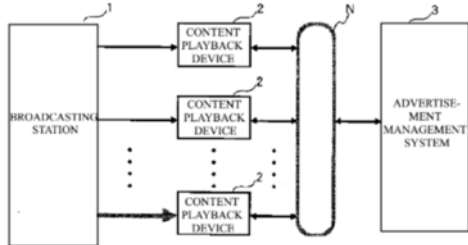


Ex. 391-C –Invalidity of U.S. Patent No. 8,677,391 in view of Hisamune¹

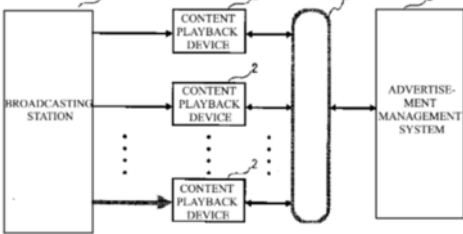
JP2003158721 (“Hisamune”), is prior art to U.S. Patent No. 8,677,391 (“the ’391 patent”) under at least 35 U.S.C. §§102(a), (b), (e) (pre-AIA). Hisamune was filed on November 19, 2001 and published on May 30, 2003.

Amazon’s invalidity contentions are based in part on Giken’s infringement contentions, to the extent Amazon can understand them, because that which infringes, if later, anticipates, if earlier. Amazon offers these contentions without prejudice to any position it may later take as to any claim construction issue. To the extent these contentions reflect claim interpretations implicit in Giken’s infringement contentions, no inference is intended, nor should any be drawn, that Amazon agrees with any claim interpretation implied by Giken’s infringement contentions, and Amazon reserves the right to contest such claim interpretations. Where Amazon cites to a particular figure, the citation encompasses the description of that figure; similarly, where Amazon cites to text describing a figure, the citation encompasses that figure as well.

Claim Limitation	Exemplary Disclosure in the Prior Art
1[pre]. A moving image data delivery system capable of being in communication with a plurality of moving image viewing apparatuses and an advertising image data delivery system comprising:	To the extent the preamble is limiting, Hisamune expressly or inherently discloses “[a] moving image data delivery system capable of being in communication with a plurality of moving image viewing apparatuses and an advertising image data delivery system.” For example: “FIG. 1 is a diagram showing an overall configuration of a service system to which the present invention is applied. This service system includes a plurality of content playback devices 2 that receive digital content (advertisement content (hereinafter abbreviated as ‘advertisements’) and digital program content (hereinafter abbreviated as ‘programs’)) broadcast from a broadcasting station 1, and an advertisement management system 3 that performs two-way communication with each content playback device 2 via a network N. The content playback device 2 is a storage-type content playback device that can store programs and advertisements by recording, and a viewing device 5 such as a TV is connected thereto. Note that, although not shown in the drawings, a plurality of advertiser terminals (information processing terminals operated by advertisers who request advertisements) are connected to the advertisement management system 3.” Hisamune at [0020].  <pre>graph LR B1[BROADCASTING STATION 1] --> C2[CONTENT PLAYBACK DEVICE 2] B1 --> C2_2[CONTENT PLAYBACK DEVICE 2] B1 --> C2_3[CONTENT PLAYBACK DEVICE 2] C2 <--> N((NETWORK N)) C2_2 <--> N C2_3 <--> N N <--> A3[ADVERTISE-MENT MANAGEMENT SYSTEM 3]</pre>

¹ This chart also applies to Hisamune combined with the knowledge of a POSITA and combined with the other references cited in this chart.

Claim Limitation	Exemplary Disclosure in the Prior Art
	Hisamune at Fig. 1. To the extent that Hisamune does not disclose any elements of this claim limitation, it would have been obvious to a person having ordinary skill in the art to combine, with the teachings of Ray, Massive, SWAT 4, LOR and/or Nolan, those elements, as known to them or as disclosed by other prior art identified in the cover pleading or herein, and/or in combination with the general knowledge of a person having ordinary skill in the art.
[1a] a storage of a plurality of digital moving image data of television programs to be viewed by the moving image viewing apparatuses;	Hisamune expressly or inherently discloses “a storage of a plurality of digital moving image data of television programs to be viewed by the moving image viewing apparatuses.” For example: “The broadcasting station 1 distributes programs and advertisements serving as its own content to the content playback devices 2 simultaneously.” Hisamune at [0021]. “A program may be constituted by only a main program, or may be constituted by a combination of a program and an advertisement. Even if a program and an advertisement are combined, the two can be separated and played back independently of each other. Some advertisements contain or link to detailed information. The detailed information includes internet homepage information, information accompanying program operations (e.g., advertisement-related information prepared hierarchically, and advertisement-related information in the form of audio and video provided by performing two-way communication), and the like.” Hisamune at [0021]. “The programs and the advertisements are each constituted by a content body and metadata. Each piece of metadata has a structure according to which a relationship with other content and an exposure mode thereof can be specified. For example, the program metadata is a program ID for identifying a program, a program name, a distributor ID for identifying a distributor, a program genre, an advertisement insertion timing, and other attribute information. The advertisement metadata includes an A-ID for identifying the advertisement, a content name, and other attribute information.” Hisamune at [0024]. “The broadcasting station 1 accepts advertisement exposure requests from advertisers, assigns a unique A-ID to each accepted advertisement, packages the result together with a program, and distributes (broadcasts) this simultaneously according to the programming information generated by the broadcasting station 1.” Hisamune at [0045].

Claim Limitation	Exemplary Disclosure in the Prior Art
	 Hisamune at Fig. 1. To the extent that Hisamune does not disclose any elements of this claim limitation, it would have been obvious to a person having ordinary skill in the art to combine, with the teachings of Ray, Massive, SWAT 4, LOR and/or Nolan, those elements, as known to them or as disclosed by other prior art identified in the cover pleading or herein, and/or in combination with the general knowledge of a person having ordinary skill in the art.
[1bi] a first controller adapted to electrically provide one of the digital moving image data of television programs to one of the moving image viewing apparatuses for allowing to display the television program in exchange of a presentation of an electric data denoting a right of viewing the television program,	Hisamune expressly or inherently discloses “a first controller adapted to electrically provide one of the digital moving image data of television programs to one of the moving image viewing apparatuses for allowing to display the television program in exchange of a presentation of an electric data denoting a right of viewing the television program.” For example: “Regarding an advertisement, an incentive corresponding to the content of the viewer’s contact behavior with respect to the advertisement, such as contact behavior points of a predetermined value, are given by the advertiser or the operator of the advertisement management system 3. For example, if an advertisement is skipped, it can be viewed later, but if it is left unviewed, the value of the contact behavior points decreases.” Hisamune at [0022]. “The viewing history storage unit 273 stores a history of contact behavior by the viewer with respect to advertisements.” Hisamune at [0027]. “(3) Point Earning Method: Displays a screen explaining how to earn contact behavior points. When a program is played back, a comment is displayed explaining which advertisement will be displayed and what kind of contact behavior points will be gained as a result. (4) Point Checking: A screen is displayed informing the viewers that he or she can check the cumulative number of contact behavior points that he or she has earned so far and that he or she can exchange some or all of those contact behavior points for a reward. When this title is selected, the content playback device 2

Claim Limitation	Exemplary Disclosure in the Prior Art
	connects to the advertisement management system 3 and acquires the cumulative value of the contact behavior points of that viewer. At this time, a message indicating, for example, how many more points the viewer needs to collect to receive a reward or the like is also displayed. If a cumulative value that can be exchanged for a reward has been reached, exchange of that value for a reward is accepted.” Hisamune at [0028]. “(5) Reward List: Displays rewards for which contact behavior points can be exchanged.” Hisamune at [0028]. “The point determination function is a function that determines the value of contact behavior points to be given to a viewer for coming into contact with an advertisement, in accordance with the contact behavior detected by the contact behavior detection function. The value of the contact behavior points varies depending on the type of advertisement or the mode of exposure thereof. The relationship between the value of the contact behavior points and each contact behavior is set in a master table received from the advertisement management system 3. During actual operation, points are determined based on a point determination instruction that is output each time a contact behavior is detected by the contact behavior detection function. The point determination instruction includes the A-ID of the advertisement and the viewer’s contact behavior.” Hisamune at [0035]. “The point management function is a function for storing contact behavior points for each viewer in a point file, reading them out, and deleting them. In addition, a master table in which points for each contact behavior are defined is generated, and this is sent to each content playback device 2 via the communication mechanism 33. The point totaling function is a function for totaling up the contact behavior points of each viewer. The totaling is performed, for example, for each advertiser. This makes it possible to report monthly total results to viewers and to report information indicating advertisement effectiveness to advertisers.” Hisamune at [0042]. “Next, the handling of contact behavior points will be described. In the content playback device 2, the history of contact behavior detected by the contact behavior detection function is sequentially stored in the viewing history storage unit 273 or the unviewed history storage unit 274. Then, based on these histories, the point determination function determines contact behavior points, which are then stored in the point storage unit 275. Viewing an advertisement in a real-time viewing environment is also one of the contact behaviors, and a point determination function is started up after the start and end of viewing to specify the viewed advertisement based on the programming information and determine contact behavior points of a predetermined value for the advertisement.” Hisamune at [0056].

Claim Limitation	Exemplary Disclosure in the Prior Art
	“In the storage viewing environment, the viewer’s active contact behavior with respect to advertisements is detected and stored in the viewing history storage unit 273. Then, the point determination function is periodically started up, and by referring to the point table 276, the histories are converted into points, which are successively stored in the point storage unit 275. Examples of active contact behavior range from the ‘operation behavior’ level, such as reserving a program, viewing an advertisement later (including ‘adding to favorites’), actually viewing after reserving, viewing an advertisement at the beginning of a program, or viewing an advertisement at the end of a program, to the ‘information acquisition’ level, such as the viewer viewing detailed information about an advertisement by operating the operation mechanism 25 or viewing the advertiser’s homepage, and to a level requiring ‘active behavior’, such as answering a questionnaire from the advertiser or registering as a member of the advertiser. Such contact behavior points are divided into fixed reference points, such as an incentive for operating the content playback device 2 so that an advertisement can be viewed, an incentive for the method of advertisement exposure, or adjustment points that increase or decrease depending on the mode in which contact with the advertisement was about to be performed or was actually performed.” Hisamune at [0057]. “• If ‘Watch Later’ or ‘Add to Favorites’ is specified, it is presumed that the viewer is aware of the advertisement, and therefore the reference points are set to Y and Z values, which are higher than the X value. • If ‘Add to Favorites’ is selected and the advertisement is later viewed three times, adjustment points are added to make the value a 3Z value. If the ‘Add to Favorites’ is deleted at some point, the adjustment points for the z value (or Z value) are subtracted. • When advertisements are viewed together at the beginning of a program, when advertisements are played simultaneously with the program, or when the program and advertisements are played alternately, the intention to watch advertisements can be understood. Therefore, adjustment points are determined such that the value thereof is obtained by multiplying the reference points by certain coefficients a, b, and c (e.g., when ‘Add to Favorites’ is performed and the advertisements are viewed together at the beginning of a program, the adjustment points are set to a +aZ value). • If interactive advertisement is used, if detailed information is referred to, or if a questionnaire is answered, it is assumed that the user has an extremely high level of awareness of advertisements, and therefore adjustment points of a predetermined value are added to the reference points whose value is determined as described above (set to a positive value and added to the reference points). For interactive advertisements and detailed information, the time spent viewing them can also be an additional factor.

Claim Limitation	Exemplary Disclosure in the Prior Art
	• As for skipping an advertisement, since it is estimated that awareness of advertisements is low, adjustment points are subtracted (set to negative and added to the reference points). • If an advertisement is viewed after making a reservation, the value of the points will remain as is, but if the advertisement is not viewed after a certain period of time has elapsed, the added or adjusted adjustment points will be subtracted. • Even if an advertisement is actually viewed, adjustment points are subtracted according to the time that has elapsed since the reservation.” Hisamune at [0058]. “The contact behavior points stored in the point storage unit 275 can be displayed on the viewing screen 50 in response to a request from a viewer. Also, a point exchange screen can be prepared on the viewing screen 50, and a list of rewards, the number of points required to obtain each reward, and the validity period during which the reward can be received can be displayed. Rewards include free viewing of paid programs, as described below, and watching 30 minutes of a program without advertisements. It is also possible to perform operation so as to display a message indicating that the number of points are insufficient to obtain a reward. When exchanged for a reward, the contact behavior points in the point storage unit 275 are subtracted, and the remaining number (value after subtraction) is displayed.” Hisamune at [0059]. “One of the rewards can be free viewing of a paid program. In this case, the paid program is downloaded to the content playback device 2, and the stored viewing behavior points are exchanged to view the program. The content playback device 2 makes a request to the advertisement management system 3 to view a paid program. In the advertisement management system 3, the gateway unit 34 makes a key request to the target program site, acquires key information for viewing the program on behalf of the content playback device 2, and transfers the acquired key information to the content playback device 2. The content playback device 2 uses the received key information to play back the paid program.” Hisamune at [0060]. “In this manner, in this embodiment, a plurality of types of contact environments for advertisement content are formed on the content playback device 2, and contact behavior by the viewer with respect to the advertisement is detected. The history of the detected contact behavior is stored in the viewing history storage unit 273 and the unviewed history storage unit 274. Based on this history, the viewer is given contact behavior points according to the type of contact behavior. Therefore, the viewer can be given motivation to come into contact with the advertisement, and the advertiser has the benefit of being able to accurately keep track of the effectiveness of advertisement exposure by analyzing this history. In particular, by providing an opportunity for the advertisement management system 3 to accept advertisement exposure separately from the broadcasting station 1, it is possible to provide an opportunity for advertisers with relatively low capital who

Claim Limitation	Exemplary Disclosure in the Prior Art
	cannot request advertisement exposure from the broadcasting station 1 to use advertisements.” Hisamune at [0062]. “The content playback device 2 allows the viewer to view multiple advertisements before or after a program at his or her own will, and therefore the viewer can take advantage of the benefit of viewing a program free of charge while avoiding a situation where advertisements are exposed when viewing the program.” Hisamune at [0063]. To the extent that Hisamune does not disclose any elements of this claim limitation, it would have been obvious to a person having ordinary skill in the art to combine, with the teachings of Ray, Massive, SWAT 4, LOR and/or Nolan, those elements, as known to them or as disclosed by other prior art identified in the cover pleading or herein, and/or in combination with the general knowledge of a person having ordinary skill in the art.
[1bii] the electric data having been issued to the moving image viewing apparatus, without intermediary of the moving image data delivery system, by the advertising image data delivery system in exchange of a commercial message view by the moving image viewing apparatus, provided by the advertising image data delivery system,	Hisamune expressly or inherently discloses “the electric data having been issued to the moving image viewing apparatus, without intermediary of the moving image data delivery system, by the advertising image data delivery system in exchange of a commercial message view by the moving image viewing apparatus, provided by the advertising image data delivery system.” For example: “FIG. 1 is a diagram showing an overall configuration of a service system to which the present invention is applied. This service system includes a plurality of content playback devices 2 that receive digital content (advertisement content (hereinafter abbreviated as ‘advertisements’) and digital program content (hereinafter abbreviated as ‘programs’)) broadcast from a broadcasting station 1, and an advertisement management system 3 that performs two-way communication with each content playback device 2 via a network N. The content playback device 2 is a storage-type content playback device that can store programs and advertisements by recording, and a viewing device 5 such as a TV is connected thereto. Note that, although not shown in the drawings, a plurality of advertiser terminals (information processing terminals operated by advertisers who request advertisements) are connected to the advertisement management system 3.” Hisamune at [0020]. “A program may be constituted by only a main program, or may be constituted by a combination of a program and an advertisement. Even if a program and an advertisement are combined, the two can be separated and played back independently of each other. Some advertisements contain or link to detailed information. The detailed information includes internet homepage information, information accompanying program operations (e.g., advertisement-related information prepared hierarchically, and advertisement-

Claim Limitation	Exemplary Disclosure in the Prior Art
	related information in the form of audio and video provided by performing two-way communication), and the like.” Hisamune at [0021]. “Regarding an advertisement, an incentive corresponding to the content of the viewer’s contact behavior with respect to the advertisement, such as contact behavior points of a predetermined value, are given by the advertiser or the operator of the advertisement management system 3. For example, if an advertisement is skipped, it can be viewed later, but if it is left unviewed, the value of the contact behavior points decreases.” Hisamune at [0022]. “The advertisement management system 3 accepts an advertisement exposure request from an advertiser via a route different from that of the broadcasting station 1, and distributes the accepted advertisements to the content playback devices 2. That is, advertisements possessed by the advertisement management system 3 are distributed to the content playback devices 2 as content that is to be played back independently of that from the broadcasting station 1. Note that in the configuration illustrated in FIG. 1, the broadcasting station 1 distributes content to the content playback devices 2 simultaneously using a wireless transmission path or the like, and the advertisement management system 3 distributes content to the content playback devices 2 via its own route. However, it is also possible to use a configuration in which only content distribution from the advertisement management system 3 to the content playback devices 2 is entrusted to the broadcasting station 1.” Hisamune at [0023]. “[T]he content playback device 2 includes a content reception mechanism 21 for receiving content (programs/advertisements) sent from the broadcasting station 1 and the advertisement management system 3.” Hisamune at [0025]. “The viewing history storage unit 273 stores a history of contact behavior by the viewer with respect to advertisements.” Hisamune at [0027]. “ Advertisement Search: Displays a search screen for displaying only pre-stored advertisements independent of programs, and a list of searchable advertisements.” Hisamune at [0028]. “(3) Point Earning Method: Displays a screen explaining how to earn contact behavior points. When a program is played back, a comment is displayed explaining which advertisement will be displayed and what kind of contact behavior points will be gained as a result. (4) Point Checking: A screen is displayed informing the viewers that he or she can check the cumulative number of contact behavior points that he or she has earned so far and that he or she can exchange some or all of those contact behavior points for a reward. When this title is selected, the content playback device 2

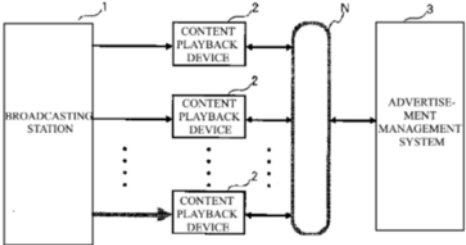
Claim Limitation	Exemplary Disclosure in the Prior Art
	connects to the advertisement management system 3 and acquires the cumulative value of the contact behavior points of that viewer. At this time, a message indicating, for example, how many more points the viewer needs to collect to receive a reward or the like is also displayed. If a cumulative value that can be exchanged for a reward has been reached, exchange of that value for a reward is accepted.” Hisamune at [0028]. “(5) Reward List: Displays rewards for which contact behavior points can be exchanged.” Hisamune at [0028]. “The contact behavior detection function is a function for detecting contact behavior by a viewer with respect to an advertisement. Examples of the contact behavior include reserving a program, viewing an advertisement (which advertisement exposure mode the advertisement was viewed in, and whether the advertisement was viewed with or without a reservation are also issues), skipping an advertisement, reserving the advertisement to watch again later, viewing an advertisement alone, acquiring detailed information (a plurality of behaviors such as clicking on a corresponding homepage), and the like.” Hisamune at [0033]. “The point determination function is a function that determines the value of contact behavior points to be given to a viewer for coming into contact with an advertisement, in accordance with the contact behavior detected by the contact behavior detection function. The value of the contact behavior points varies depending on the type of advertisement or the mode of exposure thereof. The relationship between the value of the contact behavior points and each contact behavior is set in a master table received from the advertisement management system 3. During actual operation, points are determined based on a point determination instruction that is output each time a contact behavior is detected by the contact behavior detection function. The point determination instruction includes the A-ID of the advertisement and the viewer’s contact behavior.” Hisamune at [0035]. “FIG. 4 is a diagram showing the hardware configuration of the advertisement management system 3. The advertisement management system 3 is a server system that includes a plurality of content playback devices 2 and advertiser terminals as communication partners, and includes: a content reception mechanism 31 for receiving advertisements requested by the advertiser terminals, a content transmission mechanism 32 for transmitting advertisements and the like to the content playback devices 2, a communication mechanism 33 for performing two-way communication between the advertiser terminals and the content playback devices 2, a gateway unit 34 for transmitting and receiving key information for descrambling scrambled content and paid programs, for example, to and from a paid program site, a CPU board 35 equipped with a CPU and

