Claim 22:

Dutta teaches *A method for controlling the rendering of content via an electronic communication network on a designated content page rendering area of a content page based on determination of when said designated content page rendering area area of*

said content page is within the browser window dimensions and scrolling position of a viewer's browser window, comprising the steps of:

- *designating one or more content pages, one or more content page rendering areas and one or more content files, said content files being previously stored in electronic file format in a mass storage device of a computer system for rendering at said designated content page rendering areas of said one or more content pages; (see [0009]-[0010], Figs. 5A & 5B → Dutta teaches where an "application may be configured to track and detect the user of the client focusing on a portion... then determine if there are components... in the portion of the document...that have advertisements and/or specific information associated with the components... the application may map each of the identified components... to a particular file storing an advertisement and/or specific information.")*
- *storing as a record within a database data pertaining to said content pages, said content page rendering areas and said content files; (see [0009]-[0010], Figs. 5A & 5B → Dutta teaches where an "application may be configured to track and detect the user of the client focusing on a portion... then determine if there are components... in the portion of the document...that have advertisements and/or specific information associated with the components... the application may map each of the identified components... to a particular file storing an advertisement and/or specific information.")*
- *generating and placing on said designated content pages a tag/link that when activated by a content page viewer request for said designated content page,*

- links to a system server-side application and retrieves, via said server-side application, data from said record stored in said system server-side database and data pertaining to said viewer and viewer browser from said content page request; (see [0009]-[0010], Figs. 5A & 5B → Dutta teaches where "the application may transmit a request to the server to transmit those particular file(s) storing selected contextual information such as advertisement(s) or other specific information to the client...application may embody code to perform tracking based on the movement of a mouse..." or, "...based on the area of text that may be zoomed by the user.")*
- *generating and writing a correlator code to said designated content pages which determines whether said designated content rendering areas of said designated content pages is within said viewer's browser window dimensions and scrolling position and generates an HTML layer to serve as a marker for said designated content page rendering areas where said designated content files are to be rendered; (see [0035], Figs. 3, 5A & 5B → Dutta teaches where "application 132 may be configured to track the focus of the user of client 110 in the document, e.g., web page, picture, displayed in step 503. In one embodiment, application 132 may embody code to perform tracking based on the movement of a mouse 326 (FIG. 3)")*
 - *generating a query string and link for placement at said content pages, which when activated by said correlator code based on detection that said designated content page rendering areas is within the dimensions and scrolling position of*

said viewer's browser window, (see [0035], [0040], Figs. 3, 5A & 5B → Dutta teaches where "In step 510, application 132 may map each of the identified one or more components, e.g., terms, to a particular file storing selected information associated with the portion focused on by the user... the particular file(s) received in step 512 may be parsed.")

Dutta does not expressly teach where Kofman teaches:

- *dynamically generates HTML codes and tags to render said designated content files in said content page rendering areas of said content pages. (see Page 8 → Kofman teaches where, upon fetch, the addRow function inserts the fetched title and body HTML)*

Dutta and Kofman are analogous art because they are both concerned with the field of data fetching.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Dutta with those of Kofman for the purposes of convenience in implementing pages with much content (see page 1, Kofman).

Claim 23:

Dutta further teaches *The method of Claim 22, further comprising*

- *the step of designating a content page triggering areas which is different from said content page rendering areas, which when within said viewer's browser*

window dimensions and scrolling position, trigger rendering of said content files at said content page rendering areas. (see [0040], Figs. 3, 5A & 5B → Dutta teaches where “In step 514, the images and graphics of the received file(s) in step 512 may be displayed on display 338 and any audio, if any, of the received file(s) in step 512 may be generated through speakers 330.”)

Claim 24:

Dutta further teaches *The method of Claim 22, wherein*

- *said electronic communications network comprises one or more networks selected from the group consisting of local area computer networks, wide area computer networks, the Internet, cable communications networks, satellite communications networks, television frequency networks, radio frequency networks, powerline communications networks and cellular communications networks. (see [0031], Figs. 3, 5A & 5B → Dutta teaches where “transmitted when desired to the user's workstation by a network or by an external network such as the Internet.)*

Claim 25:

Dutta further teaches *The method of Claim 22, wherein*

- *said content files to be rendered in said content page rendering areas are rendered when the said designated content page rendering area is partially within said content viewer's browser window dimensions and scrolling position.*

(see [0035], Figs. 3, 5A & 5B → Dutta teaches where "application 132 may be configured to track the focus of the user of client 110 in the document, e.g., web page, picture, displayed in step 503. In one embodiment, application 132 may embody code to perform tracking based on the movement of a mouse 326 (FIG. 3)")

Claim 35:

Dutta further teaches *The method of Claim 22, further comprising*

- *the step of creating and assigning a unique identification code to each content viewer/browser. (see [0041], Figs. 1-2, 5B → Dutta teaches where the client/ browser must be uniquely identified, implemented by web browser or disk unit.)*

Claim 36:

Dutta teaches *The method of Claim 35, wherein*

- *said step of creating and assigning said unique identification code to each content viewer/browser is accomplished by said correlator code. (see [0041], Figs. 1-2, 5B → Dutta teaches where the client/ browser must be uniquely identified, implemented by web browser or disk unit.)*

Claim 37:

Dutta further teaches *The method of Claim 35, wherein*

- *said step of creating and assigning said unique identification code to each content viewer/browser is accomplished by said system server-side application.*
(see [0041], Figs. 1-2, 5B → Dutta teaches where the client/ browser must be uniquely identified, implemented by web browser or disk unit.)

Claims 1-2, 5-10, 38-40:

Claims 1-2, 5-10, 38-40 merely recite systems for performing the methods of Claims 22-25, respectively. The methods of Claims 22-25 require the use of components such as processors, memory/ databases, and servers (Dutta, Figs. 1-3).

Thus, Claims 1-2, 5-10, 38-40 are rejected upon the same rationale, as specified in Claims 22-25.

Claims 3-4, 11-21, 26-34, 41-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al., U.S. Pub. US 2004/0205651 A1 (hereinafter, "Dutta"), in view of Kofman, "Implementing Dynamic Scroll with Ajax, JavaScript, and XML," June 6, 2007, (hereinafter, "Kofman"), and in further view of Perlmutter, U.S. Pub. No. US 2005/0108095 A1, (hereinafter, "Perlmutter").

Claim 26:

Perlmutter teaches *The method of Claim 22, further comprising*

- *the step of compiling and presenting reports pertaining to content rendering activity data with respect to said one or more content page rendering areas of said one or more content pages. (see [0027], Fig. 3 → Perlmutter teaches where “ tracking information may include the start and end time of play of the advertisement, whether the advertisement was successfully played to completion, information related to user interaction with the user terminal during the playing of the advertisement, and the like. Some elements of play tracking information, such as the geographical location of the terminal, may be collected and transmitted.”)*

Dutta, Kofman, and Perlmutter are analogous art because they are both concerned with the field of data fetching.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Dutta, in view of Kofman, with those of Perlmutter for the purposes of playing electronic advertisements in conjunction with other content (see Abstract, Perlmutter).

Claim 27:

Perlmutter further teaches *The method of Claim 26, wherein*

- *said step of compiling and presenting reports further comprises comparing content rendering activity at content page rendering areas located within the same content page. (see [0027], Fig. 3 → Perlmutter teaches where “ tracking*

information may include the start and end time of play of the advertisement, whether the advertisement was successfully played to completion, information related to user interaction with the user terminal during the playing of the advertisement, and the like. Some elements of play tracking information, such as the geographical location of the terminal, may be collected and transmitted.”)

Claim 28:

Perlmutter further teaches *The method of Claim 27, wherein*

- *said content page rendering areas within said same content page comprise one or more areas selected from the group consisting of the top of said content page, above the fold of said content page, below the fold of said content page and the bottom of said content page. (see [0027], Fig. 3 → Perlmutter teaches where “ tracking information may include the start and end time of play of the advertisement, whether the advertisement was successfully played to completion, information related to user interaction with the user terminal during the playing of the advertisement, and the like. Some elements of play tracking information, such as the geographical location of the terminal, may be collected and transmitted.”)*

Claim 29:

Perlmutter further teaches *The method of Claim 26, wherein*

- *said step of compiling and presenting reports further comprises compiling and presenting data pertaining to how long said content was rendered to said viewer at said content page rendering area. (see [0027], Fig. 3 → Perlmutter teaches where “ tracking information may include the start and end time of play of the advertisement, whether the advertisement was successfully played to completion, information related to user interaction with the user terminal during the playing of the advertisement, and the like. Some elements of play tracking information, such as the geographical location of the terminal, may be collected and transmitted.”)*

Claim 30:

Perlmutter further teaches *The method of Claim 26, wherein*

- *said step of compiling and presenting reports further comprises compiling and presenting data pertaining to the number of said viewers to whom said content was rendered at said content page rendering area. (see [0027], Fig. 3 → Perlmutter teaches where “ tracking information may include the start and end time of play of the advertisement, whether the advertisement was successfully played to completion, information related to user interaction with the user terminal during the playing of the advertisement, and the like. Some elements of play tracking information, such as the geographical location of the terminal, may be collected and transmitted.”)*

Claim 31:

Perlmutter further teaches *The method of Claim 26, wherein*

- *said step of compiling and presenting reports further comprises compiling and presenting data pertaining to the geographic location of said viewers to whom said content was rendered at said content page area. (see [0027], Fig. 3 →*
Perlmutter teaches where “ tracking information may include the start and end time of play of the advertisement, whether the advertisement was successfully played to completion, information related to user interaction with the user terminal during the playing of the advertisement, and the like. Some elements of play tracking information, such as the geographical location of the terminal, may be collected and transmitted.”)

Claim 32:

Perlmutter further teaches *The method of Claim 26, wherein*

- *said step of compiling and presenting reports further comprises compiling and presenting data pertaining to browser versions used by said viewers to whom said content was rendered at said content page area. (see [0027], Fig. 3 →*
Perlmutter teaches where “ tracking information may include the start and end time of play of the advertisement, whether the advertisement was successfully played to completion, information related to user interaction with the user terminal during the playing of the advertisement, and the like. Some elements

of play tracking information, such as the geographical location of the terminal, may be collected and transmitted.”)

Claim 33:

Perlmutter further teaches *The method of Claim 26, wherein*

- *said step of compiling and presenting reports further comprises compiling and presenting data pertaining to how many times said content was rendered to said viewers at said content page rendering area. (see [0027], Fig. 3 → Perlmutter teaches where “ tracking information may include the start and end time of play of the advertisement, whether the advertisement was successfully played to completion, information related to user interaction with the user terminal during the playing of the advertisement, and the like. Some elements of play tracking information, such as the geographical location of the terminal, may be collected and transmitted.”)*

Claim 34:

Perlmutter further teaches *The method of Claim 26, wherein*

- *said step of compiling and presenting reports further comprises compiling and presenting data pertaining to viewer click through activity with respect to said content rendered to said viewers at said content page rendering area. (see [0027], Fig. 3 → Perlmutter teaches where “ tracking information may include the start and end time of play of the advertisement, whether the advertisement*

was successfully played to completion, information related to user interaction with the user terminal during the playing of the advertisement, and the like. Some elements of play tracking information, such as the geographical location of the terminal, may be collected and transmitted.”)

Claims 3-4:

Claims 3-4, 11-21, 39 merely recite systems for performing the methods of Claims 26-36, respectively. The methods of Claims 26-36 require the use of components such as processors, memory/ databases, and servers (Dutta, Figs. 1-3).

Thus, Claims 3-4, 11-21, 39 are rejected upon the same rationale, as specified in Claims 26-36.

Claims 41-43, 48-49, 56-57:

Claims 41-43, 48-49, 56-57 merely recite systems for performing the methods of Claims 22-25, respectively, where the view position is modified to be "*within a predefined distance outside*" rather than "*within*". (See page 7 → Kofman teaches where the fetch can be triggered for any distance/ browser position desired. Here 20 pixels are added to the distance for the desired purpose of fetching before arriving at the end of the scrollbar)

Thus, Claims 41-43, 48-49, 56-57 are rejected upon the same rationale, as specified in Claims 22-25, in view of the additional Kofman citation.

Claims 44-47, 50-55, 58-61:

Claims 44-47, 50-55, 58-61 merely recite systems for performing the methods of Claims 26-36, respectively, where the view position is modified to be "*within a predefined distance outside*" rather than "*within*". (See page 7 → Kofman teaches where the fetch can be triggered for any distance/ browser position desired. Here 20 pixels are added to the distance for the desired purpose of fetching before arriving at the end of the scrollbar)

Thus, Claims 44-47, 50-55, 58-61 are rejected upon the same rationale, as specified in Claims 26-36, in view of the additional Kofman citation.

Response to Arguments

Regarding Applicant's amendments in response to the repeated use of "one or more", Applicant asserts that replacement of "one or more" with "a" should not be interpreted as "one and only one". However, the proper interpretation of the use "a" is "one and only one". Therefore, Applicant has not properly addressed Examiner's objection. Claim structure should be further amended to properly back reference said elements using "the" or "said".

Additionally, Applicant argues that all words in the claims have not been considered, in Applicant Arguments/Remarks.

Examiner disagrees.

Claim structure remains highly verbose. Some of these portions are non-limiting. For example, Claim 1 provides a one paragraph preamble, “*A system for controlling the rendering of content files via an electronic communications network at a designated content page rendering area to one or more viewers having a network communications device with a browser software application with adjustable window dimensions and scrolling position, and for perceiving content page areas within said browser's window dimensions and scrolling position, comprising*”. Herein, the majority of the language of the paragraph merely recites a purpose of a process/ intended use which is non-limiting, structurally.

Examiner notes:

“A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.” See MPEP §707.07 pertaining to limiting subject matter found in the preamble of a claim.

A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Many portions of the given claim structure are lengthy, and acceptable. However, portions such as given above are non-limiting.

Further, claim language does not impart limitation purely by virtue of verbosity. The prior art of record teaches all limiting substance of the claimed invention. Applicant does not particularly point to any limitation that is argued as not considered, but merely makes a broad-brush, general assertion that claim wording has not been considered. Use of the rejection statement under “the same rationale” is used where analogous methods, systems, etc. are taught under the same reference. Just as Applicant's application simultaneously teaches a method and system for the claimed invention, as do the given prior art references. Similar to the use of Applicant's statement in the Arguments, “for the same reasons discussed above as to Claim 1”, the statement is merely a short-hand where analogous rationale applies. That is not to say each limitation has not been considered, however. Thus, use of such a statement does not support an argument that the claim has not been considered. Applicant's argument is therefore unpersuasive.

