

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIANT TECHNOLOGY LLC,
Petitioner,

v.

ALMONDNET, INC.,
Patent Owner.

Patent No. 8,775,249

Filing Date: July 23, 2013

Issue Date: July 8, 2014

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

Inter Partes Review No.: IPR2025-00126

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

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EXHIBITS

- Ex. 1001: U.S. Patent No. 8,775,249 (“the ’249 patent”)
- Ex. 1002: Expert Declaration of Dr. Sanjay Ranka
- Ex. 1003: Certified Prosecution History for U.S. Patent No. 7,428,493 (“the ’493 patent”)
- Ex. 1004: Certified Prosecution History for U.S. Patent No. 7,979,307 (“the ’307 patent”)
- Ex. 1005: Certified Prosecution History for U.S. Patent No. 8,244,582 (“the ’582 patent”)
- Ex. 1006: Certified Prosecution History of U.S. Patent No. 8,494,904 (“the ’904 patent”)
- Ex. 1007: Certified Prosecution History of U.S. Patent No. 8,775,249 (“the ’249 patent”)
- Ex. 1008: Papers from the prosecution histories of related EP 00 981 582.0 and EP 08103068.6 available at <https://register.epo.org/regviewer>
- Ex. 1009: Excerpts from *AlmondNet, Inc v. Freewheel Media, Inc.*, No. 1:23-cv-00220-MN (D. Del.) (“Corresponding District Court Litigation”)
- Ex. 1010: Excerpts from *AlmondNet, Inc. et al v. Oath Holdings Inc.*, 1- 19-cv-00247 (D. Del.) (“*Oath Holdings* case”)

- Ex. 1011: Excerpts from *AlmondNet, Inc., v. Samsung Electronics Co., Ltd., et al.*, 4-22-cv-07515 (N.D. Cal.) (“7515 N.D. Cal. case”), *AlmondNet, Inc. et al v. Microsoft Corporation*, 6-21-cv-00897 (W.D. Tex.) (“897 W.D. Tex. case”), and *AlmondNet, Inc. et al v. Amazon.com, Inc. et al.*, 6-21-cv-00898 (W.D. Tex.) (“898 W.D. Tex. case”)
- Ex. 1012: Excerpts from *Roku, Inc. v. AlmondNet, Inc. et al.*, 1-21-cv-01035 (D. Del.) (“1035 D. Del. case”)
- Ex. 1013: Excerpts from *Yahoo! Inc. v. AlmondNet, Inc.*, CBM2017-00049, challenging claims of the ’307 patent
- Ex. 1014: Excerpts from *Yahoo! Inc. v. AlmondNet, Inc.*, CBM2017-00050, challenging claims of the ’249 patent
- Ex. 1015: Excerpts from *Yahoo! Inc. v. AlmondNet, Inc.*, CBM2017-00051, challenging claims of the ’904 patent
- Ex. 1016: Excerpts from *Yahoo! Inc. v. AlmondNet, Inc.*, CBM2017-00052, challenging claims of the ’582 patent
- Ex. 1017: Excerpts from *Samsung Electronics Co., Ltd. v. AlmondNet, Inc.*, IPR2022-01260, challenging claims of the ’582 patent
- Ex. 1018: Excerpts from *Amazon.com, Inc. v. AlmondNet, Inc.*, IPR2022-01455, challenging claims of the ’582 patent
- Ex. 1019: Excerpts from *Meta Platforms, Inc. v. AlmondNet, Inc.*, IPR2022-01436, challenging claims of the ’582 patent

- Ex. 1020: “Brief History of the Internet,” by Barry Leiner et al., Internet Society, 1997
- Ex. 1021: “Addressing URL,” Internet Engineering Task Force (IETF), URI working Group, w3.org/Addressing/URL/url-spec.txt, 1994
- Ex. 1022: “HTML Sourcebook,” by Ian S. Graham, John Wiley & Sons, Inc., 1995, excerpts
- Ex. 1023: “Hypertext Transfer Protocol -- HTTP/1.0,” Internet Engineering Task Force (IETF), HTTP Working Group, 1996
- Ex. 1024: “Newton’s Telecom Dictionary,” 11th edition, by Harry Newton, Flatiron Publishing, Inc., 1996, excerpts
- Ex. 1025: “Hypertext Markup Language – 2.0,” RFC 1866, Internet Engineering Task Force (IETF), Network Working Group, 1995
- Ex. 1026: “Hypertext Transfer Protocol -- HTTP/1.0,” RFC 1945, Internet Engineering Task Force (IETF), Network Working Group, 1996
- Ex. 1027: “The HTTP Protocol As Implemented in W3,”
<https://www.w3.org/Protocol/HTTP/AsImplemented.html>
- Ex. 1028: U.S. Patent No. 6,183,366 (“Goldberg”)
- Ex. 1029: U.S. Patent No. 7,334,184 (“Simons”)
- Ex. 1030: U.S. Patent No. 6,055,573 (“Gardenswartz”)
- Ex. 1031: U.S. Patent No. 5,991,740 (“Messer”)

- Ex. 1032: U.S. Patent No. 6,036,601 (“Heckel”)
- Ex. 1033: “The Internet Complete Reference,” by Harley Hahn and Rick Stout, Osborne McGraw-Hill, 1994, excerpts
- Ex. 1034: “Net Worth,” by John Hagel III and Marc Singer, Harvard Business School Press, 1999
- Ex. 1035: U.S. Patent No. 5,948,061 (“Merriman”)
- Ex. 1036: U.S. Patent No. 6,285,987 (“Roth”)
- Ex. 1037: U.S. Patent No. 6,415,322 (“Jaye”)
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- Ex. 1039: U.S. Patent Application Pub. No. 2002/0026351 (“Coleman”)
- Ex. 1040: U.S. Patent Application Pub. No. 2013/0097664 (“Herz”)
- Ex. 1041: U.S. Provisional Pat. App. No. 60/161,640 (“Herz provisional”)
- Ex. 1042: Herz Claim 1 Listing
- Ex. 1043: U.S. Patent No. 6,141,694 (“Gardner”)
- Ex. 1044: U.S. Patent Application Pub. No. 2001/00202 (“Gupta”)
- Ex. 1045: U.S. Patent No. 7,240,022 (“Bistriceanu”)
- Ex. 1046: “Database Management Systems,” Second Edition, by Raghu Ramakrishnan and Johannes Gehrke, McGraw-Hill Companies, Inc., 1998 (excerpts)

- Ex. 1047: “How the Internet Works,” Fourth Edition, by Preston Gralla, Que Corporation, 1998
- Ex. 1048: “A Framework for Targeting Banner Advertising On the Internet,” by Katherine Gallagher and Jeffrey Parsons, IEEE, 1997
- Ex. 1049: “A Framework for the Optimizing of WWW Advertising,” by Charu C. Aggarwal, Joel L. Wolf, and Philip S. Yu, IBM T.J. Watson Research Center
- Ex. 1050: “Unintrusive customization techniques for Web advertising,” by Marc Langheinrich et al., Elsevier Science, Computer Networks 31 (1999), pp. 1259-1272
- Ex. 1051: “Web advertising,” by Michael McCandless, IEEE, Intelligent Systems, 1998
- Ex. 1052: Expert Declaration of Dr. Hall-Ellis

I. INTRODUCTION

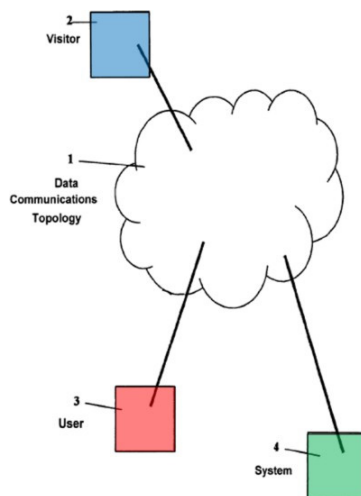
Viant Technology LLC (“Petitioner”) requests cancellation of claims 1, 3-11, 13-21, and 23-25 of U.S. Patent No. 8,775,249 (“the ’249 patent”) (Ex. 1001).

Claims 2, 12, and 22 have been disclaimed. Ex. 1001, 16. The ’249 patent relates to a “mercantile method” that collects profiles of website visitors. Ex. 1001, 1:31- 35, 16:46-47. As the prior art demonstrates, the claims recite well-known technology for carrying out this obvious business method. Accordingly, all challenged claims are unpatentable as obvious under the multiple grounds herein.

II. ’249 PATENT OVERVIEW

A. Summary

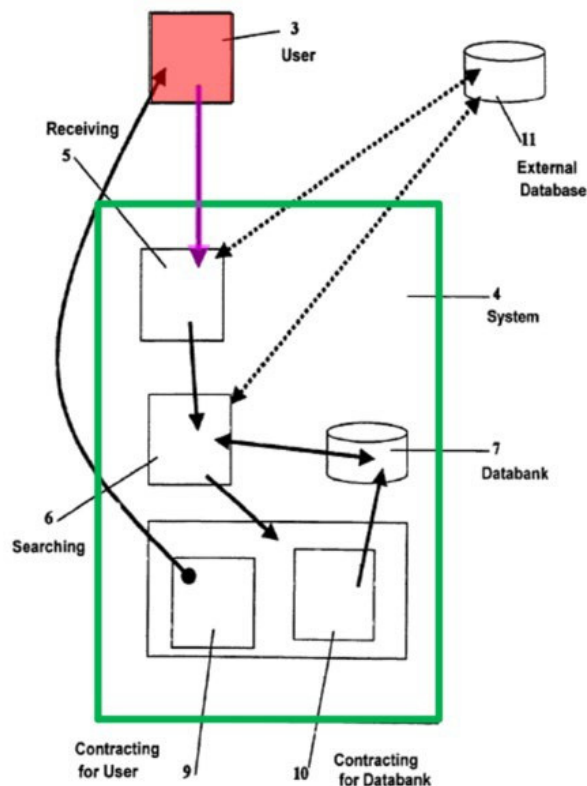
The ’249 patent describes **visitor 2** accessing **user 3’s** website, which then provides a partial profile (including at least one attribute about visitor 2) to **system 4** to add it to a profile used for targeted advertising:



’249 patent, FIG. 1 (annotated)

Ex. 1002, ¶¶23-32; Ex. 1001, 4:66-5:26, 8:29-54.

Representative claim 1 recites “(a) electronically receiving at a programmed computer system coupled to a global computer network, from at least one server controlled by one of a plurality of unaffiliated third parties, a partial profile of an entity” This refers to **system 4** receiving (**magenta arrow**) a partial profile of a website visitor *from* a website server (**user 3**):



'249 patent, FIG. 2 (annotated)

Claim 1 further defines this receiving: “(c) wherein receiving the partial profile is achieved as a result of automatic electronic URL redirection from a portion

of a page of the website accessed by the user computer.”¹ This claimed redirection is not reflected in Figure 2 (or any drawings), nor described in the specification.

Only two parts of the ’249 specification refer to a redirect. Ex. 1001, 4:1-7, 11:64-12:6; Ex. 1002, ¶¶217-221. But, both parts merely describe user 3 sending partial profile information to system 4 and *separately* redirecting visitor 2’s browser to send a cookie (that it got from system 4—not user 3) to system 4. Neither part describes receiving, at system 4 *from* user 3, a partial profile, wherein *receiving the partial profile is achieved as a result of automatic electronic URL redirection* from a portion of a page of the website accessed by visitor 2, as recited in claim 1. In any event, this IPR should be instituted because the prior art teaches what is claimed. Ex. 1002, ¶¶221-223.

B. Priority

For this proceeding, the priority date is assumed to be the earliest claimed priority date: December 13, 1999.

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

C. Prosecution History

The '249 patent is a continuation of the '307 patent, which issued after Applicant added “automatic electronic URL” before “redirection” to each independent claim and argued that the Acxiom reference did not teach URL redirection. Ex. 1004, 276-279; Ex. 1002, ¶¶33-82.

The '249 patent faced only §101 and double patenting rejections, overcome by minor amendments and a terminal disclaimer. Ex. 1007, 116-127, 144-148; Ex. 1002, ¶¶65-73.

III. STATE OF THE ART

A. Technical Background

All technical aspects of the claims were well-known, including URL redirection, cookies, database management (including profiles), and targeted Internet advertising. Ex. 1002, ¶¶123-143.

B. Prior Art

The relied-upon references relate to targeted advertising and collecting profile information and therefore are analogous. Ex. 1002, ¶¶144-185.

Reference	Qualifications	Basis (pre-AIA)
Merriman	Filed 10/29/1996; Issued 9/7/1999	§§102(a),(e)
Roth	Filed 1/22/1997; Issued 9/4/2001	§102(e)

Jaye	Filed 2/26/1999; Issued 7/2/2002	§102(e)
Minor	Filed 10/13/1995; Issued 4/14/1998	§102(b)
Coleman	Filed 6/30/1999; Published 2/28/2002	§102(e)
Herz	Priority to 10/27/1999 ² ; Published 4/18/2013	§102(e)
Gardner	Filed 9/16/1997; Issued 10/31/2000	§102(e)

IV. IDENTIFICATION OF CHALLENGE

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

² Herz is entitled to priority because all elements of its claim 1 (*see* Ex. 1042) are supported in its provisional: Ex. 1041, 1-13, Fig. 1 supports HC1[A]; Ex. 1041, 2,5-6, 8, 10-13, 34, 36, 39-40, 42, Fig. 1 supports HC1[B]; Ex. 1041, 3-4, 8-10, 24, 27-31, 34-36, 41-42, 68, 78, 112, Fig. 6 supports HC1[C]; Ex. 1041, 2, 8-10, 68, 112-113 supports HC1[D]; Ex. 1041, 7, 10, 34, 41, 68, 112, 138 supports HC1[E]-[F]. Ex. 1002, ¶¶168-182. Herz incorporates the provisional by reference. Ex. 1040, ¶[0001]. Thus, the provisional is relied on in the first instance.

Ground(s)	Reference(s)	Basis	Claims Challenged
A	Merriman-Jaye	§103	1, 3-6, 10-11, 13-16, 20-21, 23-25
B	Roth-Jaye	§103	1, 3-6, 10-11, 13-16, 20-21, 23-25
C	Merriman-Minor	§103	1, 3-6, 10-11, 13-16, 20-21, 23-25
D	Roth-Minor	§103	1, 3-6, 10-11, 13-16, 20-21, 23-25
E-H	Merriman-Jaye-Coleman, Merriman-Minor-Coleman, Roth-Jaye-Coleman, Roth-Minor-Coleman	§103	7-9, 17-19
I-L	Merriman-Jaye-Herz, Merriman-Minor-Herz, Roth-Jaye-Herz, Roth-Minor-Herz	§103	5, 15, 25
M-P	Merriman-Jaye-Gardner, Merriman-Minor-Gardner, Roth-Jaye-Gardner, Roth-Minor-Gardner	§103	6, 9, 16, 19

This petition is supported by Dr. Ranka's expert testimony and Exhibits 1001-1052. Ex. 1002, ¶¶1-633. Dr. Ranka is at least a POSITA. *Id.*, ¶¶4-10.

V. THE BOARD SHOULD NOT DISCRETIONARILY DENY INSTITUTION

A. 314(a) Discretion Does Not Apply

The *Fintiv* factors favor institution.

Factor one is neutral. Petitioner has not sought a stay, but nor has the court denied a stay or indicated that it would not consider a stay.

Factor two favors institution. Trial is set for March 16, 2026. Petitioner is requesting joinder to IPR2024-00416 that has a final decision deadline of October 1, 2025—almost 6 months *before* the scheduled district court trial.

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

Factor six favors institution. Petitioner presents compelling unpatentability challenges, as the same grounds of unpatentability were instituted in IPR2024-00416.

B. 325(d) Discretion Does Not Apply

The grounds herein are not the same or substantially the same as the art (e.g., Acxiom) and arguments raised during prosecution. Further, the Examiner erred by failing to understand that the URL redirection missing from Acxiom was well-known (which Jaye and Minor show) and by not combining Jaye's or Minor's URL redirection techniques with Merriman or Roth.

VI. LEVEL OF ORDINARY SKILL

A POSITA at the time of the alleged invention would have had a bachelor's degree in computer engineering, computer science, or a similar discipline, and two

years of experience with data communications over the Internet (including Internet advertising) and database management. Ex. 1002, ¶¶186-191.

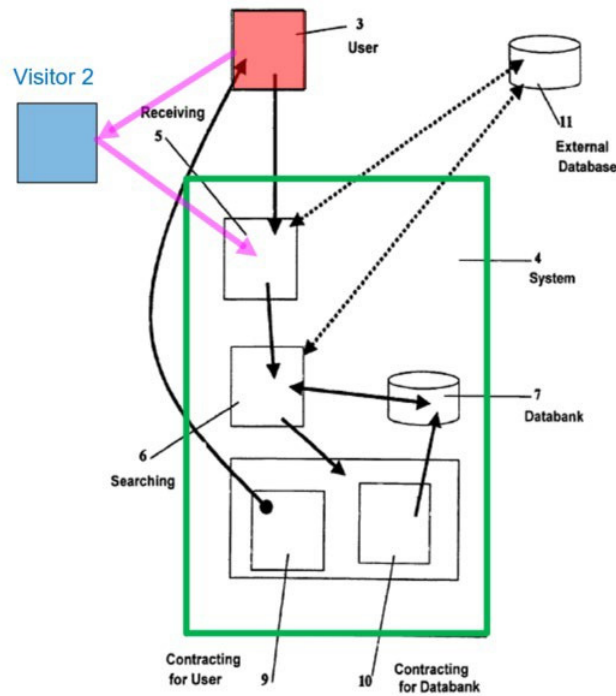
VII. CLAIM CONSTRUCTION

The claims should be construed under *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005). 37 C.F.R. § 42.100(b). Herein, Petitioner applies AlmondNet’s construction of “unaffiliated third part[y/ies]” as “part[y/ies] not having common ownership with the party or parties that control said programmed computer system.” Ex. 1011, 30-36, 69. All other terms have been given their plain and ordinary meaning. In related proceedings, certain constructions were proposed and/or adopted. Exs. 1010-1019; Ex. 1002, ¶¶192-214. For the reasons discussed herein, the art teaches the claim limitations under any reasonable construction, including any prior construction by the Board or a court.

VIII. SPECIAL GROUNDS FOR UNPATENTABILITY

A. Ground A: Merriman-Jaye Renders Claims 1, 3-6, 10-11, 13-16, 20-21, and 23-25 Obvious

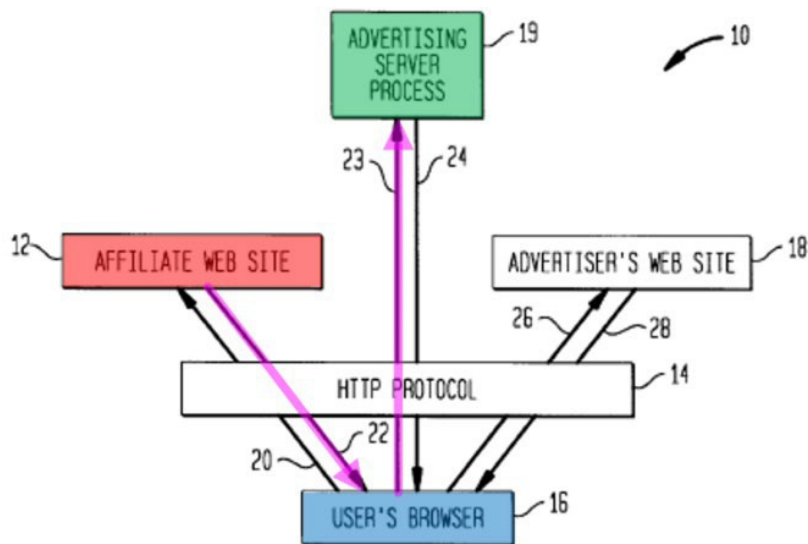
The ordinary meaning of limitations [1A] and [1C] includes a situation where **system 4** receives a partial profile from **user 3** via a **redirect** through **visitor 2**’s computer:



'249 patent, FIG. 2 (modified)

Ex. 1002, ¶222.

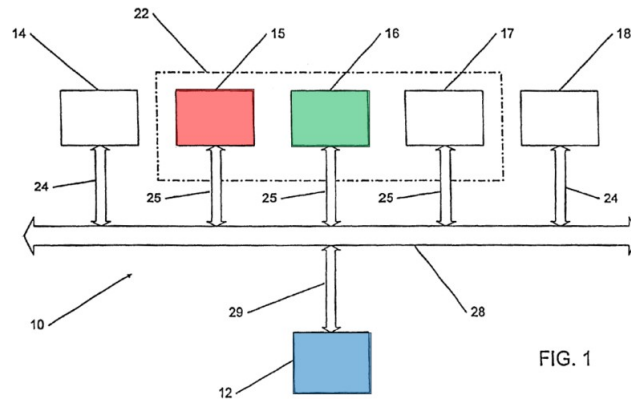
Merriman combined with Jaye (“Merriman-Jaye”) teaches this situation. Merriman describes a method and system for compiling information to profile website visitors and delivering targeted advertisements over the Internet. Ex. 1035, Abstract, 1:8-11, 2:6-45, 3:5-23, 4:24-32, 4:43-54, FIGs. 1-3A. Merriman’s **website 12** sends **message 22** that provides a webpage including a portion with a URL for redirecting **browser 16** to send **message 23** to **advertising server 19**:



Merriman, FIG. 1 (annotated)

Ex. 1035, 3:24-52, FIG. 1; Ex. 1002, ¶224. Just as in the '249 patent, **message 23** includes a cookie stored on **browser 16**. Ex. 1035, 3:41-52, 5:11-29. Merriman, however, does not expressly disclose passing profile information from website 12 to advertising server 19 through messages 22 and 23. But, this would have been obvious to do in view of Jaye.