Claim Limitation	Exemplary Disclosure in the Prior Art
	memory for information processing, an HDD 36 for storing computer programs, content, and other data, and an interface mechanism 37 for organically connecting these mechanisms and the like.” Hisamune at [0036]. “The CPU board 35 forms various functions relating to advertisement management by loading and executing computer programs recorded in the HDD 36. In this embodiment, as shown in the functional configuration diagram of FIG. 5, a viewer-related information database (hereinafter, database will be referred to as ‘DB’) 361, an advertiser-related information DB 362, an advertisement DB 363, and a site DB 364 are formed within the HDD 36, and functional blocks of a main control unit 351 having an advertisement acceptance function, an advertisement editing function, an advertisement distribution function, an advertiser information management function, a viewer information management function, a point management function, a point totaling function, a programming information generation function, and a viewing statistics analysis function are formed within the CPU board 35. The viewer-related information DB 361 stores the address of the content playback device 2 owned by the viewer, a viewing history file, an unviewed history file, and a point file as links in a personal information file of the viewer registered in advance. The address of the content playback device 2 is used when performing two-way data communication and advertisement distribution. The viewing history file and the unviewed history file store the viewing history and the unviewed history sent from the content playback device 2. The cumulative value of contact behavior points acquired by the viewer is recorded in the point file. The advertiser-related information DB 362 stores information on the advertiser who has requested exposure of an advertisement, such as the advertiser’s address, contact information, and the address of the advertiser terminal. The site DB 364 stores addresses of sites that possess paid program content and sites that are accessed when providing an on-demand viewing environment to the content playback device 2.” Hisamune at [0037]. “The point management function is a function for storing contact behavior points for each viewer in a point file, reading them out, and deleting them. In addition, a master table in which points for each contact behavior are defined is generated, and this is sent to each content playback device 2 via the communication mechanism 33. The point totaling function is a function for totaling up the contact behavior points of each viewer. The totaling is performed, for example, for each advertiser. This makes it possible to report monthly total results to viewers and to report information indicating advertisement effectiveness to advertisers.” Hisamune at [0042]. “The broadcasting station 1 accepts advertisement exposure requests from advertisers, assigns a unique A-ID to each accepted advertisement, packages the result together with a program, and distributes (broadcasts) this

Claim Limitation	Exemplary Disclosure in the Prior Art
	simultaneously according to the programming information generated by the broadcasting station 1.” Hisamune at [0045]. “The advertisement management system 3 also accepts an advertisement exposure request from an advertiser terminal, assigns a unique A-ID to the accepted advertisement, and distributes the result to each content playback device 2.” Hisamune at [0045]. “As described above, in this type of viewing mode, the viewer can skip advertisements, view advertisements before the program, view them after the program, reserve viewing at the next timing, or the like. It will also be possible to have interactive advertising, which allows two-way information exchange with the viewer when the advertisement is exposed. Since the program and the advertisement are present in the content playback device 2 at the same time, any of the above-mentioned plurality of advertisement exposure methods can be selected.” Hisamune at [0047]. “Next, the handling of contact behavior points will be described. In the content playback device 2, the history of contact behavior detected by the contact behavior detection function is sequentially stored in the viewing history storage unit 273 or the unviewed history storage unit 274. Then, based on these histories, the point determination function determines contact behavior points, which are then stored in the point storage unit 275. Viewing an advertisement in a real-time viewing environment is also one of the contact behaviors, and a point determination function is started up after the start and end of viewing to specify the viewed advertisement based on the programming information and determine contact behavior points of a predetermined value for the advertisement.” Hisamune at [0056]. “In the storage viewing environment, the viewer’s active contact behavior with respect to advertisements is detected and stored in the viewing history storage unit 273. Then, the point determination function is periodically started up, and by referring to the point table 276, the histories are converted into points, which are successively stored in the point storage unit 275. Examples of active contact behavior range from the ‘operation behavior’ level, such as reserving a program, viewing an advertisement later (including ‘adding to favorites’), actually viewing after reserving, viewing an advertisement at the beginning of a program, or viewing an advertisement at the end of a program, to the ‘information acquisition’ level, such as the viewer viewing detailed information about an advertisement by operating the operation mechanism 25 or viewing the advertiser’s homepage, and to a level requiring ‘active behavior’, such as answering a questionnaire from the advertiser or registering as a member of the advertiser. Such contact behavior points are divided into fixed reference points, such as an incentive for operating the content playback device 2 so that an advertisement can be viewed, an incentive for the method of advertisement exposure, or adjustment points that increase or

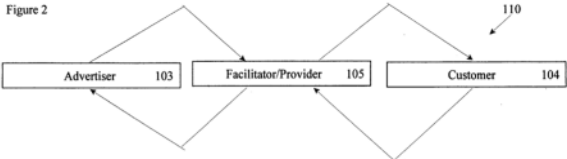
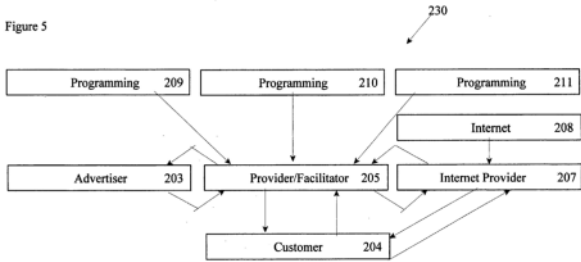
Claim Limitation	Exemplary Disclosure in the Prior Art
	decrease depending on the mode in which contact with the advertisement was about to be performed or was actually performed.” Hisamune at [0057]. “• If ‘Watch Later’ or ‘Add to Favorites’ is specified, it is presumed that the viewer is aware of the advertisement, and therefore the reference points are set to Y and Z values, which are higher than the X value. • If ‘Add to Favorites’ is selected and the advertisement is later viewed three times, adjustment points are added to make the value a 3Z value. If the ‘Add to Favorites’ is deleted at some point, the adjustment points for the z value (or Z value) are subtracted. • When advertisements are viewed together at the beginning of a program, when advertisements are played simultaneously with the program, or when the program and advertisements are played alternately, the intention to watch advertisements can be understood. Therefore, adjustment points are determined such that the value thereof is obtained by multiplying the reference points by certain coefficients a, b, and c (e.g., when ‘Add to Favorites’ is performed and the advertisements are viewed together at the beginning of a program, the adjustment points are set to a +aZ value). • If interactive advertisement is used, if detailed information is referred to, or if a questionnaire is answered, it is assumed that the user has an extremely high level of awareness of advertisements, and therefore adjustment points of a predetermined value are added to the reference points whose value is determined as described above (set to a positive value and added to the reference points). For interactive advertisements and detailed information, the time spent viewing them can also be an additional factor. • As for skipping an advertisement, since it is estimated that awareness of advertisements is low, adjustment points are subtracted (set to negative and added to the reference points). • If an advertisement is viewed after making a reservation, the value of the points will remain as is, but if the advertisement is not viewed after a certain period of time has elapsed, the added or adjusted adjustment points will be subtracted. • Even if an advertisement is actually viewed, adjustment points are subtracted according to the time that has elapsed since the reservation.” Hisamune at [0058]. “The contact behavior points stored in the point storage unit 275 can be displayed on the viewing screen 50 in response to a request from a viewer. Also, a point exchange screen can be prepared on the viewing screen 50, and a list of rewards, the number of points required to obtain each reward, and the validity period during which the reward can be received can be displayed. Rewards include free viewing of paid programs, as

Claim Limitation	Exemplary Disclosure in the Prior Art
	described below, and watching 30 minutes of a program without advertisements. It is also possible to perform operation so as to display a message indicating that the number of points are insufficient to obtain a reward. When exchanged for a reward, the contact behavior points in the point storage unit 275 are subtracted, and the remaining number (value after subtraction) is displayed.” Hisamune at [0059]. “One of the rewards can be free viewing of a paid program. In this case, the paid program is downloaded to the content playback device 2, and the stored viewing behavior points are exchanged to view the program. The content playback device 2 makes a request to the advertisement management system 3 to view a paid program. In the advertisement management system 3, the gateway unit 34 makes a key request to the target program site, acquires key information for viewing the program on behalf of the content playback device 2, and transfers the acquired key information to the content playback device 2. The content playback device 2 uses the received key information to play back the paid program.” Hisamune at [0060]. “In this manner, in this embodiment, a plurality of types of contact environments for advertisement content are formed on the content playback device 2, and contact behavior by the viewer with respect to the advertisement is detected. The history of the detected contact behavior is stored in the viewing history storage unit 273 and the unviewed history storage unit 274. Based on this history, the viewer is given contact behavior points according to the type of contact behavior. Therefore, the viewer can be given motivation to come into contact with the advertisement, and the advertiser has the benefit of being able to accurately keep track of the effectiveness of advertisement exposure by analyzing this history. In particular, by providing an opportunity for the advertisement management system 3 to accept advertisement exposure separately from the broadcasting station 1, it is possible to provide an opportunity for advertisers with relatively low capital who cannot request advertisement exposure from the broadcasting station 1 to use advertisements.” Hisamune at [0062]. “The content playback device 2 allows the viewer to view multiple advertisements before or after a program at his or her own will, and therefore the viewer can take advantage of the benefit of viewing a program free of charge while avoiding a situation where advertisements are exposed when viewing the program.” Hisamune at [0063]. “Note that in this embodiment, an example was described in which a point determination function, which is an example of an incentive output mechanism, is provided on the content playback device 2 side. However, this incentive output mechanism may be provided not in the content playback device 2 but in the advertisement management system 3 or a third-party management organization system connected to each content playback device 2. The third-party management organization system is an information processing

Claim Limitation	Exemplary Disclosure in the Prior Art
	system provided in a third-party organization other than the entity operating the advertisement management system 3, and is provided to ensure fairness of point management. In such a case, the content playback device 2 only stores the contact behavior history (viewing history/unviewed history), and periodically sends this history data as incentive data to the advertisement management system 3 or a third-party management organization system, which then determines the incentive (contact behavior points in this embodiment). This eliminates the need for the advertisement management system 3 to distribute a master table for determining the value of the contact behavior points to each content playback device 2, and operation can be simplified.” Hisamune at [0064].  Hisamune at Fig. 1. To the extent that Hisamune does not disclose any elements of this claim limitation, it would have been obvious to a person having ordinary skill in the art to combine, with the teachings of Ray, Massive, SWAT 4, LOR and/or Nolan, those elements, as known to them or as disclosed by other prior art identified in the cover pleading or herein, and/or in combination with the general knowledge of a person having ordinary skill in the art.
[1biii] wherein no electric payment is made to the moving image data delivery system when the advertising image data delivery system issues the electric data to the moving image viewing apparatus in exchange of viewing commercial message; and	Hisamune expressly or inherently discloses “wherein no electric payment is made to the moving image data delivery system when the advertising image data delivery system issues the electric data to the moving image viewing apparatus in exchange of viewing commercial message.” For example: “Next, the handling of contact behavior points will be described. In the content playback device 2, the history of contact behavior detected by the contact behavior detection function is sequentially stored in the viewing history storage unit 273 or the unviewed history storage unit 274. Then, based on these histories, the point determination function determines contact behavior points, which are then stored in the point storage unit 275. Viewing an advertisement in a real-time viewing environment is also one of the contact behaviors, and a point determination function is started up after the start and end of viewing to specify the viewed

Claim Limitation	Exemplary Disclosure in the Prior Art
	advertisement based on the programming information and determine contact behavior points of a predetermined value for the advertisement.” Hisamune at [0056]. “In the storage viewing environment, the viewer’s active contact behavior with respect to advertisements is detected and stored in the viewing history storage unit 273. Then, the point determination function is periodically started up, and by referring to the point table 276, the histories are converted into points, which are successively stored in the point storage unit 275. Examples of active contact behavior range from the ‘operation behavior’ level, such as reserving a program, viewing an advertisement later (including ‘adding to favorites’), actually viewing after reserving, viewing an advertisement at the beginning of a program, or viewing an advertisement at the end of a program, to the ‘information acquisition’ level, such as the viewer viewing detailed information about an advertisement by operating the operation mechanism 25 or viewing the advertiser’s homepage, and to a level requiring ‘active behavior’, such as answering a questionnaire from the advertiser or registering as a member of the advertiser. Such contact behavior points are divided into fixed reference points, such as an incentive for operating the content playback device 2 so that an advertisement can be viewed, an incentive for the method of advertisement exposure, or adjustment points that increase or decrease depending on the mode in which contact with the advertisement was about to be performed or was actually performed.” Hisamune at [0057]. “The contact behavior points stored in the point storage unit 275 can be displayed on the viewing screen 50 in response to a request from a viewer. Also, a point exchange screen can be prepared on the viewing screen 50, and a list of rewards, the number of points required to obtain each reward, and the validity period during which the reward can be received can be displayed. Rewards include free viewing of paid programs, as described below, and watching 30 minutes of a program without advertisements. It is also possible to perform operation so as to display a message indicating that the number of points are insufficient to obtain a reward. When exchanged for a reward, the contact behavior points in the point storage unit 275 are subtracted, and the remaining number (value after subtraction) is displayed.” Hisamune at [0059]. To the extent that Hisamune does not disclose any elements of this claim limitation, it would have been obvious to a person having ordinary skill in the art to combine, with the teachings of Ray, Massive, SWAT 4, LOR and/or Nolan, those elements, as known to them or as disclosed by other prior art identified in the cover pleading or herein, and/or in combination with the general knowledge of a person having ordinary skill in the art.
[1c] a second controller adapted to receive an electric payment from	Hisamune expressly or inherently discloses “a second controller adapted to receive an electric payment from the advertising image data delivery system in exchange of a presentation of a report from the moving image

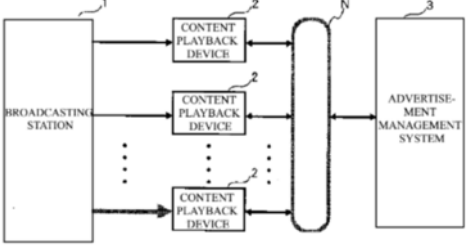
Claim Limitation	Exemplary Disclosure in the Prior Art
the advertising image data delivery system in exchange of a presentation of a report from the moving image data delivery system to the advertising image data delivery system, the report indicating that the moving image data delivery system is presented with the electric data.	data delivery system to the advertising image data delivery system, the report indicating that the moving image data delivery system is presented with the electric data.” For example: ‘The viewing statistics analysis function periodically loads the viewing history recorded in the viewer-related information DB 361, analyzes, for each viewer, ‘when’ and in ‘what program’ the viewer ‘selected to watch’ ‘what advertisement’ ‘in what exposure mode’, and ‘how many’ contact behavior points the viewer earned as a result of ‘actually viewing or skipping’ the advertisement, compiles statistics, and analyzes the viewing history or statistical information with a publicly-known inference engine to infer the preferences of the viewer. The viewing statistics analysis function also has a function that reports various analysis results to viewers and advertisers.” Hisamune at [0043]. To the extent that Hisamune does not disclose any elements of this claim limitation, it would have been obvious to a person having ordinary skill in the art to combine, with the teachings of Ray, Massive, SWAT 4, LOR and/or Nolan, those elements, as known to them or as disclosed by other prior art identified in the cover pleading or herein, and/or in combination with the general knowledge of a person having ordinary skill in the art.
9. The moving image data delivery system according to claim 1, wherein the advertising image data delivery system is integrated into the moving image data delivery system.	Hisamune expressly or inherently discloses “[t]he moving image data delivery system according to claim 1, wherein the advertising image data delivery system is integrated into the moving image data delivery system.” For example: “The advertisement management system 3 accepts an advertisement exposure request from an advertiser via a route different from that of the broadcasting station 1, and distributes the accepted advertisements to the content playback devices 2. That is, advertisements possessed by the advertisement management system 3 are distributed to the content playback devices 2 as content that is to be played back independently of that from the broadcasting station 1. Note that in the configuration illustrated in FIG. 1, the broadcasting station 1 distributes content to the content playback devices 2 simultaneously using a wireless transmission path or the like, and the advertisement management system 3 distributes content to the content playback devices 2 via its own route. However, it is also possible to use a configuration in which only content distribution from the advertisement management system 3 to the content playback devices 2 is entrusted to the broadcasting station 1.” Hisamune at [0023]. To the extent Hisamune does not disclose any part of this limitation, Hisamune renders this limitation obvious. It would have been obvious to a person of ordinary skill in the art to practice this limitation in light of Hisamune combined with the knowledge of a person of ordinary skill in the art, and in light of Hisamune

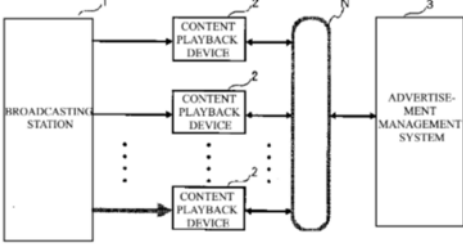
Claim Limitation	Exemplary Disclosure in the Prior Art
	combined with any of the other prior art references identified in the contentions for this patent, including Ray. The manner in which each of these references discloses and/or renders obvious this limitation is set forth in these contentions. All of these disclosures also would have been within the knowledge of a person of ordinary skill in the art. Moreover, it would have been obvious to a person of ordinary skill in the art to combine Hisamune with the following prior art: Nolan expressly or inherently discloses “[t]he moving image data delivery system according to claim 1, wherein the advertising image data delivery system is integrated into the moving image data delivery system.” For example: Figure 2  U.S. Pat. App. Pub. No. 2006/0053049 (“Nolan”) at Fig. 2. “The Facilitator/Provider is the inventor and/or an authorized agent in an alternate embodiment of the invention where the Facilitator Provider performs a dual role of the Facilitator and either the Television Programming Provider or the Internet Provider or both.” Nolan at [0087]. Figure 5  Nolan at Fig. 5. “6. Dual Roles for the Facilitator

Claim Limitation	Exemplary Disclosure in the Prior Art
	FIG. 5 is a schematic block diagram 230 that illustrates an approach for setting up an enterprise that contracts to offer media to customer according to an alternate embodiment described herein. The diagram 230 reveals an embodiment where the Facilitator 201 would perform the role as described herein but would also perform the role of Television Programming Provider 210 and/or the Internet Provider 207. The Facilitator 201 would become the Facilitator/Provider 205. (205>209, 210, 211) The Facilitator/Provider 205 would pursue contractual arrangements to secure access to the Programming 209, 210, 211 and/or the Internet 208 without limit as to the method of delivery. In an embodiment, (205>203) the Facilitator/Provider 205 would offer a population of potential Customer 204 to the Advertiser 203 at a market price determined by the number and demographics of the Customer 204 profile that the Advertiser 203 wishes to reach. The Facilitator/Provider 205 captures information as to which Customers 204 were successfully reached, the results of the interactive communication and any other aspect of the received data. (203>205) The Facilitator/Provider 205 receives an order from the Advertiser 203 based on the number of Customers 204 that they wish to reach and the demographic specifications they want to target. The Advertiser 203 supplies the Facilitator/Provider 205 with the advertising content that the Advertiser 203 wants to run along with the interactive message that they want to deliver. The Advertiser 203 may elect to have the Facilitator/Provider 205 to produce the commercial content and/or the interactive message. The Advertiser 203 will pay the Facilitator/Provider 205 for the achieved results based on the contracted price. In another feature of an embodiment, (205>204) the Facilitator/Provider 205 would solicit for Customers 204 who wish to engage a service that will provide them with a variety of media products and services potentially at no charge to them provided that they meet an interactive viewership requirement. The Facilitator/Provider 205 would collect demographic data in order to make a profile to give to the Advertiser 203. (204>205) The Customer 204 will contract with the Facilitator/Provider 205 to supply a selection of services from a menu. In an embodiment, the basic services would include, but not be limited to, the Programming 209, 210, 211 and the Internet 208. The Customer 204 would agree to pay a market price in currency for the product should they not meet the criteria of interactive viewership. The Customer 204 would agree to watch a designated number of minutes of interactive advertising that would be based on the number of menu options that they select. The Customer 204 will answer the interactive questions or provide other information requested. The Customer 204 would give the required demographic information to the Facilitator/Provider 205 that is deemed necessary to form a demographic profile to give to the Advertiser 203 as part of a general population of potential commercial targets.