Regarding Applicant's arguments against rejection of Claim 22, Applicant argues that Dutta does not teach the step of designating a content page rendering area on a content page or controlling the rendering of designated content in the designated rendering area of the content page depending on whether the designated rendering area is within the content page viewer's browser window dimensions and scrolling position.

Examiner disagrees.

Under the broadest reasonable interpretation, "*a designated area*" is not limiting beyond the scope of a focus area on a page. In fact, the page itself can be considered a designated area.

Applicant further argues against Dutta in that the "area in which the viewer is focusing is *already* populated with content." The currently claimed invention makes no mention as to whether the area of interest is restricted to an unpopulated area, rendering the argument moot. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "detecting whether a designated area on a page is viewable") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant continues to argue that "detecting 'movement of a mouse' is not the same as detecting whether a designated area on a page is viewable, i.e., whether it is within the viewer's browser window dimensions and scrolling position."

Examiner disagrees.

The given rejection is a rejection of obviousness. Applicant argues since the limitation "is not the same as" the given teaching, the teaching fails. What is to be considered in an obviousness rejection is whether the limitation would have been apparent and obvious to one of ordinary skill in the art at the time of invention over the given reference. While a complete equivalence between this aspect of the claimed invention and the cited reference may be debatable, whether "tracking based on the

movement of a mouse", as given in Dutta, and "*within the viewer's browser window dimensions and scrolling position*", as given in the claim, surely is not. Well within the scope of the teaching where tracking based on mouse position and movements is the given limitation. The most well-known function of the mouse is the scrolling function. Additionally, contrary to Applicant's assertion that "the only *movement* of a mouse that causes scrolling is dragging the scroll bar" (which itself arguably teaches "*scrolling position*"), the mouse can scroll in several other ways. For example, a common feature of the mouse is the scroll wheel, which can scroll the page. Another example includes where many pages automatically scroll when the mouse position is moved to the extremity of the page. While it may be true that mouse movement alone does not fully teach detection of the focus of the user, if we consider the full context of the teaching, we see that the "application may be configured to track the focus of the user" (as originally cited) by way of tracking mouse capabilities, in one embodiment. Accordingly, the argument fails to be persuasive.

Applicant next argues that Dutta makes no mention of a correlator code. As originally cited, (see [0009]-[0010], Figs. 5A & 5B → Dutta teaches where "the application may transmit a request to the server to transmit those particular file(s) storing selected contextual information such as advertisement(s) or other specific information to the client...application may embody code to perform tracking based on the movement of a mouse..." or, "...based on the area of text that may be zoomed by the user."). While Dutta does not refer to code as "correlator code", no distinction is found between functionality of the currently claimed limitation and the given citation.

Applicant also fails to set forth an argument of functional distinction, merely alleging that the reference makes no mention of the subject matter. Therefore, the argument fails to be persuasive.

Applicant next argues that Dutta does not disclose rendering content area based on whether or not the rendering area becomes viewable to a viewer. Here again, the claimed invention makes no mention of a requirement that a rendering area become "viewable", rendering the argument moot. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "based on whether or not the rendering area becomes viewable to a viewer") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Next, Applicant argues that Dutta does not provide for rendering of the content within a "pre-designated rendering space, which space is tracked to determine whether it is viewable". Here again, as set forth above, the argued matter is not found within the claim language. Additionally, as Applicant has broadly claimed "one or more" or multiple designated rendering areas, any page area can be considered a designated rendering area. Therefore, the given action in the reference teaches the given limitation.

Applicant then argues that the cited text from Dutta makes no mention of any storing of data pertaining to the content page. Applicant is reminded that the rejection is over the combination of given references, as a whole. Additionally, such a broadly

claimed matter as "data pertaining to the content page" can clearly include quite a large collection of subject matter that qualifies as such. Applicant admits Dutta teaches storing of ad information content, in the argument itself, which certainly qualifies as such subject matter. Therefore, the argument fails to be persuasive.

Applicant further argues that Java applet code in Dutta is sent to the client/viewer, not the content page, and it is Java applet code, not a simple tag/link. It appears that Applicant has failed to consider/ address the combination of references provided in this argument. Kofman teaches where, upon fetch, the addRow function inserts the fetched title and body HTML, Page 8, as originally cited. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding arguments placed against the rejection of Claim 23, Applicant merely alleges, "The Applicant is at a loss to understand how this statement equates with designating a content page triggering area as claimed in Claim 23." For sake of clarification, though no true argument is set forth, the limitation given states, "*the step of designating one or more content page triggering areas which are different from said one or more content page rendering areas, which when within said viewer's browser window dimensions and scrolling position, trigger rendering of said one or more content files at said one or more content page rendering areas*". In other words, content is populated into a rendering area when a triggering area is brought into a scroll location. The

teaching given, "(see [0040], Figs. 3, 5A & 5B → Dutta teaches where "In step 514, the images and graphics of the received file(s) in step 512 may be displayed on display 338 and any audio, if any, of the received file(s) in step 512 may be generated through speakers 330.")", clearly points to displaying the received file on the display (ie., populating content into a rendering area"). If we consider the full context of the cited combination of teachings, we can see that this occurs in response to a user's focus on a page. Therefore, the argument fails to be persuasive.

Applicant then argues that "an external network such as the Internet" does not teach "one or more networks selected from the group consisting of... the Internet..." Examiner finds this to be clearly spurious argument in that this teaching is almost word-for-word. For sake of clarification, "one or more" provides that only one (or more) of the items need be found in the teaching to meet the claim. Therefore, the argument fails to be persuasive.

Applicant concludes with several mere allegations of patentability. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

Examiner provides that any reference to specific figures, columns and lines should not be considered limiting in any way, and that each entire reference is

considered to provide disclosure relating to the claimed invention. Therefore, each piece of cited relevant art must be considered in entirety.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHAWN JOSEPH whose telephone number is (571) 270-7591. The examiner can normally be reached on Monday-Friday, 9:00 AM- 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

/Shawn S. Joseph/
Examiner, Art Unit 2176

/Doug Hutton/
Supervisory Patent Examiner, Art Unit 2176

Application Number 	Application/Control No. 12/316,781	Applicant(s)/Patent under Reexamination KRASSNER ET AL.	
Document Code - DISQ		Internal Document – DO NOT MAIL	

TERMINAL DISCLAIMER	☒ APPROVED	☐ DISAPPROVED
Date Filed : 1/18/12	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:

jean proctor



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of Brad Krassner et al.

Serial No. 12/316,781

Filed: December 16, 2008

Invention: Content Rendering Control System and Method

Examiner: Joseph, Shawn S.
Group Art Unit 2176

RESPONSE TO OFFICE ACTION

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

Sir:

In response to the Office Action dated July 19, 2011, the Applicant hereby submits the enclosed Response. Amendments to the Specification, consisting of an amended title of the invention and amended abstract, are included on pages 2 and 3, respectively, of this Response. Amendments to the claims are included in the listing of claims that starts on page 4 of this Response. Remarks start on page 20 of this Response.

REMARKS

Claims 1, 2, 7, 10, 11, 18, 20, 22, 23, 25, 26, 33, 35, 36, 37, 38, 40, 41, 43, 50, 53, 54, 56, 57, 58 have been amended. Claims 1-61 remain in the application. An information disclosure statement together with copies of non-patent literature listed therein is submitted with this response.

A. Amendment of Title of Invention. The title of the invention has been amended in response to the examiner's request for an amended title. The amended title is "System and Method for Controlling the Rendering of Content on Electronic Communications Networks." The Applicant respectfully submits that the amended title is clearly indicative of the invention to which the claims are directed. If the examiner still believes that the title of the invention is not sufficiently indicative of the invention it is requested that the examiner suggest a title acceptable to the examiner.

B. Amendment of Abstract. The Abstract has been amended in response to the examiner's request for amendment. The Applicant respectfully submits that the amended abstract is an adequate, clear and concise statement of the technical disclosure of the present patent application and includes what is believed to be new in the art.

C. Objection to Claims 18, 33 and 53. Claims 18, 33 and 53 have been amended to replace "may" with "many."

D. Objection to Claims 1-61 With Respect to Use of the Phrase "one or more." Claims 1-61 have been amended to reduce use of the phrase "one or more." It is noted for the record that such amendments are made solely for the purpose of addressing the examiner's comment that the repeated use of such phrase makes the claims confusing, but such amendments are not in any way intended to narrow, and should not be interpreted as narrowing, the scope of

the claims, and in particular, such amendments have not been made to address the examiner's rejections under 35 U.S.C. Section 103. Furthermore, the removal of repetitive references to "one or more" and replacement of "one or more" with "a" is not intended to mean and should not be interpreted to mean that "one or more" of the particular claim element is being amended to instead indicate "one and only one" of the claim element. The present invention as claimed can utilize and work with one or more content files, content servers, content pages, content rendering areas, content triggering areas, viewers, etc.

E. Nonstatutory Obviousness-Type Double Patenting Rejection of Claims 1, 22, 38, 41 and 56. A terminal disclaimer is submitted with this response to overcome the examiner's provisional nonstatutory obviousness-type double patenting rejection of claims 1, 22, 38, 41 and 56 based on claim 1 of the Applicant's co-pending application serial no. 12/589,321.

F. Rejection of Claims 35-37 Based on 35 U.S.C. Section 112, Second Paragraph. Claims 35-37 have been amended to address the examiner's rejection of said claims based on 35 U.S.C. Section 112, second paragraph.

G. Rejection of Claims 1-2, 5-10, 22-25 and 35-40 and Claims 3-4, 11-21, 26-34 and 41-61 under 35 U.S.C. Section 103(a).

The Applicant notes the examiner's rejection of Claims 1-2, 5-10, 22-25 and 35-40 under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0205651 ("Dutta") in view of an article titled "Implementing Dynamic Scroll with Ajax, JavaScript and XML" dated June 6, 2007 ("Kofman"), and examiner's rejection of Claims 3-4, 11-21, 26-34 and 41-61 under 35 U.S.C. Section 103(a) as being unpatentable over Dutta in view of Kofman and further in view of U.S. Patent Application Publication No. 2005/0108095

(“Perlmutter”), and respectfully requests reconsideration and withdrawal of same in light of the following discussion.

“As reiterated by the Supreme Court in *KSR*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries. MPEP Section 2141.

The factual inquiries enunciated therein as a background for determining obviousness are as follows:

1. determining the scope and contents of the prior art;
2. ascertaining the differences between the prior art and the claims of the invention at issue;
3. resolving the level of ordinary skill and the pertinent art; and
4. evaluating evidence of secondary considerations.

The results of each of these inquiries are weighed as a whole in making a factual determination of obviousness. Objective evidence of secondary considerations such as unexpected results, commercial success, long-felt need, failure of others, copying by others, licensing, and skepticism of experts are relevant to the issue of obviousness and must be considered in every case in which they are present. “Ascertaining the differences between the prior art and the claims at issue requires interpreting the claim language, and considering both the invention and the prior art references as a whole.” MPEP Section 2141.02 (emphasis added). “In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.” *Id.* (citing *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983) (emphasis added).

“Distilling an invention down to the ‘gist’ or ‘thrust’ of an invention disregards the requirement of analyzing the subject matter ‘as a whole.’” MPEP Section 2141.02 (citing *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984) (restricting consideration of the claims to a 10% per second rate of stretching of unsintered PTFE and disregarding other limitations resulted in treating claims as though they read differently than allowed); *Bausch & Lomb v. Barnes-Hind/Hydrocurve, Inc.*, 796 F.2d 443, 447-49, 230 USPQ 416, 419-20 (Fed. Cir. 1986), *cert. denied*, 484 U.S. 823 (1987) (district court focused on the "concept of forming ridgeless depressions having smooth rounded edges using a laser beam to vaporize the material," but "disregarded express limitations that the product be an ophthalmic lens formed of a transparent cross-linked polymer and that the laser marks be surrounded by a smooth surface of unsublimated polymer."); *Jones v. Hardy*, 727 F.2d 1524, 1530, 220 USPQ 1021, 1026 (Fed. Cir. 1984) ("treating the advantage as the invention disregards statutory requirement that the invention be viewed 'as a whole'"); *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 1 USPQ2d 1593 (Fed. Cir.), *cert. denied*, 481 U.S. 1052 (1987) (district court improperly distilled claims down to a one word solution to a problem)).

“All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) (emphasis added). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).” MPEP Section 2143.03.

The Applicant respectfully submits that the present rejection of the Applicant's claims in the present office action fails to follow the above-referenced requirements. The invention as claimed has not been considered *as a whole* when comparing to the cited references, the invention has been reduced to the general thrust, ignoring the claimed elements, and the words in the claims have not been considered. Instead, the wording of the claims has been abstracted and expanded with a broad brush, disregarding the wording of the claims, rejecting claims based on "the same rationale" as other rejected claims, and equating elements in the Applicant's claims with things in the cited references that are plainly not the same, contrary to the established precedents noted above. Only the express wording of one of the 5 independent claims is discussed, namely claim 22. The wording of independent claims 1, 38, 41 and 56 is not considered at all in the office action discussion of the Section 103 rejections.

(i) Rejection of Claims 1-2, 5-10, 22-25 and 35-40 under 35 U.S.C. Section 103(a) Based on U.S. Pub. 2004/0205651 ("Dutta") in View of "Implementing Dynamic Scroll with Ajax, JavaScript and XML ("Kofman").

With respect to the examiner's rejection of claims 1-2, 5-10 and 38-40, the examiner merely states that said claims "recite systems for performing the methods of claims 22-25, respectively" and "are rejected upon the same rationale as specified in claims 22-25." The actual wording of claims 1-2, 5-10 and 38-40 has not been considered or demonstrated to be disclosed in Dutta combined with Kofman.