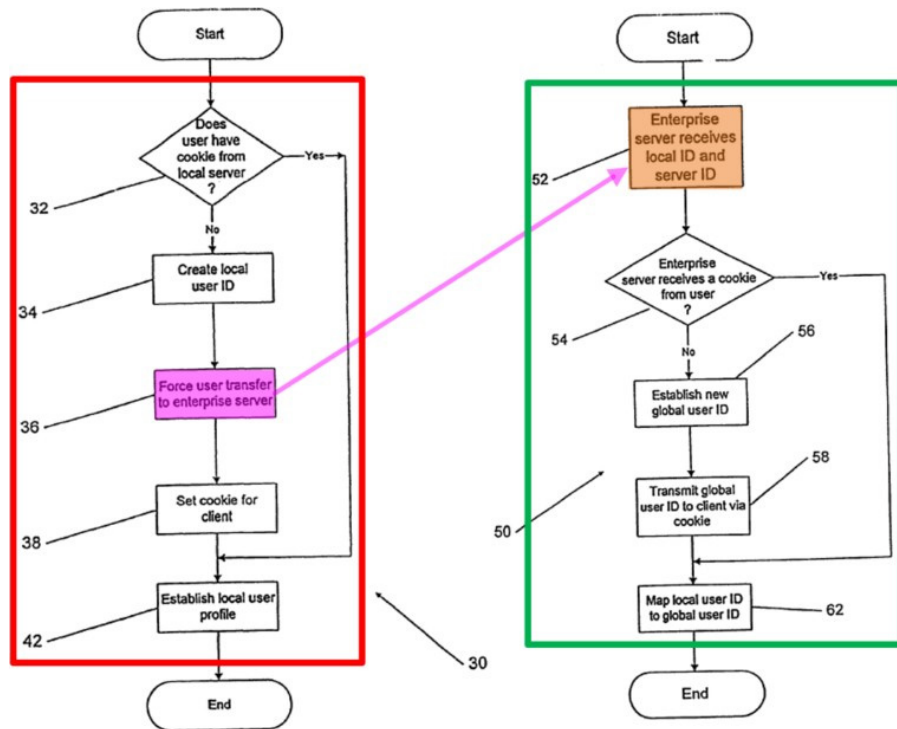
Jaye's **client 12** (like Merriman's browser 16) gets a webpage from **local server 15** (like Merriman's website 12) and communicates over the Internet 10 with **enterprise server 16** (like Merriman's advertising server 19) that maintains a global user profile:



Jaye, FIG. 1 (annotated)

Ex. 1037, 4:5-5:19, 7:21-26, 8:40-43, 13:19-41, 14:22-25, FIG. 1; Ex. 1002, ¶225.

Jaye's **local server 15** forces a transfer to automatically redirect client 12 to **enterprise server 16**:

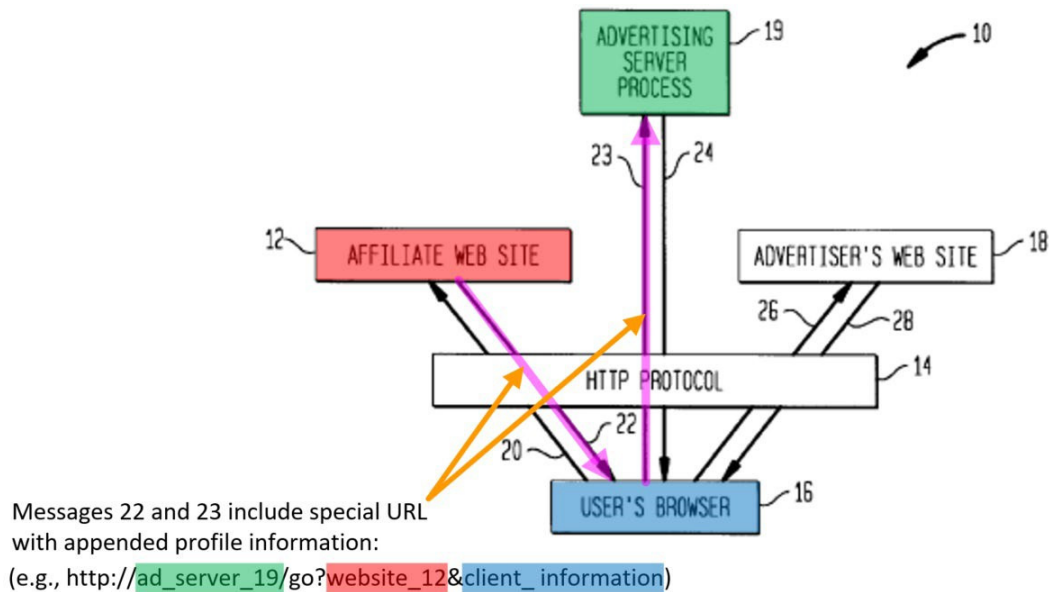


Jaye, FIGS. 2-3 (annotated)

Ex. 1037, 6:32-67, 7:46-57, FIGs. 2-3. Jaye explains that “a variety of conventional techniques exist for forcing a transfer to another server.” Ex. 1037, 6:34-36. Jaye specifically describes a technique of inserting, into an image tag of a webpage, a special URL that redirects client 12 to enterprise server 16. *Id.*, 6:36-40. Jaye further describes appending additional profile information, such as a local server ID and client information (e.g., a local user ID), to the special URL. *Id.*, 6:40-46 (http://enterprise_server_id/go?local_server_id&client_information). This profile information is then added to a global user profile stored at enterprise server 16. *Id.*, 7:58-8:28; Ex. 1002, ¶¶226-227.

It would have been obvious to apply Jaye’s teachings of automatically forcing a transfer of profile information (e.g., by appending it to a URL) to an enterprise server that maintains a global user profile for use by an advertiser to Merriman’s system for delivering targeted advertisements based on user profiles because doing so usefully provides the profile information in real time. Ex. 1002, ¶228; Ex. 1035, 3:24-4:54; Ex. 1037, 6:32-67, 7:46-57, 8:40-52. In the Merriman-Jaye system, website 12 sends message 22 that provides a webpage including a portion having a special URL (with appended profile information per Jaye) that causes browser 16 to send message 23 (including the special URL with appended profile information) to advertising server 19, which in turn adds the profile information to a global user profile. Ex. 1002, ¶228; Ex. 1035, 4:43-50; Ex. 1037, 8:10-55. The following

illustrates an example Merriman-Jaye combination using Merriman's Figure 1 and an example special URL like Jaye's:



Ex. 1002, ¶228. Thus, Merriman-Jaye teaches a method and system in which **advertising server 19** receives profile information from **website 12** as a result of **automatic electronic URL redirection** from a portion of a webpage accessed by **browser 16**. *Id.*, ¶229.

Notably, the appended profile information in Merriman-Jaye would have included various attributes, such as information identifying the user (like Jaye's local user ID or client information), information identifying website 12 (like Jaye's local server ID), information identifying a page on website 12 (like Merriman's page on which an ad is seen), or other known profile information of interest to advertisers (like demographic information captured by websites as Jaye describes). Ex. 1002,

¶230; Ex. 1037, 6:40-46, 13:19-31; Ex. 1035, 3:35-38, 4:43-54. Likewise, Merriman's data structure readily would have been modified to store the various attributes. Ex. 1002, ¶231; Ex. 1035, 4:43-54, FIG. 3A. For example, Merriman's data structure would have been modified to include BIRTHDATE and GENDER fields to capture demographic information:

FIG. 3A

USER ID	IP ADDRESS	DOMAIN TYPE	TIME ZONE	LOCATION	SIC	ADS SEEN	ADS CLICKED ON	PAGES ADS SEEN ON	BIRTHDATE	GENDER
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Merriman, FIG. 3A (modified)

Ex. 1002, ¶¶230-231.

A POSITA would have been motivated to combine Merriman and Jaye as described to beneficially provide profile information captured by website 12 to advertising server 19 in real-time and because it would have been desirable for advertising server 19 to receive up-to-date profile information for providing improved targeted advertisements. Ex. 1035, 1:52-2:3, 4:65-5:7, 5:50-63; Ex. 1037, 2:55-62, 13:19-41; Ex. 1002, ¶232. The profile information would have been passed with the request for inserting an advertisement, so it would be immediately used in selecting an advertisement to fulfill the request. Ex. 1002, ¶232.

A POSITA would have been familiar with the demand and economic incentives for this real-time information. *Id.* Advertisers were interested in current information about users and the context in which advertisements were to be placed.

Id. Advertisers were even willing to pay more if their advertisements were delivered based on this information. Ex. 1032, 4:8-10; Ex. 1034, 119; Ex. 1044, ¶¶[0079]-[0080]. Such demand and economic incentives for real-time information would have motivated a POSITA to arrive at Merriman-Jaye. Ex. 1002, ¶232.

Additional motivations exist for transferring specific types of profile information in the redirection. A POSITA would have designed the profile information to identify website 12 (like Jaye's local server ID) to inform advertising server 19 of the website that the user is currently visiting, which would provide desirable context for a targeted advertisement. *Id.*, ¶233. For example, if the user was visiting a sports-related website, it would have been advantageous to provide this information to advertising server 19 for it to provide an advertisement for sports-related products. Ex. 1037, 8:44-49. Indeed, Merriman discloses message 22 including "information about the page on which the advertisement will be displayed" and message 23 including "a substring key indicating the page in which the advertisement to be provided from the server is to be embedded," thereby teaching that website 12 would send profile information via redirect messages to advertising server 19. Ex. 1035, 3:35-52; Ex. 1002, ¶233.

The industry's desire for demographic information about users was also well-known. Therefore, a POSITA would have additionally, or alternatively, designed the profile information to identify the user/visitor (like Jaye's local user ID) to inform

advertising server 19 of who the user is for advertising server 19 to provide advertisement(s) targeted to the user. Ex. 1002, ¶234. For example, it would have been advantageous for advertising server 19 to receive information indicating the user is an 18-25 year old male (or a user ID associated with this information) thereby enabling advertising server 19 to provide advertisements for products typically purchased by that demographic. Ex. 1037, 8:62-65, 13:19-31; Ex. 1002, ¶234.

Further, Merriman-Jaye merely combines known elements (Merriman's system with URL redirection and Jaye's URL redirection with appended profile information) according to known methods (appending profile information to URLs per Jaye) to yield predictable results (URL redirection that passes profile information from website 12 to advertising server 19). Ex. 1002, ¶235. Merriman-Jaye also involves applying a known technique (appending profile information to URLs) to a known device ready for improvement (Merriman's system, including website 12 that already embeds a URL and is capable of appending profile information, and advertising server 19 that already stores user profiles and is ready to receive profile information from the URL) to yield predictable results (advertising server 19 receives appended profile information as a result of URL redirection). *Id.*, ¶¶236-238.

Finally, a POSITA would have expected success in Merriman-Jaye because it

involves a routine technique of appending information to a URL, so that information is received and added to the appropriate user profile by advertising server 19. A POSITA would have had the skills, including programming and database design skills, to carry out this straightforward implementation of appending profile information and adding it into a global user profile. *Id.*, ¶239.

1. Independent Claim 1

a. [1PRE]

To the extent the preamble is limiting, Merriman-Jaye teaches it. Merriman discloses methods for delivering targeted advertisements over the Internet. Ex. 1035, Abstract, 1:8-11, 2:6-7, claims 36-39, 42-50. Merriman's method includes gathering information about those receiving the advertisements. *Id.*, 2:1-3, 2:8-14, 2:37-45. Merriman's advertising server 19 automatically compiles information about users using browser 16 to access websites over the Internet (claimed "Internet- using entities") into user profiles. *Id.*, Abstract, 2:40-45, 2:65-3:28, 4:20-27, 4:43- 54, 7:46-56, 8:51-56, FIG. 3A. Thus, Merriman teaches a method of delivering targeted advertisements that includes an automated method of collecting profiles of users of Internet browsers. Ex. 1002, ¶240. Merriman's method, as modified based on Jaye, comprises [1A]-[1E]. *See* §§VIII.A.1.b-f; Ex. 1002, ¶240. Thus, Merriman-Jaye teaches [1PRE].

b. [1A]

Merriman's advertising server 19 (claimed "programmed computer system") comprises one or more servers and uses database 54. Ex. 1035, 4:20-24, FIG. 2. It is a computer platform programmed to perform its various processes. *Id.*, 4:20-24, 9:8-16. Advertising server 19 is also coupled to the Internet (claimed "global computer network"). *Id.*, Abstract, 3:6-18, 3:24-28, 4:12-19, 8:47-60; Ex. 1002, ¶241.

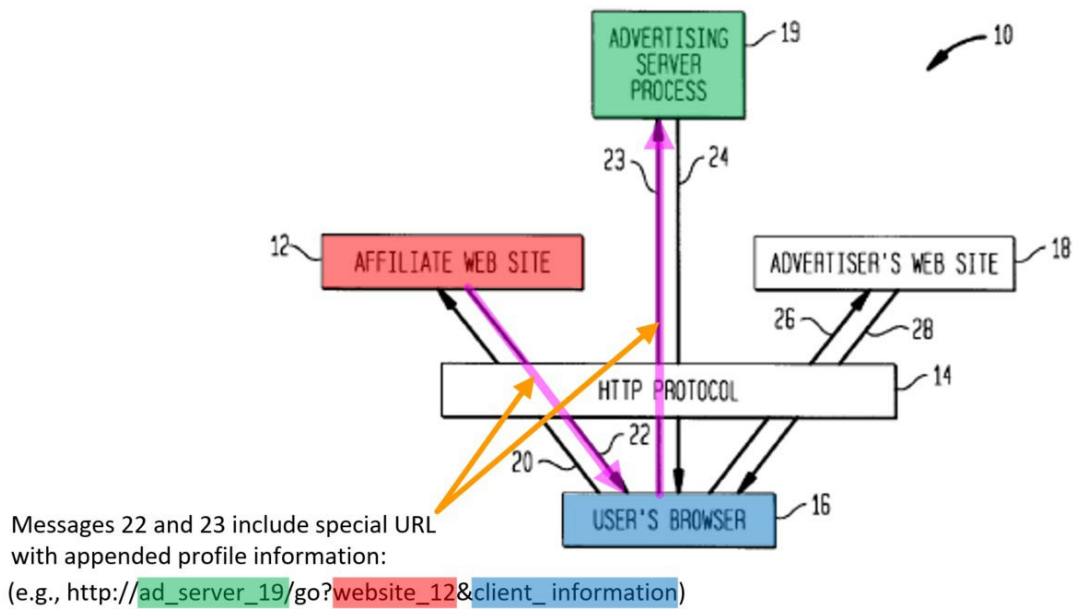
Merriman's website 12 is a web server controlled by one of a plurality of unaffiliated third parties (claimed "at least one server controlled by one of a plurality of unaffiliated third parties"). Ex. 1035, 3:30-38, 4:12-19. Although Merriman describes website 12 as an "affiliate website," in Merriman the term "affiliate" merely reflects that there may be a contract between the party providing website 12 and the party providing advertising server 19. *Id.*, 2:59-3:4, 4:12-19; Ex. 1002, ¶242. Merriman's website 12 is not owned or controlled by the same party that owns or controls advertising server 19 (Ex. 1035, 3:2-4, 3:16-18), and thus website 12 is controlled by an unaffiliated third party as AlmondNet construes that term. Ex. 1002, ¶242; Ex. 1011, 30-36, 69. It would have at least been obvious to implement Merriman such that website 12 is controlled by one of a plurality of third parties unaffiliated with advertising server 19 for the purpose of expanding the applicability of the system. Ex. 1002, ¶242.

Merriman's user of the user computer operating browser 16 is the claimed

“entity that uses a user computer.” Ex. 1035, 2:65-3:1, 3:24-28. The user computer operating browser 16 is coupled to the Internet and accesses website 12 (claimed “coupled to the global computer network and accessing a website”). *Id.*, 2:65-3:1, 3:6-18, 3:24-28; Ex. 1002, ¶243.

Merriman also teaches electronically receiving, at advertising server 19, message 23 including a cookie identifying the user of the user computer operating browser 16. Ex. 1002, ¶244; Ex. 1035, 3:28-57. However, Merriman does not expressly disclose message 23 including profile information from website 12.

Merriman-Jaye maintains Merriman’s system, but modifies Merriman’s operation to append profile information to a URL in messages 22 and 23. Ex. 1002, ¶244. Merriman already discloses website 12 sending message 22 to browser 16 to cause browser 16 to send message 23 to advertising server 19. Ex. 1035, 3:28-57. In Merriman-Jaye, both **messages 22 and 23** include profile information about **browser 16’s** user (claimed “partial profile”) appended to the URL by **website 12**:



See §VIII.A. Thus, Merriman-Jaye teaches electronically receiving, at **advertising server 19** from **website 12**, profile information of the user (claimed “electronically receiving at a programmed computer system...from at least one server..., a partial profile of an entity”). Ex. 1002, ¶244.

Further, Merriman-Jaye’s profile information is available to the party controlling website 12 because website 12 appends it (claimed “available to one of the third parties”). *Id.*, ¶¶245-246. And, Merriman-Jaye’s profile information would have contained at least one attribute related to the user of browser 16 (claimed “contains at least one profile attribute related to the entity”), such as information identifying the user (like Jaye’s local user ID or other client information collected by website 12) or information identifying website 12 that the user visited (like Jaye’s local server ID). *Id.*; Ex. 1037, 6:36-46.

c. [1B]

Merriman's database structure stores a **user profile** (claimed "electronically stored profile"), including attributes such as a user identification ("**USER ID**") and information identifying pages on which advertisements were seen ("**PAGES ADS SEEN ON**"):

FIG. 3A

USER ID	IP ADDRESS	DOMAIN TYPE	TIME ZONE	LOCATION	SIC	ADS SEEN	ADS CLICKED ON	PAGES ADS SEEN ON
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Merriman, FIG. 3A (annotated)

Ex. 1035, 4:43-54, FIG. 3A; Ex. 1002, ¶247. Advertising server 19 (claimed "computer system") automatically receives the attributes and electronically stores them in database 54 on a user-by-user basis to form a user profile for each user. Ex. 1035, 3:41-52, 3:64-4:8, 4:20-24, 4:43-50; Ex. 1002, ¶247.

These features of Merriman would have been preserved in Merriman-Jaye. Merriman's **USER ID** and **PAGES ADS SEEN ON** attributes are related to attributes that Jaye expressly discloses as being appended. Ex. 1037, 5:5-6:46. Specifically, Jaye discloses appending a local user ID, which relates to Merriman's USER ID identifying the user of browser 16, and a local server ID of a server that provides the webpage(s) visited, which relates to Merriman's PAGES ADS SEEN ON identifying a page on website 12. *Id.*; Ex. 1002, ¶248.

So, in one example of Merriman-Jaye, at least the **USER ID** and **PAGES ADS SEEN ON** attributes would have been in the profile information appended to the URL. Ex. 1002, ¶249. And, Merriman-Jaye teaches advertising server 19 electronically storing the profile information by adding the attributes to the user profile for the particular user (claimed “automatically with the computer system electronically storing the received partial profile by adding the received partial profile to an electronically stored profile”). *Id.* Because Merriman teaches maintaining a user profile for each user, Merriman-Jaye would have added the PAGES ADS SEEN ON attribute within the profile information to the user profile related to the same user (claimed “which stored profile is believed to be related to the same entity”) of the browser 16 that passed the profile information to advertising server 19. *Id.*, ¶¶250-251.