Claim Limitation	Exemplary Disclosure in the Prior Art
	Furthermore in an embodiment, (208>205) The Facilitator/Provider 205 would package and present to the Customer 204 access and a format for receiving the Worldwide Web through an Internet 208 system. (209, 210, 211>205) The Facilitator/Provider 205 would contract with the various entities that produce and/or schedule television programs. The Programming 209, 210, 211 would be packaged in the same form as it is with the Television Programming Provider 206 and offered to the Customer 204 by the Facilitator/Provider 205.” Nolan at [0093]–[0097]. To the extent that Hisamune does not disclose any elements of this claim limitation, it would have been obvious to a person having ordinary skill in the art to combine, with the teachings of Ray, Massive, SWAT 4, LOR and/or Nolan, those elements, as known to them or as disclosed by other prior art identified in the cover pleading or herein, and/or in combination with the general knowledge of a person having ordinary skill in the art.
10[pre]. An advertising image data delivery system capable of being in communication with a plurality of moving image viewing apparatuses, a moving image data delivery system and an advertiser paying for the commercial message comprising:	To the extent the preamble is limiting, Hisamune expressly or inherently discloses “[a]n advertising image data delivery system capable of being in communication with a plurality of moving image viewing apparatuses, a moving image data delivery system and an advertiser paying for the commercial message.” For example: “FIG. 1 is a diagram showing an overall configuration of a service system to which the present invention is applied. This service system includes a plurality of content playback devices 2 that receive digital content (advertisement content (hereinafter abbreviated as ‘advertisements’) and digital program content (hereinafter abbreviated as ‘programs’)) broadcast from a broadcasting station 1, and an advertisement management system 3 that performs two-way communication with each content playback device 2 via a network N. The content playback device 2 is a storage-type content playback device that can store programs and advertisements by recording, and a viewing device 5 such as a TV is connected thereto. Note that, although not shown in the drawings, a plurality of advertiser terminals (information processing terminals operated by advertisers who request advertisements) are connected to the advertisement management system 3.” Hisamune at [0020]. “The advertisement management system 3 accepts an advertisement exposure request from an advertiser via a route different from that of the broadcasting station 1, and distributes the accepted advertisements to the content playback devices 2. That is, advertisements possessed by the advertisement management system 3 are distributed to the content playback devices 2 as content that is to be played back independently of that from

Claim Limitation	Exemplary Disclosure in the Prior Art
	the broadcasting station 1. Note that in the configuration illustrated in FIG. 1, the broadcasting station 1 distributes content to the content playback devices 2 simultaneously using a wireless transmission path or the like, and the advertisement management system 3 distributes content to the content playback devices 2 via its own route. However, it is also possible to use a configuration in which only content distribution from the advertisement management system 3 to the content playback devices 2 is entrusted to the broadcasting station 1.” Hisamune at [0023]. “[T]he content playback device 2 includes a content reception mechanism 21 for receiving content (programs/advertisements) sent from the broadcasting station 1 and the advertisement management system 3.” Hisamune at [0025]. “FIG. 4 is a diagram showing the hardware configuration of the advertisement management system 3. The advertisement management system 3 is a server system that includes a plurality of content playback devices 2 and advertiser terminals as communication partners, and includes: a content reception mechanism 31 for receiving advertisements requested by the advertiser terminals, a content transmission mechanism 32 for transmitting advertisements and the like to the content playback devices 2, a communication mechanism 33 for performing two-way communication between the advertiser terminals and the content playback devices 2, a gateway unit 34 for transmitting and receiving key information for descrambling scrambled content and paid programs, for example, to and from a paid program site, a CPU board 35 equipped with a CPU and memory for information processing, an HDD 36 for storing computer programs, content, and other data, and an interface mechanism 37 for organically connecting these mechanisms and the like.” Hisamune at [0036]. “The CPU board 35 forms various functions relating to advertisement management by loading and executing computer programs recorded in the HDD 36. In this embodiment, as shown in the functional configuration diagram of FIG. 5, a viewer-related information database (hereinafter, database will be referred to as ‘DB’) 361, an advertiser-related information DB 362, an advertisement DB 363, and a site DB 364 are formed within the HDD 36, and functional blocks of a main control unit 351 having an advertisement acceptance function, an advertisement editing function, an advertisement distribution function, an advertiser information management function, a viewer information management function, a point management function, a point totaling function, a programming information generation function, and a viewing statistics analysis function are formed within the CPU board 35. The viewer-related information DB 361 stores the address of the content playback device 2 owned by the viewer, a viewing history file, an unviewed history file, and a point file as links in a personal information file of the viewer registered in advance. The address of the content playback device 2 is used when performing two-way data communication and advertisement distribution. The viewing history file and the unviewed history file store the viewing history and the unviewed history sent from the

Claim Limitation	Exemplary Disclosure in the Prior Art
	content playback device 2. The cumulative value of contact behavior points acquired by the viewer is recorded in the point file. The advertiser-related information DB 362 stores information on the advertiser who has requested exposure of an advertisement, such as the advertiser's address, contact information, and the address of the advertiser terminal. The site DB 364 stores addresses of sites that possess paid program content and sites that are accessed when providing an on-demand viewing environment to the content playback device 2." Hisamune at [0037].  Hisamune at Fig. 1. To the extent that Hisamune does not disclose any elements of this claim limitation, it would have been obvious to a person having ordinary skill in the art to combine, with the teachings of Ray, Massive, SWAT 4, LOR and/or Nolan, those elements, as known to them or as disclosed by other prior art identified in the cover pleading or herein, and/or in combination with the general knowledge of a person having ordinary skill in the art.
[10a] a storage of a plurality of advertising image data of commercial messages to be viewed by the moving image viewing apparatuses;	Hisamune expressly or inherently discloses “a storage of a plurality of advertising image data of commercial messages to be viewed by the moving image viewing apparatuses.” For example: “FIG. 4 is a diagram showing the hardware configuration of the advertisement management system 3. The advertisement management system 3 is a server system that includes a plurality of content playback devices 2 and advertiser terminals as communication partners, and includes: a content reception mechanism 31 for receiving advertisements requested by the advertiser terminals, a content transmission mechanism 32 for transmitting advertisements and the like to the content playback devices 2, a communication mechanism 33 for performing two-way communication between the advertiser terminals and the content playback devices 2, a gateway unit 34 for transmitting and receiving key information for descrambling scrambled content and paid programs, for example, to and from a paid program site, a CPU board 35 equipped with a CPU and

Claim Limitation	Exemplary Disclosure in the Prior Art
	memory for information processing, an HDD 36 for storing computer programs, content, and other data, and an interface mechanism 37 for organically connecting these mechanisms and the like.” Hisamune at [0036]. “The advertisement distribution function is a function for periodically distributing an advertisement stored in the advertisement DB 363 to each content playback device 2 in a predetermined time span based on the addresses recorded in the viewer-related information DB 361. During the distribution time span, an address of a content playback device 2 that is not in operation is held, and the content is distributed in accordance with a subsequent distribution time period. The advertiser information management function is a function for storing information related to an advertiser who has requested exposure of an advertisement in the advertiser-related information DB 362, and for reading out the information and performing the required processing.” Hisamune at [0039]–[0040].  Hisamune at Fig. 1. To the extent that Hisamune does not disclose any elements of this claim limitation, it would have been obvious to a person having ordinary skill in the art to combine, with the teachings of Ray, Massive, SWAT 4, LOR and/or Nolan, those elements, as known to them or as disclosed by other prior art identified in the cover pleading or herein, and/or in combination with the general knowledge of a person having ordinary skill in the art.
[10bi] a first controller adapted to issue, without intermediary of the moving image data delivery system, to one of the moving image viewing apparatuses an electric data denoting a right of viewing a television program in	Hisamune expressly or inherently discloses “a first controller adapted to issue, without intermediary of the moving image data delivery system, to one of the moving image viewing apparatuses an electric data denoting a right of viewing a television program in exchange of commercial message view by the moving image viewing apparatus, provided by the advertising image data delivery system.” For example: “FIG. 1 is a diagram showing an overall configuration of a service system to which the present invention is applied. This service system includes a plurality of content playback devices 2 that receive digital content (advertisement content (hereinafter abbreviated as ‘advertisements’) and digital program content (hereinafter

Claim Limitation	Exemplary Disclosure in the Prior Art
exchange of commercial message view by the moving image viewing apparatus, provided by the advertising image data delivery system,	abbreviated as ‘programs’)) broadcast from a broadcasting station 1, and an advertisement management system 3 that performs two-way communication with each content playback device 2 via a network N. The content playback device 2 is a storage-type content playback device that can store programs and advertisements by recording, and a viewing device 5 such as a TV is connected thereto. Note that, although not shown in the drawings, a plurality of advertiser terminals (information processing terminals operated by advertisers who request advertisements) are connected to the advertisement management system 3.” Hisamune at [0020]. “A program may be constituted by only a main program, or may be constituted by a combination of a program and an advertisement. Even if a program and an advertisement are combined, the two can be separated and played back independently of each other. Some advertisements contain or link to detailed information. The detailed information includes internet homepage information, information accompanying program operations (e.g., advertisement-related information prepared hierarchically, and advertisement-related information in the form of audio and video provided by performing two-way communication), and the like.” Hisamune at [0021]. “Regarding an advertisement, an incentive corresponding to the content of the viewer’s contact behavior with respect to the advertisement, such as contact behavior points of a predetermined value, are given by the advertiser or the operator of the advertisement management system 3. For example, if an advertisement is skipped, it can be viewed later, but if it is left unviewed, the value of the contact behavior points decreases.” Hisamune at [0022]. “The advertisement management system 3 accepts an advertisement exposure request from an advertiser via a route different from that of the broadcasting station 1, and distributes the accepted advertisements to the content playback devices 2. That is, advertisements possessed by the advertisement management system 3 are distributed to the content playback devices 2 as content that is to be played back independently of that from the broadcasting station 1. Note that in the configuration illustrated in FIG. 1, the broadcasting station 1 distributes content to the content playback devices 2 simultaneously using a wireless transmission path or the like, and the advertisement management system 3 distributes content to the content playback devices 2 via its own route. However, it is also possible to use a configuration in which only content distribution from the advertisement management system 3 to the content playback devices 2 is entrusted to the broadcasting station 1.” Hisamune at [0023].

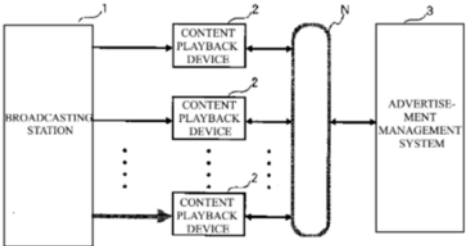
Claim Limitation	Exemplary Disclosure in the Prior Art
	“[T]he content playback device 2 includes a content reception mechanism 21 for receiving content (programs/advertisements) sent from the broadcasting station 1 and the advertisement management system 3.” Hisamune at [0025]. “The viewing history storage unit 273 stores a history of contact behavior by the viewer with respect to advertisements.” Hisamune at [0027]. “ Advertisement Search: Displays a search screen for displaying only pre-stored advertisements independent of programs, and a list of searchable advertisements.” Hisamune at [0028]. “(3) Point Earning Method: Displays a screen explaining how to earn contact behavior points. When a program is played back, a comment is displayed explaining which advertisement will be displayed and what kind of contact behavior points will be gained as a result. (4) Point Checking: A screen is displayed informing the viewers that he or she can check the cumulative number of contact behavior points that he or she has earned so far and that he or she can exchange some or all of those contact behavior points for a reward. When this title is selected, the content playback device 2 connects to the advertisement management system 3 and acquires the cumulative value of the contact behavior points of that viewer. At this time, a message indicating, for example, how many more points the viewer needs to collect to receive a reward or the like is also displayed. If a cumulative value that can be exchanged for a reward has been reached, exchange of that value for a reward is accepted.” Hisamune at [0028]. “(5) Reward List: Displays rewards for which contact behavior points can be exchanged.” Hisamune at [0028]. “The contact behavior detection function is a function for detecting contact behavior by a viewer with respect to an advertisement. Examples of the contact behavior include reserving a program, viewing an advertisement (which advertisement exposure mode the advertisement was viewed in, and whether the advertisement was viewed with or without a reservation are also issues), skipping an advertisement, reserving the advertisement to watch again later, viewing an advertisement alone, acquiring detailed information (a plurality of behaviors such as clicking on a corresponding homepage), and the like.” Hisamune at [0033]. “The point determination function is a function that determines the value of contact behavior points to be given to a viewer for coming into contact with an advertisement, in accordance with the contact behavior detected by the contact behavior detection function. The value of the contact behavior points varies depending on the type of advertisement or the mode of exposure thereof. The relationship between the value of the

Claim Limitation	Exemplary Disclosure in the Prior Art
	contact behavior points and each contact behavior is set in a master table received from the advertisement management system 3. During actual operation, points are determined based on a point determination instruction that is output each time a contact behavior is detected by the contact behavior detection function. The point determination instruction includes the A-ID of the advertisement and the viewer's contact behavior." Hisamune at [0035]. "FIG. 4 is a diagram showing the hardware configuration of the advertisement management system 3. The advertisement management system 3 is a server system that includes a plurality of content playback devices 2 and advertiser terminals as communication partners, and includes: a content reception mechanism 31 for receiving advertisements requested by the advertiser terminals, a content transmission mechanism 32 for transmitting advertisements and the like to the content playback devices 2, a communication mechanism 33 for performing two-way communication between the advertiser terminals and the content playback devices 2, a gateway unit 34 for transmitting and receiving key information for descrambling scrambled content and paid programs, for example, to and from a paid program site, a CPU board 35 equipped with a CPU and memory for information processing, an HDD 36 for storing computer programs, content, and other data, and an interface mechanism 37 for organically connecting these mechanisms and the like." Hisamune at [0036]. "The CPU board 35 forms various functions relating to advertisement management by loading and executing computer programs recorded in the HDD 36. In this embodiment, as shown in the functional configuration diagram of FIG. 5, a viewer-related information database (hereinafter, database will be referred to as 'DB') 361, an advertiser-related information DB 362, an advertisement DB 363, and a site DB 364 are formed within the HDD 36, and functional blocks of a main control unit 351 having an advertisement acceptance function, an advertisement editing function, an advertisement distribution function, an advertiser information management function, a viewer information management function, a point management function, a point totaling function, a programming information generation function, and a viewing statistics analysis function are formed within the CPU board 35. The viewer-related information DB 361 stores the address of the content playback device 2 owned by the viewer, a viewing history file, an unviewed history file, and a point file as links in a personal information file of the viewer registered in advance. The address of the content playback device 2 is used when performing two-way data communication and advertisement distribution. The viewing history file and the unviewed history file store the viewing history and the unviewed history sent from the content playback device 2. The cumulative value of contact behavior points acquired by the viewer is recorded in the point file. The advertiser-related information DB 362 stores information on the advertiser who has requested exposure of an advertisement, such as the advertiser's address, contact information, and the address of the advertiser terminal. The site DB 364 stores addresses of sites that possess paid program content

Claim Limitation	Exemplary Disclosure in the Prior Art
	and sites that are accessed when providing an on-demand viewing environment to the content playback device 2.” Hisamune at [0037]. “The point management function is a function for storing contact behavior points for each viewer in a point file, reading them out, and deleting them. In addition, a master table in which points for each contact behavior are defined is generated, and this is sent to each content playback device 2 via the communication mechanism 33. The point totaling function is a function for totaling up the contact behavior points of each viewer. The totaling is performed, for example, for each advertiser. This makes it possible to report monthly total results to viewers and to report information indicating advertisement effectiveness to advertisers.” Hisamune at [0042]. “The broadcasting station 1 accepts advertisement exposure requests from advertisers, assigns a unique A-ID to each accepted advertisement, packages the result together with a program, and distributes (broadcasts) this simultaneously according to the programming information generated by the broadcasting station 1.” Hisamune at [0045]. “The advertisement management system 3 also accepts an advertisement exposure request from an advertiser terminal, assigns a unique A-ID to the accepted advertisement, and distributes the result to each content playback device 2.” Hisamune at [0045]. “As described above, in this type of viewing mode, the viewer can skip advertisements, view advertisements before the program, view them after the program, reserve viewing at the next timing, or the like. It will also be possible to have interactive advertising, which allows two-way information exchange with the viewer when the advertisement is exposed. Since the program and the advertisement are present in the content playback device 2 at the same time, any of the above-mentioned plurality of advertisement exposure methods can be selected.” Hisamune at [0047]. “Next, the handling of contact behavior points will be described. In the content playback device 2, the history of contact behavior detected by the contact behavior detection function is sequentially stored in the viewing history storage unit 273 or the unviewed history storage unit 274. Then, based on these histories, the point determination function determines contact behavior points, which are then stored in the point storage unit 275. Viewing an advertisement in a real-time viewing environment is also one of the contact behaviors, and a point determination function is started up after the start and end of viewing to specify the viewed advertisement based on the programming information and determine contact behavior points of a predetermined value for the advertisement.” Hisamune at [0056].