Addressing first the examiner's rejection of Claims 22-25 and Claims 35-37, to correspond with the order of the claim rejections in the office action:

With respect to Claim 22, contrary to the examiner's statements, Dutta does not disclose the step of designating a content page rendering area on a content page or controlling the

rendering of designated content in the designated rendering area of the content page depending on whether the designated rendering area is within the content page viewer's browser window dimensions and scrolling position. Dutta discloses transmitting a Java applet to the viewer's computer to detect where the viewer is focusing within a particular document that is already on the viewer's screen-the area in which the viewer is focusing is *already* populated with content. Detecting a viewer's focus on a page is not the same as detecting whether a designated area on a page is viewable, i.e., whether it is within the viewer's browser window dimensions and scrolling position. Dutta does not detect whether a designated area of a content page is within the viewer's browser window dimensions and scrolling position (i.e., whether the designated area is viewable by the viewer), to then accomplish the rendering of content within that designated content rendering area of the page. Dutta instead determines if there is other content that is associated with the content already populating the focused area and if yes, it sends the associated content to the viewer.

Additionally, in Dutta the tracking and detection of the viewer's focus on an area of a document on the viewer's screen is based on either *movement* of a mouse or by *additional code that detects if the viewer zooms in on an area of text using screen magnification software stored locally at the client/viewer end, or uses code that tracks the viewer's focus based on a charge coupled device camera coupled to the client.* (See Dutta at paragraph [0011] and at paragraph [0027] noting that the client-end hardware has application 350 with eye tracking software and screen magnification software, and paragraph [0028] which notes that the client-end components include a charge coupled device camera that works in conjunction with the eye tracking software to "track the focus of the user in a [already populated] document, e.g., web page, picture [already] displayed on a display"). Detecting "movement of a mouse" is not the same as

detecting whether a designated area on a page is viewable, i.e., whether it is within the viewer's browser window dimensions and scrolling position. While movement of a mouse may or may not result in scrolling, movement of a mouse does not indicate the scrolling position or *whether a designated portion of a page is within the viewer's browser window dimensions.* Dutta's reliance on *movement of a mouse* would fail to detect numerous types of changes in scrolling position- a user may not even use a mouse to scroll-arrow keys might be used instead, or the user might click on the arrow of the scroll bar- the only *movement* of a mouse that causes scrolling is dragging the scroll bar. Additionally, the movement of a mouse that is relevant in Dutta is movement of the mouse to the area of the page viewer's focus, which of necessity would already be within the viewer's browser window dimensions and scrolling position-it would not track the point in which a pre-designated area of a page becomes within the viewer's browser window dimensions and scrolling position, which is what the present invention is able to accomplish.

Furthermore, there is no mention in Dutta of a correlator code that is generated and placed on the content page to track what area is within the viewer's browser window dimensions and scrolling position. In the present invention, unlike in Dutta, detection of whether a designated content rendering area is within the viewer's browser window dimensions and scrolling position is accomplished by the step in Claim 22 of "generating and placing *on the content page* (not sending code to the client/viewer end computer), a tag/link that when activated by a viewer request for a page links to a system server-side application and *retrieves, via said server-side application*, data from the record stored in the system server-side database *as well as data pertaining to the viewer and viewer browser*," followed by the step of "generating and writing *a correlator code to the content page*" (again, not to the client/viewer-end computer), which determines whether the designated content rendering area of the designated content page

is within the viewer's browser window dimensions and scrolling position and generates an HTML layer to serve as a marker for the designated content page rendering area where the designated content files are to be rendered.

Dutta does not disclose rendering content in a designated rendering area based on whether or not the rendering area becomes viewable to a viewer by using custom code that is generated and placed on the content page to track what is viewable on the viewer's window. Dutta instead discloses providing additional content that is related to content already present in the area of a page where a viewer focuses using code that is either sent to or is previously installed at the client/viewer end to detect focusing. The additional content that is rendered in Dutta is not rendered within a pre-designated rendering space on the page, which space is tracked to determine whether it is viewable. The examiner equates the focus area referred to in Dutta with what is referred to in the Applicant's claim 22 and in the Applicant's other claims as the "content rendering area," which is incorrect because in Dutta the additional content that is served is not rendered in the space of the area on the page that the viewer was focusing on. As such, for example, Dutta would not be able to render advertising content *within a designated ad rendering space* only if and when the ad rendering space becomes viewable on the viewer's browser window. This distinction allows the Applicant's invention to provide more accurate tracking of online advertising by ensuring that the ad content is only rendered if the ad space is viewable- advertisers won't be charged for an ad that renders on a content page in an area that was not viewable by the content page viewer.

Having noted the above-described distinctions, returning to the express wording of Claim 22, as amended, Dutta does not disclose:

“designating one or more content pages, one or more content page *rendering areas* and one or more content files, said content files being previously stored in electronic file format in a mass storage device of a computer system *for rendering at said designated content page rendering area of said content page;*” [contrary to the examiner’s assertions, this is not the same as what is disclosed in [0009]-[0010] or Figs. 5A & 5B of Dutta, namely, “application may be configured to track and detect the user of the client focusing on a portion. . . then determine if there are components. . . in the portion of the document . . . that have advertisements and/or specific information associated with the components . . .the application may map each of the identified components . . . to a particular file storing an advertisement and/or specific information”]-Dutta does not disclose the rendering of content in a pre-designated rendering area of a page.

“storing as a record within a database data pertaining to said content page, said content page *rendering area* and said content file;” [contrary to the examiner’s assertions, this is not the same as what is disclosed in [0009]-[0010] or Figs. 5A & 5B of Dutta, namely, “application may be configured to track and detect the user of the client focusing on a portion. . . then determine if there are components. . . in the portion of the document . . . that have advertisements and/or specific information associated with the components . . .the application may map each of the identified components . . . to a particular file storing an advertisement and/or specific information”]-there is no mention in the cited text from Dutta of any storing of data pertaining to the content page or a designated content page rendering area-the only storing that is implied by the cited text of Dutta is storing of ad or information content]

“generating and placing *on said designated content page a tag/link* that when activated by a content page viewer request for said designated content page, links to a system server-side application and *retrieves, via said server-side application*, data from said record stored in said system server-side database and data pertaining to said viewer and viewer browser *from said content page request*,” [contrary to the examiner’s assertions, this is not the same as what is disclosed in [0009]-[0010] or Figs. 5A & 5B of Dutta, namely, “the application may transmit a request to the server to transmit those particular file(s) storing selected contextual information such as advertisement(s) or other specific information to the client . . . application may embody code to performing tracking based on the movement of a mouse . . . or . . . based on the area of text that may be zoomed by the user”-*the Java applet code of Dutta is sent to the client/viewer, not to the content page, and it is Java applet code, not a simple tag/link, and it is the server-side application that then retrieves data pertaining to the viewer and viewer browser, and the data is retrieved from the content page request*]

“generating and writing a correlator code to said designated content page which determines whether said designated content rendering area of said designated content page is within said viewer's browser window dimensions and scrolling position and generates an HTML layer to serve as a marker for said designated content page rendering area where said designated content file is to be rendered;” [contrary to the examiner’s assertions, this is not the same as [0035] and Figs 3, 5A & 5B of Dutta, namely “where application 132 may be configured to track the focus of the user of client 110 in the document, e.g., web page, picture displayed in step 503. In one embodiment, application 132 may embody code to perform tracking based on the movement of a mouse.” *[the tracking of the “focus of the user” on a page is not the same as*

tracking what portion of a page is viewable, i.e., “within the viewer’s browser window dimensions and scrolling position,” and tracking the “movement of a mouse” would not detect what area is “within a viewer’s browser window dimensions and scrolling position”-firstly, because a mouse might not be used by the viewer- the viewer could use the arrow keys to scroll; secondly, because movement of a mouse does not equate with scrolling-in fact, a mouse is not moved at all when a viewer is scrolling by clicking rather than dragging; and thirdly, because detecting movement such as scrolling (which results in a change in scrolling position) is not itself detection of scrolling position, or whether a designated rendering area of a page is within a particular browser window’s dimensions and scrolling position). Furthermore, there is no disclosure in Dutta of a correlator code generating an HTML layer to serve as a marker for the designated content rendering area where the designated content files are to be rendered.]

*“generating a query string and link for placement at said content page, which when activated by said correlator code based on detection that said designated content page rendering area is within the dimensions and scrolling position of said viewer’s browser window, dynamically generates HTML codes and tags to render said designated content file in said content page rendering area of said content page.” [contrary to the examiner’s assertions, this is not the same as paragraphs [0035], [0040], Figs. 3, 5A & 5B, namely “[i]n step 510, application 132 may map each of the identified one or more components, e.g., terms, to a particular file storing selected information associated with the portion focused on by the user. . .the particular file(s) received in step 512 may be parsed.”-[There is no mention of *generating a query link for placement at the content page*, or its activation by the correlator code *based on detection that the designated content page rendering area is within the dimensions and scrolling position of the viewer’s browser*.]*

The examiner notes that Dutta does not disclose the step of “dynamically generating HTML codes and tags to render said designated content file in said content page rendering area of said content page” but states that Kofman discloses this step. However, while Kofman discloses a dynamic scroll feature utilizing Ajax, JavaScript and XML, the Applicant’s invention does not use an Ajax method to follow a user’s scrolling and is not directed to dynamic scrolling and fetching, but rather, to controlling whether content renders in a pre-designated rendering area of a content page based on whether such pre-designated rendering area or another pre-designated triggering area is viewable, i.e., is within the viewer’s browser window dimensions and scrolling position.

In sum, the Applicant respectfully submits that the Applicant’s invention as claimed in independent Claim 22 is not unpatentable under 35 U.S.C. Section 103(a) based on Dutta in view of Kofman because the combination of Dutta and Kofman does not disclose or suggest all of the claim limitations. Furthermore, the rejection of the claims that depend on independent Claim 22, namely, Claims 23-37, should also be withdrawn.

In particular, in addition to the distinctions discussed above with respect to Claim 22, the Applicant further notes that with respect to Claim 23, the method includes an additional step of designating one or more content page *triggering areas that are different from the content page rendering areas*, which, when within the viewer’s browser window dimensions and scrolling position, trigger the rendering of content files at the designated content page rendering area. The examiner stated that this is disclosed in Dutta at paragraph [0040], Figs. 3 and 5A & 5B-“In step 514, the images and graphics of the received file(s) in step 512 may be displayed on display 338 and any audio, if any, of the received file(s) in step 512 may generated through speakers 330.”

The Applicant is at a loss to understand how this statement in Dutta equates with designating a content page triggering area as claimed in Claim 23.

Similarly, in addition to the distinctions discussed above with respect to Claim 22, with respect to Claim 24, the examiner states that Dutta's disclosure of use of "an external network such as the Internet" teaches "one or more networks selected from the group consisting of local area computer networks, wide area computer networks, the Internet, cable communications networks, satellite communications networks, television frequency networks, radio frequency networks, powerline communications networks and cellular communications networks." The phrase "An external network such as the Internet" does not teach these multiple other types of networks or a combination of one or more of them.

Similarly, in addition to the distinctions discussed above with respect to Claim 22, with respect to Claim 25, the examiner states that "wherein said one or more content files to be rendered in said content page rendering area are rendered when the designated content page triggering area is partially within said content viewer's browser window dimensions and scrolling position" is disclosed by paragraph [0035] and Figs. 3, 5A & 5B of Dutta-"application 132 may be configured to track the focus of the user of client 110 in the document, e.g., web page, picture, displayed in step 503. In one embodiment, application 132 may embody code to perform tracking based on the movement of a mouse 326 (Fig. 3)"-While Claim 25 has been amended to replace the reference to "triggering area" with "rendering area" because Claim 22 does not refer to "triggering area," this statement in Dutta says nothing about a content page triggering area or a content page rendering area being partially within the content viewer's browser window dimensions and scrolling position.

With respect to the rejection of Claims 1-2, 5-10 and 38-40, the examiner's stated basis for rejection was only that such claims merely recite systems for performing the methods of Claims 22-25, respectively and are rejected upon the same rationale as specified with respect to Claims 22-25. As noted previously, this is an insufficient basis for rejection because the invention as per the wording of Claims 1-2, 5-10 and 38-40 has not been shown to be disclosed in either Dutta or Kofman. Even assuming that method claims for an invention were properly rejected, it does not automatically result in rejection of system claims. Furthermore, none of Claims 1-2, 5-10 and 38-40 make reference to or depend on Claims 22-25 as if they each claimed "a system for performing the method of claim 22" or the like. As such, the rejection of said claims should be withdrawn. Additionally, referring to independent Claim 1, as discussed above with respect to method Claim 22, neither Dutta nor Kofman disclose:

A system for controlling the rendering of content files via an electronic communications network *at a designated content page rendering area* to one or more viewers having a network communications device with a browser software application with adjustable window dimensions and scrolling position, and for *perceiving content page areas within said browser's window dimensions and scrolling position*, comprising:

a system-end computer equipped and configured for communications via said electronic communications network, including one or more computer processing units and means for, communicating with one or more content pages that have one or more of said content rendering areas *and one or more content page triggering areas* on said pages, and a system server including a database that stores one or more records containing *data pertaining to said content pages, said content page triggering areas, said content page rendering areas* and said content files,

one or more content file servers which house content files,

one or more network communications interface software applications for receiving from system users data *designating a content page, a content page rendering area within said content page, a content page triggering area that, when determined to be within a content page viewer's browser window dimensions and scrolling position, will result in content being rendered in said content page rendering area, and a content file for rendering at said designated content rendering area of said content page; and for creating a record, for storage in said system server database, that contains said data, assigning an identification code to said data record and generating a tag/link to be placed on said content page, said tag/link including a reference to said data record identification code and a link to a system custom software application; and*

one or more system custom software applications for generating and writing to said designated content page a correlator code to determine when said designated content page triggering area is within a content viewer's browser window dimensions and scrolling position, for dynamically generating HTML code to be used as a marker for said designated content page rendering area, and for communicating with said correlator code to cause said content file to be rendered in said content page rendering area when said correlator code detects that said designated content page triggering area is within said content viewer's browser window dimensions and scrolling position.

As such, the Applicant respectfully submits that independent Claim 1 is not unpatentable under 35 U.S.C. Section 103(a) based on Dutta in view of Kofman and therefore requests that examiner withdraw such rejection, and furthermore, that the rejection of the claims that depend on Claim 1, namely, Claims 2-21, also be withdrawn.