In other examples of Merriman-Jaye, the profile information (claimed “partial profile”), appended to the URL by website 12 and received by advertising server 19, would have included other attributes of interest to advertisers. *Id.*, ¶248. Therefore, in Merriman-Jaye, Merriman’s database structure in Figure 3A would have been modified to store the received attributes (e.g., by adding field(s)). *Id.* For example, as discussed above, Merriman’s database would have been modified to include fields for gender and birthdate. As also discussed above, such additional modification would have been obvious because a POSITA would have been motivated to capture

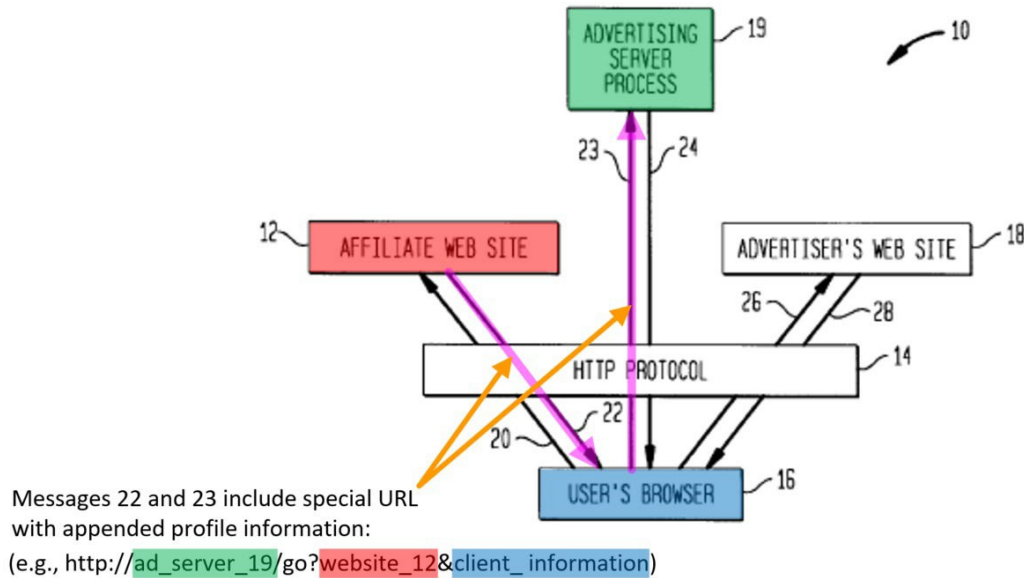
all attributes in the profile information for use in targeted advertising and it merely involves routine database design skills. *Id.*, ¶¶248-251; Ex. 1035, 2:7-45, 4:50-54; Ex. 1037, 8:40-55, 13:32-36.

d. [1C]

Merriman's website 12 sends message 22, including a URL, that causes (without user action) browser 16 to send message 23 to advertising server 19 associated with the URL. Ex. 1002, ¶252; Ex. 1035, 3:28-44. This is "automatic electronic URL redirection." Ex. 1002, ¶253; Ex. 1019, 112-113.

The URL of Merriman's message 22 is embedded in an image tag within a webpage of website 12 (claimed "portion of a page of the website") accessed by the user computer operating browser 16 (claimed "accessed by the user computer"). Ex. 1002, ¶254; Ex. 1035, 3:28-41. Message 22 also includes "information about the page on which the advertisement will be displayed" (e.g., information for PAGES ADS SEEN ON). Ex. 1035, 3:35-38. And, message 23 includes profile information, such as: the user's IP address, a cookie, a substring key indicating the page, and MIME header information. *Id.*, 3:41-51. Therefore, Merriman teaches advertising server 19 receiving profile information as a result of automatic electronic URL redirection from a portion of a webpage of website 12 accessed by the user computer operating browser 16. Ex. 1002, ¶255.

In Merriman-Jaye, the same **messages 22 and 23** of Merriman are communicated, but with profile information appended to the URL:



Id., ¶256; *see* §VIII.A. Thus, Merriman-Jaye teaches that receiving the profile information (by **advertising server 19** from **website 12** per [1A]) is achieved as a result of automatic electronic URL redirection from a portion of a webpage of **website 12** accessed by the **user computer**, thereby teaching [1C]. Ex. 1002, ¶257.

e. [1D]

Merriman's advertising server 19 maintains database 54 having a structure with a field for recording information identifying pages on which advertisements were seen ("**PAGES ADS SEEN ON**") in a **user profile** (claimed "stored profile"):

FIG. 3A

USER ID	IP ADDRESS	DOMAIN TYPE	TIME ZONE	LOCATION	SIC	ADS SEEN	ADS CLICKED ON	PAGES ADS SEEN ON
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Merriman, FIG. 3A (annotated)

Ex. 1035, 4:5-8, 4:20-24, 4:32-37, 4:43-54, FIG. 3; Ex. 1002, ¶258. Advertising server 19 automatically generates the information identifying a page an advertisement was seen on. Ex. 1002, ¶259.

This page is, e.g., a page of website 12 whenever website 12 is the party sending the profile information to advertising server 19 to initiate the advertisement delivery process. *Id.* By generating the information identifying this page and recording it within database 54, Merriman generates an electronic record of the party controlling website 12 that contributed the profile information. *Id.* Accordingly, Merriman already teaches advertising server 19 automatically generating an electronic record, e.g., in the PAGES ADS SEEN ON field, which is a record of the party controlling website 12 that contributed the profile information to the user profile. *Id.* Merriman-Jaye preserves this feature and thus also teaches [1D]. *Id.*

Further, in Merriman-Jaye, profile information includes various additional attributes stored in Merriman's database 54. *See* §VIII.A. For example, Merriman-Jaye would have a **separate field** (like Jaye's local server ID) for recording information indicating the party providing the profile information (e.g., **website12**) in addition to Merriman's existing fields for recording other attributes of **profile information**, such as information identifying the user (e.g., user16) and information identifying a page an ad was seen on (e.g., website12/pageA):

FIG. 3A

USER ID	IP ADDRESS	DOMAIN TYPE	TIME ZONE	LOCATION	SIC	ADS SEEN	ADS CLICKED ON	PAGES ADS SEEN ON	Party Providing Profile Info
user16	X	X	X	X	X	X	X	website12/pageA	website12

Merriman, FIG. 3A (modified)

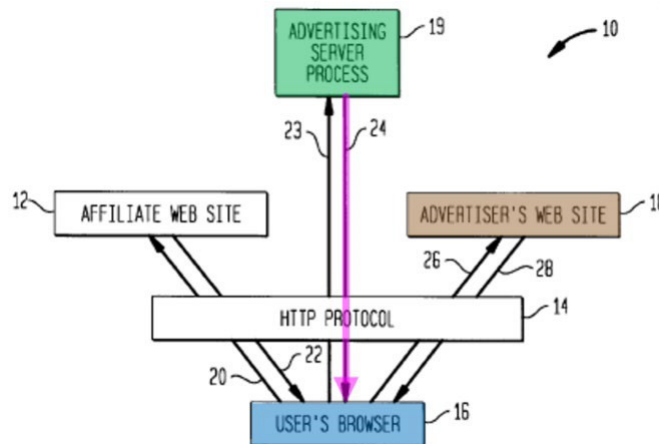
Ex. 1002, ¶¶260-261; Ex. 1037, 6:40-46.

Because Jaye teaches recording the local server ID, it would have been obvious for Merriman-Jaye to record the local server ID. Ex. 1002, ¶262; Ex. 1037, 8:23-28. A POSITA would have recorded the local server ID to keep a record of which party provided the profile information for rewarding that party and incentivizing parties to provide profile information. Ex. 1002, ¶262 (citing Exs. 1039 and 1045). This record would also have been stored for determining the information's reliability based on its source. *Id.* (citing Ex. 1043). Recording this source would have merely involved straightforward database and management processes that were easily implemented by the POSITA. *Id.*

Accordingly, Merriman-Jaye teaches server 19 automatically generating an electronic record indicating the party controlling website 12 that contributed the profile information to the user profile, thereby teaching [1D]. *Id.*, ¶263.

f. [1E]

Merriman discloses using data (e.g., website12/pageA above) in the user profiles to deliver targeted advertisements for third-party **advertisers 18** to the user computer operating **browser 16** over the Internet:



Merriman, FIG. 1 (annotated)

Ex. 1035, Abstract, 1:8-11, 2:40-45, 4:50-54, 5:50-60, 5:64-67, 6:6-11, 6:56-59, 8:47-51; Ex. 1002, ¶264. Specifically, **advertising server 19** sends **message 24** containing a banner advertisement (selected based on data in the user's profile) to **browser 16** over the Internet. Ex. 1035, 3:52-63, 5:64-6:59. If a user clicks on the banner advertisement additional messages are exchanged to connect browser 16 to the appropriate third-party **advertiser 18**. *Id.*, 3:64-4:11. Therefore, Merriman teaches that the user profile, including added profile information, comprises data used in targeting advertisements for advertisers 18 to the user computer operating browser 16 over the Internet. Ex. 1002, ¶265.

This feature is preserved in Merriman-Jaye. The only difference is that, in Merriman-Jaye, the profile information comes from website 12 because it is appended to the URL by website 12. *See* §§VIII.A-VIII.A.1.d. Accordingly, Merriman-Jaye teaches that the user profile (in database 54), including the added

profile information (received from website 12), comprises data used in targeting advertisements for advertisers 18 to the user computer operating browser 16 over the Internet, thereby teaching [1E]. Ex. 1002, ¶266.

2. Independent Claim 11

Claim 11 is a system claim version of claim 1 and unpatentable for similar reasons (*see* §VIII.A.1):

Claim 11	Analysis
[11PRE]	Similar to [1PRE], but recites elements in [1A] (e.g., “computer system...programmed to perform” the method). <i>See</i> §§VIII.A.1.a-b. Also recites “computer system having access to a storage device” which is met by advertising server 19 having access to database 54. Ex. 1035, 4:20-24, FIG. 2; Ex. 1002, ¶298.
[11A]- [11E]	Nearly identical to [1A]-[1E] and of the same scope. <i>See</i> §§VIII.A.1.b-f; Ex. 1002, ¶¶299-303.

3. Independent Claim 21

Claim 21 is a storage medium version of claim 1 and unpatentable for similar reasons (*see* §VIII.A.1):

Claim 21	Analysis
[21PRE]	Similar to [1PRE], but recites “[a] tangible, non-transitory data storage medium comprising indicia of instructions for a computer system to perform” the method. Merriman teaches this because advertising server 19’s processes are implemented on a computer platform, which would have included a storage medium and processor for executing computer instructions. Ex. 1002, ¶¶304-305; Ex. 1035, 9:8-16. [21PRE] additionally recites: “computer system is coupled to a global computer network and has access to a storage device” which is met by advertising server 19 coupled to the Internet and having access to database 54. Ex. 1002, ¶304; Ex. 1035, Abstract, 3:6-18, 3:24-28, 4:12-24, 8:47-60, FIG. 2.
[21A]- [21E]	Nearly identical to [1A]-[1E] and of the same scope. <i>See</i> §§VIII.A.1.b-f; Ex. 1002, ¶¶306-310.

4. Dependent Claims 3, 13, and 23

Claims 3, 13, and 23 depend from claims 1, 11, and 21, which Merriman-Jaye teaches. *See* §§VIII.A.1-3. Merriman-Jaye further teaches “wherein part (b) comprises the computer system adding the received partial profile to a stored profile

believed related to the same entity on account of the received partial profile and the stored profile being related to the same user computer” added in claims 3, 13, and 23. As explained for [1B], advertising server 19 adds the received profile information to the user profile stored in database 54. *See* §VIII.A.1.c. It does so because the received profile information and the user profile are related to the same user computer (identified by USER ID) operating browser 16. Ex. 1002, ¶¶267-271, 311; Ex. 1035, 8:66-9:4.

5. Dependent Claims 4, 14, and 24

Claims 4, 14, and 24 depend from claims 3, 13, and 23, which Merriman-Jaye teaches. *See* §VIII.A.4. Merriman-Jaye further teaches determining that received profile information (claimed “received partial profile”) and a stored user profile (claimed “stored profile”) are related to the same user computer operating browser 16 (*see* §§VIII.A.1.c, VIII.A.4) “by automatically reading a cookie on the user computer” as claims 4, 14, and 24 add. Merriman’s message 23 includes a cookie that contains the user identification number identifying the user computer. Ex. 1035, 3:43-52, 5:11-29. Merriman’s database 54 stores user profiles based on the user identification (USER ID) in the cookie. *Id.*, 4:43-50, FIG. 3A. Merriman-Jaye preserves these features. Ex. 1002, ¶¶272-275.

Thus, Merriman-Jaye teaches advertising server 19 relating the received profile information and the stored user profile to the same user computer (operating

browser 16) by automatically reading a cookie on the user computer, thereby teaching claims 4, 14, and 24. *Id.*, ¶¶272-276, 311.

6. Dependent Claims 5, 15, and 25

Claims 5, 15, and 25 depend from claims 1, 11, and 21, which Merriman-Jaye teaches. *See* §§VIII.A.1-3; Ex. 1002, ¶¶277-286, 311. Merriman-Jaye further teaches “maintaining an electronic record of which unaffiliated third party contributed, to the stored profile, the profile attributes used in targeting the advertisements” added in claims 5, 15, and 25.

The information in the PAGES ADS SEEN ON field (already in Merriman) or in the “Party Providing Profile Info” field (obvious additional field in Merriman-Jaye (*see* (§VIII.A, §VIII.A.1.e, *supra*)) is an electronic record indicating that the party controlling website 12 contributed the **profile information**:

FIG. 3A

USER ID	IP ADDRESS	DOMAIN TYPE	TIME ZONE	LOCATION	SIC	ADS SEEN	ADS CLICKED ON	PAGES ADS SEEN ON	Party Providing Profile Info
user16	X	X	X	X	X	X	X	website12/pageA	website12

Merriman, FIG. 3A (modified)

Ex. 1002, ¶¶278-281. Any information in this data structure is used for targeted advertising. Ex. 1002, ¶282; Ex. 1035, Abstract, 2:40-45, 4:50-54, 5:50-6:11, 6:56-63, 8:47-56. Thus, the information in Merriman-Jaye’s PAGES ADS SEEN ON field or “Party Providing Profile Info” field is an electronic record of the party controlling website 12 that contributed, to the user profile, attributes of the profile information

used in targeting the advertisements (claimed “electronic record...”). Ex. 1002, ¶282. This record is also automatically and electronically maintained by advertising server 19 (claimed “automatically with the computer system electronically maintaining...”), just as it is automatically generated. *Id.*; see §VIII.A.1.e.

It also would have been obvious to add a separate record indicating whether attributes provided in profile information from website 12 were used for targeted advertising to provide reports and reward websites for providing profile information. Ex. 1002, ¶¶283-285; Ex. 1035, 4:32-42, 8:32-37.

7. Dependent Claims 6 and 16

Claims 6 and 16 depend from claims 1 and 11, which Merriman-Jaye teaches. *See* §§VIII.A.1-2. Merriman-Jaye further teaches “determining whether the received partial profile contains any profile attributes about the entity that were not previously contained in the stored profile” added in claims 6 and 16.

Merriman’s advertising server 19 stores received profile information in user profiles on a user-by-user basis and receives profile information for the same user from different websites 12. Ex. 1002, ¶¶287-289; Ex. 1035, 2:8-36, 2:59-62, 8:63-9:4. To store attributes from different websites in the same user profile, server 19 would have determined which attributes are not already in the profile. Ex. 1002, ¶289. For example, upon receiving new profile information indicating a new page an ad is seen on, server 19 would have determined that the new page is not in the

user's profile (claimed "determining whether the received partial profile contains..."). *Id.*

Also, to store attributes from different websites 12 on a user-by-user basis, server 19 would have checked whether received attributes of a user were already stored in that user's profile; otherwise, information would be overwritten or duplicated. *Id.*, ¶290. For example, if the **user profile** was as follows upon receiving new profile information (*see* §VIII.A), server 19 would have determined that the **profile** already contains the user's birthdate but not the gender:

FIG. 3A

USER ID	IP ADDRESS	DOMAIN TYPE	TIME ZONE	LOCATION	SIC	ADS SEEN	ADS CLICKED ON	PAGES ADS SEEN ON	BIRTHDATE	GENDER
user16	X	X	X	X	X	X	X	X	M/DD/YYYY	

Merriman, FIG. 3A (modified)

Ex. 1002, ¶¶290-291. Thus, Merriman-Jaye teaches server 19 automatically and electronically determining whether the received profile information contains any profile attributes about the user of browser 16 that were not previously contained in the user's profile, thereby teaching claims 6 and 16. *Id.*, ¶¶291-292, 311.

8. Dependent Claims 10 and 20

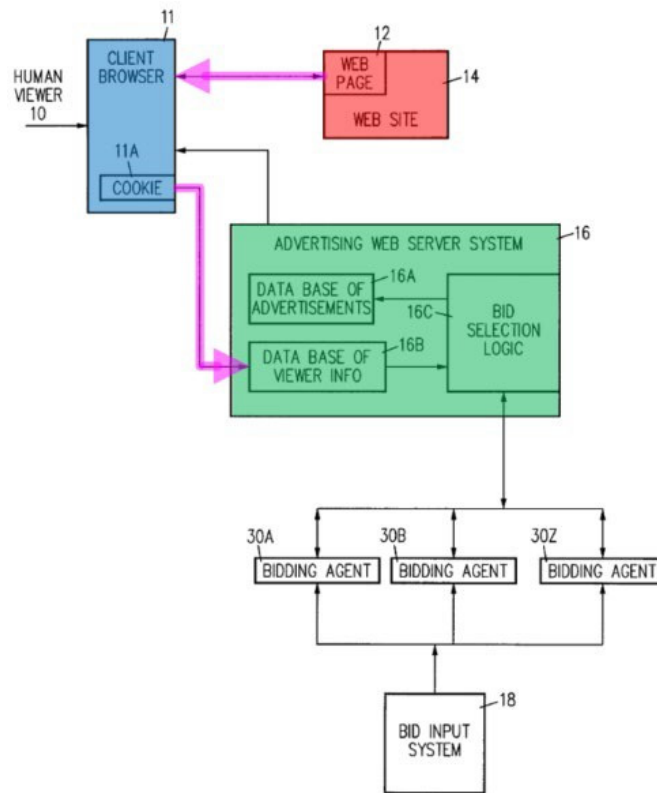
Claims 10 and 20 depend from claims 1 and 11, which Merriman-Jaye teaches. *See* §§VIII.A.1-2. Merriman-Jaye further teaches "reading a cookie

previously stored on the entity's computer, as a result of the URL redirection” added in claims 10 and 20.

Merriman’s redirect message 23 includes a cookie, stored by browser 16 on the user computer, that would have been read by advertising server 19. Ex. 1035, 3:43-52, 5:11-29. Thus, Merriman-Jaye further teaches advertising server 19 automatically and electronically reading a cookie previously stored on the user’s computer, as a result of the URL redirection, thereby teaching claims 10 and 20. Ex. 1002, ¶¶293-297, 311.

B. Ground B: Roth-Jaye Renders Claims 1, 3-6, 10-11, 13-16, 20-21, and 23-25 Obvious

Roth describes a method and system for compiling information about website visitors and providing targeted advertisements over the Internet to them. Ex. 1036, Abstract, 1:4-7, 1:66-2:19. Roth teaches **website 14** sending a **message** that provides a webpage that includes a portion with a URL for redirecting **browser 11** to send another **message** (including cookie 11A) to **advertising system 16**:



Roth, FIG. 1 (annotated)

Ex. 1036, 3:33-4:57, FIGs. 1-3; Ex. 1002, ¶426. Just as in the '249 patent, cookie 11A is stored on **browser 11** and used to provide profile information about the user to **system 16**. Ex. 1036, 3:38-42, 4:45-57, 10:6-54, FIG. 2A. Roth, however, does not expressly disclose passing profile information from website 14 to system 16 in the messages that redirect the browser 11 to system 16. But, it would have been obvious to combine Roth with Jaye ("Roth-Jaye") to do this.