Claim Limitation	Exemplary Disclosure in the Prior Art
	“In the storage viewing environment, the viewer’s active contact behavior with respect to advertisements is detected and stored in the viewing history storage unit 273. Then, the point determination function is periodically started up, and by referring to the point table 276, the histories are converted into points, which are successively stored in the point storage unit 275. Examples of active contact behavior range from the ‘operation behavior’ level, such as reserving a program, viewing an advertisement later (including ‘adding to favorites’), actually viewing after reserving, viewing an advertisement at the beginning of a program, or viewing an advertisement at the end of a program, to the ‘information acquisition’ level, such as the viewer viewing detailed information about an advertisement by operating the operation mechanism 25 or viewing the advertiser’s homepage, and to a level requiring ‘active behavior’, such as answering a questionnaire from the advertiser or registering as a member of the advertiser. Such contact behavior points are divided into fixed reference points, such as an incentive for operating the content playback device 2 so that an advertisement can be viewed, an incentive for the method of advertisement exposure, or adjustment points that increase or decrease depending on the mode in which contact with the advertisement was about to be performed or was actually performed.” Hisamune at [0057]. “• If ‘Watch Later’ or ‘Add to Favorites’ is specified, it is presumed that the viewer is aware of the advertisement, and therefore the reference points are set to Y and Z values, which are higher than the X value. • If ‘Add to Favorites’ is selected and the advertisement is later viewed three times, adjustment points are added to make the value a 3Z value. If the ‘Add to Favorites’ is deleted at some point, the adjustment points for the z value (or Z value) are subtracted. • When advertisements are viewed together at the beginning of a program, when advertisements are played simultaneously with the program, or when the program and advertisements are played alternately, the intention to watch advertisements can be understood. Therefore, adjustment points are determined such that the value thereof is obtained by multiplying the reference points by certain coefficients a, b, and c (e.g., when ‘Add to Favorites’ is performed and the advertisements are viewed together at the beginning of a program, the adjustment points are set to a +aZ value). • If interactive advertisement is used, if detailed information is referred to, or if a questionnaire is answered, it is assumed that the user has an extremely high level of awareness of advertisements, and therefore adjustment points of a predetermined value are added to the reference points whose value is determined as described above (set to a positive value and added to the reference points). For interactive advertisements and detailed information, the time spent viewing them can also be an additional factor.

Claim Limitation	Exemplary Disclosure in the Prior Art
	• As for skipping an advertisement, since it is estimated that awareness of advertisements is low, adjustment points are subtracted (set to negative and added to the reference points). • If an advertisement is viewed after making a reservation, the value of the points will remain as is, but if the advertisement is not viewed after a certain period of time has elapsed, the added or adjusted adjustment points will be subtracted. • Even if an advertisement is actually viewed, adjustment points are subtracted according to the time that has elapsed since the reservation.” Hisamune at [0058]. “The contact behavior points stored in the point storage unit 275 can be displayed on the viewing screen 50 in response to a request from a viewer. Also, a point exchange screen can be prepared on the viewing screen 50, and a list of rewards, the number of points required to obtain each reward, and the validity period during which the reward can be received can be displayed. Rewards include free viewing of paid programs, as described below, and watching 30 minutes of a program without advertisements. It is also possible to perform operation so as to display a message indicating that the number of points are insufficient to obtain a reward. When exchanged for a reward, the contact behavior points in the point storage unit 275 are subtracted, and the remaining number (value after subtraction) is displayed.” Hisamune at [0059]. “One of the rewards can be free viewing of a paid program. In this case, the paid program is downloaded to the content playback device 2, and the stored viewing behavior points are exchanged to view the program. The content playback device 2 makes a request to the advertisement management system 3 to view a paid program. In the advertisement management system 3, the gateway unit 34 makes a key request to the target program site, acquires key information for viewing the program on behalf of the content playback device 2, and transfers the acquired key information to the content playback device 2. The content playback device 2 uses the received key information to play back the paid program.” Hisamune at [0060]. “In this manner, in this embodiment, a plurality of types of contact environments for advertisement content are formed on the content playback device 2, and contact behavior by the viewer with respect to the advertisement is detected. The history of the detected contact behavior is stored in the viewing history storage unit 273 and the unviewed history storage unit 274. Based on this history, the viewer is given contact behavior points according to the type of contact behavior. Therefore, the viewer can be given motivation to come into contact with the advertisement, and the advertiser has the benefit of being able to accurately keep track of the effectiveness of advertisement exposure by analyzing this history. In particular, by providing an opportunity for the advertisement management system 3 to accept advertisement exposure separately from the broadcasting station 1, it is possible to provide an opportunity for advertisers with relatively low capital who

Claim Limitation	Exemplary Disclosure in the Prior Art
	cannot request advertisement exposure from the broadcasting station 1 to use advertisements.” Hisamune at [0062]. “The content playback device 2 allows the viewer to view multiple advertisements before or after a program at his or her own will, and therefore the viewer can take advantage of the benefit of viewing a program free of charge while avoiding a situation where advertisements are exposed when viewing the program.” Hisamune at [0063]. “Note that in this embodiment, an example was described in which a point determination function, which is an example of an incentive output mechanism, is provided on the content playback device 2 side. However, this incentive output mechanism may be provided not in the content playback device 2 but in the advertisement management system 3 or a third-party management organization system connected to each content playback device 2. The third-party management organization system is an information processing system provided in a third-party organization other than the entity operating the advertisement management system 3, and is provided to ensure fairness of point management. In such a case, the content playback device 2 only stores the contact behavior history (viewing history/unviewed history), and periodically sends this history data as incentive data to the advertisement management system 3 or a third-party management organization system, which then determines the incentive (contact behavior points in this embodiment). This eliminates the need for the advertisement management system 3 to distribute a master table for determining the value of the contact behavior points to each content playback device 2, and operation can be simplified.” Hisamune at [0064].  To the extent that Hisamune does not disclose any elements of this claim limitation, it would have been obvious to a person having ordinary skill in the art to combine, with the teachings of Ray, Massive, SWAT 4, LOR and/or Nolan, those elements, as known to them or as disclosed by other prior art identified in the cover pleading or herein, and/or in combination with the general knowledge of a person having ordinary skill in the art.

Claim Limitation	Exemplary Disclosure in the Prior Art
[10bii] wherein the one of the moving image viewing apparatuses is provided with the television program from the moving image data delivery system in exchange of a presentation of the electric data to the moving image data delivery system from the one of the moving image viewing apparatus;	Hisamune expressly or inherently discloses “wherein the one of the moving image viewing apparatuses is provided with the television program from the moving image data delivery system in exchange of a presentation of the electric data to the moving image data delivery system from the one of the moving image viewing apparatus.” For example: <i>See above at row [1bi].</i> To the extent that Hisamune does not disclose any elements of this claim limitation, it would have been obvious to a person having ordinary skill in the art to combine, with the teachings of Ray, Massive, SWAT 4, LOR and/or Nolan, those elements, as known to them or as disclosed by other prior art identified in the cover pleading or herein, and/or in combination with the general knowledge of a person having ordinary skill in the art.
[10ci] a second controller adapted to receive an electric payment from the advertiser in exchange of a presentation of a report from the advertising image data delivery system to the advertiser, the report indicating that the advertising image data delivery system issues the electric data to the moving image viewing apparatuses,	Hisamune expressly or inherently discloses “a second controller adapted to receive an electric payment from the advertiser in exchange of a presentation of a report from the advertising image data delivery system to the advertiser, the report indicating that the advertising image data delivery system issues the electric data to the moving image viewing apparatuses.” For example: “The advertisement management system 3 accepts an advertisement exposure request from an advertiser via a route different from that of the broadcasting station 1, and distributes the accepted advertisements to the content playback devices 2. That is, advertisements possessed by the advertisement management system 3 are distributed to the content playback devices 2 as content that is to be played back independently of that from the broadcasting station 1. Note that in the configuration illustrated in FIG. 1, the broadcasting station 1 distributes content to the content playback devices 2 simultaneously using a wireless transmission path or the like, and the advertisement management system 3 distributes content to the content playback devices 2 via its own route. However, it is also possible to use a configuration in which only content distribution from the advertisement management system 3 to the content playback devices 2 is entrusted to the broadcasting station 1.” Hisamune at [0023]. “The advertisement distribution function is a function for periodically distributing an advertisement stored in the advertisement DB 363 to each content playback device 2 in a predetermined time span based on the addresses recorded in the viewer-related information DB 361. During the distribution time span, an address of a content playback device 2 that is not in operation is held, and the content is distributed in accordance with a subsequent distribution time period.

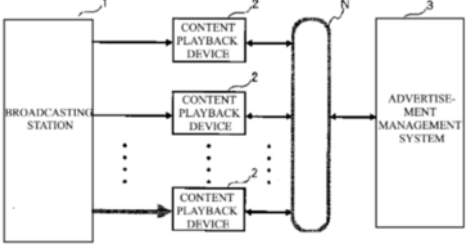
Claim Limitation	Exemplary Disclosure in the Prior Art
	The advertiser information management function is a function for storing information related to an advertiser who has requested exposure of an advertisement in the advertiser-related information DB 362, and for reading out the information and performing the required processing.” Hisamune at [0039]–[0040]. “The viewing statistics analysis function periodically loads the viewing history recorded in the viewer-related information DB 361, analyzes, for each viewer, ‘when’ and in ‘what program’ the viewer ‘selected to watch’ ‘what advertisement’ ‘in what exposure mode’, and ‘how many’ contact behavior points the viewer earned as a result of ‘actually viewing or skipping’ the advertisement, compiles statistics, and analyzes the viewing history or statistical information with a publicly-known inference engine to infer the preferences of the viewer. The viewing statistics analysis function also has a function that reports various analysis results to viewers and advertisers.” Hisamune at [0043]. “The advertisement management system 3 performs point totaling, viewing analysis statistics, and the like based on this information, and transmits the totaled results back to the respective content playback devices 2 or sends them to the viewers by mail or the like, and provides the advertisement viewing trends from the results of the viewing analysis statistics to terminals of the corresponding advertisers, categorized by viewer age, viewing time span, and correlation with programs.” Hisamune at [0061]. “In this manner, in this embodiment, a plurality of types of contact environments for advertisement content are formed on the content playback device 2, and contact behavior by the viewer with respect to the advertisement is detected. The history of the detected contact behavior is stored in the viewing history storage unit 273 and the unviewed history storage unit 274. Based on this history, the viewer is given contact behavior points according to the type of contact behavior. Therefore, the viewer can be given motivation to come into contact with the advertisement, and the advertiser has the benefit of being able to accurately keep track of the effectiveness of advertisement exposure by analyzing this history. In particular, by providing an opportunity for the advertisement management system 3 to accept advertisement exposure separately from the broadcasting station 1, it is possible to provide an opportunity for advertisers with relatively low capital who cannot request advertisement exposure from the broadcasting station 1 to use advertisements.” Hisamune at [0062]. To the extent that Hisamune does not disclose any elements of this claim limitation, it would have been obvious to a person having ordinary skill in the art to combine, with the teachings of Ray, Massive, SWAT 4, LOR and/or Nolan, those elements, as known to them or as disclosed by other prior art identified in the cover pleading or herein, and/or in combination with the general knowledge of a person having ordinary skill in the art.

Claim Limitation	Exemplary Disclosure in the Prior Art
[10cii] wherein no electric payment is made to the moving image data delivery system when the advertising image data delivery system issues the electric data to the moving image viewing apparatus in exchange of viewing commercial message; and	Hisamune expressly or inherently discloses “wherein no electric payment is made to the moving image data delivery system when the advertising image data delivery system issues the electric data to the moving image viewing apparatus in exchange of viewing commercial message.” For example: <i>See above at row [1biii].</i> To the extent that Hisamune does not disclose any elements of this claim limitation, it would have been obvious to a person having ordinary skill in the art to combine, with the teachings of Ray, Massive, SWAT 4, LOR and/or Nolan, those elements, as known to them or as disclosed by other prior art identified in the cover pleading or herein, and/or in combination with the general knowledge of a person having ordinary skill in the art.
[10d] a third controller adapted to allot the received electric payment to the moving image data delivery system in exchange of a presentation of a report from the moving image data delivery system to the advertising image data delivery system, the report indicating that the moving image data delivery system is presented with the electric data.	Hisamune expressly or inherently discloses “a third controller adapted to allot the received electric payment to the moving image data delivery system in exchange of a presentation of a report from the moving image data delivery system to the advertising image data delivery system, the report indicating that the moving image data delivery system is presented with the electric data.” For example: <i>See above at row [1biii].</i> To the extent that Hisamune does not disclose any elements of this claim limitation, it would have been obvious to a person having ordinary skill in the art to combine, with the teachings of Ray, Massive, SWAT 4, LOR and/or Nolan, those elements, as known to them or as disclosed by other prior art identified in the cover pleading or herein, and/or in combination with the general knowledge of a person having ordinary skill in the art.
12. The advertising image data delivery system according to claim 10 further comprising a fourth controller adapted to electrically provide one of the plurality of advertising image data of commercial messages to one of the plurality of moving image viewing apparatuses by request thereof.	Hisamune expressly or inherently discloses “[t]he advertising image data delivery system according to claim 10 further comprising a fourth controller adapted to electrically provide one of the plurality of advertising image data of commercial messages to one of the plurality of moving image viewing apparatuses by request thereof.” For example: “FIG. 1 is a diagram showing an overall configuration of a service system to which the present invention is applied. This service system includes a plurality of content playback devices 2 that receive digital content (advertisement content (hereinafter abbreviated as ‘advertisements’) and digital program content (hereinafter abbreviated as ‘programs’)) broadcast from a broadcasting station 1, and an advertisement management system 3 that performs two-way communication with each content playback device 2 via a network N. The content playback device 2 is a storage-type content playback device that can store programs and

Claim Limitation	Exemplary Disclosure in the Prior Art
	advertisements by recording, and a viewing device 5 such as a TV is connected thereto. Note that, although not shown in the drawings, a plurality of advertiser terminals (information processing terminals operated by advertisers who request advertisements) are connected to the advertisement management system 3.” Hisamune at [0020]. “A program may be constituted by only a main program, or may be constituted by a combination of a program and an advertisement. Even if a program and an advertisement are combined, the two can be separated and played back independently of each other. Some advertisements contain or link to detailed information. The detailed information includes internet homepage information, information accompanying program operations (e.g., advertisement-related information prepared hierarchically, and advertisement-related information in the form of audio and video provided by performing two-way communication), and the like.” Hisamune at [0021]. “The advertisement management system 3 accepts an advertisement exposure request from an advertiser via a route different from that of the broadcasting station 1, and distributes the accepted advertisements to the content playback devices 2. That is, advertisements possessed by the advertisement management system 3 are distributed to the content playback devices 2 as content that is to be played back independently of that from the broadcasting station 1. Note that in the configuration illustrated in FIG. 1, the broadcasting station 1 distributes content to the content playback devices 2 simultaneously using a wireless transmission path or the like, and the advertisement management system 3 distributes content to the content playback devices 2 via its own route. However, it is also possible to use a configuration in which only content distribution from the advertisement management system 3 to the content playback devices 2 is entrusted to the broadcasting station 1.” Hisamune at [0023]. “[T]he content playback device 2 includes a content reception mechanism 21 for receiving content (programs/advertisements) sent from the broadcasting station 1 and the advertisement management system 3” Hisamune at [0025]. “The viewing history storage unit 273 stores a history of contact behavior by the viewer with respect to advertisements” Hisamune at [0027]. “ Advertisement Search: Displays a search screen for displaying only pre-stored advertisements independent of programs, and a list of searchable advertisements.” Hisamune at [0028]. “FIG. 4 is a diagram showing the hardware configuration of the advertisement management system 3. The advertisement management system 3 is a server system that includes a plurality of content playback devices 2

Claim Limitation	Exemplary Disclosure in the Prior Art
	and advertiser terminals as communication partners, and includes: a content reception mechanism 31 for receiving advertisements requested by the advertiser terminals, a content transmission mechanism 32 for transmitting advertisements and the like to the content playback devices 2, a communication mechanism 33 for performing two-way communication between the advertiser terminals and the content playback devices 2, a gateway unit 34 for transmitting and receiving key information for descrambling scrambled content and paid programs, for example, to and from a paid program site, a CPU board 35 equipped with a CPU and memory for information processing, an HDD 36 for storing computer programs, content, and other data, and an interface mechanism 37 for organically connecting these mechanisms and the like.” Hisamune at [0036]. “The CPU board 35 forms various functions relating to advertisement management by loading and executing computer programs recorded in the HDD 36. In this embodiment, as shown in the functional configuration diagram of FIG. 5, a viewer-related information database (hereinafter, database will be referred to as ‘DB’) 361, an advertiser-related information DB 362, an advertisement DB 363, and a site DB 364 are formed within the HDD 36, and functional blocks of a main control unit 351 having an advertisement acceptance function, an advertisement editing function, an advertisement distribution function, an advertiser information management function, a viewer information management function, a point management function, a point totaling function, a programming information generation function, and a viewing statistics analysis function are formed within the CPU board 35. The viewer-related information DB 361 stores the address of the content playback device 2 owned by the viewer, a viewing history file, an unviewed history file, and a point file as links in a personal information file of the viewer registered in advance. The address of the content playback device 2 is used when performing two-way data communication and advertisement distribution. The viewing history file and the unviewed history file store the viewing history and the unviewed history sent from the content playback device 2. The cumulative value of contact behavior points acquired by the viewer is recorded in the point file. The advertiser-related information DB 362 stores information on the advertiser who has requested exposure of an advertisement, such as the advertiser’s address, contact information, and the address of the advertiser terminal. The site DB 364 stores addresses of sites that possess paid program content and sites that are accessed when providing an on-demand viewing environment to the content playback device 2.” Hisamune at [0037]. “The broadcasting station 1 accepts advertisement exposure requests from advertisers, assigns a unique A-ID to each accepted advertisement, packages the result together with a program, and distributes (broadcasts) this simultaneously according to the programming information generated by the broadcasting station 1.” Hisamune at [0045].