Similarly, with respect to independent Claim 38, neither Dutta nor Kofman disclose:

A system for the control of content rendering via an electronic communications network at one or more content pages having one or more content page rendering areas, to one or more content page viewers having means for communicating via said electronic communications network and having a browser with one or more window dimensions and scrolling positions, comprising:

a system-end computer equipped and configured for network communications, including one or more computer processors and communicating with said content page and a server including a database that stores one or more records containing parameters and commands for rendering a content file *at a specified content rendering area* of said content page,

one or more network communications interface software applications for interfacing with system users and for creating a record in said server database that contains parameters and commands to retrieve, assemble and display said content file *at said designated content rendering area*, and

one or more system software applications for generating code *for placement at said designated content page which, when one of said content page rendering areas is within the dimensions and scrolling position of said viewer's browser window*, causes said parameter and command record *for said content page rendering area* to be activated, thereby retrieving said content file and assembling and displaying said content *at said content rendering area and retrieving from said viewer's browser data pertaining to said content rendering activity*.

As such, the Applicant respectfully submits that independent Claim 38 is not unpatentable under 35 U.S.C. Section 103(a) based on Dutta in view of Kofman and therefore requests that examiner

withdraw such rejection, and furthermore, that the rejection of the claims that depend on Claim 38, namely, Claims 39 and 40, also be withdrawn.

(ii) **Rejection of Claims 3-4, 11-21, 26-34 and 41-61 under 35 U.S.C. Section 103(a) Based on U.S. Pub. 2004/0205651 (“Dutta”) in View of “Implementing Dynamic Scroll with Ajax, JavaScript and XML (“Kofman”) and Further in View of U.S. Pub. No. 2005/0108095 A1 (“Perlmutter”).**

With respect to Claims 3-4, 11-21, 26-34 and 41-61, which the examiner has rejected under 35 U.S.C. Section 103(a) as being unpatentable over Dutta in view of Kofman and further in view of Perlmutter, the Applicant respectfully submits that for the same reasons discussed above as to Claim 1, the combination of Dutta, Kofman and Perlmutter not teach or suggest all of the claim limitations of Claims 3-4 or 11-21, each of which depend from Claim 1, and therefore the Applicant respectfully requests withdrawal of the examiner’s rejection of Claims 3-4 and 11-21. Similarly, with respect to the rejection of Claims 26-34, which depend from Claim 22, the Applicant respectfully submits that such claims are not unpatentable under 35 U.S.C. Section 103(a) based on Dutta in view of Kofman and further in view of Perlmutter for the same reasons discussed above with respect to Claim 22.

The Applicant notes further specifically with respect to the stated basis for rejection of Claim 28, the examiner’s statement that said “content page rendering areas within said content page comprise one or more areas selected from the group consisting of the top of said content page, above the fold of said content page, below the fold of said content page and the bottom of said content page” is disclosed by paragraph [0027] of Perlmutter (“tracking information may include the start and end time of play of the advertisement, whether the advertisement was

successfully played to completion, information related to user interaction with the user terminal during the playing of the advertisement, and the like. Some elements of play tracking information, such as the geographical location of the terminal, may be collected and transmitted”) is incorrect. The above-quoted phrase from Perlmutter says nothing about content page rendering areas being selected from the group consisting of the top of the content page, above the fold, below the fold and the bottom of the content page.

With respect to independent Claim 41, neither Dutta, nor Kofman nor Perlmutter disclose:

A system for controlling the rendering of content via an electronic communications network *at a designated content rendering area of a content page* to one or more viewers having a network communications device with a browser software application with adjustable window dimensions and scrolling position, for perceiving content pages within said browser's window dimensions and scrolling position, comprising:

a system-end computer equipped and configured for communications via said electronic communications network, including one or more computer processing units and means for communicating with one or more content pages that have *one or more of said content rendering areas* and *one or more content page triggering areas on said pages*, and a system server including *a database that stores one or more records containing data pertaining to said content pages, said content page triggering areas, said content page rendering areas and said content files,*

one or more content file servers which house said content files,

one or more network communications *interface software applications for receiving from system users* data designating said content pages, *content page rendering areas within said content pages, content page triggering areas that, when determined to be within a pre-defined*

distance outside of a content page viewer's browser window dimensions and scrolling position, will result in content being rendered in said content page rendering area, and content files for rendering at said designated content rendering areas of said content pages; and for creating a record, for storage in said system server database, that contains said data, assigning an identification code to said data record and generating a tag/link to be placed on said content pages, said tag/link including a reference to said data record identification code and a link to a system custom software application; and

one or more system custom software applications for generating and writing to said designated content page a correlator code to determine when said designated content page triggering area is within said pre-defined distance outside of a content viewer's browser window dimensions and scrolling position, for dynamically generating HTML code to be used as a marker for said designated content page rendering area, and for communicating with said correlator code to cause said content files to be rendered in said content page rendering areas when said correlator code detects that said designated content page triggering area is within said pre-defined distance outside of said content viewer's browser window dimensions and scrolling position.

As such, the Applicant respectfully submits that Claim 41 is not unpatentable under 35 U.S.C. Section 103(a) based on Dutta in view of Kofer and further in view of Perlmutter and requests that examiner withdraw the rejection of Claim 41. Similarly, the rejection of Claims 42-55 which depend from Claim 41 should be withdrawn.

Similarly, with respect to independent Claim 56, the combination of Dutta, Kofer and Perlmutter does not disclose the method claimed in Claim 56, namely:

A method for controlling the *rendering of content on a content page rendering area of a content page based on determination of when a pre-defined area of said content page is within a pre-defined distance outside of the browser window dimensions and scrolling position* of a viewer's browser window via an electronic communications network, comprising the steps of:

designating one or more content pages, one or more content page areas and one or more content files, said content files being previously stored in electronic file format in a mass storage device of a computer system for rendering at a said designated content page area of said content page;

storing as a record within a system-side database data pertaining to a said content page, a said content page rendering area and a said content file;

generating and placing at said one or more designated content pages a tag/link that when activated by a content page viewer request for said designated content page, links to a system server-side application and retrieves, via said server-side application, data from said record stored in said system server-side database and data pertaining to said viewer and viewer browser from said content page request;

generating and writing a correlator code to said designated content page which determines whether said designated content rendering area of said designated content page is within a pre-defined distance outside of said viewer's browser window dimensions and scrolling position and generates an HTML layer to serve as a marker for said designated content page area where said designated content file is to be rendered;

generating a query string and link for placement at said content page, which when activated by said correlator code based on detection that one of said designated content page areas is within said pre-defined distance outside of the dimensions and scrolling position of said

viewer's browser window, dynamically generates HTML codes and tags to render said designated content file in said content page rendering area of said content page.

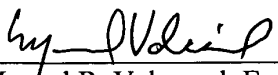
As such, the Applicant respectfully submits that Claim 56 is not unpatentable under 35 U.S.C. Section 103(a) based on Dutta in view of Kofer and further in view of Perlmutter and requests that examiner withdraw the rejection of Claim 56. Similarly, the rejection of Claims 57-61, which depend from Claim 56 should be withdrawn.

The Applicant respectfully submits that the application and claims, as amended, are in condition for allowance. Nonetheless, should the examiner still have any comments, questions or suggestions, the examiner is respectfully requested to telephone the undersigned at the telephone number listed below. If the examiner disagrees the undersigned respectfully requests a telephonic interview at a date and time convenient for the examiner in order to further explain the patentable distinctions of the Applicant's invention as compared to Dutta, Kofman and Perlmutter.

Respectfully submitted,

Date: January 18, 2012

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MIA 182284834v1

AMENDMENTS TO THE CLAIMS:

The following listing will replace all prior versions of the claims in the application:

What is claimed is:

1. (currently amended) A system for controlling the rendering of content files via an electronic communications network at a designated content page rendering area of a content page to one or more viewers having a network communications device with a browser software application with adjustable window dimensions and scrolling position, and for perceiving content page areas within said browser's window dimensions and scrolling position, comprising:

a system-end computer equipped and configured for communications via said electronic communications network, including one or more computer processing units and means for, communicating with one or more content pages that have one or more of said content rendering areas and one or more content page triggering areas on said pages, and a system server including a database that stores one or more records containing data pertaining to said ~~one or more content~~ pages, said ~~one or more content~~ page triggering areas, said ~~one or more content~~ page rendering areas and said ~~one or more content~~ files,

one or more content file servers which house ~~one or more content~~ files,

one or more network communications interface software applications for receiving from system users data designating ~~one or more a~~ content pages, ~~one or more a~~ content page rendering areas within said ~~one or more content~~ pages, ~~one or more a~~ content page triggering areas that, when determined to be within a content page viewer's browser window dimensions and scrolling position, will result in content being rendered in said content page rendering area, and ~~one or more a~~ content files for rendering at said ~~one or more~~ designated content rendering areas of said ~~one or more content~~ pages; and for creating a record, for storage in said system server database,

that contains said data, assigning an identification code to said data record and generating a tag/link to be placed on said ~~one or more~~ content pages, said tag/link including a reference to said data record identification code and a link to a system custom software application; and

one or more system custom software applications for generating and writing to said designated content page a correlator code to determine when said designated content page triggering area is within a content viewer's browser window dimensions and scrolling position, for dynamically generating HTML code to be used as a marker for said designated content page rendering area, and for communicating with said correlator code to cause said ~~one or more~~ content files to be rendered in said ~~one or more~~ content page rendering areas when said correlator code detects that said designated content page triggering area is within said content viewer's browser window dimensions and scrolling position.

2. (currently amended) The system of claim 1, wherein said system software applications further include a content rendering module software application that is embedded at said specified content page rendering area when said correlator code determines that said specified content page triggering area is within the dimensions and scrolling position of said viewer's browser window and communicates with said ~~one or more~~ content servers to retrieve and render content files at said specified content page rendering area.

3. (original) The system of claim 1, wherein said correlator code retrieves content rendering activity data from said viewer's browser, and further comprising a tracking server for communicating with said correlator code at said content page and said system server for storage of content rendering activity data.

4. (original) The system of claim 2, wherein said content rendering module receives content rendering activity data from said correlator code and further comprising a tracking server

for communicating with said content rendering module at said content page and said system server for storage of said content rendering activity data.

5. (original) The system of claim 2, wherein said content rendering activity data is sent from said content rendering module to said system server via file server direct connection communication.

6. (original) The system of claim 4, wherein said content rendering activity data is sent from said content rendering module to said tracking server via file server direct connection communication.

7. (currently amended) The system of claim 1, wherein said ~~one or more~~ content page rendering areas within said ~~one or more~~ content pages and said ~~one or more~~ content page triggering areas are the same areas.

8. (original) The system of claim 1, wherein said content page triggering area has positional coordinates, said viewer's browser window dimensions and scrolling position have positional coordinates, and said correlator code determines when said designated content page triggering area is within a content viewer's browser window dimensions and scrolling position by determining whether there is correspondence between the positional coordinates of said content page triggering area and the positional coordinates of said viewer's browser window dimensions and scrolling position.

9. (original) The system of claim 1, wherein said network comprises one or more networks selected from the group consisting of local area computer networks, wide area computer networks, the Internet, cable communications networks, satellite communications networks, television frequency networks, radio frequency communications networks, powerline communications networks and cellular communications networks.

10. (currently amended) The system of claim 1, wherein said ~~one or more~~ content files to be rendered in said ~~one or more~~ content page areas is ~~are~~ rendered when the said designated content page triggering area is partially within said content viewer's browser window dimensions and scrolling position.

11. (currently amended) The system of claim 1, further comprising one or more software applications for compilation and presentation of reports pertaining to content rendering activity data with respect to said ~~one or more~~ content page rendering areas of said ~~one or more~~ content pages.

12. (original) The system of claim 11, wherein said reports pertaining to content rendering activity data further comprise reports comparing content rendering activity at content page rendering areas located within the same content page.

13. (original) The system of claim 12, wherein said content page rendering areas within said same content page that are compared in said reports comprise one or more areas selected from the group consisting of the top of said content page, above the fold of said content page, below the fold of said content page and the bottom of said content page.

14. (original) The system of claim 11, wherein said reports comprise data pertaining to how long said content was rendered to said viewer at said content page rendering area.

15. (original) The system of claim 11, wherein said reports comprise data pertaining to the number of said viewers to whom said content was rendered at said content page rendering area.

16. (original) The system of claim 11, wherein said reports comprise data pertaining to the geographic location of said viewers to whom said content was rendered at said content page area.

17. (original) The system of claim 11, wherein said reports comprise data pertaining to browser versions used by said viewers to whom said content was rendered at said content page area.

18. (currently amended) The system of claim 11, wherein said reports comprise data pertaining to how many times said content was rendered to said viewers at said content page rendering area.

19. (original) The system of claim 11, wherein said reports comprise data pertaining to viewer click activity with respect to said content rendered to said viewers at said content page rendering area.

20. (currently amended) The system of claim 1, wherein said ~~one or more~~ system custom software applications further comprise means for creating a unique identification code that is assigned to each content viewer/browser.

21. (original) The system of claim 20, wherein said means for creating a unique identification code that is assigned to each content viewer/browser comprises said correlator code.

22. (currently amended) A method for controlling the rendering of content via an electronic communication network on a designated content page rendering area of a content page based on determination of when said designated content page rendering area ~~a pre-defined area~~ of said content page is within the browser window dimensions and scrolling position of a viewer's browser window, comprising the steps of:

designating one or more content pages, one or more content page rendering areas and one or more content files, said content files being previously stored in electronic file format in a mass

storage device of a computer system for rendering at said ~~one or more~~ designated content page rendering areas of said ~~one or more~~ content pages;

storing as a record within a database data pertaining to said ~~one or more~~ content pages, said ~~one or more~~ content page rendering areas and said ~~one or more~~ content files;

generating and placing on said ~~one or more~~ designated content pages a tag/link that when activated by a content page viewer request for said designated content page, links to a system server-side application and retrieves, via said server-side application, data from said record stored in said system server-side database and data pertaining to said viewer and viewer browser from said content page request;

generating and writing a correlator code to said ~~one or more~~ designated content pages which determines whether said ~~one or more~~ designated content rendering areas of said ~~one or more~~ designated content pages is within said viewer's browser window dimensions and scrolling position and generates an HTML layer to serve as a marker for said ~~one or more~~ designated content page rendering areas where said ~~one or more~~ designated content files is are to be rendered;

generating a query string and link for placement at said ~~one or more~~ content pages, which when activated by said correlator code based on detection that ~~one of~~ said ~~one or more~~ designated content page rendering areas is within the dimensions and scrolling position of said viewer's browser window, dynamically generates HTML codes and tags to render said ~~one or more~~ designated content files in said ~~one or more~~ content page rendering areas of said ~~one or more~~ content pages.