Jaye's **client 12** (like Roth's browser 11) gets a webpage from **local server 15** (like Roth's website 14), which appends profile information to a URL that

redirects client 12 to communicate over the Internet 10 with enterprise server 16

(like Roth's system 16) that maintains a global user profile:

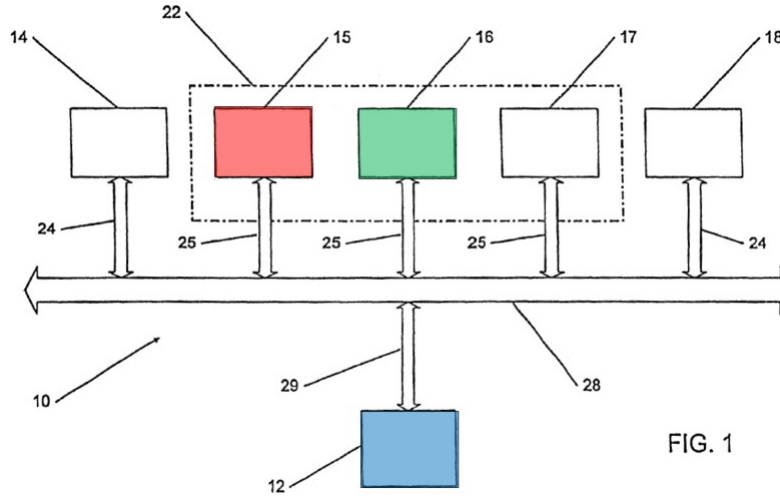
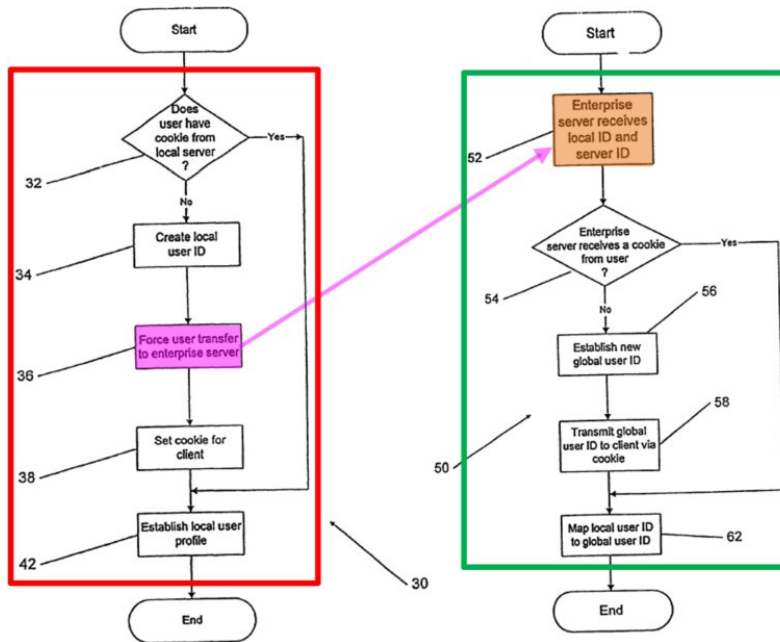


FIG. 1

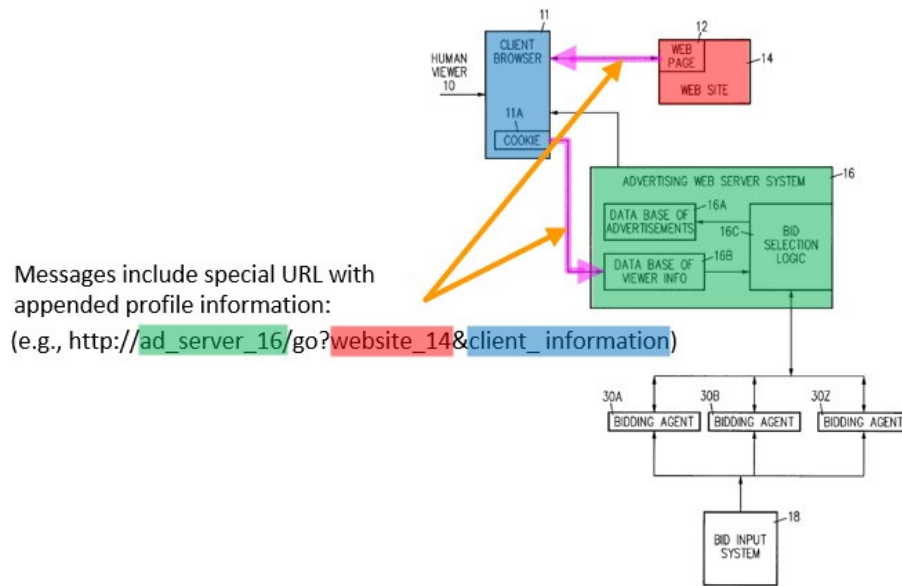
Jaye, FIG. 1 (annotated)



Jaye, FIGs. 2-3 (annotated)

See §VIII.A; Ex. 1002, ¶¶427-429.

It would have been obvious to combine Roth's system for providing targeted advertisements based on "view-op" characteristics (characteristics, including user/viewer profile information, of the opportunity for placing an advertisement) and Jaye's teachings to automatically force a transfer of profile information (e.g., by appending it to a URL) to an enterprise server that maintains a global user profile. Ex. 1002, ¶430; Ex. 1036, 1:30-54, 1:66-2:19, 4:26-6:11, 7:11-25, 22:29-59; Ex. 1037, 6:32-67, 7:46-57, 8:40-52. For example, it would have been obvious to implement or modify Roth's system such that website 14 sends a message that provides webpage 12, which includes a portion having a special URL (with appended profile information per Jaye) that causes browser 11 to send another message (including the special URL with appended profile information) to system 16, which in turn adds the profile information to a global user profile. Ex. 1002, ¶430; Ex. 1036, 3:33-5:19; Ex. 1037, 8:10-55. The following illustrates an example Roth-Jaye combination using Roth's Figure 1 and an example special URL like Jaye's:



Ex. 1002, ¶¶430-431. Thus, Roth-Jaye teaches a method and system in which **advertising system 16** receives profile information from **website 14** as a result of **automatic electronic URL redirection** from a portion of a webpage accessed by **browser 11**. *Id.*

Notably, the appended profile information in Roth-Jaye would have included various attributes, such as information identifying the user (like Jaye's local user ID or client information), information identifying website 14 (like Jaye's local server ID), information identifying webpage 12, or other "view-op" characteristics of interest to advertisers (like demographic and geographic information which both Roth and Jaye describe being captured by websites). Ex. 1002, ¶432; Ex. 1037, 6:40-46, 13:19-31; Ex. 1036, 1:30-54, 2:10-19, 8:9-15, 9:1-2, 9:36-37. Likewise, Roth's database(s) would have been modified to store additional attributes. Ex. 1002,

¶¶432-433; Ex. 1036, 3:57-59, 4:45-57, 9:27-37, 10:6-54, 11:47-51, 12:12-22, 12:35-38, 18:36-60. For example, to the extent Roth's database 16B does not already have fields for the viewer's birthdate and gender, Roth's current viewer data (CUD) table 410 would have been modified to include such fields:

BIRTHDATE	GENDER	LTS	IP	DN	CO	EA	BT	CU	ZC	PDC
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TABLE NAME CUD 410

Roth, FIG. 4 (cropped and modified)

Ex. 1002, ¶¶433; Ex. 1036, 18:36-60.

The rationales and expectation of success for Roth-Jaye include the same rationales (e.g., motivation to provide profile information in real-time for targeted advertising) and expectations as those provided for Merriman-Jaye. *See* §VIII.A; Ex. 1002, ¶¶434-442. Roth's real-time bidding process particularly illustrates the motivation to provide profile information in real-time. Ex. 1036, Abstract, 2:7-10, 2:20-3:2, 4:1-15, 5:20-32, 5:46-54. A POSITA would have been motivated to configure Roth's system to pass profile information from website 14 to system 16 in the messages that redirect the browser 11 from website 14 to system 16 (e.g., by appending the profile information to a URL that causes the redirection, as taught by Jaye), because this would have provided up-to-date profile information that agents (which bid, in real-time, on opportunities to advertise to the user of browser 11) desire. Ex. 1036, Abstract, 2:7-10, 5:20-32, 5:46-54. Roth also explains that a

downfall of some prior systems was that targeting criteria (including viewer information) had to be specified in advance. Ex. 1036, 1:39-63. This provides additional motivation—to improve systems by transferring criteria in real-time—that would have led a POSITA to transfer profile information by appending it to URL redirect messages that are transmitted in real-time when a user accesses Roth’s website 14. Ex. 1002, ¶435.

Roth also teaches that, if additional profile information is provided and it meets an advertiser’s criteria, the advertiser might pay a higher price. Ex. 1036, 2:20-47, 4:1-15. Roth even describes that one of its objectives is to enable website owners to “obtain the highest possible revenue for displaying advertisements on their sites,” thereby teaching a motivation specifically for website 14 to append profile information it collects to the URL it sends to redirect browser 11. Ex. 1036, 2:66-3:2. Such economic incentives would have motivated a POSITA to use Jaye’s technique of appending information to a URL for redirection in Roth’s system to arrive at Roth-Jaye in which profile information is passed from website 14 to system 16 by appending it to a URL used for redirection. Ex. 1002, ¶¶434-435. Thus, a POSITA would have arrived at Roth-Jaye for multiple reasons.

1. Independent Claim 1

a. [1PRE]

Roth discloses methods for providing targeted advertisements over the Internet to websites. Ex. 1036, Abstract, 1:4-7, 1:66-2:7, claims 1-17. Roth's method includes updating database 16B, including CUD table 410, with profile information about the users accessing websites over the Internet (claimed "Internet- using entities"). Ex. 1036, Abstract, 1:30-38, 4:26-57, 9:36-37, claims 16-17. Thus, Roth teaches a method of providing targeted advertisements that includes an automated method of collecting profiles of Internet users. Roth's method, as modified based on Jaye, comprises [1A]-[1E]. *See* §§VIII.B.1.b-f; Ex. 1002, ¶443. Thus, Roth-Jaye teaches [1PRE].

b. [1A]

Roth's advertising system 16 (claimed "programmed computer system") is coupled to the Internet (claimed "global computer network") and comprises one or more servers which are programmed computers. Ex. 1036, 3:42-57, 6:20-25, 6:53-7:12, 7:34-45, 17:40-18:7, FIGs. 1, 3; Ex. 1002, ¶444.

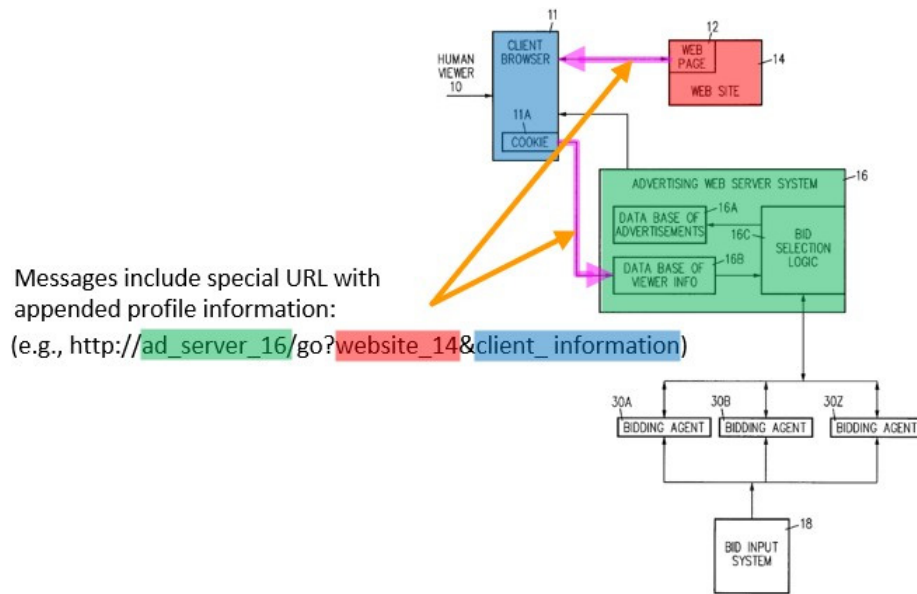
Roth's website 14 is a web server controlled by one of thousands of unaffiliated third parties (claimed "at least one server controlled by one of a plurality of unaffiliated third parties"). Ex. 1036, 3:47-50, 5:64-6:11, 9:8-12; Ex. 1002, ¶445. Website 14 and advertising system 16 are not co-owned or controlled (Ex. 1036,

3:47-50), and thus website 14 is controlled by an unaffiliated third party as AlmondNet construes that term. Ex. 1002, ¶445; Ex. 1011, 30-36, 69. It would have at least been obvious to implement Roth such that website 14 is controlled by one of a plurality of third parties unaffiliated with advertising system 16 for the purpose of expanding the applicability of the system. Ex. 1002, ¶445.

Roth's user/viewer 10 uses a user computer (claimed "entity that uses a user computer") that operates browser 11 and is coupled to the Internet and accesses website 14 (claimed "coupled to the global computer network and accessing a website"). Ex. 1036, 3:33-50, 18:33-35; Ex. 1002, ¶446.

Roth also teaches electronically receiving, at advertising system 16, a cookie 11A identifying the user 10. Ex. 1036, 4:45-57, 10:38-39, 16:44-45, 18:66-19:4. However, Roth does not expressly disclose its redirect messages including profile information from website 14.

Roth-Jaye maintains Roth's system, but modifies Roth's operation to pass profile information from website 14 through redirect messages. Ex. 1002, ¶447. Roth already discloses website 14 sending a message to cause browser 11 to send another message to advertising system 16. Ex. 1036, 3:33-4:57. In Roth-Jaye, both **messages** include profile information about the user of **browser 11** (claimed "partial profile") appended to the URL by website 14:

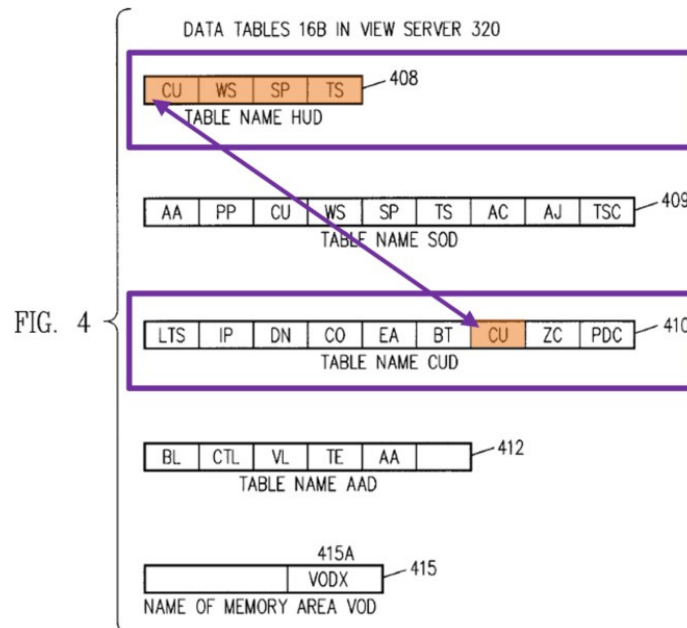


See §VIII.B. Thus, Roth-Jaye teaches electronically receiving, at **advertising system 16** from **website 14**, profile information of the user (claimed “electronically receiving at a programmed computer system...from at least one server..., a partial profile of an entity”). Ex. 1002, ¶447.

Further, Roth-Jaye’s profile information is available to the party controlling website 14 because website 14 appends it (claimed “available to one of the third parties”). And, Roth-Jaye’s profile information would have contained at least one attribute related to the user/viewer 10 (claimed “contains at least one profile attribute related to the entity”), such as information identifying the user (like Jaye’s local user ID or other client information collected by website 14) or information identifying website 14 that the user visited (like Jaye’s local server ID). *Id.*, ¶¶448-449; Ex. 1037, 6:36-46.

c. [1B]

Roth's CUD table 410 and historic viewer/user data (HUD) table 408 (linked by **current user ID (CU)**) together store a **user profile** (claimed "electronically stored profile"):



Roth, FIG. 4 (annotated)

Ex. 1036, 4:45-49, 9:27-37, 9:47-58, 10:6-20, 12:11-22; Ex. 1002, ¶450. Advertising system 16 (claimed "computer system") automatically receives attributes (e.g., **website ID (WS)**, **site page ID (SP)**, and **timestamp (TS)**) and electronically stores them in database 16B on a user-by-user basis to form a user profile for each user. Ex. 1036, 4:26-57, 8:20-28, 8:65-9:4, 9:36-37, 12:11-22; Ex. 1002, ¶450.

These features of Roth would have been preserved in Roth-Jaye. Roth's **CU**

and **WS** attributes are related to attributes that Jaye expressly discloses as being appended. Ex. 1037, 5:5-6:46. Specifically, Jaye discloses appending a local user ID, which relates to Roth's **CU** identifying the user/viewer 10, and a local server ID, which relates to Roth's **WS** identifying website 14. Ex. 1037, 5:5-6:46; Ex. 1002, ¶451.

So, in one example of Roth-Jaye, at least the **CU** and **WS** attributes would have been in the profile information appended to the URL. Ex. 1002, ¶452. And, Roth-Jaye teaches advertising system 16 electronically storing the profile information by adding the attributes to the user profile for the particular user (claimed "automatically with the computer system electronically storing the received partial profile by adding the received partial profile to an electronically stored profile"). *Id.* Further, Roth teaches updating, upon receipt of each view-op, HUD 408 and CUD 410 related to the specific users/viewers that triggered the view-op (claimed "which stored profile is believed to be related to the same entity"). *Id.*, ¶453; Ex. 1036, 4:26-57, 12:11-66, 13:35-37, 17:28-29.

In other examples of Roth-Jaye, the profile information (claimed "partial profile"), appended to the URL by website 14 and received by system 16, would have included other attributes of interest to advertisers. Ex. 1002, ¶451. Therefore, in Roth-Jaye, Roth's database 16B would have been modified (e.g., by adding field(s)) to store the received attributes, like demographic information. *Id.* For

example, as discussed above, Roth's database would have been modified to include fields for gender and birthdate. As also discussed above, such additional modification would have been obvious because a POSITA would have been motivated to capture all attributes in the profile information for use in targeted advertising and it merely involves routine database design skills. *Id.*; Ex. 1036, 7:34-54, 18:36-60.

Accordingly, Roth-Jaye teaches automatically with system 16 electronically storing the received profile information by adding it to an electronically stored user profile that is related to the same user/viewer 10 (claimed "automatically with the computer system electronically storing the received partial profile by adding the received partial profile to an electronically stored profile, which stored profile is believed to be related to the same entity"), thereby teaching [1B]. Ex. 1002, ¶454.

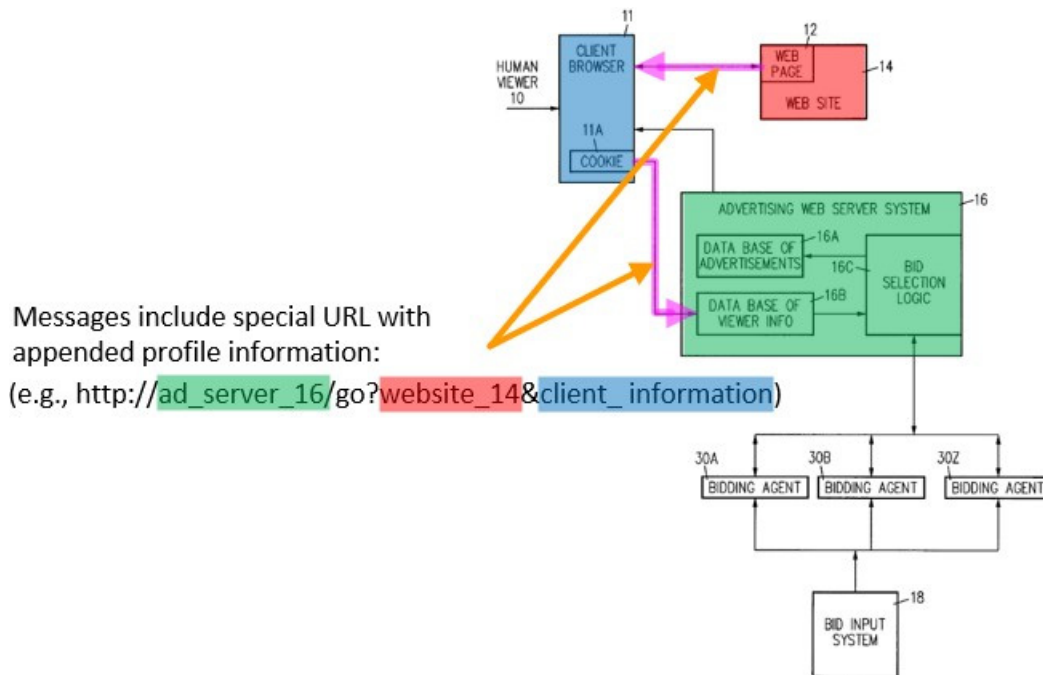
d. [1C]

Roth's website 14 transmits webpage 12, including an HTML reference (i.e., a URL) to advertising system 16, that redirects (without user action) browser 11 to advertising system 16. Ex. 1036, 3:34-57, 4:50-61, 5:20-24, 5:64-6:11, 6:41-52. This is "automatic electronic URL redirection." Ex. 1002, ¶455; Ex. 1019, 112-113.

The URL is embedded in an HTML tag (e.g., image tag) within webpage 12 of website 14 (claimed "portion of a page of the website") accessed by the user computer operating browser 11 (claimed "accessed by the user computer"). Ex.

1002, ¶456; Ex. 1036, 3:34-57, 4:50-61, 5:20-24, 5:64-6:11. Advertising system 16 receives data from cookie 11A when the redirect causes browser 11 to communicate with it. Ex. 1036, 4:26-57, 10:39-40, 18:66-19:1. Therefore, Roth teaches system 16 receiving profile information in cookie 11A as a result of automatic electronic URL redirection from a portion of webpage 12 of website 14 accessed by the user computer operating browser 11. Ex. 1002, ¶457.