Claim Limitation	Exemplary Disclosure in the Prior Art
	“The advertisement management system 3 also accepts an advertisement exposure request from an advertiser terminal, assigns a unique A-ID to the accepted advertisement, and distributes the result to each content playback device 2.” Hisamune at [0045]. “As described above, in this type of viewing mode, the viewer can skip advertisements, view advertisements before the program, view them after the program, reserve viewing at the next timing, or the like. It will also be possible to have interactive advertising, which allows two-way information exchange with the viewer when the advertisement is exposed. Since the program and the advertisement are present in the content playback device 2 at the same time, any of the above-mentioned plurality of advertisement exposure methods can be selected.” Hisamune at [0047]. “In the storage viewing environment, the viewer’s active contact behavior with respect to advertisements is detected and stored in the viewing history storage unit 273. Then, the point determination function is periodically started up, and by referring to the point table 276, the histories are converted into points, which are successively stored in the point storage unit 275. Examples of active contact behavior range from the ‘operation behavior’ level, such as reserving a program, viewing an advertisement later (including ‘adding to favorites’), actually viewing after reserving, viewing an advertisement at the beginning of a program, or viewing an advertisement at the end of a program, to the ‘information acquisition’ level, such as the viewer viewing detailed information about an advertisement by operating the operation mechanism 25 or viewing the advertiser’s homepage, and to a level requiring ‘active behavior’, such as answering a questionnaire from the advertiser or registering as a member of the advertiser. Such contact behavior points are divided into fixed reference points, such as an incentive for operating the content playback device 2 so that an advertisement can be viewed, an incentive for the method of advertisement exposure, or adjustment points that increase or decrease depending on the mode in which contact with the advertisement was about to be performed or was actually performed.” Hisamune at [0057]. “In this manner, in this embodiment, a plurality of types of contact environments for advertisement content are formed on the content playback device 2, and contact behavior by the viewer with respect to the advertisement is detected. The history of the detected contact behavior is stored in the viewing history storage unit 273 and the unviewed history storage unit 274. Based on this history, the viewer is given contact behavior points according to the type of contact behavior. Therefore, the viewer can be given motivation to come into contact with the advertisement, and the advertiser has the benefit of being able to accurately keep track of the effectiveness of advertisement exposure by analyzing this history. In particular, by providing an opportunity for the advertisement management system 3 to accept advertisement exposure separately from the broadcasting station 1, it is possible to provide an opportunity for advertisers with relatively low capital who

Claim Limitation	Exemplary Disclosure in the Prior Art
	cannot request advertisement exposure from the broadcasting station 1 to use advertisements.” Hisamune at [0062].  Hisamune at Fig. 1. To the extent that Hisamune does not disclose any elements of this claim limitation, it would have been obvious to a person having ordinary skill in the art to combine, with the teachings of Ray, Massive, SWAT 4, LOR and/or Nolan, those elements, as known to them or as disclosed by other prior art identified in the cover pleading or herein, and/or in combination with the general knowledge of a person having ordinary skill in the art.
13. The advertising image data delivery system according to claim 10 further comprising a fourth controller adapted to electrically provide one of the plurality of advertising image data of commercial messages to one of the plurality of moving image viewing apparatuses, the advertising image data of commercial message being related to a television program designated by the moving image viewing apparatus.	Hisamune expressly or inherently discloses “[t]he advertising image data delivery system according to claim 10 further comprising a fourth controller adapted to electrically provide one of the plurality of advertising image data of commercial messages to one of the plurality of moving image viewing apparatuses, the advertising image data of commercial message being related to a television program designated by the moving image viewing apparatus.” To the extent that Hisamune does not disclose any elements of this claim limitation, it would have been obvious to a person having ordinary skill in the art to combine, with the teachings of Ray, Massive, SWAT 4, LOR and/or Nolan, those elements, as known to them or as disclosed by other prior art identified in the cover pleading or herein, and/or in combination with the general knowledge of a person having ordinary skill in the art. To the extent that Hisamune does not disclose any elements of this claim limitation, it would have been obvious to a person having ordinary skill in the art to combine, with the teachings of Hisamune , those elements, as known to them or as disclosed by other prior art identified in the cover pleading or herein, and/or in combination with the general knowledge of a person having ordinary skill in the art. In particular, Hisamune teaches the general concept of delivering advertising image data of commercial messages to the plurality of moving image viewing apparatuses. <i>See</i> limitations 10.a-10.b.i. Although Hisamune does not explicitly disclose the content of the commercial message, Hisamune is not limited to a particular commercial

Claim Limitation	Exemplary Disclosure in the Prior Art
	message. A POSITA would have understood and found obvious that the advertising image data provided by advertising image data delivery system can be modified to include a commercial message related to the television program selected by the moving image viewing apparatus.
14. The advertising image data delivery system according to claim 10 further comprising a fourth controller adapted to electrically provide one of the plurality of advertising image data of commercial messages to one of the plurality of moving image viewing apparatuses, the plurality of advertising image data of commercial messages including an advertisement of a television program.	Hisamune expressly or inherently discloses “[t]he advertising image data delivery system according to claim 10 further comprising a fourth controller adapted to electrically provide one of the plurality of advertising image data of commercial messages to one of the plurality of moving image viewing apparatuses, the plurality of advertising image data of commercial messages including an advertisement of a television program.” To the extent that Hisamune does not disclose any elements of this claim limitation, it would have been obvious to a person having ordinary skill in the art to combine, with the teachings of Ray, Massive, SWAT 4, LOR and/or Nolan, those elements, as known to them or as disclosed by other prior art identified in the cover pleading or herein, and/or in combination with the general knowledge of a person having ordinary skill in the art. In particular, Hisamune teaches the general concept of delivering advertising image data of commercial messages to the plurality of moving image viewing apparatuses. <i>See</i> limitations 10.a-10.b.i. Although Hisamune does not explicitly disclose the content of the commercial message, Hisamune is not limited to a particular commercial message. A POSITA would have understood and found obvious that the advertising image data provided by advertising image data delivery system can be modified to include a commercial message that includes an advertisement of a television program.
15. The advertising image data delivery system according to claim 10, wherein the advertising image data delivery system is integrated into a system of the advertiser.	Hisamune expressly or inherently discloses “[t]he advertising image data delivery system according to claim 10, wherein the advertising image data delivery system is integrated into a system of the advertiser.” To the extent Hisamune does not disclose any part of this limitation, Hisamune renders this limitation obvious. It would have been obvious to a person of ordinary skill in the art to practice this limitation in light of Hisamune combined with the knowledge of a person of ordinary skill in the art, and in light of Hisamune combined with any of the other prior art references identified in the contentions for this patent, including Ray. The manner in which each of these references discloses and/or renders obvious this limitation is set forth in these contentions. All of these disclosures also would have been within the knowledge of a person of ordinary skill in the art.

Claim Limitation	Exemplary Disclosure in the Prior Art
	Moreover, it would have been obvious to a person of ordinary skill in the art to combine Hisamune with the following prior art: Nolan expressly or inherently discloses “[t]he advertising image data delivery system according to claim 10, wherein the advertising image data delivery system is integrated into a system of the advertiser.” For example: “The Facilitator arranges with the Advertiser to supply a produced commercial message and the interactive information request that would be part of the body of the advertising message or a tag on the end. The Advertiser might elect to have the Facilitator produce and supply the commercial and interactive request. 909.” Nolan at [0113].

Ex. 391-D –Invalidity of U.S. Patent No. 8,677,391 in view of Massive¹

Massive Incorporated’s advertising network, including AdClient, AdClient SDK, and AdServer software, including at least versions 1.0, 2.0, 2.5, and 3.0, (collectively, “Massive”) is prior art to U.S. Patent No. 8,677,391 (“the ’391 patent”) under at least 35 U.S.C. §102(a) and (b) (pre-AIA). Massive was first released as version 1.0 on Oct. 18, 2004, version 2.0 on January 25, 2005, version 2.5 on July 25, 2005, and version 3.0 on November 15, 2005.

Massive is described by at least the following documents:

- Massive Releases Version 2.0 Ad Client, Game Industry News, Jan. 25, 2005, available at <https://www.gameindustry.com/news-industry-happenings/massive-releases-version-2-0-ad-client/> (accessed Nov 11, 2024);
- Product Placement to Die For, Wired, April 1, 2006, available at <https://www.wired.com/2006/04/gads/> (accessed Nov. 13, 2024);
- Massive Incorporated Unleashes Next Gen Version of Its In-Game Advertising Technology, GamesIndustry.biz, available at <https://www.gamesindustry.biz/massive-incorporated-unleashes-next-gen-version-of-its-in-game-advertising-technology> (accessed Nov. 11, 2024);
- Massive launches video game advertising network, tvtech, Oct. 26, 2004, available at <https://www.tvtechnology.com/miscellaneous/massive-launches-video-game-advertising-network> (accessed Nov. 11, 2024);
- A New Reality in Video Games: Advertisements, The New York Times, Apr. 11, 2005, available at <https://www.nytimes.com/2005/04/11/technology/a-new-reality-in-video-games-advertisements.html> (accessed Nov. 13, 2024);
- Massive Speeds Time-to-Revenue for Developers, Publishers, PR Newswire US, July 25, 2005;
- Are In-Game Ad Networks the Next “Massive” Thing?, Electronic Gaming Business, June 2, 2004;
- Play to pay: Service inserts ads in games, CNET News.com, Apr. 10, 2005;
- Video Game Advertising Network Launched, DMEurope, Oct. 19, 2004;
- From Just a Virtual Idea, Advertising in Video Games is Now a Massive Reality; Blue Chip Advertisers Join Rapidly Expanding Massive Advertising Network to Reach the Coveted Gamer Audience, PR Newswire US, April 11, 2005.

¹ This chart also applies to Massive combined with knowledge of a POSITA and combined with other references cited in this chart.

SWAT 4, developed by Irrational Games and published by Vivendi Universal Games, is an example of an online video game available as of April 6, 2005 that was playable online by multiple users and incorporated Massive’s advertising system at least as early as August 15, 2005. SWAT 4 is described by at least the following documents:

- SWAT 4 patch contains Adware. Bit-tech.net, Aug. 10, 2005, available at https://bit-tech.net/news/gaming/swat4_adware/1/ (accessed Nov. 11, 2024).

The Lord of the Rings: The Return of the King released by EA (“LOR”) is an example of a video game available as early as 2003 for various platforms and playable online at least as early as September 12, 2003, and which had unskippable cutscenes. LOR is described at least by the following documents:

- Lord of the Rings: Return of the King, Walkthrough: Part One, IGN, Mar. 27, 2012, available at [https://www.ign.com/wikis/the-lord-of-the-rings-the-return-of-the-king/Walkthrough: Part One](https://www.ign.com/wikis/the-lord-of-the-rings-the-return-of-the-king/Walkthrough:_Part_One) (accessed Nov. 10, 2024);
- Precious, Precious Movie License Slogs to Mordor, Torpor, Village Voice, Dec. 9, 2003, available at <https://web.archive.org/web/20121108042335/http://www.villagevoice.com/2003-12-09/news/precious-precious-movie-license-slogs-to-mordor-torpor/> (accessed on Nov. 13, 2024).

Amazon’s invalidity contentions are based in part on Giken’s infringement contentions, to the extent Amazon can understand them, because that which infringes, if later, anticipates, if earlier. Amazon offers these contentions without prejudice to any position it may later take as to any claim construction issue. To the extent these contentions reflect claim interpretations implicit in Giken’s infringement contentions, no inference is intended, nor should any be drawn, that Amazon agrees with any claim interpretation implied by Giken’s infringement contentions, and Amazon reserves the right to contest such claim interpretations. Where Amazon cites to a particular figure, the citation encompasses the description of that figure; similarly, where Amazon cites to text describing a figure, the citation encompasses that figure as well.

Claim Limitation	Exemplary Disclosure in the Prior Art
1[pre]. A moving image data delivery system capable of being in communication with a plurality of moving image viewing apparatuses and an advertising image data delivery system comprising:	To the extent the preamble is limiting, Massive expressly or inherently discloses “[a] moving image data delivery system capable of being in communication with a plurality of moving image viewing apparatuses and an advertising image data delivery system.” For example:

Claim Limitation	Exemplary Disclosure in the Prior Art
	Massive included ad servers (advertising image data delivery system) that delivered advertisements, both image and video formats, to computers running certain video games, such as SWAT 4, (moving image viewing apparatuses). The technology backbone behind the Network is Massive's patent-pending ad serving technology, a client-server system that dynamically delivers advertising into video games within the Massive Network, and measures and reports results. Once integrated into a game, the Massive client library pulls down advertising from the Massive Server in the background of game play and reports every time an ad is seen. Video Game Advertising Network Launched, DMEurope, Oct. 19, 2004. But for now, Massive still dominates the space. It has deals with publishers like Atari, Eidos, Ubisoft, Konami, Vivendi Universal Games, as well as THQ. Marketers it has worked with include Coca-Cola, Honda, Nokia, Panasonic, and entertainment entities like Paramount, Warner Bros. and Universal Music. Double Fusion Hopes To Challenge Massive Inc., AdAge, Mar. 15 2006, available at https://adage.com/article/madisonvine-news/double-fusion-hopes-challenge-massive/107867 (accessed Nov. 11, 2024).

Claim Limitation	Exemplary Disclosure in the Prior Art
	NEWS AND INDUSTRY HAPPENINGS MASSIVE RELEASES VERSION 2.0 AD CLIENT JANUARY 25, 2005 GIN STAFF, AND NORMAN COORDINATE Massive Incorporated, the creator of the world's first video game advertising network, today announced the availability of version 2.0 of its AdClient SDK to enable developers and publishers to quickly and easily integrate their games into Massive's advertising network. Titles in the Massive Network can contribute \$1.00 to \$2.00 in Massive Releases Version 2.0 Ad Client, Jan. 25, 2005, available at https://www.gameindustry.com/news-industry-happenings/massive-releases-version-2-0-ad-client/ (accessed Nov 11, 2024) Massive had an SDK that integrated into online video game engines (moving image data delivery system) that handled communications with the ad server.

Claim Limitation	Exemplary Disclosure in the Prior Art
	The Massive AdClient SDK integrates into video game engines at the development stage and handles all connections and communications with Massive's AdServer, allowing the game to dynamically download advertising into the game. The technology works across all platforms. Using texture replacement, the game engine blends the advertising into 2D or 3D game environments as part of the normal rendering and display process. With minimal memory impact, Massive's AdClient software library keeps track of ad views and reports aggregate view data back to the server. The technology provides accurate reporting to advertisers, while at the same time preserving the privacy and security of the players. All data is reported in an aggregated format-no individual information is gathered and Massive does not store cookies or other persistent information on individuals' computers. Massive Releases Version 2.0 Ad Client, Jan. 25, 2005, available at https://www.gameindustry.com/news-industry-happenings/massive-releases-version-2-0-ad-client/ (accessed Nov 11, 2024). Massive's network delivers advertiser messages seamlessly into premiere video games, played primarily by an 18-34 male audience. They appear in the game on billboards, posters, and other advertising elements that naturally fit the game environment. To date, 40 titles from eight publishers are committed to the Massive Network through 2005. Publishers and developers alike can enjoy revenues from 'lost Massive Releases Version 2.0 Ad Client, Jan. 25, 2005, available at https://www.gameindustry.com/news-industry-happenings/massive-releases-version-2-0-ad-client/ (accessed Nov 11, 2024)

Claim Limitation	Exemplary Disclosure in the Prior Art
	NEW YORK, NY - NOVEMBER 15, 2005 - Massive Incorporated, creator of the world's first and only video game advertising network, today released Version 3.0 of its dynamic advertising technology. Version 3.0 represents a significant advancement in Massive's software and network infrastructure, providing game developers and publishers with the most efficient way to integrate real-world, contextual ads into their next generation titles. Since it was founded in 2002, Massive's continuous innovations have produced the leading dynamic advertising infrastructure, enabling developers and publishers to effectively capitalize on their powerful media content. Massive Incorporated Unleashes Next Gen Version of Its In-Game Advertising Technology, GamesIndustry.biz, available at https://www.gamesindustry.biz/massive-incorporated-unleashes-next-gen-version-of-its-in-game-advertising-technology (accessed Nov. 11, 2024). Massive's technology consists of both an AdClient that is integrated into the game at the development stage and an AdServer that dynamically delivers ads through an online connection into the game environment. Massive's technology and latest enhancements allow all forms of downloadable media and advertising content to be contextually integrated into the game, including image, audio, video and game object formats. In addition, the Massive AdServer provides complete ad campaign measurement, geographic targeting and the most comprehensive reporting on ad exposure, interaction and overall gameplay. Massive Incorporated Unleashes Next Gen Version of Its In-Game Advertising Technology, GamesIndustry.biz, available at https://www.gamesindustry.biz/massive-incorporated-unleashes-next-gen-version-of-its-in-game-advertising-technology (accessed Nov. 11, 2024).

Claim Limitation	Exemplary Disclosure in the Prior Art
	"Ubisoft is impressed with how Massive worked with our development teams to help create appropriate, creative and meaningful advertising elements for Tom Clancy's Splinter Cell Chaos Theory," said Jay Cohen, vice president of publishing at Ubisoft. "Our development teams found that Massive's understanding of the development process and the gamer experience made the integration process run seamlessly." Massive Releases Version 2.0 Ad Client, Jan. 25, 2005, available at https://www.gameindustry.com/news-industry-happenings/massive-releases-version-2-0-ad-client/ (accessed Nov 11, 2024) Virtual ads are still viewed by real eyeballs: Now at more than \$60 million, the in-game advertising industry is predicted to grow to half a billion dollars by 2009. One of the biggest players, Massive Inc., has inserted ads in almost 50 titles; it dropped the Coca-Cola logo into SWAT 4 and put Diet Sprite Zero vending machines in <i>Tom Clancy's Splinter Cell Chaos Theory</i>. Massive can also place updatable graphics on billboards – each rented to the highest bidder – in networked games like <i>Anarchy Online</i>. CEO Mitch Davis says gamers will soon be able to, say, test-drive the latest Porsche in a racing game or outfit their characters in Rocawear's new fall line. "Imagine if a certain brand of sneakers increased your avatar's dexterity," Davis muses.

Claim Limitation	Exemplary Disclosure in the Prior Art
	Product Placement to Die For, Wired, April 1, 2006, available at https://www.wired.com/2006/04/gads/ (accessed Nov. 13, 2024). But for now, Massive still dominates the space. It has deals with publishers like Atari, Eidos, Ubisoft, Konami, Vivendi Universal Games, as well as THQ. Marketers it has worked with include Coca-Cola, Honda, Nokia, Panasonic, and entertainment entities like Paramount, Warner Bros. and Universal Music. Double Fusion Hopes To Challenge Massive Inc., AdAge, Mar. 15 2006, available at https://adage.com/article/madisonvine-news/double-fusion-hopes-challenge-massive/107867 (accessed Nov. 11, 2024). A big challenge has been convincing advertisers that they can measure the effectiveness of their in-game advertising. To address this problem, Mr. Davis signed a deal in December with Nielsen, the company that tracks TV viewership, to use Massive's software to measure whether video game players are viewing the in-game commercial messages. The software allows game publishers set aside locations inside a game to post ads. In one popular action game called Splinter Cell, for example, boxes on cargo ships are stamped with the names of advertisers. The technology makes it possible to track how often a player comes across those boxes inside the game and reports back to the company over the Internet. "Measurement is the key part of the proposition," Mr. Davis said. "Advertisers are looking for accountability." A New Reality in Video Games: Advertisements, The New York Times, Apr. 11, 2005, available at https://www.nytimes.com/2005/04/11/technology/a-new-reality-in-video-games-advertisements.html (accessed Nov. 13, 2024). Current titles in the Massive Network include Ubisoft's "Splinter Cell Chaos Theory" and Funcom's "Anarchy Online", as well as "Mall Tycoon" and "Ski Resort." Massive's combination of leading publishers and premier game titles definitively demonstrates that contextual advertising in video games is the freshest and most effective way to reach a vast audience, allowing brand marketers to connect directly with their audience's lifestyle.

Claim Limitation	Exemplary Disclosure in the Prior Art
	From Just a Virtual Idea, Advertising in Video Games is Now a Massive Reality; Blue Chip Advertisers Join Rapidly Expanding Massive Advertising Network to Reach the Coveted Gamer Audience, PR Newswire US, April 11, 2005. SWAT 4 was an online video game that utilized the Massive system for dynamic in-game advertising.

Claim Limitation	Exemplary Disclosure in the Prior Art
	<i>"After updating my version of SWAT4 to the latest patch from Vivendi, I soon discovered that the game was phoning home to grab posters to place in the enviroment of the game's levels. Not only did it do this for every level that was played, but it also informed the advertisers of how long each poster was viewed, and by which gamer. Expect to see this kind of advertising and brand placement becoming standard fare in the very near future."</i> Armed with packet-sniffing software and other tools, they were able to dissect the code and discover that the technology is far more invasive than mere product placement. <i>"The client contacted madserver to tell the advertisers how long the gamer spent with each advert in their view. This is mapped to the gamer id, so they know which player in the game saw the advert, and when, for how long, and from how far away (by virtue of the size attribute). Even the average viewing angle is passed back."</i> SWAT 4 patch contains Adware. Bit-tech.net, Aug. 10, 2005, available at https://bit-tech.net/news/gaming/swat4_adware/1/ (accessed Nov. 11, 2024).