23. (currently amended) The method of claim 22, further comprising the step of designating ~~one or more~~ a content page triggering areas which is are different from said ~~one or~~

~~more~~ content page rendering areas, which when within said viewer's browser window dimensions and scrolling position, triggers rendering of said ~~one or more~~ content files at said ~~one or more~~ content page rendering areas.

24. (original) The method of claim 22, wherein said electronic communications network comprises one or more networks selected from the group consisting of local area computer networks, wide area computer networks, the Internet, cable communications networks, satellite communications networks, television frequency networks, radio frequency networks, powerline communications networks and cellular communications networks.

25. (currently amended) The method of claim 22, wherein said ~~one or more~~ content files to be rendered in said ~~one or more~~ content page rendering areas ~~is~~ are rendered when the said designated content page ~~rendering~~triggering area is partially within said content viewer's browser window dimensions and scrolling position.

26. (currently amended) The method of claim 22, further comprising the step of compiling and presenting reports pertaining to content rendering activity data with respect to said ~~one or more~~ content page rendering areas of said ~~one or more~~ content pages.

27. (original) The method of claim 26, wherein said step of compiling and presenting reports further comprises comparing content rendering activity at content page rendering areas located within the same content page.

28. (original) The method of claim 27, wherein said content page rendering areas within said same content page comprise one or more areas selected from the group consisting of the top of said content page, above the fold of said content page, below the fold of said content page and the bottom of said content page.

29. (original) The method of claim 26, wherein said step of compiling and presenting reports further comprises compiling and presenting data pertaining to how long said content was rendered to said viewer at said content page rendering area.

30. (original) The method of claim 26, wherein said step of compiling and presenting reports further comprises compiling and presenting data pertaining to the number of said viewers to whom said content was rendered at said content page rendering area.

31. (original) The method of claim 26, wherein said step of compiling and presenting reports further comprises compiling and presenting data pertaining to the geographic location of said viewers to whom said content was rendered at said content page area.

32. (original) The method of claim 26, wherein said step of compiling and presenting reports further comprises compiling and presenting data pertaining to browser versions used by said viewers to whom said content was rendered at said content page area.

33. (currently amended) The method of claim 26, wherein said step of compiling and presenting reports further comprises compiling and presenting data pertaining to how many times said content was rendered to said viewers at said content page rendering area.

34. (original) The method of claim 26, wherein said step of compiling and presenting reports further comprises compiling and presenting data pertaining to viewer click through activity with respect to said content rendered to said viewers at said content page rendering area.

35. (currently amended) The method of claim 22, further comprising the step of creating and assigning a unique identification code to each viewer's content viewer/browser.

36. (currently amended) The method of claim 35, wherein said step of creating and assigning said unique identification code to each viewer's content viewer/browser is accomplished by said correlator code.

37. (currently amended) The method of claim 35, wherein said step of creating and assigning said unique identification code to each ~~content-viewer's~~ browser is accomplished by said system server-side application.

38. (currently amended) A system for the control of content rendering via an electronic communications network at one or more content pages having one or more content page rendering areas, to one or more content page viewers having means for communicating via said electronic communications network and having a browser with one or more window dimensions and scrolling positions, comprising:

a system-end computer equipped and configured for network communications, including one or more computer processors and communicating with said ~~one or more~~ content pages and a server including a database that stores one or more records containing parameters and commands for rendering ~~one or more~~ a content files at ~~one or more~~ a specified content rendering areas of said ~~one or more~~ content pages,

one or more network communications interface software applications for interfacing with system users and for creating a record in said server database that contains parameters and commands to retrieve, assemble and display said ~~one or more~~ content files at said ~~one or more~~ designated content rendering areas, and

one or more system software applications for generating code for placement at said designated ~~one or more~~ content pages which, when one of said content page rendering areas is within the dimensions and scrolling position of said viewer's browser window, causes said parameter and command record for said content page rendering area to be activated, thereby retrieving said content files and assembling and displaying said content at said content rendering area and retrieving from said viewer's browser data pertaining to said content rendering activity.

39. (original) The system of claim 38, further comprising a tracking server communicating with said content page and said system server for storage of said content rendering data retrieved from said viewer's browser and said content page.

40. (currently amended) The system of claim 38, wherein said ~~one or more~~ content page rendering areas ~~each have~~ positional coordinates and said viewer's ~~one or more~~ browser window dimensions and scrolling positions each have positional coordinates, and said code is written to said content page and determines whether said positional coordinates of said content page rendering area correspond with said positional coordinates of said viewer's browser window dimensions and scrolling position, and triggers content rendering at said content rendering area when said correspondence is determined to exist.

41. (currently amended) A system for controlling the rendering of content via an electronic communications network at a designated content rendering area of a content page to one or more viewers having a network communications device with a browser software application with adjustable window dimensions and scrolling position, for perceiving content pages within said browser's window dimensions and scrolling position, comprising:

a system-end computer equipped and configured for communications via said electronic communications network, including one or more computer processing units and means for communicating with one or more content pages that have one or more of said content rendering areas and one or more content page triggering areas on said pages, and a system server including a database that stores one or more records containing data pertaining to said ~~one or more~~ content pages, said ~~one or more~~ content page triggering areas, said ~~one or more~~ content page rendering areas and said ~~one or more~~ content files,

one or more content file servers which house ~~one or more~~ said content files,

one or more network communications interface software applications for receiving from system users data designating ~~one or more~~ said content pages, ~~one or more~~ content page rendering areas within said ~~one or more~~ content pages, ~~one or more~~ content page triggering areas that, when determined to be within a pre-defined distance outside of a content page viewer's browser window dimensions and scrolling position, will result in content being rendered in said content page rendering area, and ~~one or more~~ content files for rendering at said ~~one or more~~ designated content rendering areas of said ~~one or more~~ content pages; and for creating a record, for storage in said system server database, that contains said data, assigning an identification code to said data record and generating a tag/link to be placed on said ~~one or more~~ content pages, said tag/link including a reference to said data record identification code and a link to a system custom software application; and

one or more system custom software applications for generating and writing to said designated content page a correlator code to determine when said designated content page triggering area is within said pre-defined distance outside of a content viewer's browser window dimensions and scrolling position, for dynamically generating HTML code to be used as a marker for said designated content page rendering area, and for communicating with said correlator code to cause said ~~one or more~~ content files to be rendered in said ~~one or more~~ content page rendering areas when said correlator code detects that said designated content page triggering area is within said pre-defined distance outside of said content viewer's browser window dimensions and scrolling position.

42. (original) The system of claim 41, wherein said system software applications further include a content rendering module software application that is embedded at said specified content page rendering area and which communicates with said system server and said correlator

code and which, when said specified content page triggering area is within said pre-defined distance outside of the dimensions and scrolling position of said viewer's browser window, causes said content files to be retrieved from said one or more content servers and rendered at said specified content page rendering area.

43. (currently amended) The system of claim 41, wherein said ~~one or more~~ content page rendering areas within said ~~one or more~~ content pages and said ~~one or more~~ content page triggering areas are the same areas.

44. (original) The system of claim 41, wherein said correlator code retrieves content rendering activity data from said viewer's browser and said content page, and further comprising a tracking server for communicating with said content page and said system server for storage of said content rendering activity data retrieved from said viewer's browser and said content page.

45. (original) The system of claim 42, further comprising a tracking server for communicating with said content page and said system server for storage of content rendering activity data retrieved from said viewer's browser and said content page.

46. (original) The system of claim 45, wherein said content rendering activity data is sent from said content rendering module to said system server via file server direct connection communication.

47. (original) The system of claim 45, wherein said content rendering activity data is sent from said content rendering module to said tracking server via file server direct connection communication.

48. (original) The system of claim 41, wherein said content page triggering area has positional coordinates, said pre-defined distance outside said viewer's browser window dimensions and scrolling position has positional coordinates, and said viewer's browser window

dimensions and scrolling position have positional coordinates, and said correlator code determines when said designated content page triggering area is within said pre-defined distance outside of a content viewer's browser window dimensions and scrolling position by determining whether there is correspondence between the positional coordinates of said content page triggering area and the positional coordinates of said area that is said pre-defined distance outside said viewer's browser window dimensions and scrolling position.

49. (original) The system of claim 41, wherein said network comprises one or more networks selected from the group consisting of local area computer networks, wide area computer networks, the Internet, cable communications networks, satellite communications networks, television frequency networks, radio frequency communications networks, powerline communications networks and cellular communications networks.

50. (currently amended) The system of claim 44, further comprising one or more software applications for compilation and presentation of reports pertaining to content rendering activity data with respect to said ~~one or more~~ content page rendering areas of said ~~one or more~~ content pages.

51. (original) The system of claim 44, wherein said content rendering activity data retrieved via said correlator code comprises data pertaining to content rendering activity at content page rendering areas located within the same content page.

52. (original) The system of claim 51, wherein said content page rendering areas within said same content page comprise one or more areas selected from the group consisting of the top of said content page, above the fold of said content page, below the fold of said content page and the bottom of said content page.

53. (currently amended) The system of claim 44, wherein said content rendering activity data retrieved via said correlator code comprises one or more of the data selected from the group consisting of how long said content was rendered to said viewer at said content page rendering area, the number of said viewers to whom said content was rendered at said content page rendering area, the geographic location of said viewers to whom said content was rendered at said content page area, browser versions used by said viewers to whom said content was rendered at said content page area, how many times said content was rendered to said viewers at said content page rendering area, and viewer click activity with respect to said content rendered to said viewers at said content page rendering area.

54. (currently amended) The system of claim 41, wherein said ~~one or more~~ system custom software applications further comprise means for creating a unique identification code that is assigned to each content viewer/browser.

55. (original) The system of claim 54, wherein said means for creating a unique identification code that is assigned to each content viewer/browser comprises said correlator code.

56. (currently amended) A method for controlling the rendering of content on a content page rendering area of a content page based on determination of when a pre-defined area of said content page is within a pre-defined distance outside of the browser window dimensions and scrolling position of a viewer's browser window via an electronic communications network, comprising the steps of:

designating one or more content pages, one or more content page areas and one or more content files, said content files being previously stored in electronic file format in a mass storage

device of a computer system for rendering at a said ~~one or more~~ designated content page areas of said ~~one or more~~ content pages;

storing as a record within a system-side database data pertaining to a said ~~one or more~~ content pages, a said ~~one or more~~ content page rendering areas and a said ~~one or more~~ content files;

generating and placing at said one or more designated content pages a tag/link that when activated by a content page viewer request for said designated content page, links to a system server-side application and retrieves, via said server-side application, data from said record stored in said system server-side database and data pertaining to said viewer and viewer browser from said content page request;

generating and writing a correlator code to said ~~one or more~~ designated content pages which determines whether said ~~one or more~~ designated content rendering areas of said ~~one or more~~ designated content pages is within a pre-defined distance outside of said viewer's browser window dimensions and scrolling position and generates an HTML layer to serve as a marker for said ~~one or more~~ designated content page areas where said ~~one or more~~ designated content files isare to be rendered;

generating a query string and link for placement at said ~~one or more~~ content pages, which when activated by said correlator code based on detection that one of said ~~one or more~~ designated content page areas is within said pre-defined distance outside of the dimensions and scrolling position of said viewer's browser window, dynamically generates HTML codes and tags to render said ~~one or more~~ designated content files in said ~~one or more~~ content page rendering areas of said ~~one or more~~ content pages.

57. (currently amended) The method of claim 56, further comprising the step of designating ~~one or more~~ a content page triggering areas which isare different from said ~~one or more~~ content page rendering areas, which when within said pre-defined distance outside of said viewer's browser window dimensions and scrolling position, triggers rendering of said ~~one or more~~ content files at said ~~one or more~~ content page rendering areas.

58. (currently amended) The method of claim 56, further comprising the step of compiling and presenting reports pertaining to content rendering activity data with respect to a said ~~one or more~~ content page rendering areas of a said ~~one or more~~ content pages.

59. (original) The method of claim 56, further comprising the step of creating and assigning a unique identification code to each content viewer/browser.

60. (original) The method of claim 59, wherein said step of creating and assigning said unique identification code to each content viewer/browser is accomplished by said correlator code.

61. (original) The method of claim 59, wherein said step of creating and assigning said unique identification code to each content viewer/browser is accomplished by said system server-side application.



**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)
055368.010100

In re Application of: Krassner, et al.

Application No.: 12/316,781

Filed: 12/16/2008

For: System and Method for Controlling the Rendering of Content on Electronic Communications Networks

The owner*, Rich Media Club, LLC, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 12/589,321, filed 10/21/2009, as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

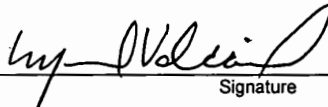
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term of any patent granted on said reference application, "as the term of any patent granted on said reference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

Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

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

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 41360



Signature
12/9/2011

Date
Manuel R. Valcarcel

Typed or printed name
(305) 579-0812

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
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This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/316,781	12/16/2008	Brad Krassner	055368.010100	2529

7590 07/19/2011
Greenberg Traurig, P.A.
333 Avenue of the Americas
Miami, FL 33131

EXAMINER

JOSEPH, SHAWN S

ART UNIT	PAPER NUMBER
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2176

MAIL DATE	DELIVERY MODE
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07/19/2011

PAPER

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

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

Office Action Summary	Application No.		Applicant(s)	
	12/316,781		KRASSNER ET AL.	
	Examiner		Art Unit	
SHAWN S. JOSEPH		2176		

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

Period for Reply

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

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 16 December 2008.

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

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

Disposition of Claims

4) ☒ Claim(s) 1-61 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-61 is/are rejected.

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

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

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 24 March 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

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

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

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

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

a) ☐ All b) ☐ Some * c) ☐ None of:

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

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

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

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

Attachment(s)

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

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 03/24/2009, 01/15/2010.