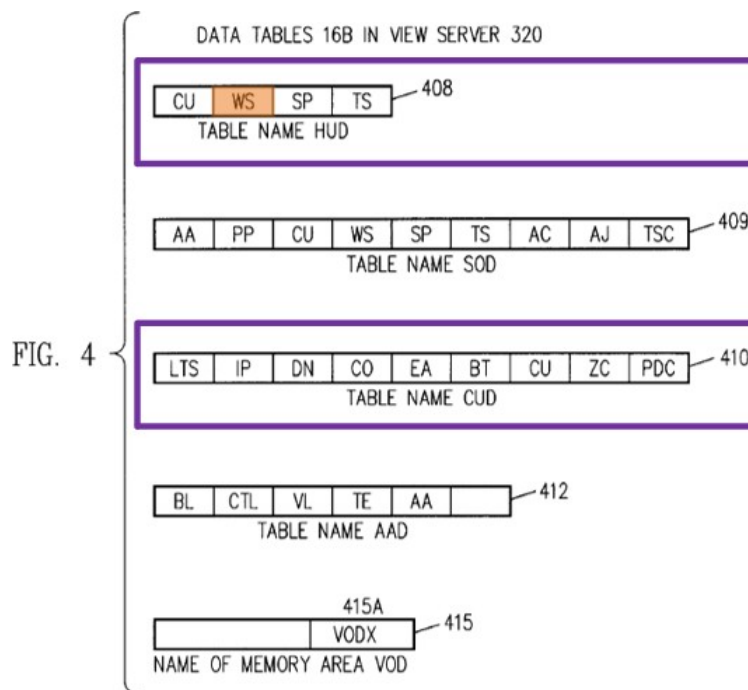
In Roth-Jaye, profile information is appended to the URL:



Ex. 1002, ¶458; *see* §VIII.B. Thus, Roth-Jaye teaches that receiving the profile information (by **advertising system 16** from **website 14** per [1A]) is achieved as a result of automatic electronic URL redirection from a portion of webpage 12 of **website 14** accessed by the **user computer**, thereby teaching [1C]. Ex. 1002, ¶459.

e. [1D]

Roth's advertising system 16 updates database 16B including the **WS field** identifying the website (e.g., website 14) that the viewer/user accessed and that caused the **CUD and HUD tables** (claimed "stored profile") to be updated with viewer characteristics and historic viewer data:



Roth, FIG. 4 (annotated)

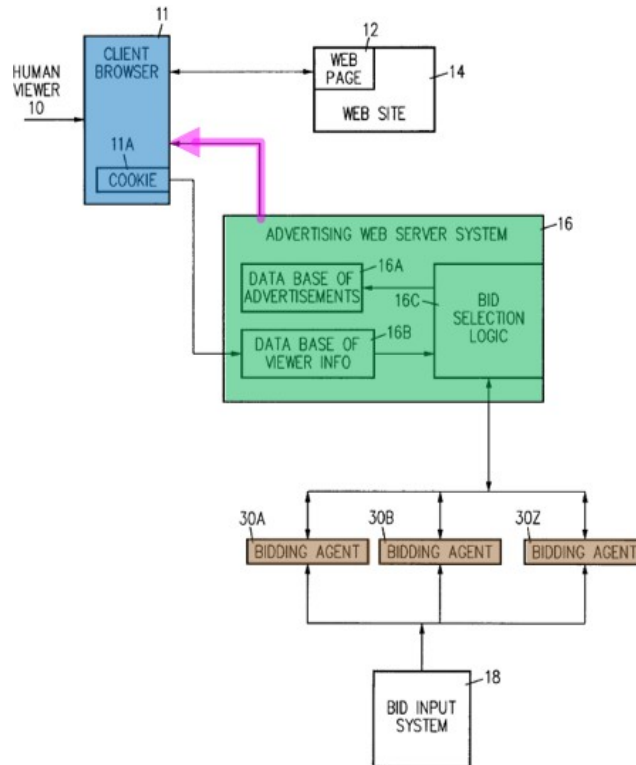
Ex. 1036, 4:26-57, 9:49-51, 12:11-66; Ex. 1002, ¶460. Accordingly, Roth already teaches system 16 automatically generating an electronic record in the WS field, which is a record of the party controlling website 14 that contributed the profile information to the user profile. Roth-Jaye preserves this feature and thus also teaches [1D]. Ex. 1002, ¶461.

Further, in Roth-Jaye, profile information includes various additional attributes stored in Roth's database 16B. *See* §VIII.B. For example, profile information would have included demographic information (e.g., birthdate, gender, etc.), and WS indicating website 14 that contributed that profile information would have been stored in association with the contributed profile information. Ex. 1002, ¶462. A POSITA would have recorded WS in association with the contributed profile information to keep a record of which party provided the profile information for rewarding that party and incentivizing parties to provide profile information. *Id.*, ¶463 (citing Exs. 1039 and 1045). Indeed, Roth teaches that its system enables website owners (e.g., owner of website 14) to "obtain the highest possible revenue for displaying advertisements on their site," thereby teaching that it records and financially rewards the parties owning websites (which are the parties appending profile information in Roth-Jaye). Ex. 1036, 2:66-3:2. This record would also have been stored for determining the information's reliability. Ex. 1002, ¶463 (citing Ex. 1043). Recording this source would have merely involved straightforward database and management processes that were easily implemented by the POSITA. *Id.*

Accordingly, Roth-Jaye teaches system 19 automatically generating an electronic record indicating the party controlling website 14 that contributed the profile information to the user profile, thereby teaching [1D]. *Id.*, ¶464.

f. [1E]

Roth discloses using data in the CUD and HUD tables (claimed “stored profile”) for providing targeted advertisements for third-party **advertisers** to the user computer operating **browser 11** over the Internet:



Roth, FIG. 1 (annotated)

Ex. 1036, Abstract, 2:3-10, 3:57-4:21, 4:58-5:19; Ex. 1002, ¶465. Specifically, **system 16** sends a targeted advertisement to **browser 11** over the Internet. Ex. 1036, 3:57-4:21, 4:58-5:19. Therefore, Roth teaches that the user profile, including added profile information, comprises data used in targeting advertisements for advertisers to the user computer operating browser 11 over the Internet. Ex. 1002, ¶466.

This feature is preserved in Roth-Jaye. The only difference is that, in Roth-Jaye, the profile information comes from website 14 because it is appended to the URL by website 14. *See* §§VIII.B-VIII.B.1.d. Accordingly, Roth-Jaye teaches that the user profile (in database 16B), including the added profile information (received from website 14), comprises data used in targeting third-party advertisements to the user computer operating browser 11 over the Internet, thereby teaching [1E]. Ex. 1002, ¶467.

2. Independent Claim 11

Claim 11 is a system claim version of claim 1 and unpatentable for similar reasons (*see* §VIII.B.1):

Claim 11	Analysis
[11PRE]	Similar to [1PRE], but recites elements in [1A] (e.g., “computer system...programmed to perform” the method). <i>See</i> §VIII.B.1.a-b. Also recites “computer system having access to a storage device” which is met by advertising system 16 having access to database 16B. Ex. 1036, 3:57-59, FIG. 1; Ex. 1002, ¶502.
[11A]- [11E]	Nearly identical to [1A]-[1E] and of the same scope. <i>See</i> §§VIII.B.1.b-f; Ex. 1002, ¶¶503-507.

3. Independent Claim 21

Claim 21 is a storage medium version of claim 1 and unpatentable for similar reasons (*see* §VIII.B.1):

Claim 21	Analysis
[21PRE]	Similar to [1PRE], but recites “[a] tangible, non-transitory data storage medium comprising indicia of instructions for a computer system to perform” the method. Roth implements advertising system 16 with a storage medium and processor for executing computer instructions. Ex. 1002, ¶¶508-509; Ex. 1036, 6:53-7:12, 7:34-45, 17:40-18:7. [21PRE] additionally recites: “computer system is coupled to a global computer network and has access to a storage device” which is met by advertising system 16 coupled to the Internet and having access to database 16B. Ex. 1002, ¶508; Ex. 1036, Abstract, 1:4-7, 3:33-59, 18:28-35, FIG. 1.
[21A]- [21E]	Nearly identical to [1A]-[1E] and of the same scope. <i>See</i> §§VIII.B.1.b-f; Ex. 1002, ¶¶510-514.

4. Dependent Claims 3, 13, and 23

Claims 3, 13, and 23 depend from claims 1, 11, and 21, which Roth-Jaye teaches. *See* §§VIII.B.1-3. Roth-Jaye further teaches “wherein part (b) comprises the computer system adding the received partial profile to a stored profile believed related to the same entity on account of the received partial profile and the stored profile being related to the same user computer” added in claims 3, 13, and 23. *See* §VIII.B.1.c. As explained, advertising system 16 adds the received profile information to the user profile stored in database 16B. *See* §VIII.B.1.c. It does so because the received profile information and the user profile are related to the same user computer operating browser 11, as identified by cookie 11A. Ex. 1002, ¶¶468-474, 515; Ex. 1036, 18:66-19:4.

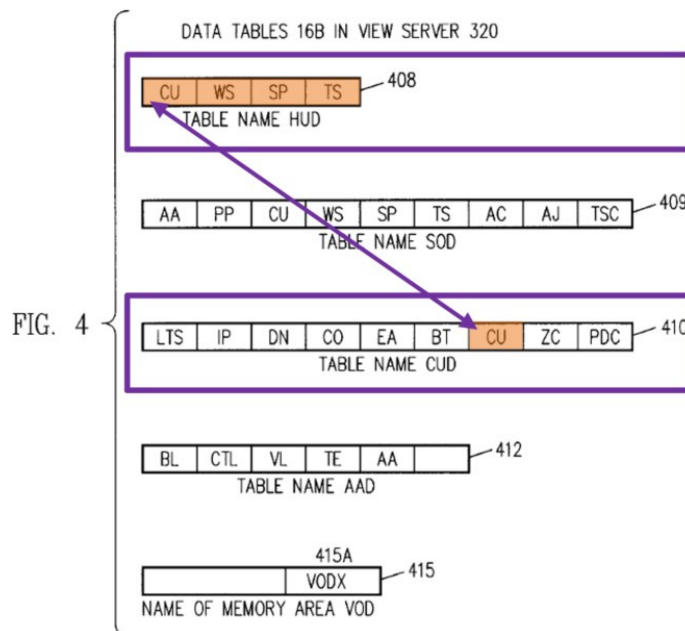
5. Dependent Claims 4, 14, and 24

Claims 4, 14, and 24 depend from claims 3, 13, and 23, which Roth-Jaye teaches. *See* §VIII.B.4. Roth-Jaye further teaches determining that received profile information and a stored user profile are related to the same user computer operating browser 11 (*see* §§VIII.B.1.c, VIII.B.4) “by automatically reading a cookie on the user computer” as claims 4, 14, and 24 add. Roth identifies the user by reading cookie 11A on the user’s computer. Ex. 1036, 3:38-46, 4:45-57, 18:66-19:4. Roth-Jaye preserves these features. Ex. 1002, ¶¶475-479.

Thus, Roth-Jaye teaches advertising system 16 determining that the received profile information and stored user profile are related to the same user computer (operating browser 11) by automatically reading cookie 11A on the user computer, thereby teaching claims 4, 14, and 24. *Id.*, ¶¶475-480, 515.

6. Dependent Claims 5, 15, and 25

Claims 5, 15, and 25 depend from claims 1, 11, and 21, which Roth-Jaye teaches. *See* §§VIII.B.1-3; Ex. 1002, ¶¶481-487, 515. Roth-Jaye teaches a WS field, which is an electronic record indicating that the party controlling website 14 contributed the **profile information**:



Roth, FIG. 4 (annotated)

Ex. 1002, ¶482; *see* §VIII.B.1.e. Any information in the CUD and HUD tables would have been used for targeted advertising. Ex. 1002, ¶483; Ex. 1036, Abstract, 5:20-

45, 10:31-11:62. Thus, the information in Roth’s WS field is an electronic record of the party controlling website 14 that contributed, to the user profile, attributes of the profile information used in targeting the advertisements (claimed “electronic record...”). Ex. 1002, ¶483. This record is also automatically and electronically maintained by advertising system 16 (claimed “automatically with the computer system electronically maintaining...”), just as it is automatically generated. *Id.*, see §VIII.B.1.e.

It also would have been obvious to add a separate record indicating whether attributes provided in profile information from website 14 were used for targeted advertising to provide reports and reward websites for providing profile information. Ex. 1002, ¶¶484-487.

7. Dependent Claims 6 and 16

Claims 6 and 16 depend from claims 1 and 11, which Roth-Jaye teaches. *See* §§VIII.B.1-2. Roth’s system 16 stores received profile information in user profiles on a user-by-user basis and receives profile information for the same user from different websites 14. Ex. 1002, ¶¶488-492; Ex. 1036, 3:47-50. To store attributes from different websites in the same user profile, system 16 would have determined which attributes are not already in the profile. Ex. 1002, ¶492. For example, upon receiving new profile information indicating a newly visited website, system 16

would have determined that the new website is not in the user's profile (claimed "determining whether the received partial profile contains..."). *Id.*

Also, to store attributes from different websites 14 on a user-by-user basis, system 16 would have checked whether received attributes of a user were already stored in that user's profile; otherwise, information would be overwritten or duplicated. *Id.*, ¶493. For example, if the **user profile** was as follows upon receiving new profile information (*see* §VIII.B), system 16 would have determined that the **profile** already contains the user's birthdate but not the gender:

BIRTHDATE	GENDER	LTS	IP	DN	CO	EA	BT	CU	ZC	PDC
M/D/YYYY		X	X	X	X	X	X	user11	X	X

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Roth, FIG. 4 (cropped and modified)

Ex. 1002, ¶¶493-494. Thus, Roth-Jaye teaches system 16 automatically and electronically determining whether the received profile information contains any profile attributes about the user/viewer 10 that were not previously contained in the user's profile, thereby teaching claims 6 and 16. *Id.*, ¶¶494-495, 515.

8. Dependent Claims 10 and 20

Claims 10 and 20 depend from claims 1 and 11, which Roth-Jaye teaches. *See* §§VIII.B.1-2. Roth's browser 11 stores cookie 11A and sends it when redirected to system 16, which then reads it. Ex. 1036, 3:38-46, 4:45-57, 18:66-19:4. Thus, Roth-Jaye further teaches system 16 automatically and electronically reading cookie 11A

previously stored on the user's computer, as a result of the URL redirection, thereby teaching claims 10 and 20. Ex. 1002, ¶¶496-501, 515.

C. Grounds C-D: Merriman-Minor and Roth-Minor Render Claims 1, 3-6, 10-11, 13-16, 20-21, and 23-25 Obvious

Both Merriman and Roth would have also been combined with Minor (“Merriman-Minor” and “Roth-Minor”). Minor teaches another technique for transferring profile information from one website server to another. Ex. 1038, Abstract, 2:44-57. Specifically, Minor teaches a **transparent redirect** including a URL and encrypted demographic information from **website 32A** via **end-user computer 30** to **remote website 34A**:

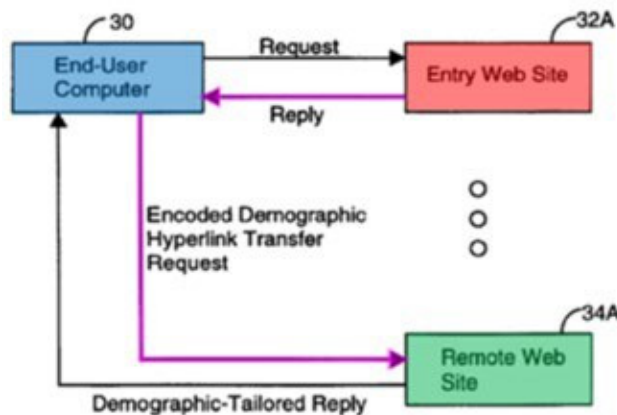


Figure 2

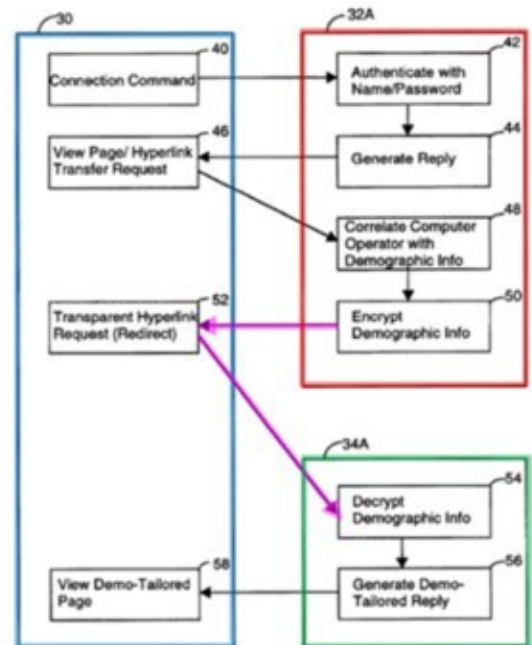
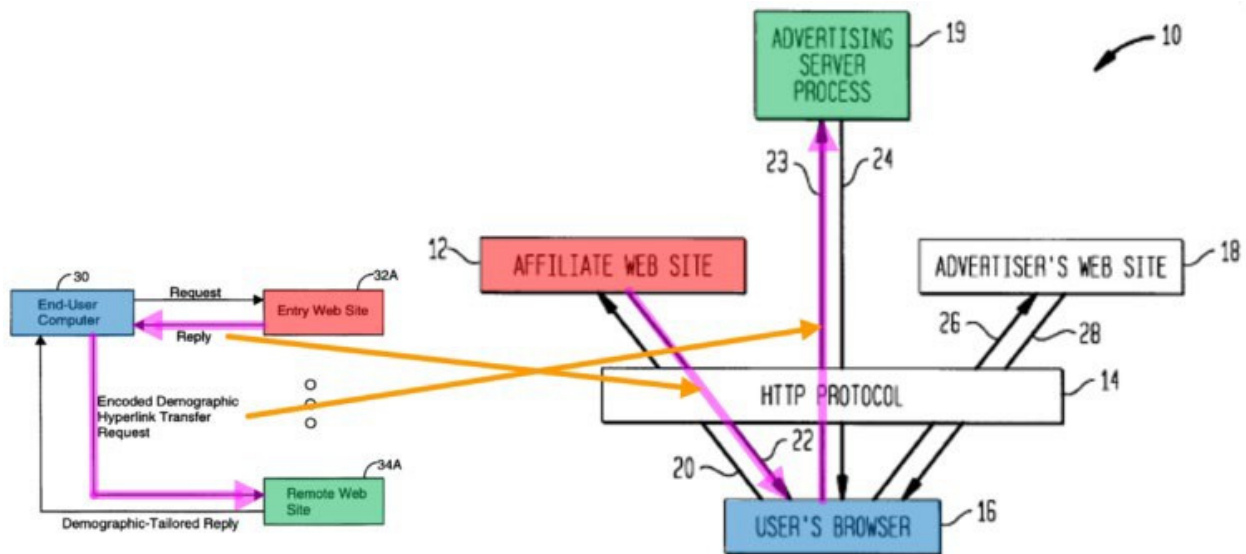


Figure 3

Minor, FIGs. 2-3 (annotated)

Ex. 1002, ¶¶312, 516; Ex. 1038, 4:2-28, 5:61-6:5, 7:22-44, 7:59-8:6, FIGs. 2-6.

It would have been obvious to combine Merriman's system or Roth's system with Minor's teachings of passing demographic information through a transparent redirect because it beneficially provides profile information in real-time for immediate use in targeted advertising. Ex. 1035, 3:24-4:54; Ex. 1036, 3:33-59, 4:26-57; Ex. 1038, 4:19-28, 5:61-6:5. In Merriman-Minor, website 12 sends message 22 for providing a webpage including a portion having a transparent redirect (like Minor's) that causes browser 16 to send message 23, including encrypted demographic information, to advertising server 19, which in turn adds the demographic information to the user's profile. Ex. 1002, ¶313; Ex. 1035, 4:43-50; Ex. 1038, 4:50-53. The following illustrates an example Merriman-Minor combination:



Thus, Merriman-Minor teaches a method and system in which **advertising server 19** receives **demographic information** from **website 12** as a result of **automatic electronic URL redirection** from a portion of a webpage accessed by **browser 16**. Ex. 1002, ¶¶313-314.

Similarly, it would have been obvious to implement or modify Roth's system such that website 14 provides webpage 12 including a portion having a transparent redirect (like Minor's) that causes browser 11 to send encrypted demographic information to advertising system 16, which in turn adds the demographic information to the user's profile. Ex. 1002, ¶517; Ex. 1036, 4:26-57; Ex. 1038, 4:50-53. The following illustrates an example Roth-Minor combination:

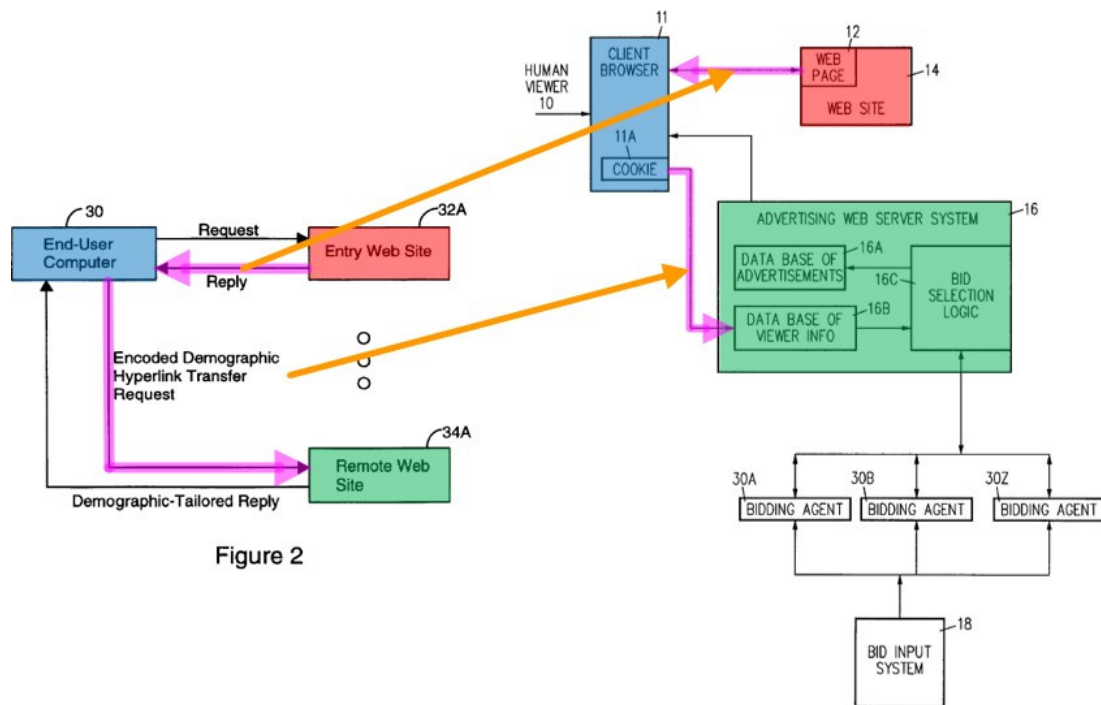


Figure 2

Thus, Roth-Minor teaches a method and system in which **system 16** receives

demographic information from website 14 as a result of automatic electronic URL redirection from a portion of webpage 12 accessed by browser 11. Ex. 1002, ¶¶517-518.