Claim Limitation	Exemplary Disclosure in the Prior Art
	To the extent Massive does not disclose any part of this limitation, Massive renders this limitation obvious. It would have been obvious to a person of ordinary skill in the art to practice this limitation in light of Massive combined with the knowledge of a person of ordinary skill in the art, and in light of Massive combined with any of the other prior art references identified in the contentions for this patent, including LOR, SWAT 4, Ray, Nolan, and/or Hisamune. The manner in which each of these references discloses and/or renders obvious this limitation is set forth in these contentions. All of these disclosures also would have been within the knowledge of a person of ordinary skill in the art. Moreover, it would have been obvious to a person of ordinary skill in the art to combine Massive with the following prior art: LOR was a video game playable online with unskippable cutscenes. A player had to watch the cutscene before being able to move on to the next game play level. Checkpoint now, and you must watch the fast cut-scene, followed by some dialog. Walk down, and you will soon find out that you must destroy 75 guards in the area. A very tough feat for amateurs, but the veterans will know what to do. Scatter the guards around, and never take them on in groups, considering it is blatant suicide there. Lord of the Rings: Return of the King, Walkthrough: Part One, IGN, Mar. 27 2012, available at https://www.ign.com/wikis/the-lord-of-the-rings-the-return-of-the-king/Walkthrough: Part One (accessed Nov. 10, 2024). Collect the health item around the corner, and move along. Watch the cut-scene, and take out the shielded guards with the Fierce Attack, and the Archers with the Fast Attack as you make your way through the pillar maze. Back into the fog we go, and destroy the enemies near the ladder after the fog. Climb the ladder. Lord of the Rings: Return of the King, Walkthrough: Part One, IGN, Mar. 27, 2012, available at https://www.ign.com/wikis/the-lord-of-the-rings-the-return-of-the-king/Walkthrough: Part One (accessed Nov. 10, 2024).

Claim Limitation	Exemplary Disclosure in the Prior Art
	Starting out as Gandalf, you will have to mow down a series of soldiers that come from the forest. You can easily take them down with the Orc Hower combo, which you should have by now. A cut-scene will ensue. Carry on, and take out the Archers up ahead very swiftly with a few Fast Attacks. Take the path on the right up ahead. Lord of the Rings: Return of the King, Walkthrough: Part One, IGN, Mar. 27, 2012, available at https://www.ign.com/wikis/the-lord-of-the-rings-the-return-of-the-king/Walkthrough: Part One (accessed Nov. 10, 2024).
[1a] a storage of a plurality of digital moving image data of television programs to be viewed by the moving image viewing apparatuses;	Massive expressly or inherently discloses “a storage of a plurality of digital moving image data of television programs to be viewed by the moving image viewing apparatuses.” For example: The online video game environment stored all cutscenes for various games on a game server to be served to player devices when they reach that point. The technology backbone behind the Network is Massive's patent-pending ad serving technology, a client-server system that dynamically delivers advertising into video games within the Massive Network, and measures and reports results. Once integrated into a game, the Massive client library pulls down advertising from the Massive Server in the background of game play and reports every time an ad is seen. Video Game Advertising Network Launched, DMEurope, Oct. 19, 2004.

Claim Limitation	Exemplary Disclosure in the Prior Art
	Massive's technology consists of both an AdClient that is integrated into the game at the development stage and an AdServer that dynamically delivers ads through an online connection into the game environment. Massive's technology and latest enhancements allow all forms of downloadable media and advertising content to be contextually integrated into the game, including image, audio, video and game object formats. In addition, the Massive AdServer provides complete ad campaign measurement, geographic targeting and the most comprehensive reporting on ad exposure, interaction and overall gameplay. Massive Incorporated Unleashes Next Gen Version of Its In-Game Advertising Technology, GamesIndustry.biz, available at https://www.gamesindustry.biz/massive-incorporated-unleashes-next-gen-version-of-its-in-game-advertising-technology (accessed Nov. 11, 2024). NEWS AND INDUSTRY HAPPENINGS MASSIVE RELEASES VERSION 2.0 AD CLIENT JANUARY 25, 2005 GIN STAFF, AND NORMAN COORDINATE Massive Incorporated, the creator of the world's first video game advertising network, today announced the availability of version 2.0 of its AdClient SDK to enable developers and publishers to quickly and easily integrate their games into Massive's advertising network. Titles in the Massive Network can contribute \$1.00 to \$2.00 in Massive Releases Version 2.0 Ad Client, Jan. 25, 2005, available at https://www.gameindustry.com/news-industry-happenings/massive-releases-version-2-0-ad-client/ (accessed Nov 11, 2024)

Claim Limitation	Exemplary Disclosure in the Prior Art
	To the extent Massive does not disclose any part of this limitation, Massive renders this limitation obvious. It would have been obvious to a person of ordinary skill in the art to practice this limitation in light of Massive combined with the knowledge of a person of ordinary skill in the art, and in light of Massive combined with any of the other prior art references identified in the contentions for this patent, including LOR, SWAT 4, Ray, Nolan, and/or Hisamune. The manner in which each of these references discloses and/or renders obvious this limitation is set forth in these contentions. All of these disclosures also would have been within the knowledge of a person of ordinary skill in the art.
[1bi] a first controller adapted to electrically provide one of the digital moving image data of television programs to one of the moving image viewing apparatuses for allowing to display the television program in exchange of a presentation of an electric data denoting a right of viewing the television program,	Massive expressly or inherently discloses “a first controller adapted to electrically provide one of the digital moving image data of television programs to one of the moving image viewing apparatuses for allowing to display the television program in exchange of a presentation of an electric data denoting a right of viewing the television program.” For example: The technology backbone behind the Network is Massive's patent-pending ad serving technology, a client-server system that dynamically delivers advertising into video games within the Massive Network, and measures and reports results. Once integrated into a game, the Massive client library pulls down advertising from the Massive Server in the background of game play and reports every time an ad is seen. Video Game Advertising Network Launched, DMEurope, Oct. 19, 2004. Massive's technology consists of both an AdClient that is integrated into the game at the development stage and an AdServer that dynamically delivers ads through an online connection into the game environment. Massive's technology and latest enhancements allow all forms of downloadable media and advertising content to be contextually integrated into the game, including image, audio, video and game object formats. In addition, the Massive AdServer provides complete ad campaign measurement, geographic targeting and the most comprehensive reporting on ad exposure, interaction and overall gameplay.

Claim Limitation	Exemplary Disclosure in the Prior Art
	Massive Incorporated Unleashes Next Gen Version of Its In-Game Advertising Technology, GamesIndustry.biz, available at https://www.gamesindustry.biz/massive-incorporated-unleashes-next-gen-version-of-its-in-game-advertising-technology (accessed Nov. 11, 2024). NEWS AND INDUSTRY HAPPENINGS MASSIVE RELEASES VERSION 2.0 AD CLIENT JANUARY 25, 2005 GIN STAFF, AND NORMAN COORDINATE Massive Incorporated, the creator of the world's first video game advertising network, today announced the availability of version 2.0 of its AdClient SDK to enable developers and publishers to quickly and easily integrate their games into Massive's advertising network. Titles in the Massive Network can contribute \$1.00 to \$2.00 in Massive Releases Version 2.0 Ad Client, Jan. 25, 2005, available at https://www.gameindustry.com/news-industry-happenings/massive-releases-version-2-0-ad-client/ (accessed Nov 11, 2024) Moreover, it would have been obvious to a person of ordinary skill in the art to combine Massive with the following prior art: LOR was a video game playable online with unskippable cutscenes. A player had to watch the cutscene before being able to move on to the next game play level. The online video game environment stored and served all cutscenes for various games on a game server to be served to player devices when they reach that point.

Claim Limitation	Exemplary Disclosure in the Prior Art
	Checkpoint now, and you must watch the fast cut-scene, followed by some dialog. Walk down, and you will soon find out that you must destroy 75 guards in the area. A very tough feat for amateurs, but the veterans will know what to do. Scatter the guards around, and never take them on in groups, considering it is blatant suicide there. Lord of the Rings: Return of the King, Walkthrough: Part One, IGN, Mar. 27 2012, available at https://www.ign.com/wikis/the-lord-of-the-rings-the-return-of-the-king/Walkthrough: Part One (accessed Nov. 10, 2024). Collect the health item around the corner, and move along. Watch the cut-scene, and take out the shielded guards with the Fierce Attack, and the Archers with the Fast Attack as you make your way through the pillar maze. Back into the fog we go, and destroy the enemies near the ladder after the fog. Climb the ladder. Lord of the Rings: Return of the King, Walkthrough: Part One, IGN, Mar. 27, 2012, available at https://www.ign.com/wikis/the-lord-of-the-rings-the-return-of-the-king/Walkthrough: Part One (accessed Nov. 10, 2024). Starting out as Gandalf, you will have to mow down a series of soldiers that come from the forest. You can easily take them down with the Orc Hower combo, which you should have by now. A cut-scene will ensue. Carry on, and take out the Archers up ahead very swiftly with a few Fast Attacks. Take the path on the right up ahead. Lord of the Rings: Return of the King, Walkthrough: Part One, IGN, Mar. 27, 2012, available at https://www.ign.com/wikis/the-lord-of-the-rings-the-return-of-the-king/Walkthrough: Part One (accessed Nov. 10, 2024). cinema experience home, but gamers bear the cost. The unskippable cutscenes (copped from the same marathon session in which Peter Jackson shot the entire trilogy), finely detailed mega-scale combat, and opening credits fully simulate the silver screen. Those who can't stand to have Ian

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	Precious, Precious Movie License Slogs to Mordor, Torpor, Village Voice, Dec. 9, 2003, available at https://web.archive.org/web/20121108042335/http://www.villagevoice.com/2003-12-09/news/precious-precious-movie-license-slogs-to-mordor-torpor/ (accessed on Nov. 13, 2024). To the extent Massive does not disclose any part of this limitation, Massive renders this limitation obvious. It would have been obvious to a person of ordinary skill in the art to practice this limitation in light of Massive combined with the knowledge of a person of ordinary skill in the art, and in light of Massive combined with any of the other prior art references identified in the contentions for this patent, including LOR, SWAT 4, Ray, Nolan, and/or Hisamune. The manner in which each of these references discloses and/or renders obvious this limitation is set forth in these contentions. All of these disclosures also would have been within the knowledge of a person of ordinary skill in the art.
[1bii] the electric data having been issued to the moving image viewing apparatus, without intermediary of the moving image data delivery system, by the advertising image data delivery system in exchange of a commercial message view by the moving image viewing apparatus, provided by the advertising image data delivery system,	Massive expressly or inherently discloses “the electric data having been issued to the moving image viewing apparatus, without intermediary of the moving image data delivery system, by the advertising image data delivery system in exchange of a commercial message view by the moving image viewing apparatus, provided by the advertising image data delivery system.” For example: The technology backbone behind the Network is Massive's patent-pending ad serving technology, a client-server system that dynamically delivers advertising into video games within the Massive Network, and measures and reports results. Once integrated into a game, the Massive client library pulls down advertising from the Massive Server in the background of game play and reports every time an ad is seen. Video Game Advertising Network Launched, DMEurope, Oct. 19, 2004.

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	NEWS AND INDUSTRY HAPPENINGS MASSIVE RELEASES VERSION 2.0 AD CLIENT JANUARY 25, 2005 GIN STAFF, AND NORMAN COORDINATE Massive Incorporated, the creator of the world's first video game advertising network, today announced the availability of version 2.0 of its AdClient SDK to enable developers and publishers to quickly and easily integrate their games into Massive's advertising network. Titles in the Massive Network can contribute \$1.00 to \$2.00 in Massive Releases Version 2.0 Ad Client, Jan. 25, 2005, available at https://www.gameindustry.com/news-industry-happenings/massive-releases-version-2-0-ad-client/ (accessed Nov 11, 2024) Massive's network delivers advertiser messages seamlessly into premiere video games, played primarily by an 18-34 male audience. They appear in the game on billboards, posters, and other advertising elements that naturally fit the game environment. To date, 40 titles from eight publishers are committed to the Massive Network through 2005. Publishers and developers alike can enjoy revenues from 'lost Massive Releases Version 2.0 Ad Client, Jan. 25, 2005, available at https://www.gameindustry.com/news-industry-happenings/massive-releases-version-2-0-ad-client/ (accessed Nov 11, 2024) The Massive AdClient SDK integrates into video game engines at the development

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	stage and handles all connections and communications with Massive's AdServer, allowing the game to dynamically download advertising into the game. The technology works across all platforms. Using texture replacement, the game engine blends the advertising into 2D or 3D game environments as part of the normal rendering and display process. With minimal memory impact, Massive's AdClient software library keeps track of ad views and reports aggregate view data back to the server. The technology provides accurate reporting to advertisers, while at the same time preserving the privacy and security of the players. All data is reported in an aggregated format-no individual information is gathered and Massive does not store cookies or other persistent information on individuals' computers. Massive Releases Version 2.0 Ad Client, Jan. 25, 2005, available at https://www.gameindustry.com/news-industry-happenings/massive-releases-version-2-0-ad-client/ (accessed Nov 11, 2024). Massive's technology consists of both an AdClient that is integrated into the game at the development stage and an AdServer that dynamically delivers ads through an online connection into the game environment. Massive's technology and latest enhancements allow all forms of downloadable media and advertising content to be contextually integrated into the game, including image, audio, video and game object formats. In addition, the Massive AdServer provides complete ad campaign measurement, geographic targeting and the most comprehensive reporting on ad exposure, interaction and overall gameplay. Massive Incorporated Unleashes Next Gen Version of Its In-Game Advertising Technology, GamesIndustry.biz, available at https://www.gamesindustry.biz/massive-incorporated-unleashes-next-gen-version-of-its-in-game-advertising-technology (accessed Nov. 11, 2024).

Claim Limitation	Exemplary Disclosure in the Prior Art
	<i>"After updating my version of SWAT4 to the latest patch from Vivendi, I soon discovered that the game was phoning home to grab posters to place in the enviroment of the game's levels. Not only did it do this for every level that was played, but it also informed the advertisers of how long each poster was viewed, and by which gamer. Expect to see this kind of advertising and brand placement becoming standard fare in the very near future."</i> Armed with packet-sniffing software and other tools, they were able to dissect the code and discover that the technology is far more invasive than mere product placement. <i>"The client contacted madserver to tell the advertisers how long the gamer spent with each advert in their view. This is mapped to the gamer id, so they know which player in the game saw the advert, and when, for how long, and from how far away (by virtue of the size attribute). Even the average viewing angle is passed back."</i> SWAT 4 patch contains Adware. Bit-tech.net, Aug. 10, 2005, available at https://bit-tech.net/news/gaming/swat4_adware/1/ (accessed Nov. 11, 2024).

Claim Limitation	Exemplary Disclosure in the Prior Art
	Moreover, it would have been obvious to a person of ordinary skill in the art to combine Massive with the following prior art: LOR was a video game playable online with unskippable cutscenes. A player had to watch the cutscene before being able to move on to the next game play level. Checkpoint now, and you must watch the fast cut-scene, followed by some dialog. Walk down, and you will soon find out that you must destroy 75 guards in the area. A very tough feat for amateurs, but the veterans will know what to do. Scatter the guards around, and never take them on in groups, considering it is blatant suicide there. Lord of the Rings: Return of the King, Walkthrough: Part One, IGN, Mar. 27 2012, available at https://www.ign.com/wikis/the-lord-of-the-rings-the-return-of-the-king/Walkthrough: Part One (accessed Nov. 10, 2024). Collect the health item around the corner, and move along. Watch the cut-scene, and take out the shielded guards with the Fierce Attack, and the Archers with the Fast Attack as you make your way through the pillar maze. Back into the fog we go, and destroy the enemies near the ladder after the fog. Climb the ladder. Lord of the Rings: Return of the King, Walkthrough: Part One, IGN, Mar. 27, 2012, available at https://www.ign.com/wikis/the-lord-of-the-rings-the-return-of-the-king/Walkthrough: Part One (accessed Nov. 10, 2024). Starting out as Gandalf, you will have to mow down a series of soldiers that come from the forest. You can easily take them down with the Orc Hower combo, which you should have by now. A cut-scene will ensue. Carry on, and take out the Archers up ahead very swiftly with a few Fast Attacks. Take the path on the right up ahead. Lord of the Rings: Return of the King, Walkthrough: Part One, IGN, Mar. 27, 2012, available at https://www.ign.com/wikis/the-lord-of-the-rings-the-return-of-the-king/Walkthrough: Part One (accessed Nov. 10, 2024).

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	cinema experience home, but gamers bear the cost. The unskippable cutscenes (copped from the same marathon session in which Peter Jackson shot the entire trilogy), finely detailed mega-scale combat, and opening credits fully simulate the silver screen. Those who can't stand to have Ian Precious, Precious Movie License Slogs to Mordor, Torpor, Village Voice, Dec. 9, 2003, available at https://web.archive.org/web/20121108042335/http://www.villagevoice.com/2003-12-09/news/precious-precious-movie-license-slogs-to-mordor-torpor/ (accessed on Nov. 13, 2024). To the extent Massive does not disclose any part of this limitation, Massive renders this limitation obvious. It would have been obvious to a person of ordinary skill in the art to practice this limitation in light of Massive combined with the knowledge of a person of ordinary skill in the art, and in light of Massive combined with any of the other prior art references identified in the contentions for this patent, including LOR, SWAT 4, Ray, Nolan, and/or Hisamune. The manner in which each of these references discloses and/or renders obvious this limitation is set forth in these contentions. All of these disclosures also would have been within the knowledge of a person of ordinary skill in the art.
[1biii] wherein no electric payment is made to the moving image data delivery system when the advertising image data delivery system issues the electric data to the moving image viewing apparatus in exchange of viewing commercial message; and	Massive expressly or inherently discloses “wherein no electric payment is made to the moving image data delivery system when the advertising image data delivery system issues the electric data to the moving image viewing apparatus in exchange of viewing commercial message.” For example: The technology backbone behind the Network is Massive's patent-pending ad serving technology, a client-server system that dynamically delivers advertising into video games within the Massive Network, and measures and reports results. Once integrated into a game, the Massive client library pulls down advertising from the Massive Server in the background of game play and reports every time an ad is seen. Video Game Advertising Network Launched, DMEurope, Oct. 19, 2004. The Massive AdClient SDK integrates into video game engines at the development

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	stage and handles all connections and communications with Massive's AdServer, allowing the game to dynamically download advertising into the game. The technology works across all platforms. Using texture replacement, the game engine blends the advertising into 2D or 3D game environments as part of the normal rendering and display process. With minimal memory impact, Massive's AdClient software library keeps track of ad views and reports aggregate view data back to the server. The technology provides accurate reporting to advertisers, while at the same time preserving the privacy and security of the players. All data is reported in an aggregated format-no individual information is gathered and Massive does not store cookies or other persistent information on individuals' computers. Massive Releases Version 2.0 Ad Client, Jan. 25, 2005, available at https://www.gameindustry.com/news-industry-happenings/massive-releases-version-2-0-ad-client/ (accessed Nov 11, 2024). NEWS AND INDUSTRY HAPPENINGS MASSIVE RELEASES VERSION 2.0 AD CLIENT JANUARY 25, 2005 GIN STAFF, AND NORMAN COORDINATE Massive Incorporated, the creator of the world's first video game advertising network, today announced the availability of version 2.0 of its AdClient SDK to enable developers and publishers to quickly and easily integrate their games into Massive's advertising network. Titles in the Massive Network can contribute \$1.00 to \$2.00 in Massive Releases Version 2.0 Ad Client, Jan. 25, 2005, available at https://www.gameindustry.com/news-industry-happenings/massive-releases-version-2-0-ad-client/ (accessed Nov 11, 2024)

Claim Limitation	Exemplary Disclosure in the Prior Art
	Massive's network delivers advertiser messages seamlessly into premiere video games, played primarily by an 18-34 male audience. They appear in the game on billboards, posters, and other advertising elements that naturally fit the game environment. To date, 40 titles from eight publishers are committed to the Massive Network through 2005. Publishers and developers alike can enjoy revenues from 'lost Massive Releases Version 2.0 Ad Client, Jan. 25, 2005, available at https://www.gameindustry.com/news-industry-happenings/massive-releases-version-2-0-ad-client/ (accessed Nov 11, 2024) Massive's technology consists of both an AdClient that is integrated into the game at the development stage and an AdServer that dynamically delivers ads through an online connection into the game environment. Massive's technology and latest enhancements allow all forms of downloadable media and advertising content to be contextually integrated into the game, including image, audio, video and game object formats. In addition, the Massive AdServer provides complete ad campaign measurement, geographic targeting and the most comprehensive reporting on ad exposure, interaction and overall gameplay. Massive Incorporated Unleashes Next Gen Version of Its In-Game Advertising Technology, GamesIndustry.biz, available at https://www.gamesindustry.biz/massive-incorporated-unleashes-next-gen-version-of-its-in-game-advertising-technology (accessed Nov. 11, 2024). Moreover, it would have been obvious to a person of ordinary skill in the art to combine Massive with the following prior art: LOR was a video game playable online with unskippable cutscenes. A player had to watch the cutscene before being able to move on to the next game play level.