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

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This communication is responsive to the Application No. 12,316,781 filed on 12/16/2008. Claims 1-61 are pending and presented for examination. Claims 1, 22, 38, 41, and 56 are independent and the remaining claims are dependent. This action has been made non-final.

Information Disclosure Statement

The information disclosure statement filed on 01/15/2010 does not fully comply with the requirements of 37 CFR 1.98(b) because at least one of the listed publications identified as "non-patent literature documents" fails to identify, and/or incorrectly identifies, at least one of the following, as required in 37 CFR 1.98(b)(5):

1. publisher;
2. author (if any);
3. title;
4. relevant pages of the publication;
5. publication date; and
6. place of publication.

Since the submission appears to be *bona fide*, applicant is given **ONE (1) MONTH** from the date of this notice to supply the above mentioned omissions or corrections in the information disclosure statement. NO EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 CFR 1.136(a) OR (b). Failure to timely comply with this notice will result in the above mentioned information disclosure

statement being placed in the application file with the non-complying information **not** being considered. See 37 CFR 1.97(i).

Specifically, the publication date and the relevant pages are not identified in the listed NPL reference.

Title of the Invention

The title of the invention is not sufficiently descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Specification

The Abstract should be an adequate, clear and concise statement of the technical disclosure of the patent application. Also, the Abstract should include that which is new in the art to which the invention pertains. Additionally, as expressly stated in 37 C.F.R. 1.72(b), the purpose of the Abstract is to enable the reader thereof to quickly determine, from a cursory inspection, the nature and gist of the technical disclosure.

The abstract of the disclosure is objected to because it does not mention that portion of the invention that Applicant believes is new in the art.

Correction is required. See MPEP § 608.01(b).

Claim Objections

Claims 18, 33 and 53 should be amended to read “many” rather than “~~may~~”

Examiner objects to Claims 1-61 where unnecessary redundancy is used in the claim construction. For example, independent Claim 1 partially recites:

“a system-end computer equipped and configured for communications via said electronic communications network, including one or more computer processing units and means for, communicating with one or more content pages that have one or more of said content rendering areas and one or more content page triggering areas on said pages, and a system server including a database that stores one or more records containing data pertaining to said one or more content pages, said one or more content page triggering areas, said one or more content page rendering areas and said one or more content files, one or more content file servers which house one or more content files, one or more network communications interface software applications for receiving from system users data designating one or more content pages, one or more content page rendering areas within said one or more content pages, one or more content page triggering areas that, when determined to be within a content page viewer's browser window dimensions and scrolling position, will result in content being rendered in said content page rendering area, and one or more content files for rendering at said one or more designated content rendering areas of said one or more content pages;”

Repeated use of phrases such as "*one or more*" is unnecessary and lends to confusing structure. A first reference to "*one or more content pages*" will suffice to make clear that subsequent references to "*content page*" can refer to a plurality of content pages.

Double Patenting

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

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory

double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 22, 38, 41, and 56 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claim 1 of copending Application No. 12/589,321. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

Claims 1, 22, 38, 41, and 56 are anticipated by Claim 1 of the '321 application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 35-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 35 recites "*the step of*" and "*each content viewer/browser*". There is insufficient antecedent basis for these limitations.

Claims 36-37 inherit the same deficiency by virtue of dependency from Claim 35.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if 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 person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 5-10, 22-25, 35-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al., U.S. Pub. US 2004/0205651 A1 (hereinafter, "Dutta"), in view of Kofman, "Implementing Dynamic Scroll with Ajax, JavaScript, and XML," June 6, 2007, (hereinafter, "Kofman").

Claim 22:

Dutta teaches *A method for controlling the rendering of content via an electronic communication network on a content page rendering area of a content page based on determination of when a pre-defined area of said content page is within the browser window dimensions and scrolling position of a viewer's browser window, comprising the steps of:*

- *designating one or more content pages, one or more content page areas and one or more content files, said content files being previously stored in electronic file format in a mass storage device of a computer system for rendering at said one or more designated content page areas of said one or more content pages; (see [0009]-[0010], Figs. 5A & 5B → Dutta teaches where an "application may be configured to track and detect the user of the client focusing on a portion... then determine if there are components... in the portion of the document...that have advertisements and/or specific information associated with the components... the application may map each of the identified components... to a particular file storing an advertisement and/or specific information.")*
- *storing as a record within a database data pertaining to said one or more content pages, said one or more content page rendering areas and said one or more content files; (see [0009]-[0010], Figs. 5A & 5B → Dutta teaches where an "application may be configured to track and detect the user of the client focusing on a portion... then determine if there are components... in the portion of the document...that have advertisements and/or specific information associated with the components... the application may map each of the identified components... to a particular file storing an advertisement and/or specific information.")*
- *generating and placing on said one or more designated content pages a tag/link that when activated by a content page viewer request for said designated content page, links to a system server-side application and retrieves, via said server-side application, data from said record stored in said system server-side database*

- and data pertaining to said viewer and viewer browser from said content page request; (see [0009]-[0010], Figs. 5A & 5B → Dutta teaches where "the application may transmit a request to the server to transmit those particular file(s) storing selected contextual information such as advertisement(s) or other specific information to the client...application may embody code to perform tracking based on the movement of a mouse..." or, "...based on the area of text that may be zoomed by the user.")*
- *generating and writing a correlator code to said one or more designated content pages which determines whether said one or more designated content rendering areas of said one or more designated content pages is within said viewer's browser window dimensions and scrolling position and generates an HTML layer to serve as a marker for said one or more designated content page areas where said one or more designated content files are to be rendered; (see [0035], Figs. 3, 5A & 5B → Dutta teaches where "application 132 may be configured to track the focus of the user of client 110 in the document, e.g., web page, picture, displayed in step 503. In one embodiment, application 132 may embody code to perform tracking based on the movement of a mouse 326 (FIG. 3)")*
 - *generating a query string and link for placement at said one or more content pages, which when activated by said correlator code based on detection that one of said one or more designated content page areas is within the dimensions and scrolling position of said viewer's browser window, (see [0035], [0040], Figs. 3, 5A & 5B → Dutta teaches where "In step 510, application 132 may map each of*

the identified one or more components, e.g., terms, to a particular file storing selected information associated with the portion focused on by the user... the particular file(s) received in step 512 may be parsed.")

Dutta does not expressly teach where Kofman teaches:

- *dynamically generates HTML codes and tags to render said one or more designated content files in said one or more content page rendering areas of said one or more content pages.* (see Page 8 → Kofman teaches where, upon fetch, the addRow function inserts the fetched title and body HTML)

Dutta and Kofman are analogous art because they are both concerned with the field of data fetching.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Dutta with those of Kofman for the purposes of convenience in implementing pages with much content (see page 1, Kofman).

Claim 23:

Dutta further teaches *The method of Claim 22, further comprising*

- *the step of designating one or more content page triggering areas which are different from said one or more content page rendering areas, which when*

within said viewer's browser window dimensions and scrolling position, trigger rendering of said one or more content files at said one or more content page rendering areas. (see [0040], Figs. 3, 5A & 5B → Dutta teaches where "In step 514, the images and graphics of the received file(s) in step 512 may be displayed on display 338 and any audio, if any, of the received file(s) in step 512 may be generated through speakers 330.")

Claim 24:

Dutta further teaches *The method of Claim 22, wherein*

- *said electronic communications network comprises one or more networks selected from the group consisting of local area computer networks, wide area computer networks, the Internet, cable communications networks, satellite communications networks, television frequency networks, radio frequency networks, powerline communications networks and cellular communications networks. (see [0031], Figs. 3, 5A & 5B → Dutta teaches where "transmitted when desired to the user's workstation by a network or by an external network such as the Internet.)*

Claim 25:

Dutta further teaches *The method of Claim 22, wherein*

- *said one or more content files to be rendered in said one or more content page areas are rendered when the said designated content page triggering area is*

partially within said content viewer's browser window dimensions and scrolling position. (see [0035], Figs. 3, 5A & 5B → Dutta teaches where "application 132 may be configured to track the focus of the user of client 110 in the document, e.g., web page, picture, displayed in step 503. In one embodiment, application 132 may embody code to perform tracking based on the movement of a mouse 326 (FIG. 3)")

Claim 35:

Dutta further teaches *The method of Claim 22, further comprising*

- *the step of creating and assigning a unique identification code to each content viewer/browser. (see [0041], Figs. 1-2, 5B → Dutta teaches where the client/browser must be uniquely identified, implemented by web browser or disk unit.)*

Claim 36:

Dutta teaches *The method of Claim 35, wherein*

- *said step of creating and assigning said unique identification code to each content viewer/browser is accomplished by said correlator code. (see [0041], Figs. 1-2, 5B → Dutta teaches where the client/ browser must be uniquely identified, implemented by web browser or disk unit.)*

Claim 37:

Dutta further teaches *The method of Claim 35, wherein*

- *said step of creating and assigning said unique identification code to each content viewer/browser is accomplished by said system server-side application.*
(see [0041], Figs. 1-2, 5B → Dutta teaches where the client/ browser must be uniquely identified, implemented by web browser or disk unit.)

Claims 1-2, 5-10, 38-40:

Claims 1-2, 5-10, 38-40 merely recite systems for performing the methods of Claims 22-25, respectively. The methods of Claims 22-25 require the use of components such as processors, memory/ databases, and servers (Dutta, Figs. 1-3).

Thus, Claims 1-2, 5-10, 38-40 are rejected upon the same rationale, as specified in Claims 22-25.

Claims 3-4, 11-21, 26-34, 41-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al., U.S. Pub. US 2004/0205651 A1 (hereinafter, "Dutta"), in view of Kofman, "Implementing Dynamic Scroll with Ajax, JavaScript, and XML," June 6, 2007, (hereinafter, "Kofman"), and in further view of Perlmutter, U.S. Pub. No. US 2005/0108095 A1, (hereinafter, "Perlmutter").

Claim 26:

Perlmutter teaches *The method of Claim 22, further comprising*

- *the step of compiling and presenting reports pertaining to content rendering activity data with respect to said one or more content page rendering areas of said one or more content pages. (see [0027], Fig. 3 → Perlmutter teaches where “ tracking information may include the start and end time of play of the advertisement, whether the advertisement was successfully played to completion, information related to user interaction with the user terminal during the playing of the advertisement, and the like. Some elements of play tracking information, such as the geographical location of the terminal, may be collected and transmitted.”)*

Dutta, Kofman, and Perlmutter are analogous art because they are both concerned with the field of data fetching.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Dutta, in view of Kofman, with those of Perlmutter for the purposes of playing electronic advertisements in conjunction with other content (see Abstract, Perlmutter).

Claim 27:

Perlmutter further teaches *The method of Claim 26, wherein*

- *said step of compiling and presenting reports further comprises comparing content rendering activity at content page rendering areas located within the same content page. (see [0027], Fig. 3 → Perlmutter teaches where “ tracking*

information may include the start and end time of play of the advertisement, whether the advertisement was successfully played to completion, information related to user interaction with the user terminal during the playing of the advertisement, and the like. Some elements of play tracking information, such as the geographical location of the terminal, may be collected and transmitted.”)

Claim 28:

Perlmutter further teaches *The method of Claim 27, wherein*

- *said content page rendering areas within said same content page comprise one or more areas selected from the group consisting of the top of said content page, above the fold of said content page, below the fold of said content page and the bottom of said content page. (see [0027], Fig. 3 → Perlmutter teaches where “ tracking information may include the start and end time of play of the advertisement, whether the advertisement was successfully played to completion, information related to user interaction with the user terminal during the playing of the advertisement, and the like. Some elements of play tracking information, such as the geographical location of the terminal, may be collected and transmitted.”)*

Claim 29:

Perlmutter further teaches *The method of Claim 26, wherein*

- *said step of compiling and presenting reports further comprises compiling and presenting data pertaining to how long said content was rendered to said viewer at said content page rendering area. (see [0027], Fig. 3 → Perlmutter teaches where “ tracking information may include the start and end time of play of the advertisement, whether the advertisement was successfully played to completion, information related to user interaction with the user terminal during the playing of the advertisement, and the like. Some elements of play tracking information, such as the geographical location of the terminal, may be collected and transmitted.”)*

Claim 30:

Perlmutter further teaches *The method of Claim 26, wherein*

- *said step of compiling and presenting reports further comprises compiling and presenting data pertaining to the number of said viewers to whom said content was rendered at said content page rendering area. (see [0027], Fig. 3 → Perlmutter teaches where “ tracking information may include the start and end time of play of the advertisement, whether the advertisement was successfully played to completion, information related to user interaction with the user terminal during the playing of the advertisement, and the like. Some elements of play tracking information, such as the geographical location of the terminal, may be collected and transmitted.”)*

Claim 31:

Perlmutter further teaches *The method of Claim 26, wherein*

- *said step of compiling and presenting reports further comprises compiling and presenting data pertaining to the geographic location of said viewers to whom said content was rendered at said content page area. (see [0027], Fig. 3 →*
Perlmutter teaches where “ tracking information may include the start and end time of play of the advertisement, whether the advertisement was successfully played to completion, information related to user interaction with the user terminal during the playing of the advertisement, and the like. Some elements of play tracking information, such as the geographical location of the terminal, may be collected and transmitted.”)

Claim 32:

Perlmutter further teaches *The method of Claim 26, wherein*

- *said step of compiling and presenting reports further comprises compiling and presenting data pertaining to browser versions used by said viewers to whom said content was rendered at said content page area. (see [0027], Fig. 3 →*
Perlmutter teaches where “ tracking information may include the start and end time of play of the advertisement, whether the advertisement was successfully played to completion, information related to user interaction with the user terminal during the playing of the advertisement, and the like. Some elements

of play tracking information, such as the geographical location of the terminal, may be collected and transmitted.”)

Claim 33:

Perlmutter further teaches *The method of Claim 26, wherein*

- *said step of compiling and presenting reports further comprises compiling and presenting data pertaining to how many times said content was rendered to said viewers at said content page rendering area. (see [0027], Fig. 3 → Perlmutter teaches where “ tracking information may include the start and end time of play of the advertisement, whether the advertisement was successfully played to completion, information related to user interaction with the user terminal during the playing of the advertisement, and the like. Some elements of play tracking information, such as the geographical location of the terminal, may be collected and transmitted.”)*

Claim 34:

Perlmutter further teaches *The method of Claim 26, wherein*

- *said step of compiling and presenting reports further comprises compiling and presenting data pertaining to viewer click through activity with respect to said content rendered to said viewers at said content page rendering area. (see [0027], Fig. 3 → Perlmutter teaches where “ tracking information may include the start and end time of play of the advertisement, whether the advertisement*

was successfully played to completion, information related to user interaction with the user terminal during the playing of the advertisement, and the like.