Further, Merriman's data structure and Roth's database 16B would also have been modified to store the received demographic information. Ex. 1035, 4:43-54, FIG. 3A; Ex. 1036, 18:36-54, FIG. 4; Ex. 1038, 4:50-53, 6:10-17. For example, Merriman's data structure and Roth's CUD table would have been modified to include BIRTHDATE and GENDER fields to capture such demographic information:

FIG. 3A

USER ID	IP ADDRESS	DOMAIN TYPE	TIME ZONE	LOCATION	SIC	ADS SEEN	ADS CLICKED ON	PAGES ADS SEEN ON	BIRTHDATE	GENDER
---------	------------	-------------	-----------	----------	-----	----------	----------------	-------------------	-----------	--------

Merriman, FIG. 3A (modified)

BIRTHDATE	GENDER	LTS	IP	DN	CO	EA	BT	CU	ZC	PDC
-----------	--------	-----	----	----	----	----	----	----	----	-----

TABLE NAME CUD

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Roth, FIG. 4 (cropped and modified)

Ex. 1002, ¶¶314, 518, Ex. 1036, 18:36-60.

Rationales for applying Minor's teachings to Merriman and Roth are the same as those for applying Jaye's teachings (e.g., to pass profile information in real-time for immediate use in targeted advertising). See §§VIII.A, VIII.B. Minor also teaches

that its technique is advantageous because it is simple, efficient, and keeps demographic information private, and Merriman and Roth would likewise benefit from these advantages. Ex. 1038, 2:21-41, 2:58-3:8. These advantages would have led a POSITA, with an expectation of success, to Merriman-Minor and Roth-Minor. Ex. 1002, ¶¶315, 519.

1. Independent Claim 1

a. [1PRE]

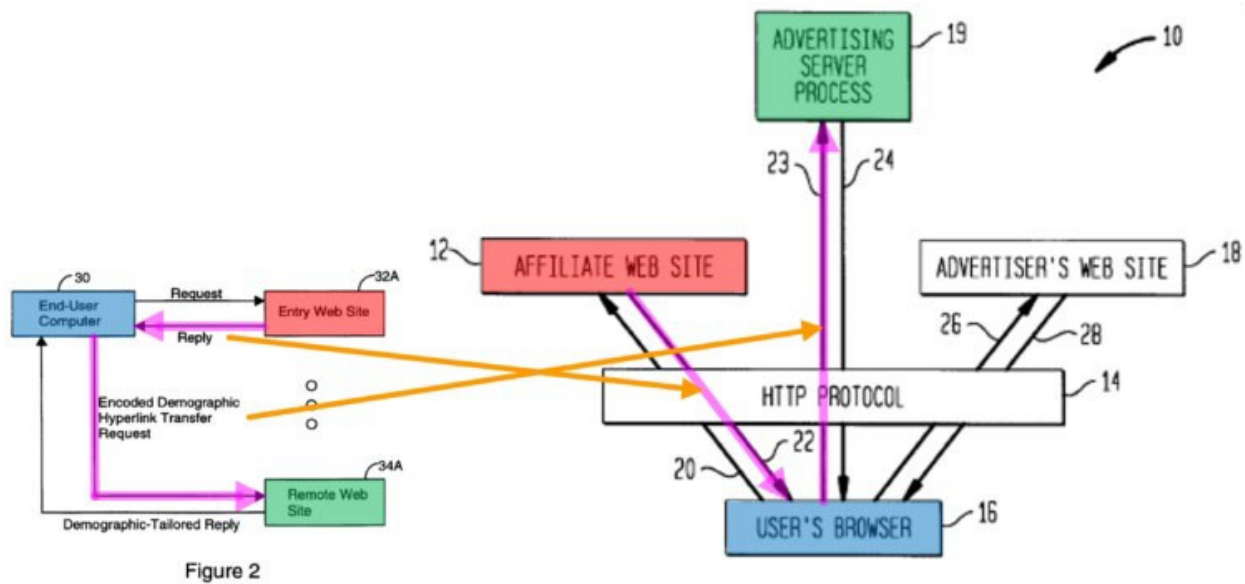
Merriman-Minor and Roth-Minor teach [1PRE] for the same reasons Merriman-Jaye and Roth-Jaye do. *See* §§VIII.A.1.a,VIII.B.1.a. Merriman’s method and Roth’s method, each modified based on Minor, comprises [1A]-[1E]. *See* §§VIII.C.1.b-f; Ex. 1002, ¶¶316, 520. Thus, Merriman-Minor and Roth-Minor teach [1PRE].

b. [1A]

Merriman-Minor and Roth-Minor maintain Merriman’s system and Roth’s system (which each teach all structural elements (*see* §§VIII.A.1.b,VIII.B.1.b)), but modifies their operations to include encrypted demographic information in URL redirect messages. Ex. 1002, ¶¶317-318, 521-522.

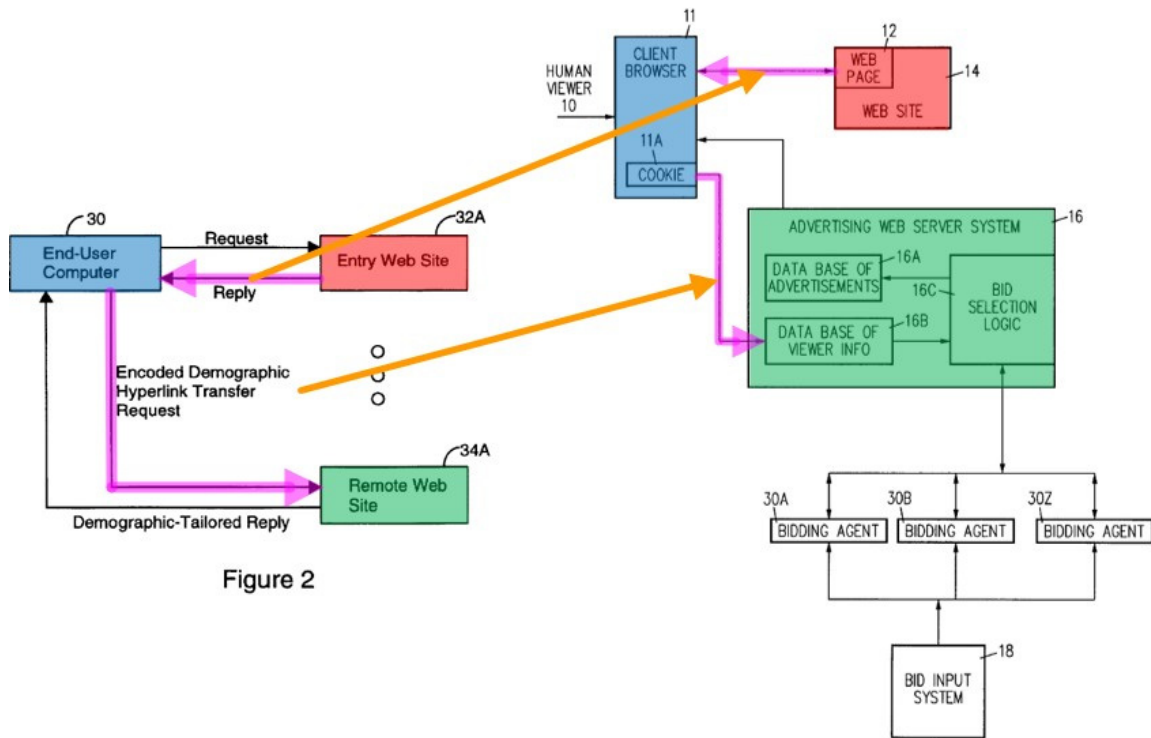
Merriman’s **website 12** already sends **message 22** to cause **browser 16** to send **message 23** to **advertising server 19**. Ex. 1035, 3:28-57. In Merriman-Minor,

messages 22 and 23 include demographic information (claimed “partial profile”) about the user of browser 16 and the URL for advertising server 19:



See §VIII.C. Thus, Merriman-Minor teaches electronically receiving, at advertising server 19 from website 12, demographic information of the user (claimed “electronically receiving at a programmed computer system...from at least one server..., a partial profile of an entity”). Ex. 1002, ¶¶318-319.

Similarly, Roth’s website 14 already sends a message to cause browser 11 to send another message to advertising system 16. Ex. 1036, 3:33-57, 4:26-57. In Roth-Minor, these messages include demographic information (claimed “partial profile”) about the user of browser 11 and the URL for system 16:



See §VIII.C. Thus, Roth-Minor teaches electronically receiving, at system 16 from website 14, demographic information of the user. Ex. 1002, ¶¶522-523.

Further, the demographic information in Merriman-Minor and Roth-Minor contains at least one attribute related to the user of Merriman’s browser 16 or Roth’s browser 11 (claimed “contains at least one profile attribute related to the entity”), and is stored by Merriman’s website 12 or Roth’s website 14 (both like Minor’s website 32A) and therefore available to the party controlling each website (claimed “available to one of the third parties”). Ex. 1038, 3:45-55, 6:35-37; Ex. 1002, ¶¶320, 524.

Accordingly, Merriman-Minor and Roth-Minor teach electronically receiving at Merriman’s advertising server 19 or Roth’s advertising system 16 (each coupled

to the Internet), from Merriman's website 12 or Roth's website 14, demographic information of a user that uses Merriman's browser 16 or Roth's browser 11 (also coupled to the Internet) accessing Merriman's website 12 or Roth's website 14, which demographic information is available to the party controlling Merriman's website 12 or Roth's website 14 and contains at least one attribute related to the user. Ex. 1002, ¶¶321, 525. Thus, Merriman-Minor and Roth-Minor teach [1A].

c. [1B]

Merriman's advertising server 19 maintains a database structure for storing a user profile. Ex. 1035, 3:41-52, 3:64-4:8, 4:20-24, 4:43-54, FIG. 3A. Similarly, Roth's advertising system 16 maintains database 16B including CUD and HUD tables for storing a user profile. Ex. 1036, 4:45-49, 9:27-37, 9:47-58, 10:6-20, 12:11-22, FIG. 4. In Merriman-Minor and Roth-Minor, server 19 or system 16 would have added the received **demographic information** (e.g., birthdate and gender) to the corresponding **user profile** (for a user of browser 16 or browser 11) in Merriman's database structure or Roth's CUD table, which each would have been modified to store such **demographic information**:

FIG. 3A

USER ID	IP ADDRESS	DOMAIN TYPE	TIME ZONE	LOCATION	SIC	ADS SEEN	ADS CLICKED ON	PAGES ADS SEEN ON	BIRTHDATE	GENDER
user16	X	X	X	X	X	X	X	X	M/D/YYYY	male

Merriman, FIG. 3A (modified)

BIRTHDATE	GENDER	LTS	IP	DN	CO	EA	BT	CU	ZC	PDC
M/D/YYYY	male	X	X	X	X	X	X	user11	X	X

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Roth, FIG. 4 (cropped and modified)

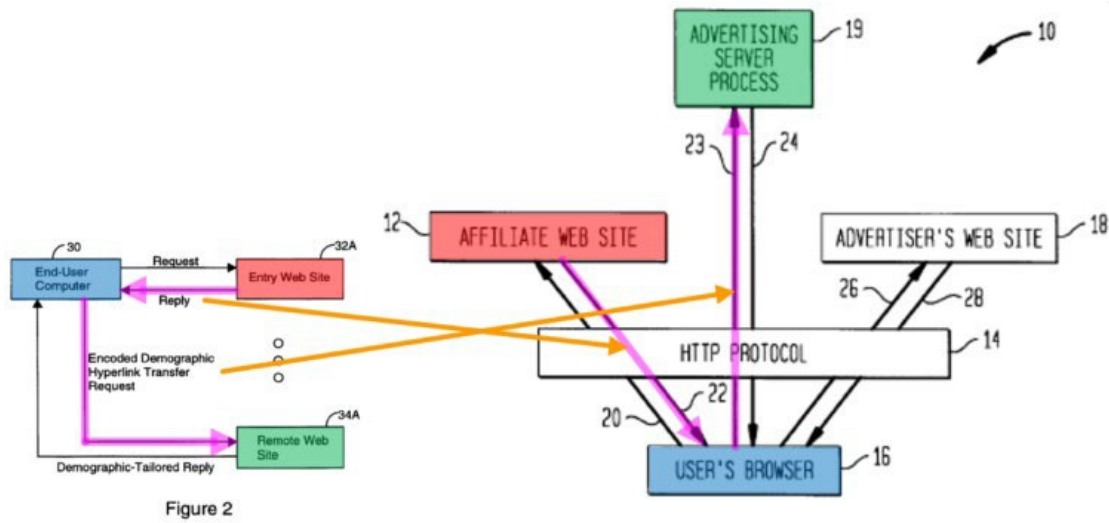
Ex. 1035, 4:43-54, FIG. 3A; Ex. 1036, 18:36-60. Thus, Merriman-Minor and Roth-Minor teach server 19 or system 16 automatically and electronically storing the received **demographic information** by adding it to the **user profile** for the user of browser 16 or browser 11, thereby teaching [1B]. Ex. 1002, ¶¶322-323, 526-527.

d. [1C]

Merriman and Roth teach [1C] because they teach a URL embedded in a tag within a webpage that automatically causes redirection (claimed “automatic electronic URL redirection from a portion of a page of the website accessed by the user computer”). *See* §§VIII.A.1.d,VIII.B.1.d.

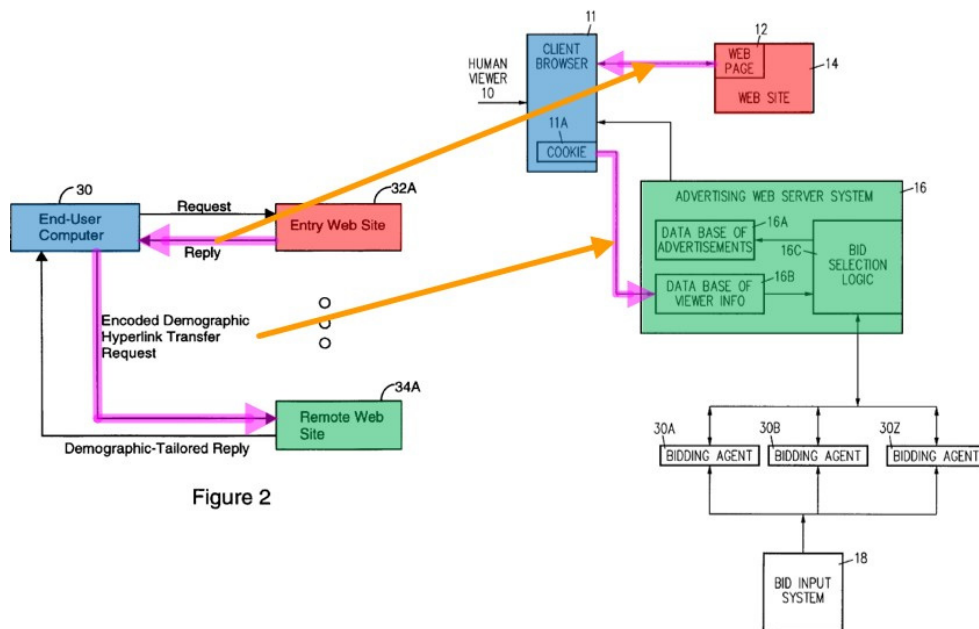
Minor similarly teaches automatic electronic URL redirection, but Minor further includes demographic information in its transparent redirect. Ex. 1002, ¶¶324, 528; Ex. 1038, 4:2-28, 5:61-6:5, 7:22-44, 7:59-8:6, FIGs. 2-6.

In Merriman-Minor, the same **messages 22 and 23** of Merriman are communicated, but with demographic information in addition to the URL:



Ex. 1002, ¶325; *see* §VIII.C.

Similarly, in Roth-Minor, the same **messages** of Roth are communicated, but with demographic information in addition to the URL:



Ex. 1002, ¶529; *see* §VIII.C.

Thus, Merriman-Minor and Roth-Minor teach that receiving the profile information (by server 19 from website 12 or by system 16 from website 14, per

[1A]) is achieved as a result of automatic electronic URL redirection from a portion of a webpage of Merriman's website 12 or Roth's webpage 12 of website 14 accessed by the user computer operating Merriman's browser 16 or Roth's browser 11, thereby teaching [1C]. Ex. 1002, ¶¶326, 530.

e. [1D]

Merriman and Roth teach [1D] because server 19 and system 16 generate electronic records (PAGES ADS SEEN ON or WS fields) indicating the party controlling the website that contributed the profile information to the user profile. *See* §§VIII.A.1.e,VIII.B.1.e. Merriman-Minor and Roth-Minor each preserve these features of Merriman or Roth and thus teach [1D] for the same reasons Merriman-Jaye and Roth-Jaye do. Ex. 1002, ¶¶327, 531.

Further, it would have been obvious to modify Merriman's data structure to include an additional field for storing the **source** of the **demographic information**:

FIG. 3A

USER ID	IP ADDRESS	DOMAIN TYPE	TIME ZONE	LOCATION	SIC	ADS SEEN	ADS CLICKED ON	PAGES ADS SEEN ON	BIRTHDATE	GENDER	SOURCE
user16	X	X	X	X	X	X	X	X	M/D/YYYY	male	website12

Merriman, FIG. 3A (annotated)

Id., ¶328. In Merriman-Minor, Merriman's website 12 provides the demographic information to advertising server 19, so a record (e.g., "website12") indicating website 12 as the source would have been automatically generated in Merriman's data structure. *Id.*, ¶329.

Similarly, to the extent WS is not already associated with profile information, it would have been obvious to modify Roth's database 16B to store WS in association with profile information (e.g., demographic information) to indicate that website 14 contributed the profile information for the same reasons discussed above (e.g., to reward websites and incentivize sharing). *Id.*, ¶532; *see* §VIII.B.1.e.

A POSITA would have been motivated to store the source of the demographic information to incentivize sources to provide desirable demographic information. Ex. 1002, ¶¶329, 533. Motivation also exists because this source record enables server 19 or system 16 to determine the demographic information's reliability, which would have been useful for targeted advertising. *Id.* Recording the source would have involved straightforward database and management processes within the POSITA's skill level. *Id.*

Accordingly, Merriman-Minor and Roth-Minor teach server 19 or system 16 automatically generating an electronic record indicating the source (e.g., party controlling Merriman's website 12 or Roth's website 14) that contributed the demographic information to the user profile in Merriman's data structure or in Roth's database 16B. *Id.*, ¶¶330, 534. Thus, Merriman-Minor and Roth-Minor teach [1D].

f. [1E]

Merriman and Roth teach [1E] because they use profile data to deliver targeted advertisements. *See* §§VIII.A.1.f,VIII.B.1.f.

Merriman-Minor and Roth-Minor maintain these features and thus teach [1E] for the same reasons. Specifically, Merriman-Minor and Roth-Minor teach that the user profile (stored in Merriman's database 54 or Roth's database 16B), including the added demographic information (received from Merriman's website 12 or Roth's website 14), comprises data used in targeting advertisements to the user computer operating browser 16 or browser 11 over the Internet. Ex. 1002, ¶¶331-332, 535-536. Thus, Merriman-Minor and Roth-Minor teach [1E].

2. Independent Claims 11 and 21

Just as Merriman and Roth provide the additional features of claims 11 and 21 in Merriman-Jaye and Roth-Jaye, they also provide those in Merriman-Minor and Roth-Minor. *See* §§VIII.A.2-3,VIII.B.2-3. Minor further evidences that Merriman's server 19 and Roth's system 16 (like Minor's website servers 32A, 34A) are programmed and include a storage medium storing computer instructions and processor(s) for executing those instructions. Ex. 1038, 6:29-58, 7:50-54, 10:4-65, FIG. 4; Ex. 1002, ¶¶350-362, 554-566.

3. Dependent Claims 3, 13, and 23

Claims 3, 13, and 23 depend from claims 1, 11, and 21, which Merriman-Minor and Roth-Minor teach. *See* §§VIII.C.1-2. Merriman-Minor and Roth-Minor teach claims 3, 13, and 23 for the same reasons Merriman-Jaye and Roth-Jaye do. *See* §§VIII.A.4,VIII.B.4. Merriman's server 19 and Roth's system 16 each add the received demographic information to their respective user profile stored in Merriman's database 54 or Roth's database 16B on account of the received demographic information and the user profile being related to the same user computer operating Merriman's browser 16 or Roth's browser 11. *See* §VIII.C.1.c; Ex. 1002, ¶¶333-335, 363, 537-539, 567.