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	Checkpoint now, and you must watch the fast cut-scene, followed by some dialog. Walk down, and you will soon find out that you must destroy 75 guards in the area. A very tough feat for amateurs, but the veterans will know what to do. Scatter the guards around, and never take them on in groups, considering it is blatant suicide there. Lord of the Rings: Return of the King, Walkthrough: Part One, IGN, Mar. 27 2012, available at https://www.ign.com/wikis/the-lord-of-the-rings-the-return-of-the-king/Walkthrough: Part One (accessed Nov. 10, 2024). Collect the health item around the corner, and move along. Watch the cut-scene, and take out the shielded guards with the Fierce Attack, and the Archers with the Fast Attack as you make your way through the pillar maze. Back into the fog we go, and destroy the enemies near the ladder after the fog. Climb the ladder. Lord of the Rings: Return of the King, Walkthrough: Part One, IGN, Mar. 27, 2012, available at https://www.ign.com/wikis/the-lord-of-the-rings-the-return-of-the-king/Walkthrough: Part One (accessed Nov. 10, 2024). Starting out as Gandalf, you will have to mow down a series of soldiers that come from the forest. You can easily take them down with the Orc Hower combo, which you should have by now. A cut-scene will ensue. Carry on, and take out the Archers up ahead very swiftly with a few Fast Attacks. Take the path on the right up ahead. Lord of the Rings: Return of the King, Walkthrough: Part One, IGN, Mar. 27, 2012, available at https://www.ign.com/wikis/the-lord-of-the-rings-the-return-of-the-king/Walkthrough: Part One (accessed Nov. 10, 2024). cinema experience home, but gamers bear the cost. The unskippable cutscenes (copped from the same marathon session in which Peter Jackson shot the entire trilogy), finely detailed mega-scale combat, and opening credits fully simulate the silver screen. Those who can't stand to have Ian

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	Precious, Precious Movie License Slogs to Mordor, Torpor, Village Voice, Dec. 9, 2003, available at https://web.archive.org/web/20121108042335/http://www.villagevoice.com/2003-12-09/news/precious-precious-movie-license-slogs-to-mordor-torpor/ (accessed on Nov. 13, 2024). To the extent Massive does not disclose any part of this limitation, Massive renders this limitation obvious. It would have been obvious to a person of ordinary skill in the art to practice this limitation in light of Massive combined with the knowledge of a person of ordinary skill in the art, and in light of Massive combined with any of the other prior art references identified in the contentions for this patent, including LOR, SWAT 4, Ray, Nolan, and/or Hisamune. The manner in which each of these references discloses and/or renders obvious this limitation is set forth in these contentions. All of these disclosures also would have been within the knowledge of a person of ordinary skill in the art.
[1c] a second controller adapted to receive an electric payment from the advertising image data delivery system in exchange of a presentation of a report from the moving image data delivery system to the advertising image data delivery system, the report indicating that the moving image data delivery system is presented with the electric data.	Massive expressly or inherently discloses “a second controller adapted to receive an electric payment from the advertising image data delivery system in exchange of a presentation of a report from the moving image data delivery system to the advertising image data delivery system, the report indicating that the moving image data delivery system is presented with the electric data.” For example: The technology backbone behind the Network is Massive's patent-pending ad serving technology, a client-server system that dynamically delivers advertising into video games within the Massive Network, and measures and reports results. Once integrated into a game, the Massive client library pulls down advertising from the Massive Server in the background of game play and reports every time an ad is seen. Video Game Advertising Network Launched, DMEurope, Oct. 19, 2004.

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	NEWS AND INDUSTRY HAPPENINGS MASSIVE RELEASES VERSION 2.0 AD CLIENT JANUARY 25, 2005 GIN STAFF, AND NORMAN COORDINATE Massive Incorporated, the creator of the world's first video game advertising network, today announced the availability of version 2.0 of its AdClient SDK to enable developers and publishers to quickly and easily integrate their games into Massive's advertising network. Titles in the Massive Network can contribute \$1.00 to \$2.00 in Massive Releases Version 2.0 Ad Client, Jan. 25, 2005, available at https://www.gameindustry.com/news-industry-happenings/massive-releases-version-2-0-ad-client/ (accessed Nov 11, 2024) Massive's network delivers advertiser messages seamlessly into premiere video games, played primarily by an 18-34 male audience. They appear in the game on billboards, posters, and other advertising elements that naturally fit the game environment. To date, 40 titles from eight publishers are committed to the Massive Network through 2005. Publishers and developers alike can enjoy revenues from 'lost Massive Releases Version 2.0 Ad Client, Jan. 25, 2005, available at https://www.gameindustry.com/news-industry-happenings/massive-releases-version-2-0-ad-client/ (accessed Nov 11, 2024)

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	Massive's technology consists of both an AdClient that is integrated into the game at the development stage and an AdServer that dynamically delivers ads through an online connection into the game environment. Massive's technology and latest enhancements allow all forms of downloadable media and advertising content to be contextually integrated into the game, including image, audio, video and game object formats. In addition, the Massive AdServer provides complete ad campaign measurement, geographic targeting and the most comprehensive reporting on ad exposure, interaction and overall gameplay. Massive Incorporated Unleashes Next Gen Version of Its In-Game Advertising Technology, GamesIndustry.biz, available at https://www.gamesindustry.biz/massive-incorporated-unleashes-next-gen-version-of-its-in-game-advertising-technology (accessed Nov. 11, 2024). The Massive AdClient SDK integrates into video game engines at the development stage and handles all connections and communications with Massive's AdServer, allowing the game to dynamically download advertising into the game. The technology works across all platforms. Using texture replacement, the game engine blends the advertising into 2D or 3D game environments as part of the normal rendering and display process. With minimal memory impact, Massive's AdClient software library keeps track of ad views and reports aggregate view data back to the server. The technology provides accurate reporting to advertisers, while at the same time preserving the privacy and security of the players. All data is reported in an aggregated format-no individual information is gathered and Massive does not store cookies or other persistent information on individuals' computers.

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	Massive Releases Version 2.0 Ad Client, Jan. 25, 2005, available at https://www.gameindustry.com/news-industry-happenings/massive-releases-version-2-0-ad-client/ (accessed Nov 11, 2024). A big challenge has been convincing advertisers that they can measure the effectiveness of their in-game advertising. To address this problem, Mr. Davis signed a deal in December with Nielsen, the company that tracks TV viewership, to use Massive's software to measure whether video game players are viewing the in-game commercial messages. The software allows game publishers set aside locations inside a game to post ads. In one popular action game called Splinter Cell, for example, boxes on cargo ships are stamped with the names of advertisers. The technology makes it possible to track how often a player comes across those boxes inside the game and reports back to the company over the Internet. "Measurement is the key part of the proposition," Mr. Davis said. "Advertisers are looking for accountability." A New Reality in Video Games: Advertisements, The New York Times, Apr. 11, 2005, available at https://www.nytimes.com/2005/04/11/technology/a-new-reality-in-video-games-advertisements.html (accessed Nov. 13, 2024). Ads will sell in 15 second increments of exposure on a cumulative basis and even according to the angle at which the gamer sees the creative unit. The Massive APIs can track how much exposure a gamer has had to an ad as he speeds by, so it may take a number of laps to add up to a single impression. If the gamer comes at the 3D texture ad from too oblique an angle to see the ad clearly, it isn't counted. Are In-Game Ad Networks the Next "Massive" Thing?, Electronic Gaming Business, June 2, 2004.

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	<i>"After updating my version of SWAT4 to the latest patch from Vivendi, I soon discovered that the game was phoning home to grab posters to place in the enviroment of the game's levels. Not only did it do this for every level that was played, but it also informed the advertisers of how long each poster was viewed, and by which gamer. Expect to see this kind of advertising and brand placement becoming standard fare in the very near future."</i> Armed with packet-sniffing software and other tools, they were able to dissect the code and discover that the technology is far more invasive than mere product placement. <i>"The client contacted madserver to tell the advertisers how long the gamer spent with each advert in their view. This is mapped to the gamer id, so they know which player in the game saw the advert, and when, for how long, and from how far away (by virtue of the size attribute). Even the average viewing angle is passed back."</i> SWAT 4 patch contains Adware. Bit-tech.net, Aug. 10, 2005, available at https://bit-tech.net/news/gaming/swat4_adware/1/ (accessed Nov. 11, 2024).

Claim Limitation	Exemplary Disclosure in the Prior Art
	To the extent Massive does not disclose any part of this limitation, Massive renders this limitation obvious. It would have been obvious to a person of ordinary skill in the art to practice this limitation in light of Massive combined with the knowledge of a person of ordinary skill in the art, and in light of Massive combined with any of the other prior art references identified in the contentions for this patent, including LOR, SWAT 4, Ray, Nolan, and/or Hisamune. The manner in which each of these references discloses and/or renders obvious this limitation is set forth in these contentions. All of these disclosures also would have been within the knowledge of a person of ordinary skill in the art.
9. The moving image data delivery system according to claim 1, wherein the advertising image data delivery system is integrated into the moving image data delivery system.	Massive expressly or inherently discloses “[t]he moving image data delivery system according to claim 1, wherein the advertising image data delivery system is integrated into the moving image data delivery system.” For example: All disclosures for all limitations of claim 1 are incorporated herein by reference. NEWS AND INDUSTRY HAPPENINGS MASSIVE RELEASES VERSION 2.0 AD CLIENT JANUARY 25, 2005 GIN STAFF, AND NORMAN COORDINATE Massive Incorporated, the creator of the world's first video game advertising network, today announced the availability of version 2.0 of its AdClient SDK to enable developers and publishers to quickly and easily integrate their games into Massive's advertising network. Titles in the Massive Network can contribute \$1.00 to \$2.00 in Massive Releases Version 2.0 Ad Client, Jan. 25, 2005, available at https://www.gameindustry.com/news-industry-happenings/massive-releases-version-2-0-ad-client/ (accessed Nov 11, 2024)

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	The Massive AdClient SDK integrates into video game engines at the development stage and handles all connections and communications with Massive's AdServer, allowing the game to dynamically download advertising into the game. The technology works across all platforms. Using texture replacement, the game engine blends the advertising into 2D or 3D game environments as part of the normal rendering and display process. With minimal memory impact, Massive's AdClient software library keeps track of ad views and reports aggregate view data back to the server. The technology provides accurate reporting to advertisers, while at the same time preserving the privacy and security of the players. All data is reported in an aggregated format-no individual information is gathered and Massive does not store cookies or other persistent information on individuals' computers. Massive Releases Version 2.0 Ad Client, Jan. 25, 2005, available at https://www.gameindustry.com/news-industry-happenings/massive-releases-version-2-0-ad-client/ (accessed Nov 11, 2024). Massive's technology consists of both an AdClient that is integrated into the game at the development stage and an AdServer that dynamically delivers ads through an online connection into the game environment. Massive's technology and latest enhancements allow all forms of downloadable media and advertising content to be contextually integrated into the game, including image, audio, video and game object formats. In addition, the Massive AdServer provides complete ad campaign measurement, geographic targeting and the most comprehensive reporting on ad exposure, interaction and overall gameplay.

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	Massive Incorporated Unleashes Next Gen Version of Its In-Game Advertising Technology, GamesIndustry.biz, available at https://www.gamesindustry.biz/massive-incorporated-unleashes-next-gen-version-of-its-in-game-advertising-technology (accessed Nov. 11, 2024). To the extent Massive does not disclose any part of this limitation, Massive renders this limitation obvious. It would have been obvious to a person of ordinary skill in the art to practice this limitation in light of Massive combined with the knowledge of a person of ordinary skill in the art, and in light of Massive combined with any of the other prior art references identified in the contentions for this patent, including LOR, SWAT 4, Ray, Nolan, and/or Hisamune. The manner in which each of these references discloses and/or renders obvious this limitation is set forth in these contentions. All of these disclosures also would have been within the knowledge of a person of ordinary skill in the art.
10[pre]. An advertising image data delivery system capable of being in communication with a plurality of moving image viewing apparatuses, a moving image data delivery system and an advertiser paying for the commercial message comprising:	To the extent the preamble is limiting, Massive expressly or inherently discloses “[a]n advertising image data delivery system capable of being in communication with a plurality of moving image viewing apparatuses, a moving image data delivery system and an advertiser paying for the commercial message.” For example: All disclosures for section 1[pre.] are incorporated herein by reference. Massive included ad servers (advertising image data delivery system) that delivered advertisements, both image and video formats, to computers running certain video games, such as SWAT 4, (moving image viewing apparatuses). The technology backbone behind the Network is Massive's patent-pending ad serving technology, a client-server system that dynamically delivers advertising into video games within the Massive Network, and measures and reports results. Once integrated into a game, the Massive client library pulls down advertising from the Massive Server in the background of game play and reports every time an ad is seen. Video Game Advertising Network Launched, DMEurope, Oct. 19, 2004.

Claim Limitation	Exemplary Disclosure in the Prior Art
	Massive's technology consists of both an AdClient that is integrated into the game at the development stage and an AdServer that dynamically delivers ads through an online connection into the game environment. Massive's technology and latest enhancements allow all forms of downloadable media and advertising content to be contextually integrated into the game, including image, audio, video and game object formats. In addition, the Massive AdServer provides complete ad campaign measurement, geographic targeting and the most comprehensive reporting on ad exposure, interaction and overall gameplay. Massive Incorporated Unleashes Next Gen Version of Its In-Game Advertising Technology, GamesIndustry.biz, available at https://www.gamesindustry.biz/massive-incorporated-unleashes-next-gen-version-of-its-in-game-advertising-technology (accessed Nov. 11, 2024).

Claim Limitation	Exemplary Disclosure in the Prior Art
	The Massive AdClient SDK integrates into video game engines at the development gameindustry.com/news-industry-happenings/massive-releases-version-2-0-ad-client/ F Massive Version 2.0 Ad Client - Gameindustry.com 11/11/2005 stage and handles all connections and communications with Massive's AdServer, allowing the game to dynamically download advertising into the game. The technology works across all platforms. Using texture replacement, the game engine blends the advertising into 2D or 3D game environments as part of the normal rendering and display process. With minimal memory impact, Massive's AdClient software library keeps track of ad views and reports aggregate view data back to the server. The technology provides accurate reporting to advertisers, while at the same time preserving the privacy and security of the players. All data is reported in an aggregated format-no individual information is gathered and Massive does not store cookies or other persistent information on individuals' computers. Massive Releases Version 2.0 Ad Client, Jan. 25, 2005, available at https://www.gameindustry.com/news-industry-happenings/massive-releases-version-2-0-ad-client/ (accessed Nov 11, 2024)

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	The company insisted that the ads flow seamlessly into the gaming environment with no impact on game play or performance, making in-game advertising painless and unobtrusive for gamers, publishers, and advertisers alike. The first advertiser to participate in the network will be RealNetworks, a creator of digital media services and software. Massive launches video game advertising network, tvtech, Oct. 26, 2004, available at https://www.tvtechnology.com/miscellaneous/massive-launches-video-game-advertising-network (accessed Nov. 11, 2024). But for now, Massive still dominates the space. It has deals with publishers like Atari, Eidos, Ubisoft, Konami, Vivendi Universal Games, as well as THQ. Marketers it has worked with include Coca-Cola, Honda, Nokia, Panasonic, and entertainment entities like Paramount, Warner Bros. and Universal Music. Double Fusion Hopes To Challenge Massive Inc., AdAge, Mar. 15 2006, available at https://adage.com/article/madisonvine-news/double-fusion-hopes-challenge-massive/107867 (accessed Nov. 11, 2024). Massive advertisers pay on a per-impression basis, and the company estimates publishers can squeeze another \$1 to \$2 of profit out of each copy of a game by using its advertising network, an attractive proposition as future game systems push up development costs. Massive is limiting its network to PC games for now, but proliferating Internet connections in the living room will allow the service to quickly expand to consoles such as Microsoft's Xbox and Sony's PlayStation, Longano said. Play to pay: Service inserts ads in games, CNET News.com, Apr. 10, 2005.

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	<i>"After updating my version of SWAT4 to the latest patch from Vivendi, I soon discovered that the game was phoning home to grab posters to place in the enviroment of the game's levels. Not only did it do this for every level that was played, but it also informed the advertisers of how long each poster was viewed, and by which gamer. Expect to see this kind of advertising and brand placement becoming standard fare in the very near future."</i> Armed with packet-sniffing software and other tools, they were able to dissect the code and discover that the technology is far more invasive than mere product placement. <i>"The client contacted madserver to tell the advertisers how long the gamer spent with each advert in their view. This is mapped to the gamer id, so they know which player in the game saw the advert, and when, for how long, and from how far away (by virtue of the size attribute). Even the average viewing angle is passed back."</i> SWAT 4 patch contains Adware. Bit-tech.net, Aug. 10, 2005, available at https://bit-tech.net/news/gaming/swat4_adware/1/ (accessed Nov. 11, 2024).