Some elements of play tracking information, such as the geographical location of the terminal, may be collected and transmitted.”)

Claims 3-4:

Claims 3-4, 11-21, 39 merely recite systems for performing the methods of Claims 26-36, respectively. The methods of Claims 26-36 require the use of components such as processors, memory/ databases, and servers (Dutta, Figs. 1-3).

Thus, Claims 3-4, 11-21, 39 are rejected upon the same rationale, as specified in Claims 26-36.

Claims 41-43, 48-49, 56-57:

Claims 41-43, 48-49, 56-57 merely recite systems for performing the methods of Claims 22-25, respectively, where the view position is modified to be "*within a predefined distance outside*" rather than "*within*". (See page 7 → Kofman teaches where the fetch can be triggered for any distance/ browser position desired. Here 20 pixels are added to the distance for the desired purpose of fetching before arriving at the end of the scrollbar)

Thus, Claims 41-43, 48-49, 56-57 are rejected upon the same rationale, as specified in Claims 22-25, in view of the additional Kofman citation.

Claims 44-47, 50-55, 58-61:

Claims 44-47, 50-55, 58-61 merely recite systems for performing the methods of Claims 26-36, respectively, where the view position is modified to be "*within a predefined distance outside*" rather than "*within*". (See page 7 → Kofman teaches where the fetch can be triggered for any distance/ browser position desired. Here 20 pixels are added to the distance for the desired purpose of fetching before arriving at the end of the scrollbar)

Thus, Claims 44-47, 50-55, 58-61 are rejected upon the same rationale, as specified in Claims 26-36, in view of the additional Kofman citation.

Conclusion

Examiner provides that any reference to specific figures, columns and lines should not be considered limiting in any way, and that each entire reference is considered to provide disclosure relating to the claimed invention. Therefore, each piece of cited relevant art must be considered in entirety.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHAWN S. JOSEPH whose telephone number is (571)270-7591. The examiner can normally be reached on Monday- Friday, 9:00 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

/SHAWN S. JOSEPH/
Examiner, Art Unit 2176

/Doug Hutton/
Supervisory Patent Examiner, Art Unit 2176



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/316,781	12/16/2008	Brad Krassner	055368.010100

CONFIRMATION NO. 2529

PUBLICATION NOTICE



OC000000042145801

Greenberg Traurig
Attn: M. Valcarcel
1221 Brickell Ave.
Miami, FL 33131

Title:Content rendering control system and method

Publication No.US-2010-0153836-A1

Publication Date:06/17/2010

NOTICE OF PUBLICATION OF APPLICATION

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

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

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

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

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/316,781	12/16/2008	Brad Krassner	055368.010100

CONFIRMATION NO. 2529

FORMALITIES LETTER



OC000000033948893

Date Mailed: 01/09/2009

Greenberg Traurig
Attn: M. Valcarcel
1221 Brickell Ave.
Miami, FL 33131

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) are required. The drawings submitted are not acceptable because:
 - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 3, 5, 8-13, 15, 16, 18-23, 25, 30.
 - The drawings have a line quality that is too light to be reproduced (weight of all lines and letters must be heavy enough to permit adequate reproduction) or text that is illegible (reference characters, sheet numbers, and view numbers must be plain and legible) see 37 CFR 1.84(l) and (p)(1)); See Figure(s) 6, 14.
 - Numbers, letters, and reference characters on the drawings must measure at least 0.32 cm (1/8 inch) in height. See Figure(s) 3, 5, 7, 9-11, 14, 16-21, 23-33.
 - The drawings submitted to the Office are not electronically reproducible because portions of figures 1, 7-33 are missing and/or blurry.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

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GT GreenbergTraurig

Manuel R. Valcarcel, Esq.
Tel. (305) 579-0812
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March 24, 2009

Via Express Mail

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**Re: U.S. Non-Provisional Patent
Application Serial No. 12/316,781
Inventors: Krassner, et al.
Filing Date: 12/16/08
Submission in response to Notice to File
Corrected Application Papers - Replacement figures and
Petition for One Month Extension of Time**

Dear Sir:

In response to the above-referenced Notice to File Corrected Application Papers (copy enclosed), enclosed are replacement drawings for Figs. 1, 3, and 5-33 and a Petition for a One Month Extension of Time under 37 C.F.R. §1.136(a).

Please confirm receipt of the enclosed submission by date stamping and returning the enclosed postage paid return post card.

Please direct all communications regarding the enclosed submission to the undersigned.

Sincerely,

GREENBERG TRAURIG, P.A.

Manuel R. Valcarcel, Esq.
Reg. No. 41,360

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Enclosures

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MIA 180,512,569v1



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/316,781	12/16/2008	Brad Krassner	055368.010100

CONFIRMATION NO. 2529

FORMALITIES LETTER



OC000000033948893

Greenberg Traurig
Attn: M. Valcarcel
1221 Brickell Ave.
Miami, FL 33131

Date Mailed: 01/09/2009

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) are required. The drawings submitted are not acceptable because:
 - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 3, 5, 8-13, 15, 16, 18-23, 25, 30.
 - The drawings have a line quality that is too light to be reproduced (weight of all lines and letters must be heavy enough to permit adequate reproduction) or text that is illegible (reference characters, sheet numbers, and view numbers must be plain and legible) see 37 CFR 1.84(l) and (p)(1)); See Figure(s) 6, 14.
 - Numbers, letters, and reference characters on the drawings must measure at least 0.32 cm (1/8 inch) in height. See Figure(s) 3, 5, 7, 9-11, 14, 16-21, 23-33.
 - The drawings submitted to the Office are not electronically reproducible because portions of figures 1, 7-33 are missing and/or blurry.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	055368.010100
		Application Number	pending
Title of Invention	Content Rendering Control System and Method		
The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.			

Secrecy Order 37 CFR 5.2

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

Applicant 1					
Applicant Authority		☒ Inventor		☐ Legal Representative under 35 U.S.C. 117	
				☐ Party of Interest under 35 U.S.C. 118	
Prefix	Given Name	Middle Name	Family Name	Suffix	
	Brad		Krassner		
Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service					
City	Miami Beach	State/Province	FL	Country of Residence	US
Citizenship under 37 CFR 1.41(b)		US			
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Address 1		2399 Collins Avenue			
Address 2		Suite 1008			
City	Miami Beach	State/Province	FL		
Postal Code	33139	Country	US		
Applicant 2					
Applicant Authority		☒ Inventor		☐ Legal Representative under 35 U.S.C. 117	
				☐ Party of Interest under 35 U.S.C. 118	
Prefix	Given Name	Middle Name	Family Name	Suffix	
	Nikolai		Mentchoukov		
Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service					
City	Miami Beach	State/Province	FL	Country of Residence	US
Citizenship under 37 CFR 1.41(b)		Russia			
Mailing Address of Applicant:					
Address 1		2399 Collins Avenue			
Address 2		Suite 1008			
City	Miami Beach	State/Province	FL		
Postal Code	33139	Country	US		
Applicant 3					
Applicant Authority		☒ Inventor		☐ Legal Representative under 35 U.S.C. 117	
				☐ Party of Interest under 35 U.S.C. 118	
Prefix	Given Name	Middle Name	Family Name	Suffix	
	Alan		Edwards		
Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service					
City	Miami Beach	State/Province	FL	Country of Residence	US

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number		055368.010100	
		Application Number		pending	
Title of Invention		Content Rendering Control System and Method			
Citizenship under 37 CFR 1.41(b)		US			
Mailing Address of Applicant:					
Address 1		2399 Collins Avenue			
Address 2		Suite 1008			
City	Miami Beach		State/Province	FL	
Postal Code	33139	Country	US		
Applicant 4					
Applicant Authority		☒ Inventor		☐ Legal Representative under 35 U.S.C. 117	
				☐ Party of Interest under 35 U.S.C. 118	
Prefix	Given Name	Middle Name	Family Name	Suffix	
	Igor		Tchibirev		
Residence Information (Select One)		☒ US Residency ☐ Non US Residency ☐ Active US Military Service			
City	Miami Beach	State/Province	FL	Country of Residence	US
Citizenship under 37 CFR 1.41(b)		Russia			
Mailing Address of Applicant:					
Address 1		2399 Collins Avenue			
Address 2		Suite 1008			
City	Miami Beach		State/Province	FL	
Postal Code	33139	Country	US		
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button. Add					

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).	
☒ An Address is being provided for the correspondence information of this application.	
Customer Number	Greenberg Traurig, 1221 Brickell Ave., Miami, FL 33131 Attn: M. Valcarcel
Email Address	ipmiami@gtlaw.com Add Email Remove Email

Application Information:

Title of the Invention	Content Rendering Control System and Method		
Attorney Docket Number	055368.010100	Small Entity Status Claimed	☒
Application Type	Non-provisional Utility Application		
Subject Matter			
Suggested Class (if any)		Sub Class (if any)	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)	35	Suggested Figure for Publication (if any)	3

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	055368.010100
	Application Number	pending
Title of Invention	Content Rendering Control System and Method	

Publication Information:

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

Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.

☐ C. 122(b) and certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

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

Please Select One: ☐ Customer Number ☒ US Patent Practitioner ☐ Limited Recognition (37 CFR 11.9)

Customer Number **Manuel Valcarcel Reg. No. 41,360**

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.

Prior Application Status		Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)

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

Foreign Priority Information:

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).

			Remove
Application Number	Country ¹	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
			☒ Yes ☐ No

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

Assignee Information:

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

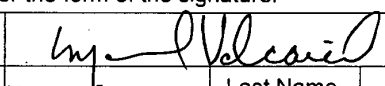
Assignee 1 **Rich Media Club, LLC**

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	055368.010100
		Application Number	pending
Title of Invention	Content Rendering Control System and Method		

If the Assignee is an Organization check here. ☐				
Prefix	Given Name	Middle Name	Family Name	Suffix
Mailing Address Information:				
Address 1	2399 Collins Avenue			
Address 2	Suite 1008			
City	Miami Beach	State/Province	FL	
Country	US	Postal Code	33139	
Phone Number		Fax Number		
Email Address				
Additional Assignee Data may be generated within this form by selecting the Add button.				

Signature:

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.					
Signature			Date (YYYY-MM-DD)	12-16-08	
First Name	Manuel	Last Name	Valcarcel	Registration Number	41,360

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

CLAIMS

What is claimed is:

1. A system for controlling the rendering of content via an electronic communications network at a designated content rendering area of a content page to one or more viewers having a network communications device with a browser software application with adjustable window dimensions and scrolling position, for perceiving content pages within said browser's window dimensions and scrolling position, comprising:

a system-end computer equipped and configured for communications via said electronic communications network, including one or more computer processing units and means for communicating with one or more content pages that have one or more of said content rendering areas and one or more content page triggering areas on said pages, and a system server including a database that stores one or more records containing data pertaining to said one or more content pages, said one or more content page triggering areas, said one or more content page rendering areas and said one or more content files,

one or more content file servers which house one or more content files,

one or more network communications interface software applications for receiving from system users data designating one or more content pages, one or more content page rendering areas within said one or more content pages, one or more content page triggering areas that, when determined to be within a content page viewer's browser window dimensions and scrolling position, will result in content being rendered in said content page rendering area, and one or more content files for rendering at said one or more designated content rendering areas of said one or more content pages; and for creating a record, for storage in said system server database, that contains said data, assigning an identification code to said data record and generating a

tag/link to be placed on said one or more content pages, said tag/link including a reference to said data record identification code and a link to a system custom software application; and

one or more system custom software applications for generating and writing to said designated content page a correlator code to determine when said designated content page triggering area is within a content viewer's browser window dimensions and scrolling position, for dynamically generating HTML code to be used as a marker for said designated content page rendering area, and for communicating with said correlator code to cause said one or more content files to be rendered in said one or more content page rendering areas when said correlator code detects that said designated content page triggering area is within said content viewer's browser window dimensions and scrolling position.

2. The system of Claim 1, wherein said system software applications further include a content rendering module software application that is embedded at said specified content page rendering area when said correlator code determines that said specified content page triggering area is within the dimensions and scrolling position of said viewer's browser window and communicates with said one or more content servers to retrieve and render content files at said specified content page rendering area.

3. The system of Claim 1, wherein said correlator code retrieves content rendering activity data from said viewer's browser, and further comprising a tracking server for communicating with said correlator code at said content page and said system server for storage of content rendering activity data.

4. The system of Claim 2, wherein said content rendering module receives content rendering activity data from said correlator code and further comprising a tracking server for

communicating with said content rendering module at said content page and said system server for storage of said content rendering activity data.

5. The system of Claim 2, wherein said content rendering activity data is sent from said content rendering module to said system server via file server direct connection communication.

6. The system of Claim 4, wherein said content rendering activity data is sent from said content rendering module to said tracking server via file server direct connection communication.

7. The system of Claim 1, wherein said one or more content page rendering areas within said one or more content pages and said one or more content page triggering areas are the same areas.

8. The system of Claim 1, wherein said content page triggering area has positional coordinates, said viewer's browser window dimensions and scrolling position have positional coordinates, and said correlator code determines when said designated content page triggering area is within a content viewer's browser window dimensions and scrolling position by determining whether there is correspondence between the positional coordinates of said content page triggering area and the positional coordinates of said viewer's browser window dimensions and scrolling position.

9. The system of Claim 1, wherein said network comprises one or more networks selected from the group consisting of local area computer networks, wide area computer networks, the Internet, cable communications networks, satellite communications networks, television frequency networks, radio frequency communications networks, powerline communications networks and cellular communications networks.

10. The system of Claim 1, wherein said one or more content files to be rendered in said one or more content page areas are rendered when the said designated content page triggering area is partially within said content viewer's browser window dimensions and scrolling position.

11. The system of Claim 1, further comprising one or more software applications for compilation and presentation of reports pertaining to content rendering activity data with respect to said one or more content page rendering areas of said one or more content pages.