4. Dependent Claims 4, 14, and 24

Claims 4, 14, and 24 depend from claims 3, 13, and 23, which Merriman-Minor and Roth-Minor teach. *See* §VIII.C.3. Merriman-Minor and Roth-Minor teach claims 4, 14, and 24 for the same reasons Merriman-Jaye and Roth-Jaye do. *See* §§VIII.A.5,VIII.B.5.

Merriman-Minor preserves Merriman's message 23 including a cookie that contains the user identification. Ex. 1035, 3:44-52, 5:11-29. Likewise, Roth-Minor preserves Roth's cookie 11A that identifies the user. Ex. 1036, 3:38-46, 4:45-57, 18:66-19:4. Thus, Merriman-Minor and Roth-Minor teach advertising server 19 or advertising system 16 determining that the received demographic information and

stored user profile are related to the same user computer (operating browsers 16 or 11) by automatically reading a cookie (cookie 11A in Roth) on the user computer. Ex. 1002, ¶¶336-338, 363, 540-542, 567.

5. Dependent Claims 5, 15, and 25

Claims 5, 15, and 25 depend from claims 1, 11, and 21, which Merriman-Minor and Roth-Minor teach. *See* §§VIII.C.1-2. Merriman-Minor and Roth-Minor teach claims 5, 15, and 25 for the same reasons Merriman-Jaye and Roth-Jaye do. *See* §§VIII.A.6, VIII.B.6. The information in Merriman's PAGES ADS SEEN ON field or Roth's WS field is an electronic record indicating that the party controlling website 12 or website 14 contributed, to the user profile, attributes of the demographic information used in targeting the advertisements. Ex. 1002, ¶¶339-340, 543-544.

Further, Merriman-Minor and Roth-Minor would have also included a separate record, in Merriman's database 54 or Roth's database 16B, for indicating which website (Merriman's website 12 or Roth's website 14) contributed, to the user profile, the demographic information used in targeting the advertisements. Adding this record would have been obvious to enable server 19 or system 16 to provide reports detailing where useful or desirable demographic information came from and to reward websites for providing it. *Id.*, ¶¶341-342, 363, 545-546, 567.

6. Dependent Claims 6 and 16

Claims 6 and 16 depend from claims 1 and 11, which Merriman-Minor and Roth-Minor teach. *See* §§VIII.C.1-2. Merriman-Minor and Roth-Minor teach claims 6 and 16 for the same reasons Merriman-Jaye and Roth-Jaye do. *See* §§VIII.A.7,VIII.B.7. To store attributes of demographic information from different websites on a user-by-user basis, Merriman's server 19 or Roth's system 16 would have checked whether received demographic attributes of a user were already stored in that user's profile; otherwise, information would be overwritten or duplicated. For example, if the **user profile** was as follows upon receiving new demographic information (*see* §VIII.C), Merriman's server 19 and Roth's system 16 would have determined that the **profile** already contains the user's birthdate but not the gender:

FIG. 3A

USER ID	IP ADDRESS	DOMAIN TYPE	TIME ZONE	LOCATION	SIC	ADS SEEN	ADS CLICKED ON	PAGES ADS SEEN ON	BIRTHDATE	GENDER
user16	X	X	X	X	X	X	X	X	M/DD/YYYY	

Merriman, FIG. 3A (modified)

BIRTHDATE	GENDER	LTS	IP	DN	CO	EA	BT	CU	ZC	PDC
M/D/YYYY		X	X	X	X	X	X	user11	X	X

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Roth, FIG. 4 (cropped and modified)

Ex. 1002, ¶¶343-344, 547-548. Thus, Merriman-Minor and Roth-Minor teach server 19 and system 16 automatically and electronically determining whether the received demographic information contains any profile attributes about the user of browser

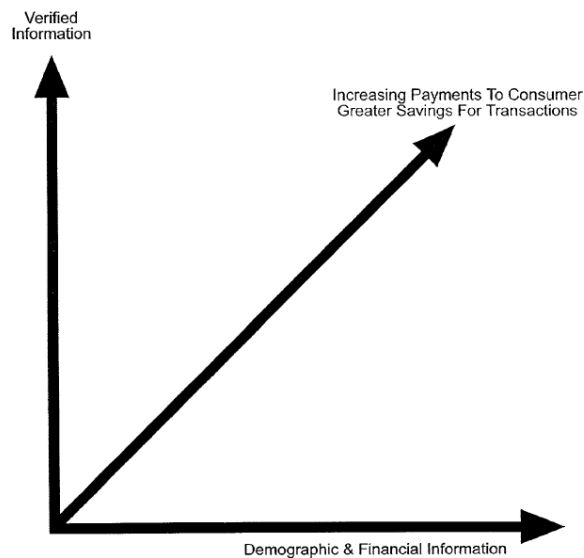
16 or 11 that were not previously contained in the user's profile. *Id.*, ¶¶345-346, 363, 549-550, 567.

7. Dependent Claims 10 and 20

Claims 10 and 20 depend from claims 1 and 11, which Merriman-Minor and Roth-Minor teach. *See* §§VIII.C.1-2. Merriman-Minor and Roth-Minor teach claims 10 and 20 for the same reasons Merriman-Jaye and Roth-Jaye do. *See* §§VIII.A.8, VIII.B.8. In Merriman-Minor and Roth-Minor, server 19 and system 16 still automatically and electronically read a cookie previously stored by Merriman's browser or Roth's browser on the user's computer, as a result of the URL redirection, thereby teaching claims 10 and 20. Ex. 1002, ¶¶347-349, 363, 551-553, 567.

D. Grounds E-H: Merriman-Jaye-Coleman, Merriman-Minor-Coleman, Roth-Jaye-Coleman, and Roth-Minor-Coleman Render Claims 7-9 and 17-19 Obvious

Coleman teaches verifying profile information with outside sources and updating a profile to reflect whether verification was successful. Ex. 1039, ¶¶[0056], [0072]-[0075]. Coleman explains that the value of profile information increases as its verifiability increases, which teaches different values (or scores) of verifiability:



Coleman, FIG. 2

Id., ¶¶[0049], [0073]; Ex. 1002, ¶¶364, 568.

It would have been obvious to combine each of the above grounds with Coleman, such that **attributes of the profile information** in each ground are verified and assigned **verification scores**:

FIG. 3A

USER ID	IP ADDRESS	DOMAIN TYPE	TIME ZONE	LOCATION	SIC	ADS SEEN	ADS CLICKED ON	PAGES ADS SEEN ON	BIRTHDATE	BIRTHDATE SCORE	GENDER	GENDER SCORE
user16	X	X	X	X	X	X	X	X	M/D/YYYY	8	male	7

Ex. 1035, FIG. 3A (modified)

BIRTHDATE	BIRTHDATE SCORE	GENDER	GENDER SCORE	LTS	IP	DN	CO	EA	BT	CU	ZC	PDC
M/D/YYYY	8	male	7	X	X	X	X	X	X	user11	X	X

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Ex. 1036, FIG. 4 (cropped and modified)

Ex. 1002, ¶¶365-374, 569-578; Ex. 1039, ¶¶[0049], [0073]-[0075].

Similarly, it would have been obvious to combine each of the above grounds with Coleman, such that **attributes of the profile information** in each ground are assigned **source scores** indicating the trustworthiness of the source of a corresponding attribute:

FIG. 3A

USER ID	IP ADDRESS	DOMAIN TYPE	TIME ZONE	LOCATION	SIC	ADS SEEN	ADS CLICKED ON	PAGES ADS SEEN ON	BIRTHDATE	BIRTHDATE SRC SCORE	GENDER	GENDER SRC SCORE
user16	X	X	X	X	X	X	X	X	M/D/YYYY	5	male	3

Merriman, FIG. 3A (modified)

BIRTHDATE	BIRTHDATE SRC SCORE	GENDER	GENDER SRC SCORE	LTS	IP	DN	CO	EA	BT	CU	ZC	PDC
M/D/YYYY	5	male	3	X	X	X	X	X	X	user11	X	X

Roth, FIG. 4 (cropped and modified)

Ex. 1002, ¶¶367-374, 571-578; Ex. 1039, ¶¶[0049], [0073]-[0075]. Attributes would have been selected for determining targeted advertisements based on the verification scores or source scores. Ex. 1002, ¶¶365-374, 569-578.

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

FIG. 3A

USER ID	IP ADDRESS	DOMAIN TYPE	TIME ZONE	LOCATION	SIC	ADS SEEN	ADS CLICKED ON	PAGES ADS SEEN ON	BIRTHDATE	BIRTHDATE SCORE	BIRTHDATE PRICE	GENDER	GENDER SCORE	GENDER PRICE
user16	X	X	X	X	X	X	X	X	M/D/YYYY	8	\$.05	male	7	\$.02

Merriman, FIG. 3A (modified)

BIRTHDATE	BIRTHDATE SCORE	BIRTHDATE PRICE	GENDER	GENDER SCORE	GENDER PRICE	LTS	IP	DN	CO	EA	BT	CU	ZC	PDC
M/D/YYYY	8	\$.05	male	7	\$.02	X	X	X	X	X	X	user11	X	X

Roth, FIG. 4 (cropped and modified)

Id., ¶¶369-374, 573-578; Ex. 1039, ¶¶[0049], [0073]-[0075].

A POSITA would have been motivated to make these combinations (“the Coleman combinations”) because they improve the effectiveness of targeted advertisements. Ex. 1002, ¶¶370, 574. Both Merriman and Roth are directed to Internet targeted advertising, which relies on having accurate information about website visitors. *Id.* Therefore, a POSITA would have verified the information and recorded verification results (e.g., scores), as Coleman teaches. *Id.*; Ex. 1039, ¶¶[0056], [0072]-[0075]. Similarly, to improve accuracy of the information, a POSITA would have selected information based on which sources of the information are deemed trustworthy. Ex. 1002, ¶¶370, 574. The verification scores would be used to determine which sources are trustworthy. *Id.*

A POSITA would have also wanted to incentivize websites to provide profile information for use in targeted advertising and would have offered compensation to do so. Ex. 1002, ¶¶371, 575. Having more profile information yields more narrowly-tailored advertisements. *Id.* It also increases the likelihood of acquiring accurate information. *Id.* In view of Coleman’s teachings that the value of information increases when verified, a POSITA would have set a price for profile information based on verification results. *Id.*; Ex. 1039, ¶¶[0049], [0073], FIG. 2.

The Coleman combinations merely combine known elements (Merriman’s/Roth’s system and Coleman’s verification and valuation processes)

according to known methods (storing verification scores and prices) to yield predictable results (attributes of profile information associated with verification scores, prices, and source scores). Ex. 1002, ¶¶372, 576. These results are also achieved by applying a known technique (Coleman's verification and valuation techniques) to a known device ready for improvement (Merriman's/Roth's advertising server/system storing user profiles and capable of storing verification scores and prices). *Id.*, ¶¶373, 577. These modifications based on Coleman do not affect the prior modifications based on Jaye and Minor. *Id.*

Finally, a POSITA would have expected success in the Coleman combinations because they merely involve routine database management skills of a POSITA. *Id.*, ¶¶374, 578.

1. Dependent Claims 7 and 17

Claims 7 and 17 depend from claims 1 and 11, which Grounds A-D teach. *See* §§VIII.A.1-2, VIII.B.1-2, VIII.C.1-2. The Coleman combinations (*see* §VIII.D) further teach Merriman's advertising server 19 or Roth's advertising system 16 maintaining a **verification score** (claimed "credibility rating") associated with at least one **attribute of the received profile information** (which is either appended to the URL per Jaye or in an encoded transparent redirect per Minor) stored in a **user profile** (Merriman's data structure or Roth's CUD and HUD tables):

FIG. 3A

USER ID	IP ADDRESS	DOMAIN TYPE	TIME ZONE	LOCATION	SIC	ADS SEEN	ADS CLICKED ON	PAGES ADS SEEN ON	BIRTHDATE	BIRTHDATE SCORE	GENDER	GENDER SCORE
user16	X	X	X	X	X	X	X	X	M/D/YYYY	8	male	7

Merriman, FIG. 3A (modified)

BIRTHDATE	BIRTHDATE SCORE	GENDER	GENDER SCORE	LTS	IP	DN	CO	EA	BT	CU	ZC	PDC
M/D/YYYY	8	male	7	X	X	X	X	X	X	user11	X	X

Roth, FIG. 4 (cropped and modified)

Ex. 1002, ¶¶375-382, 398, 579-587, 604; Ex. 1039, ¶¶[0049], [0056], [0072]-[0075], FIG. 2; Ex. 1035, 4:43-54; Ex. 1036, 18:36-60.

2. Dependent Claims 8 and 18

Claims 8 and 18 depend from claims 7 and 17, which the Coleman combinations teach. *See* §VIII.D.1. The Coleman combinations (*see* §VIII.D) further teach that the **verification scores** are reflected in a **price** for the **attributes**:

FIG. 3A

USER ID	IP ADDRESS	DOMAIN TYPE	TIME ZONE	LOCATION	SIC	ADS SEEN	ADS CLICKED ON	PAGES ADS SEEN ON	BIRTHDATE	BIRTHDATE SCORE	BIRTHDATE PRICE	GENDER	GENDER SCORE	GENDER PRICE
user16	X	X	X	X	X	X	X	X	M/D/YYYY	8	\$0.05	male	7	\$0.02

Merriman, FIG. 3A (modified)

BIRTHDATE	BIRTHDATE SCORE	BIRTHDATE PRICE	GENDER	GENDER SCORE	GENDER PRICE	LTS	IP	DN	CO	EA	BT	CU	ZC	PDC
M/D/YYYY	8	\$0.05	male	7	\$0.02	X	X	X	X	X	X	user11	X	X

Roth, FIG. 4 (cropped and modified)

For example, as the verifiability increases (i.e., greater verification score), the value and therefore the price of associated attributes increases. Ex. 1002, ¶¶383-388, 398, 588-594, 604; Ex. 1039, ¶¶[0049], [0073].

3. Dependent Claims 9 and 19

Claims 9 and 19 depend from claims 1 and 11, which Grounds A-D teach. *See* §§VIII.A.1-2,VIII.B.1-2,VIII.C.1-2. The Coleman combinations (*see* §VIII.D) further teach Merriman's advertising server 19 or Roth's advertising system 16 maintaining a **source score** associated with **attributes of the received profile information** stored in a **user profile**:

FIG. 3A

USER ID	IP ADDRESS	DOMAIN TYPE	TIME ZONE	LOCATION	SIC	ADS SEEN	ADS CLICKED ON	PAGES ADS SEEN ON	BIRTHDATE	BIRTHDATE SRC SCORE	GENDER	GENDER SRC SCORE
user16	X	X	X	X	X	X	X	X	M/D/YYYY	5	male	3

Merriman, FIG. 3A (modified)

BIRTHDATE	BIRTHDATE SRC SCORE	GENDER	GENDER SRC SCORE	LTS	IP	DN	CO	EA	BT	CU	ZC	PDC
M/D/YYYY	5	male	3	X	X	X	X	X	X	user11	X	X

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Roth, FIG. 4 (cropped and modified)

Further, Merriman's server 19 or Roth's system 16 would have automatically selected certain **attributes** from the **user profile** based on the **source scores** so that reliable information is used to provide improved targeted advertisements. Ex. 1002, ¶¶389-398, 595-604.

E. Grounds I-L: Merriman-Jaye-Herz, Merriman-Minor-Herz, Roth-Jaye-Herz, and Roth-Minor-Herz Render Claims 5, 15, and 25 Obvious

Like the '249 patent, Herz teaches a marketplace for profile information. Ex. 1041, 1-4, 9-10, 14, 31-36, 39-49, 53, 84-85, 95-114, 124-131; Ex. 1040, Abstract, ¶¶[0003], [0052], [0056], [0082]-[0084], [0103]-[0105], [0126], [0876]. Herz's warehouse receives and stores profile information, records who owns/contributed the profile information, and issues payments to the owner when others use the profile information in queries (e.g., for targeted advertising). Ex. 1041, 1-11, 14, 21-24, 26-27, 31-36, 39-49, 53, 60, 66-68, 70-73, 76-79, 84-86, 88-91, 95-122, 124-134, 137; Ex. 1040, ¶¶[0016]-[0017], [0025]-[0026], [0043], [0085], [0098], [0114]-[0118], [0162], [0224], [0228]-[0229], [0232]-[0234], [0238]-[0239], [0269], [0392], [0600], [0778], [0883], [0891]. To issue the payments, Herz's warehouse maintains an electronic record of which owner (different from the party owning or controlling the warehouse) contributed, to the user profile, profile information used in targeting advertisements. Ex. 1002, ¶¶399-402, 605-608.

To the extent claims 5, 15, and 25 require a separate record from the record in [1D]/[11D]/[21D], it would have been obvious to combine each of Grounds A-D with Herz, such that Merriman's advertising server 19 or Roth's advertising system 16 would have automatically and electronically maintained an additional electronic record, as taught by Herz, of which website contributed, to their respective user

profiles (*see* §§VIII.A.1.c,VIII.B.1.c,VIII.C.1.c addressing user profiles), profile attributes used in targeting the advertisements (*see* §§VIII.A.1.f,VIII.B.1.f,VIII.C.1.f addressing advertisements), thereby teaching the claimed “automatically with the computer system electronically maintaining an electronic record of which unaffiliated third party contributed, to the stored profile, the profile attributes used in targeting the advertisements.” Ex. 1002, ¶¶403, 609.

A POSITA would have been motivated to incorporate this record into Merriman’s database 54 or Roth’s database 16B to enable Merriman’s advertising server or Roth’s advertising system to pay websites (like Merriman’s website 12 or Roth’s website 14) for providing profile information that is used for targeted advertising. *Id.*, ¶¶404-405, 610-611; Ex. 1041, 1-4, 66, 71-73, 95-117, 125-131, 133-134; Ex. 1040, ¶¶[0040], [0043], [0847], [0876]. A POSITA would have expected success in adding such record, which would have been straightforward. Ex. 1002, ¶¶406, 612.

F. Grounds M-P: Merriman-Jaye-Gardner, Merriman-Minor-Gardner, Roth-Jaye-Gardner, and Roth-Minor-Gardner Render Claims 6, 9, 16, and 19 Obvious

Gardner teaches a method for maintaining user data in a profile, including determining whether to update a profile with newly received user data (**step 615**). Ex. 1043, 7:36-8:16, FIG. 6. Gardner also teaches maintaining reliability ratings for

the user data and determining if a more reliable source exists ([step 635](#)). *Id.*, 7:48-60, 8:31-46, FIGs. 6, 8A-8B; Ex. 1002, ¶¶407-409, 613-615.

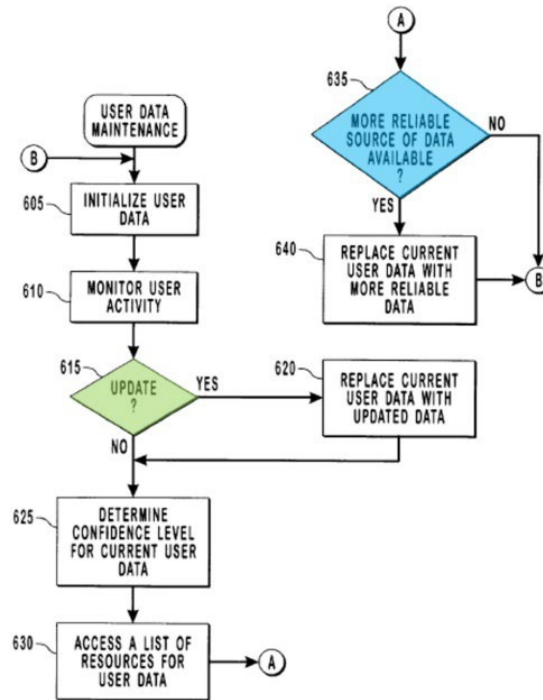


FIG. 6

Gardner, FIG. 6 (annotated)

1. Dependent Claims 6 and 16

Claims 6 and 16 depend from claims 1 and 11, which Grounds A-D teach. *See* §§VIII.A.1-2, VIII.B.1-2, VIII.C.1-2. To the extent Grounds A-D do not teach the basic database management step of claims 6 and 16, Gardner does. Ex. 1002, ¶¶410-415, 425, 616-621, 631. Gardner teaches monitoring a user's online activity to receive user data (like a partial profile) and **determining** whether to update stored user data (like a stored profile) based on the received user data, which includes

determining that a value of the received user data is for a previously undefined information field (and thus not previously contained in the stored user data):

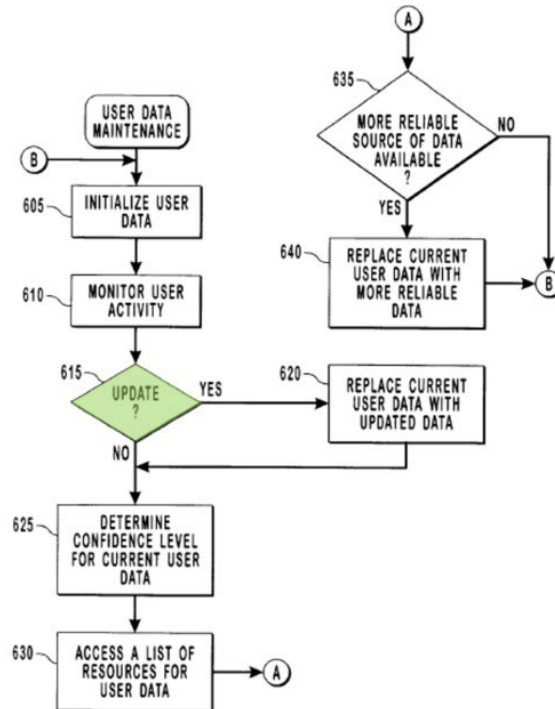


FIG. 6

Gardner, FIG. 6 (annotated)

Id., ¶¶410-411, 616-617; Ex. 1043, 7:66-8:16, FIG. 6.

It would have been obvious to combine each of Grounds A-D with Gardner (particularly Gardner's **step 615**), such that Merriman's advertising server 19 or Roth's advertising system 16 automatically and electronically determines whether received profile information (*see* §§VIII.A.1.b,VIII.B.1.b,VIII.C.1.b addressing claimed "partial profile") contains any attributes about the user (of browsers 16 or 11) that were not previously contained in user profiles in databases 54 or 16B,

respectively (*see* §§VIII.A.1.c,VIII.B.1.c,VIII.C.1.c addressing claimed “stored profile”), thereby teaching claims 6 and 16. Ex. 1002, ¶¶412, 618.

A POSITA would have been motivated to make these combinations to avoid overwriting or duplicating existing profile information, while building a comprehensive user profile that is valuable for determining targeted advertisements. *Id.*, ¶¶413, 619. These combinations also merely use a known technique (Gardner’s technique of, prior to updating, checking whether a value in received user data is for a previously undefined information field) to improve similar devices (Merriman’s database 54 or Roth’s database 16B similar to Gardner’s database on server 5) in the same way step 615 improves Gardner’s method (by avoiding undesirable updates). *Id.*, ¶¶414, 620. And, a POSITA would have expected success given the POSITA’s database management skills. *Id.*, ¶¶415, 621.

2. Dependent Claims 9 and 19

Claims 9 and 19 depend from claims 1 and 11, which Grounds A-D teach. *See* §§VIII.A.1-2,VIII.B.1-2,VIII.C.1-2. To the extent Grounds E-H do not teach claims 9 and 19, Gardner does. Ex. 1002, ¶¶416-425, 622-631. Gardner teaches maintaining, for each field of user data, a reliability rating indicating a relative reliability of the source of that user data. Ex. 1043 7:48-60. This rating is then used to determine if a more reliable source exists (**step 635**):

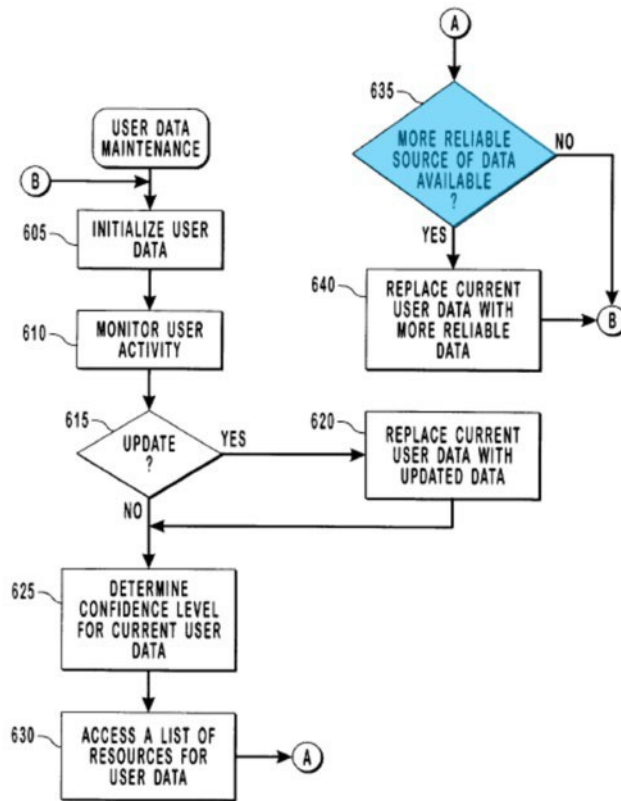


FIG. 6

Gardner, FIG. 6 (annotated)

Ex. 1002, ¶¶416-417, 622-623; Ex. 1043, 8:31-46, FIGs. 6, 8A-8B.

It would have been obvious to combine each of Grounds A-D with Gardner (particularly Gardner's step 635), such that Merriman's server 19 or Roth's system 16 maintains a **source score** (like Gardner's source reliability rating) associated with **attributes of the received profile information** stored in a **user profile** (Merriman's data structure or Roth's CUD and HUD tables):

FIG. 3A

USER ID	IP ADDRESS	DOMAIN TYPE	TIME ZONE	LOCATION	SIC	ADS SEEN	ADS CLICKED ON	PAGES ADS SEEN ON	BIRTHDATE	BIRTHDATE SRC SCORE	GENDER	GENDER SRC SCORE
user16	X	X	X	X	X	X	X	X	M/D/YYYY	5	male	3

Merriman, FIG. 3A (modified)

BIRTHDATE	BIRTHDATE SRC SCORE	GENDER	GENDER SRC SCORE	LTS	IP	DN	CO	EA	BT	CU	ZC	PDC
M/D/YYYY	5	male	3	X	X	X	X	X	X	user11	X	X

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Roth, FIG. 4 (cropped and modified)

Ex. 1002, ¶¶418-419, 624-625.

Further, Merriman's server 19 or Roth's system 16 would have automatically selected certain **attributes** from the **user profile** based on the **source scores** so that accurate/reliable information is used to improve targeted advertisements. *Id.*, ¶¶420, 626. Attributes would have also been selected for updating the user profile as data from more reliable sources becomes available per Gardner. *Id.*; Ex. 1043, 8:37-46.

A POSITA would have been motivated to make these combinations because they improve the accuracy of profile information, which would have increased its value (e.g., to advertisers). Ex. 1002, ¶¶421, 627. These combinations also merely use a known technique (Gardner's technique of maintaining reliability ratings and updating user data when data from more reliable sources becomes available) to improve similar devices (Merriman's database 54 or Roth's database 16B similar to Gardner's database on server 5) in the same way reliability ratings improve the accuracy of Gardner's user data. *Id.*, ¶¶422, 628. Finally, a POSITA would have expected success given the POSITA's database management skills. *Id.*, ¶¶423-425, 629-631.

IX. CONCLUSION

Inter partes review should be instituted and claims 1, 3-11, 13-21, and 23-25 canceled.

X. GROUNDS FOR STANDING & FEE PAYMENT

Petitioner certifies that the '249 patent is available for, and Petitioner is not estopped from requesting, this *inter partes* review. Petitioner is requesting joinder to IPR2024-00416. The bar does not apply. 35 U.S.C. § 315(b).

The undersigned authorizes charging of any required fees to Deposit Account No. 06-1050.

XI. MANDATORY NOTICES UNDER 37 C.F.R § 42.8(a)(1)

A. Real Party-In-Interest Under 37 C.F.R. § 42.8(b)(1)

Petitioner, Viant Technology LLC is the real party-in-interest. Adelphic LLC and Viant US LLC are additional real parties-in-interest.

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

The '249 patent was asserted against Petitioner by AlmondNet, Inc. and Intent IQ, LLC (collectively "AlmondNet") in the United States District Court for the District of Delaware: *AlmondNet, Inc. v. Viant Technology Inc.*, 1-23-cv-00174 (D. Del.).

In addition, the '249 patent or its related patents are the subject of the following pending district court cases:

- *AlmondNet, Inc. v. Freewheel Media, Inc.*, No 1:23-cv-00220-MN (D. Del.) which is currently pending.
- *AlmondNet, Inc. v. Samsung Electronics Co., Ltd.*, 4-22-cv-07515 (N.D. Cal.) (“7515 N.D. Cal. case”), which is currently pending but stayed.
- *AlmondNet, Inc. v. Meta Platforms, Inc.*, 4-23-cv-00438 (N.D. Cal.), which was reassigned to the 7515 N.D. Cal. case.
- *Roku, Inc. v. AlmondNet, Inc.*, 1-21-cv-01035 (D. Del.) (“1035 D. Del. case”), which is currently pending.
- *AlmondNet, Inc. v. Roku, Inc.*, 1-22-cv-01540 (D. Del.) (“1540 D. Del. case”), which was consolidated with the 1035 D. Del. case.
- *AlmondNet, Inc. v. Meta Platforms, Inc. f/k/a Facebook, Inc.*, 6-22-cv-01205 (W.D. Tex.), which was transferred to the 8911 N.D. Cal. case.
- *AlmondNet, Inc. v. Meta Platforms, Inc. f/k/a Facebook, Inc.*, 4-22-cv-08911 (N.D. Cal.) (“8911 N.D. Cal. case”), which was reassigned to the 7515 N.D. Cal. case.
- *AlmondNet, Inc. v. Roku, Inc.*, 6-21-cv-00731 (W.D. Tex.), which is currently pending but stayed.
- *AlmondNet, Inc. v. Samsung Electronics Co., Ltd.*, 6-21-cv-00891

(W.D. Tex.), which was transferred to the 7515 N.D. Cal. case.

- *AlmondNet, Inc. v. Roku, Inc.*, 6-21-cv-00876 (W.D. Tex.), which was transferred to the 1540 D. Del. case which was then consolidated with the 1035 D. Del. case.
- *AlmondNet, Inc. et al v. Lotame Solutions, Inc.*, 1-24-cv-00376 (DDE), which is currently pending

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

- *Yahoo! Inc. v. AlmondNet, Inc.*, CBM2017-00049, challenging claims of the '307 patent, was denied institution because "Petitioner has not met its burden of showing that the '307 patent is eligible for the transitional covered business method patent review program." Ex. 1013, 146.
- *Yahoo! Inc. v. AlmondNet, Inc.*, CBM2017-00050, challenging claims of the '249 patent, was denied institution because "Petitioner has not met its burden of showing that the '249 patent is eligible for the transitional covered business method patent review program." Ex. 1014, 153.
- *Yahoo! Inc. v. AlmondNet, Inc.*, CBM2017-00051, challenging claims of the '904 patent, was denied institution because "Petitioner has not

met its burden of showing that the '904 patent is eligible for the transitional covered business method patent review program.” Ex. 1015, 153.

- *Yahoo! Inc. v. AlmondNet, Inc.*, CBM2017-00052, challenging claims of the '582 patent, was denied institution because “Petitioner has not met its burden of showing that the '582 patent is eligible for the transitional covered business method patent review program.” Ex. 1016, 147.
- *Samsung Electronics Co., Ltd. v. AlmondNet, Inc.*, IPR2022-01260, challenging claims of the '582 patent on different grounds from those presented herein, was denied institution. Ex. 1017.
- *Amazon.com, Inc. v. AlmondNet, Inc.*, IPR2022-01455, challenging claims of the '582 patent on different grounds from those presented herein, was denied institution. Ex. 1018.
- *Meta Platforms, Inc. v. AlmondNet, Inc.*, IPR2022-01436, challenging claims of the '582 patent on grounds included in the grounds presented in the second petition by Petitioner against the '249 patent and in the second petition by Petitioner against the '307 patent, was instituted. Ex. 1019.
- *Freewheel Media, Inc. v. AlmondNet, Inc.*, IPR2024-00416 (PTAB),

filed March 1, 2024

- *Freewheel Media, Inc. v. AlmondNet, Inc.*, IPR2024-00417 (PTAB),
filed March 1, 2024
- *Freewheel Media, Inc. v. AlmondNet, Inc.*, IPR2024-00418 (PTAB),
filed March 1, 2024

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

Petitioner provides the following designation of counsel.

Lead Counsel	Backup counsel
Joshua A. Griswold, Reg. No. 46,310 Fish & Richardson P.C. 60 South Sixth Street, Suite 3200 Minneapolis, MN 55402 Tel: 202-783-5070 Fax: 877-769-7945 Email: IPR56090-0003IP1@fr.com	Karan Jhurani, Reg. No. 71,777 Daniel G. Wheaton, Reg. No. 78,933 Susan E. Morrison, Reg. No. 56,332 Fish & Richardson P.C. 60 South Sixth Street, Suite 3200 Minneapolis, MN 55402 Tel: 202-783-5070 Fax: 877-769-7945 PTABInbound@fr.com

D. Service Information

Please address all correspondence and service to the address listed above.

Petitioner consents to electronic service by email at IPR56090-0003IP1@fr.com
(referencing No. 56090-0003IP1).

Respectfully submitted,

Dated: November 1, 2024

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CERTIFICATION UNDER 37 CFR § 42.24

Under the provisions of 37 CFR § 42.24(d), the undersigned hereby certifies that the word count for the foregoing Petition for *Inter partes* Review totals 13,676 words, which is less than the 14,000 allowed under 37 CFR § 42.24.

Dated: November 1, 2024

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(4)(i) *et seq.* and 42.105(b), the undersigned certifies that on November 1, 2024, a complete and entire copy of this Petition for *Inter partes* Review, Power of Attorney, and all supporting exhibits were provided via Federal Express, to the Patent Owner by serving the correspondence address of record as follows:

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CLAIM LISTING APPENDIX

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

Designation	Claim Language
Claim 1	
[1PRE]	1. An automated method of collecting profiles of Internet- using entities, the method comprising:
[1A]	(a) electronically receiving at a programmed computer system coupled to a global computer network, from at least one server controlled by one of a plurality of unaffiliated third parties, a partial profile of an entity that uses a user computer coupled to the global computer network and accessing a website, which partial profile is available to one of the third parties and contains at least one profile attribute related to the entity;
[1B]	(b) automatically with the computer system electronically storing the received partial profile by adding the received partial profile to an electronically stored profile, which stored profile is believed to be related to the same entity;
[1C]	(c) wherein receiving the partial profile is achieved as a result of automatic electronic URL redirection from a portion of a page of the website accessed by the user computer; and
[1D]	(d) automatically with the computer system generating an electronic record of which of the plurality of unaffiliated third parties contributed to the stored profile particular profile attributes;
[1E]	(e) wherein the stored profile, including the added partial profile, comprises data used in targeting third-party advertisements to the user computer over the global computer network.
Claim 2	

Designation	Claim Language
2	2. The method of claim 1 further comprising, in accordance with a predetermined arrangement, automatically using the electronic record of which of the plurality of unaffiliated third parties contributed to the stored profile particular profile attributes to create electronic data used to identify a payment amount due to the unaffiliated third party as a result of using at least one of the profile attributes in the partial profile contributed by that third party in targeting the third-party advertisements to the entity's computer over the global computer network.
Claim 3	
3	3. The method of claim 1 wherein part (b) comprises the computer system adding the received partial profile to a stored profile believed related to the same entity on account of the received partial profile and the stored profile being related to the same user computer.
Claim 4	
4	4. The method of claim 3 wherein the computer system determines that the received partial profile and the stored profile are related to the same user computer by automatically reading a cookie on the user computer.
Claim 5	
5	5. The method of claim 1 further comprising automatically with the computer system electronically maintaining an electronic record of which unaffiliated third party contributed, to the stored profile, the profile attributes used in targeting the advertisements.
Claim 6	
6	6. The method of claim 1 further comprising automatically with the computer system electronically determining whether the received partial profile contains any profile attributes about the entity that were not previously contained in the stored profile.
Claim 7	
7	7. The method of claim 1 further maintaining with the computer system a credibility rating associated with at least one of the profile attributes of the stored profile.

Designation	Claim Language
Claim 8	
8	8. The method of claim 7 wherein the credibility rating is reflected in a price for the at least one profile attribute.
Claim 9	
9	9. The method of claim 1 further comprising automatically with the computer system selecting profile attributes from the stored profile based on the source thereof.
Claim 10	
10	10. The method of claim 1 further comprising automatically with the computer system electronically reading a cookie previously stored on the entity's computer, as a result of the URL redirection.
Claim 11	
[11PRE]	11. A computer system coupled to a global computer network and programmed to perform an automated method of collecting profiles of Internet-using entities, the computer system having access to a storage device, the method performed by the programmed computer system comprising:
[11A]	(a) electronically receiving at the computer system, from at least one server controlled by one of a plurality of unaffiliated third parties, a partial profile of an entity that uses a user computer coupled to the global computer network and accessing a website, which partial profile is available to one of the third parties and contains at least one profile attribute related to the entity;
[11B]	(b) automatically with the computer system electronically storing in the storage device the received partial profile by adding the received partial profile to a profile electronically stored in the storage device, which stored profile is believed to be related to the same entity;
[11C]	(c) wherein receiving the partial profile is achieved as a result of automatic electronic URL redirection from a portion of a page of the website accessed by the user computer; and

Designation	Claim Language
[11D]	(d) automatically with the computer system generating an electronic record of which of the plurality of unaffiliated third parties contributed to the stored profile particular profile attributes;
[11E]	(e) wherein the stored profile, including the added partial profile, comprises data used in targeting third-party advertisements to the user computer over the global computer network.
Claim 12	
12	12. The computer system of claim 11 wherein the automatic method performed by the programmed computer system further comprises, in accordance with a predetermined arrangement, automatically using the electronic record of which of the plurality of unaffiliated third parties contributed to the stored profile particular profile attributes to create electronic data used to identify a payment amount due to the unaffiliated third party as a result of using at least one of the profile attributes in the partial profile contributed by that third party in targeting the third-party advertisements to the entity's computer over the global computer network.
Claim 13	
13	13. The computer system of claim 11 wherein part (b) comprises the computer system adding the received partial profile to a stored profile believed related to the same entity on account of the received partial profile and the stored profile being related to the same user computer.
Claim 14	
14	14. The computer system of claim 13 wherein the computer system determines that the received partial profile and the stored profile are related to the same user computer by automatically reading a cookie on the user computer.
Claim 15	

Designation	Claim Language
15	15. The computer system of claim 11 wherein the automatic method performed by the programmed computer system further comprises automatically with the computer system electronically maintaining an electronic record of which unaffiliated third party contributed, to the stored profile, the profile attributes used in targeting the advertisements.
Claim 16	
16	16. The computer system of claim 11 wherein the automatic method performed by the programmed computer system further comprises automatically with the computer system electronically determining whether the received partial profile contains any profile attributes about the entity that were not previously contained in the stored profile.
Claim 17	
17	17. The computer system of claim 11 wherein the automatic method performed by the programmed computer system further comprises maintaining with the computer system a credibility rating associated with at least one of the profile attributes of the stored profile.
Claim 18	
18	18. The computer system of claim 17 wherein the credibility rating is reflected in a price for the at least one profile attribute.
Claim 19	
19	19. The computer system of claim 11 wherein the automatic method performed by the programmed computer system further comprises automatically with the computer system selecting profile attributes from the stored profile based on the source thereof.
Claim 20	
20	20. The computer system of claim 11 wherein the automatic method performed by the programmed computer system further comprises automatically with the computer system electronically reading a cookie previously stored on the entity's computer, as a result of the URL redirection.

Designation		Claim Language
Claim 21		
[21PRE]		21. A tangible, non-transitory data storage medium comprising indicia of instructions for a computer system to perform an automated method of collecting profiles of Internet-using entities, wherein the computer system is coupled to a global computer network and has access to a storage device, the method performed according to the instructions comprising:
[21A]		(a) electronically receiving at the computer system, from at least one server controlled by one of a plurality of unaffiliated third parties, a partial profile of an entity that uses a user computer coupled to the global computer network and accessing a website, which partial profile is available to one of the third parties and contains at least one profile attribute related to the entity;
[21B]		(b) automatically with the computer system electronically storing in the storage device the received partial profile by adding the received partial profile to a profile electronically stored in the storage device, which stored profile is believed to be related to the same entity;
[21C]		(c) wherein receiving the partial profile is achieved as a result of automatic electronic URL redirection from a portion of a page of the website accessed by the user computer; and
[21D]		(d) automatically with the computer system generating an electronic record of which of the plurality of unaffiliated third parties contributed to the stored profile particular profile attributes;
[21E]		(e) wherein the stored profile, including the added partial profile, comprises data used in targeting third-party advertisements to the user computer over the global computer network.
Claim 22		

Designation	Claim Language
22	22. The data storage medium of claim 21 wherein the automatic method performed according to the instructions further comprises, in accordance with a predetermined arrangement, automatically using the electronic record of which of the plurality of unaffiliated third parties contributed to the stored profile particular profile attributes to create electronic data used to identify a payment amount due to the unaffiliated third party as a result of using at least one of the profile attributes in the partial profile contributed by that third party in targeting the third-party advertisements to the entity's computer over the global computer network.
Claim 23	
23	23. The data storage medium of claim 21 wherein part (b) comprises the computer system adding the received partial profile to a stored profile believed related to the same entity on account of the received partial profile and the stored profile being related to the same user computer.
Claim 24	
24	24. The data storage medium of claim 23 wherein instructions cause the computer system to determine that the received partial profile and the stored profile are related to the same user computer by automatically reading a cookie on the user computer.
Claim 25	
25	25. The data storage medium of claim 21 wherein the automatic method performed according to the instructions further comprises automatically with the computer system electronically maintaining an electronic record of which unaffiliated third party contributed, to the stored profile, the profile attributes used in targeting the advertisements.