12. The system of Claim 11, wherein said reports pertaining to content rendering activity data further comprise reports comparing content rendering activity at content page rendering areas located within the same content page.

13. The system of Claim 12, wherein said content page rendering areas within said same content page that are compared in said reports comprise one or more areas selected from the group consisting of the top of said content page, above the fold of said content page, below the fold of said content page and the bottom of said content page.

14. The system of Claim 11, wherein said reports comprise data pertaining to how long said content was rendered to said viewer at said content page rendering area.

15. The system of Claim 11, wherein said reports comprise data pertaining to the number of said viewers to whom said content was rendered at said content page rendering area.

16. The system of Claim 11, wherein said reports comprise data pertaining to the geographic location of said viewers to whom said content was rendered at said content page area.

17. The system of Claim 11, wherein said reports comprise data pertaining to browser versions used by said viewers to whom said content was rendered at said content page area.

18. The system of Claim 11, wherein said reports comprise data pertaining to how many times said content was rendered to said viewers at said content page rendering area.

19. The system of Claim 11, wherein said reports comprise data pertaining to viewer click activity with respect to said content rendered to said viewers at said content page rendering area.

20. The system of Claim 1, wherein said one or more system custom software applications further comprise means for creating a unique identification code that is assigned to each content viewer/browser.

21. The system of Claim 20, wherein said means for creating a unique identification code that is assigned to each content viewer/browser comprises said correlator code.

22. A method for controlling the rendering of content via an electronic communication network on a content page rendering area of a content page based on determination of when a pre-defined area of said content page is within the browser window dimensions and scrolling position of a viewer's browser window, comprising the steps of:

designating one or more content pages, one or more content page areas and one or more content files, said content files being previously stored in electronic file format in a mass storage device of a computer system for rendering at said one or more designated content page areas of said one or more content pages;

storing as a record within a database data pertaining to said one or more content pages, said one or more content page rendering areas and said one or more content files;

generating and placing on said one or more designated content pages a tag/link that when activated by a content page viewer request for said designated content page, links to a system server-side application and retrieves, via said server-side application, data from said record

stored in said system server-side database and data pertaining to said viewer and viewer browser from said content page request;

generating and writing a correlator code to said one or more designated content pages which determines whether said one or more designated content rendering areas of said one or more designated content pages is within said viewer's browser window dimensions and scrolling position and generates an HTML layer to serve as a marker for said one or more designated content page areas where said one or more designated content files are to be rendered;

generating a query string and link for placement at said one or more content pages, which when activated by said correlator code based on detection that one of said one or more designated content page areas is within the dimensions and scrolling position of said viewer's browser window, dynamically generates HTML codes and tags to render said one or more designated content files in said one or more content page rendering areas of said one or more content pages.

23. The method of Claim 22, further comprising the step of designating one or more content page triggering areas which are different from said one or more content page rendering areas, which when within said viewer's browser window dimensions and scrolling position, trigger rendering of said one or more content files at said one or more content page rendering areas.

24. The method of Claim 22, wherein said electronic communications network comprises one or more networks selected from the group consisting of local area computer networks, wide area computer networks, the Internet, cable communications networks, satellite communications networks, television frequency networks, radio frequency networks, powerline communications networks and cellular communications networks.

25. The method of Claim 22, wherein said one or more content files to be rendered in said one or more content page areas are rendered when the said designated content page triggering area is partially within said content viewer's browser window dimensions and scrolling position.

26. The method of Claim 22, further comprising the step of compiling and presenting reports pertaining to content rendering activity data with respect to said one or more content page rendering areas of said one or more content pages.

27. The method of Claim 26, wherein said step of compiling and presenting reports further comprises comparing content rendering activity at content page rendering areas located within the same content page.

28. The method of Claim 27, wherein said content page rendering areas within said same content page comprise one or more areas selected from the group consisting of the top of said content page, above the fold of said content page, below the fold of said content page and the bottom of said content page.

29. The method of Claim 26, wherein said step of compiling and presenting reports further comprises compiling and presenting data pertaining to how long said content was rendered to said viewer at said content page rendering area.

30. The method of Claim 26, wherein said step of compiling and presenting reports further comprises compiling and presenting data pertaining to the number of said viewers to whom said content was rendered at said content page rendering area.

31. The method of Claim 26, wherein said step of compiling and presenting reports further comprises compiling and presenting data pertaining to the geographic location of said viewers to whom said content was rendered at said content page area.

32. The method of Claim 26, wherein said step of compiling and presenting reports further comprises compiling and presenting data pertaining to browser versions used by said viewers to whom said content was rendered at said content page area.

33. The method of Claim 26, wherein said step of compiling and presenting reports further comprises compiling and presenting data pertaining to how many times said content was rendered to said viewers at said content page rendering area.

34. The method of Claim 26, wherein said step of compiling and presenting reports further comprises compiling and presenting data pertaining to viewer click through activity with respect to said content rendered to said viewers at said content page rendering area.

35. The method of Claim 22, further comprising the step of creating and assigning a unique identification code to each content viewer/browser.

36. The method of Claim 35, wherein said step of creating and assigning said unique identification code to each content viewer/browser is accomplished by said correlator code.

37. The method of Claim 35, wherein said step of creating and assigning said unique identification code to each content viewer/browser is accomplished by said system server-side application.

38. A system for the control of content rendering via an electronic communications network at one or more content pages having one or more content page rendering areas, to one or more content page viewers having means for communicating via said electronic communications network and having a browser with one or more window dimensions and scrolling positions, comprising:

a system-end computer equipped and configured for network communications, including one or more computer processors and communicating with said one or more content pages and a

server including a database that stores one or more records containing parameters and commands for rendering one or more content files at one or more specified content rendering areas of said one or more content pages,

one or more network communications interface software applications for interfacing with system users and for creating a record in said server database that contains parameters and commands to retrieve, assemble and display said one or more content files at said one or more designated content rendering areas, and

one or more system software applications for generating code for placement at said designated one or more content pages which, when one of said content page rendering areas is within the dimensions and scrolling position of said viewer's browser screen, causes said parameter and command record for said content page rendering area to be activated, thereby retrieving said content files and assembling and displaying said content at said content rendering area and retrieving from said viewer's browser data pertaining to said content rendering activity.

39. The system of Claim 38, further comprising a tracking server communicating with said content page and said system server for storage of said content rendering data retrieved from said viewer's browser and said content page.

40. The system of Claim 38, wherein said one or more content page rendering areas each have positional coordinates and said viewer's one or more browser window dimensions and scrolling positions each have positional coordinates, and said code is written to said content page and determines whether said positional coordinates of said content page rendering area correspond with said positional coordinates of said viewer's browser window dimensions and scrolling position, and triggers content rendering at said content rendering area when said correspondence is determined to exist.

41. A system for controlling the rendering of content via an electronic communications network at a designated content rendering area of a content page to one or more viewers having a network communications device with a browser software application with adjustable window dimensions and scrolling position, for perceiving content pages within said browser's window dimensions and scrolling position, comprising:

a system-end computer equipped and configured for communications via said electronic communications network, including one or more computer processing units and means for communicating with one or more content pages that have one or more of said content rendering areas and one or more content page triggering areas on said pages, and a system server including a database that stores one or more records containing data pertaining to said one or more content pages, said one or more content page triggering areas, said one or more content page rendering areas and said one or more content files,

one or more content file servers which house one or more content files,

one or more network communications interface software applications for receiving from system users data designating one or more content pages, one or more content page rendering areas within said one or more content pages, one or more content page triggering areas that, when determined to be within a pre-defined distance outside of a content page viewer's browser window dimensions and scrolling position, will result in content being rendered in said content page rendering area, and one or more content files for rendering at said one or more designated content rendering areas of said one or more content pages; and for creating a record, for storage in said system server database, that contains said data, assigning an identification code to said data record and generating a tag/link to be placed on said one or more content pages, said

tag/link including a reference to said data record identification code and a link to a system custom software application; and

one or more system custom software applications for generating and writing to said designated content page a correlator code to determine when said designated content page triggering area is within said pre-defined distance outside of a content viewer's browser window dimensions and scrolling position, for dynamically generating HTML code to be used as a marker for said designated content page rendering area, and for communicating with said correlator code to cause said one or more content files to be rendered in said one or more content page rendering areas when said correlator code detects that said designated content page triggering area is within said pre-defined distance outside of said content viewer's browser window dimensions and scrolling position.

42. The system of Claim 41, wherein said system software applications further include a content rendering module software application that is embedded at said specified content page rendering area and which communicates with said system server and said correlator code and which, when said specified content page triggering area is within said pre-defined distance outside of the dimensions and scrolling position of said viewer's browser window, causes said content files to be retrieved from said one or more content servers and rendered at said specified content page rendering area.

43. The system of Claim 41, wherein said one or more content page rendering areas within said one or more content pages and said one or more content page triggering areas are the same areas.

44. The system of Claim 41, wherein said correlator code retrieves content rendering activity data from said viewer's browser and said content page, and further comprising a tracking

server for communicating with said content page and said system server for storage of said content rendering activity data retrieved from said viewer's browser and said content page.

45. The system of Claim 42, further comprising a tracking server for communicating with said content page and said system server for storage of content rendering activity data retrieved from said viewer's browser and said content page.

46. The system of Claim 45, wherein said content rendering activity data is sent from said content rendering module to said system server via file server direct connection communication.

47. The system of Claim 45, wherein said content rendering activity data is sent from said content rendering module to said tracking server via file server direct connection communication.

48. The system of Claim 41, wherein said content page triggering area has positional coordinates, said pre-defined distance outside said viewer's browser window dimensions and scrolling position has positional coordinates, and said viewer's browser window dimensions and scrolling position have positional coordinates, and said correlator code determines when said designated content page triggering area is within said pre-defined distance outside of a content viewer's browser window dimensions and scrolling position by determining whether there is correspondence between the positional coordinates of said content page triggering area and the positional coordinates of said area that is said pre-defined distance outside said viewer's browser window dimensions and scrolling position.

49. The system of Claim 41, wherein said network comprises one or more networks selected from the group consisting of local area computer networks, wide area computer networks, the Internet, cable communications networks, satellite communications networks,

television frequency networks, radio frequency communications networks, powerline communications networks and cellular communications networks.

50. The system of Claim 44, further comprising one or more software applications for compilation and presentation of reports pertaining to content rendering activity data with respect to said one or more content page rendering areas of said one or more content pages.

51. The system of Claim 44, wherein said content rendering activity data retrieved via said correlator code comprises data pertaining to content rendering activity at content page rendering areas located within the same content page.

52. The system of Claim 51, wherein said content page rendering areas within said same content page comprise one or more areas selected from the group consisting of the top of said content page, above the fold of said content page, below the fold of said content page and the bottom of said content page.

53. The system of Claim 44, wherein said content rendering activity data retrieved via said correlator code comprises one or more of the data selected from the group consisting of how long said content was rendered to said viewer at said content page rendering area, the number of said viewers to whom said content was rendered at said content page rendering area, the geographic location of said viewers to whom said content was rendered at said content page area, browser versions used by said viewers to whom said content was rendered at said content page area, how many times said content was rendered to said viewers at said content page rendering area, and viewer click activity with respect to said content rendered to said viewers at said content page rendering area.

54. The system of Claim 41, wherein said one or more system custom software applications further comprise means for creating a unique identification code that is assigned to each content viewer/browser.

55. The system of Claim 54, wherein said means for creating a unique identification code that is assigned to each content viewer/browser comprises said correlator code.

56. A method for controlling the rendering of content on a content page rendering area of a content page based on determination of when a pre-defined area of said content page is within a pre-defined distance outside of the browser window dimensions and scrolling position of a viewer's browser window via an electronic communications network, comprising the steps of:

designating one or more content pages, one or more content page areas and one or more content files, said content files being previously stored in electronic file format in a mass storage device of a computer system for rendering at said one or more designated content page areas of said one or more content pages;

storing as a record within a system-side database data pertaining to said one or more content pages, said one or more content page rendering areas and said one or more content files;

generating and placing at said one or more designated content pages a tag/link that when activated by a content page viewer request for said designated content page, links to a system server-side application and retrieves, via said server-side application, data from said record stored in said system server-side database and data pertaining to said viewer and viewer browser from said content page request;

generating and writing a correlator code to said one or more designated content pages which determines whether said one or more designated content rendering areas of said one or

more designated content pages is within a pre-defined distance outside of said viewer's browser window dimensions and scrolling position and generates an HTML layer to serve as a marker for said one or more designated content page areas where said one or more designated content files are to be rendered;

generating a query string and link for placement at said one or more content pages, which when activated by said correlator code based on detection that one of said one or more designated content page areas is within said pre-defined distance outside of the dimensions and scrolling position of said viewer's browser window, dynamically generates HTML codes and tags to render said one or more designated content files in said one or more content page rendering areas of said one or more content pages.

57. The method of Claim 56, further comprising the step of designating one or more content page triggering areas which are different from said one or more content page rendering areas, which when within said pre-defined distance outside of said viewer's browser window dimensions and scrolling position, trigger rendering of said one or more content files at said one or more content page rendering areas.

58. The method of Claim 56, further comprising the step of compiling and presenting reports pertaining to content rendering activity data with respect to said one or more content page rendering areas of said one or more content pages.

59. The method of Claim 56, further comprising the step of creating and assigning a unique identification code to each content viewer/browser.

60. The method of Claim 59, wherein said step of creating and assigning said unique identification code to each content viewer/browser is accomplished by said correlator code.

61. The method of Claim 59, wherein said step of creating and assigning said unique identification code to each content viewer/browser is accomplished by said system server-side application.

SCORE Placeholder Sheet for IFW Content

Application Number: **12316781**

Document Date: **12/16/2008**

The presence of this form in the IFW record indicates that the following document type was received in paper and is scanned and stored in the SCORE database.

- Drawings

Images of the original documents are scanned in gray scale or color and stored in SCORE. Bi-tonal images are also stored in IFW. Defects visible in both IFW and SCORE are indicative of defects in the original paper documents.

To access the documents in the SCORE database, refer to instructions developed by SIRA.

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- Examiners may access SCORE content via the eDAN interface.
- Other USPTO employees can bookmark the current SCORE URL (<http://es/ScoreAccessWeb/>).
- External customers may access SCORE content via the Public and Private PAIR interfaces.

Form Revision Date: December 8, 2006