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	To the extent Massive does not disclose any part of this limitation, Massive renders this limitation obvious. It would have been obvious to a person of ordinary skill in the art to practice this limitation in light of Massive combined with the knowledge of a person of ordinary skill in the art, and in light of Massive combined with any of the other prior art references identified in the contentions for this patent, including LOR, SWAT 4, Ray, Nolan, and/or Hisamune. The manner in which each of these references discloses and/or renders obvious this limitation is set forth in these contentions. All of these disclosures also would have been within the knowledge of a person of ordinary skill in the art.
[10a] a storage of a plurality of advertising image data of commercial messages to be viewed by the moving image viewing apparatuses;	Massive expressly or inherently discloses “a storage of a plurality of advertising image data of commercial messages to be viewed by the moving image viewing apparatuses.” For example: All disclosures for section 1[a] are incorporated herein by reference. The Massive ad server stored advertisements. The technology backbone behind the Network is Massive's patent-pending ad serving technology, a client-server system that dynamically delivers advertising into video games within the Massive Network, and measures and reports results. Once integrated into a game, the Massive client library pulls down advertising from the Massive Server in the background of game play and reports every time an ad is seen. Video Game Advertising Network Launched, DMEurope, Oct. 19, 2004. Massive's network delivers advertiser messages seamlessly into premiere video games, played primarily by an 18-34 male audience. They appear in the game on billboards, posters, and other advertising elements that naturally fit the game environment. To date, 40 titles from eight publishers are committed to the Massive Network through 2005. Publishers and developers alike can enjoy revenues from 'lost

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	<i>"After updating my version of SWAT4 to the latest patch from Vivendi, I soon discovered that the game was phoning home to grab posters to place in the enviroment of the game's levels. Not only did it do this for every level that was played, but it also informed the advertisers of how long each poster was viewed, and by which gamer. Expect to see this kind of advertising and brand placement becoming standard fare in the very near future."</i> Armed with packet-sniffing software and other tools, they were able to dissect the code and discover that the technology is far more invasive than mere product placement. <i>"The client contacted madserver to tell the advertisers how long the gamer spent with each advert in their view. This is mapped to the gamer id, so they know which player in the game saw the advert, and when, for how long, and from how far away (by virtue of the size attribute). Even the average viewing angle is passed back."</i> SWAT 4 patch contains Adware. Bit-tech.net, Aug. 10, 2005, available at https://bit-tech.net/news/gaming/swat4_adware/1/ (accessed Nov. 11, 2024).

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	To the extent Massive does not disclose any part of this limitation, Massive renders this limitation obvious. It would have been obvious to a person of ordinary skill in the art to practice this limitation in light of Massive combined with the knowledge of a person of ordinary skill in the art, and in light of Massive combined with any of the other prior art references identified in the contentions for this patent, including LOR, SWAT 4, Ray, Nolan, and/or Hisamune. The manner in which each of these references discloses and/or renders obvious this limitation is set forth in these contentions. All of these disclosures also would have been within the knowledge of a person of ordinary skill in the art.
[10bi] a first controller adapted to issue, without intermediary of the moving image data delivery system, to one of the moving image viewing apparatuses an electric data denoting a right of viewing a television program in exchange of commercial message view by the moving image viewing apparatus, provided by the advertising image data delivery system,	Massive expressly or inherently discloses “a first controller adapted to issue, without intermediary of the moving image data delivery system, to one of the moving image viewing apparatuses an electric data denoting a right of viewing a television program in exchange of commercial message view by the moving image viewing apparatus, provided by the advertising image data delivery system.” For example: All disclosures for section 1[bi] are incorporated herein by reference. The technology backbone behind the Network is Massive's patent-pending ad serving technology, a client-server system that dynamically delivers advertising into video games within the Massive Network, and measures and reports results. Once integrated into a game, the Massive client library pulls down advertising from the Massive Server in the background of game play and reports every time an ad is seen. Video Game Advertising Network Launched, DMEurope, Oct. 19, 2004.

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	NEWS AND INDUSTRY HAPPENINGS MASSIVE RELEASES VERSION 2.0 AD CLIENT JANUARY 25, 2005 GIN STAFF, AND NORMAN COORDINATE Massive Incorporated, the creator of the world's first video game advertising network, today announced the availability of version 2.0 of its AdClient SDK to enable developers and publishers to quickly and easily integrate their games into Massive's advertising network. Titles in the Massive Network can contribute \$1.00 to \$2.00 in Massive Releases Version 2.0 Ad Client, Jan. 25, 2005, available at https://www.gameindustry.com/news-industry-happenings/massive-releases-version-2-0-ad-client/ (accessed Nov 11, 2024) NEW YORK -- Short TV-style commercials will make their way into the video game world starting in the summer as in-game advertising provider Massive Inc. plans to debut 10 second spots on its network next month. "A new medium we have treat ed is a 10 second dynamic ad," Massive chief marketing officer Nicholas Longano said here Wednesday at a panel about the latest trends in the burgeoning in-game ad business. "With it, marketers can test ads and consumer reactions in real time." In-game ads get active: massive to debut 10-second spots, Hollywod Reporter, June 30, 2005. Massive's network delivers advertiser messages seamlessly into premiere video games, played primarily by an 18-34 male audience. They appear in the game on billboards, posters, and other advertising elements that naturally fit the game environment. To date, 40 titles from eight publishers are committed to the Massive Network through 2005. Publishers and developers alike can enjoy revenues from 'lost

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	Collect the health item around the corner, and move along. Watch the cut-scene, and take out the shielded guards with the Fierce Attack, and the Archers with the Fast Attack as you make your way through the pillar maze. Back into the fog we go, and destroy the enemies near the ladder after the fog. Climb the ladder. Lord of the Rings: Return of the King, Walkthrough: Part One, IGN, Mar. 27, 2012, available at https://www.ign.com/wikis/the-lord-of-the-rings-the-return-of-the-king/Walkthrough: Part One (accessed Nov. 10, 2024). Starting out as Gandalf, you will have to mow down a series of soldiers that come from the forest. You can easily take them down with the Orc Hower combo, which you should have by now. A cut-scene will ensue. Carry on, and take out the Archers up ahead very swiftly with a few Fast Attacks. Take the path on the right up ahead. Lord of the Rings: Return of the King, Walkthrough: Part One, IGN, Mar. 27, 2012, available at https://www.ign.com/wikis/the-lord-of-the-rings-the-return-of-the-king/Walkthrough: Part One (accessed Nov. 10, 2024). cinema experience home, but gamers bear the cost. The unskippable cutscenes (copped from the same marathon session in which Peter Jackson shot the entire trilogy), finely detailed mega-scale combat, and opening credits fully simulate the silver screen. Those who can't stand to have Ian Precious, Precious Movie License Slogs to Mordor, Torpor, Village Voice, Dec. 9, 2003, available at https://web.archive.org/web/20121108042335/http://www.villagevoice.com/2003-12-09/news/precious-precious-movie-license-slogs-to-mordor-torpor/ (accessed on Nov. 13, 2024). To the extent Massive does not disclose any part of this limitation, Massive renders this limitation obvious. It would have been obvious to a person of ordinary skill in the art to practice this limitation in light of Massive combined with the knowledge of a person of ordinary skill in the art, and in light of Massive combined with any of the other prior art references identified in the contentions for this patent, including LOR, SWAT 4, Ray, Nolan, and/or Hisamune. The manner in which each of these references discloses and/or renders obvious this

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[10bii] wherein the one of the moving image viewing apparatuses is provided with the television program from the moving image data delivery system in exchange of a presentation of the electric data to the moving image data delivery system from the one of the moving image viewing apparatus;	Massive expressly or inherently discloses “wherein the one of the moving image viewing apparatuses is provided with the television program from the moving image data delivery system in exchange of a presentation of the electric data to the moving image data delivery system from the one of the moving image viewing apparatus.” For example: All disclosures for section 1[bii] are incorporated herein by reference. The technology backbone behind the Network is Massive's patent-pending ad serving technology, a client-server system that dynamically delivers advertising into video games within the Massive Network, and measures and reports results. Once integrated into a game, the Massive client library pulls down advertising from the Massive Server in the background of game play and reports every time an ad is seen. Video Game Advertising Network Launched, DMEurope, Oct. 19, 2004. NEWS AND INDUSTRY HAPPENINGS MASSIVE RELEASES VERSION 2.0 AD CLIENT JANUARY 25, 2005 GIN STAFF, AND NORMAN COORDINATE Massive Incorporated, the creator of the world's first video game advertising network, today announced the availability of version 2.0 of its AdClient SDK to enable developers and publishers to quickly and easily integrate their games into Massive's advertising network. Titles in the Massive Network can contribute \$1.00 to \$2.00 in

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	LOR was a video game playable online with unskippable cutscenes. A player had to watch the cutscene before being able to move on to the next game play level. Collect the health item around the corner, and move along. Watch the cut-scene, and take out the shielded guards with the Fierce Attack, and the Archers with the Fast Attack as you make your way through the pillar maze. Back into the fog we go, and destroy the enemies near the ladder after the fog. Climb the ladder. Lord of the Rings: Return of the King, Walkthrough: Part One, IGN, Mar. 27, 2012, available at https://www.ign.com/wikis/the-lord-of-the-rings-the-return-of-the-king/Walkthrough: Part One (accessed Nov. 10, 2024). Starting out as Gandalf, you will have to mow down a series of soldiers that come from the forest. You can easily take them down with the Orc Hower combo, which you should have by now. A cut-scene will ensue. Carry on, and take out the Archers up ahead very swiftly with a few Fast Attacks. Take the path on the right up ahead. Lord of the Rings: Return of the King, Walkthrough: Part One, IGN, Mar. 27, 2012, available at https://www.ign.com/wikis/the-lord-of-the-rings-the-return-of-the-king/Walkthrough: Part One (accessed Nov. 10, 2024). cinema experience home, but gamers bear the cost. The unskippable cutscenes (copped from the same marathon session in which Peter Jackson shot the entire trilogy), finely detailed mega-scale combat, and opening credits fully simulate the silver screen. Those who can't stand to have Ian Precious, Precious Movie License Slogs to Mordor, Torpor, Village Voice, Dec. 9, 2003, available at https://web.archive.org/web/20121108042335/http://www.villagevoice.com/2003-12-09/news/precious-precious-movie-license-slogs-to-mordor-torpor/ (accessed on Nov. 13, 2024). To the extent Massive does not disclose any part of this limitation, Massive renders this limitation obvious. It would have been obvious to a person of ordinary skill in the art to practice this limitation in light of Massive

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	combined with the knowledge of a person of ordinary skill in the art, and in light of Massive combined with any of the other prior art references identified in the contentions for this patent, including LOR, SWAT 4, Ray, Nolan, and/or Hisamune. The manner in which each of these references discloses and/or renders obvious this limitation is set forth in these contentions. All of these disclosures also would have been within the knowledge of a person of ordinary skill in the art.
[10ci] a second controller adapted to receive an electric payment from the advertiser in exchange of a presentation of a report from the advertising image data delivery system to the advertiser, the report indicating that the advertising image data delivery system issues the electric data to the moving image viewing apparatuses,	Massive expressly or inherently discloses “a second controller adapted to receive an electric payment from the advertiser in exchange of a presentation of a report from the advertising image data delivery system to the advertiser, the report indicating that the advertising image data delivery system issues the electric data to the moving image viewing apparatuses.” For example: All disclosures for section 1[ci] are incorporated herein by reference. The technology backbone behind the Network is Massive's patent-pending ad serving technology, a client-server system that dynamically delivers advertising into video games within the Massive Network, and measures and reports results. Once integrated into a game, the Massive client library pulls down advertising from the Massive Server in the background of game play and reports every time an ad is seen. Video Game Advertising Network Launched, DMEurope, Oct. 19, 2004. The ability to achieve reach and frequency makes advertising within the Massive Network the most efficient solution for marketing to young men. Brand marketers can tap into the nation's largest entertainment industry using a familiar model that is similar to purchasing television advertising. The dynamic nature of the Massive Network gives advertisers the opportunity to target gamers with different messages based upon geography and time of day. Ad messages are customized to contextually fit each game environment and served to locations within the game which are pre-selected by the game's creative developers. Advertisers receive daily reports of audience data from the Massive AdServer which provide full insight into campaign delivery and facilitate the ability to adjust campaigns in real time.

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	From Just a Virtual Idea, Advertising in Video Games is Now a Massive Reality; Blue Chip Advertisers Join Rapidly Expanding Massive Advertising Network to Reach the Coveted Gamer Audience, PR Newswire US, April 11, 2005. Massive advertisers pay on a per-impression basis, and the company estimates publishers can squeeze another \$1 to \$2 of profit out of each copy of a game by using its advertising network, an attractive proposition as future game systems push up development costs. Massive is limiting its network to PC games for now, but proliferating Internet connections in the living room will allow the service to quickly expand to consoles such as Microsoft's Xbox and Sony's PlayStation, Longano said. Play to pay: Service inserts ads in games, CNET News.com, Apr. 10, 2005. Massive's network delivers advertiser messages seamlessly into premiere video games, played primarily by an 18-34 male audience. They appear in the game on billboards, posters, and other advertising elements that naturally fit the game environment. To date, 40 titles from eight publishers are committed to the Massive Network through 2005. Publishers and developers alike can enjoy revenues from 'lost Massive Releases Version 2.0 Ad Client, Jan. 25, 2005, available at https://www.gameindustry.com/news-industry-happenings/massive-releases-version-2-0-ad-client/ (accessed Nov 11, 2024)

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	The company insisted that the ads flow seamlessly into the gaming environment with no impact on game play or performance, making in-game advertising painless and unobtrusive for gamers, publishers, and advertisers alike. The first advertiser to participate in the network will be RealNetworks, a creator of digital media services and software. Massive launches video game advertising network, tvtech, Oct. 26, 2004, available at https://www.tvtechnology.com/miscellaneous/massive-launches-video-game-advertising-network (accessed Nov. 11, 2024). But for now, Massive still dominates the space. It has deals with publishers like Atari, Eidos, Ubisoft, Konami, Vivendi Universal Games, as well as THQ. Marketers it has worked with include Coca-Cola, Honda, Nokia, Panasonic, and entertainment entities like Paramount, Warner Bros. and Universal Music. Double Fusion Hopes To Challenge Massive Inc., AdAge, Mar. 15 2006, available at https://adage.com/article/madisonvine-news/double-fusion-hopes-challenge-massive/107867 (accessed Nov. 11, 2024).

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	The Massive AdClient SDK integrates into video game engines at the development gameindustry.com/news-industry-happenings/massive-releases-version-2-0-ad-client/ P Massive Releases Version 2.0 Ad Client - Gameindustry.com 11/11/2005 stage and handles all connections and communications with Massive's AdServer, allowing the game to dynamically download advertising into the game. The technology works across all platforms. Using texture replacement, the game engine blends the advertising into 2D or 3D game environments as part of the normal rendering and display process. With minimal memory impact, Massive's AdClient software library keeps track of ad views and reports aggregate view data back to the server. The technology provides accurate reporting to advertisers, while at the same time preserving the privacy and security of the players. All data is reported in an aggregated format-no individual information is gathered and Massive does not store cookies or other persistent information on individuals' computers. Massive Releases Version 2.0 Ad Client, Jan. 25, 2005, available at https://www.gameindustry.com/news-industry-happenings/massive-releases-version-2-0-ad-client/ (accessed Nov 11, 2024)

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	Massive's technology consists of both an AdClient that is integrated into the game at the development stage and an AdServer that dynamically delivers ads through an online connection into the game environment. Massive's technology and latest enhancements allow all forms of downloadable media and advertising content to be contextually integrated into the game, including image, audio, video and game object formats. In addition, the Massive AdServer provides complete ad campaign measurement, geographic targeting and the most comprehensive reporting on ad exposure, interaction and overall gameplay. Massive Incorporated Unleashes Next Gen Version of Its In-Game Advertising Technology, GamesIndustry.biz, available at https://www.gamesindustry.biz/massive-incorporated-unleashes-next-gen-version-of-its-in-game-advertising-technology (accessed Nov. 11, 2024). A big challenge has been convincing advertisers that they can measure the effectiveness of their in-game advertising. To address this problem, Mr. Davis signed a deal in December with Nielsen, the company that tracks TV viewership, to use Massive's software to measure whether video game players are viewing the in-game commercial messages. The software allows game publishers set aside locations inside a game to post ads. In one popular action game called Splinter Cell, for example, boxes on cargo ships are stamped with the names of advertisers. The technology makes it possible to track how often a player comes across those boxes inside the game and reports back to the company over the Internet. "Measurement is the key part of the proposition," Mr. Davis said. "Advertisers are looking for accountability." A New Reality in Video Games: Advertisements, The New York Times, Apr. 11, 2005, available at https://www.nytimes.com/2005/04/11/technology/a-new-reality-in-video-games-advertisements.html (accessed Nov. 13, 2024).

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	Ads will sell in 15 second increments of exposure on a cumulative basis and even according to the angle at which the gamer sees the creative unit. The Massive APIs can track how much exposure a gamer has had to an ad as he speeds by, so it may take a number of laps to add up to a single impression. If the gamer comes at the 3D texture ad from too oblique an angle to see the ad clearly, it isn't counted. Are In-Game Ad Networks the Next “Massive” Thing?, Electronic Gaming Business, June 2, 2004.

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	<i>"After updating my version of SWAT4 to the latest patch from Vivendi, I soon discovered that the game was phoning home to grab posters to place in the enviroment of the game's levels. Not only did it do this for every level that was played, but it also informed the advertisers of how long each poster was viewed, and by which gamer. Expect to see this kind of advertising and brand placement becoming standard fare in the very near future."</i> Armed with packet-sniffing software and other tools, they were able to dissect the code and discover that the technology is far more invasive than mere product placement. <i>"The client contacted madserver to tell the advertisers how long the gamer spent with each advert in their view. This is mapped to the gamer id, so they know which player in the game saw the advert, and when, for how long, and from how far away (by virtue of the size attribute). Even the average viewing angle is passed back."</i> SWAT 4 patch contains Adware. Bit-tech.net, Aug. 10, 2005, available at https://bit-tech.net/news/gaming/swat4_adware/1/ (accessed Nov. 11, 2024).

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	To the extent Massive does not disclose any part of this limitation, Massive renders this limitation obvious. It would have been obvious to a person of ordinary skill in the art to practice this limitation in light of Massive combined with the knowledge of a person of ordinary skill in the art, and in light of Massive combined with any of the other prior art references identified in the contentions for this patent, including LOR, SWAT 4, Ray, Nolan, and/or Hisamune. The manner in which each of these references discloses and/or renders obvious this limitation is set forth in these contentions. All of these disclosures also would have been within the knowledge of a person of ordinary skill in the art.
[10cii] wherein no electric payment is made to the moving image data delivery system when the advertising image data delivery system issues the electric data to the moving image viewing apparatus in exchange of viewing commercial message; and	Massive expressly or inherently discloses “wherein no electric payment is made to the moving image data delivery system when the advertising image data delivery system issues the electric data to the moving image viewing apparatus in exchange of viewing commercial message.” For example: All disclosures for section 1[biii] are incorporated herein by reference. The technology backbone behind the Network is Massive's patent-pending ad serving technology, a client-server system that dynamically delivers advertising into video games within the Massive Network, and measures and reports results. Once integrated into a game, the Massive client library pulls down advertising from the Massive Server in the background of game play and reports every time an ad is seen. Video Game Advertising Network Launched, DMEurope, Oct. 19, 2004. The Massive AdClient SDK integrates into video game engines at the development

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[10d] a third controller adapted to allot the received electric payment to the moving image data delivery system in exchange of a presentation of a report from the moving image data delivery system to the advertising image data delivery system, the report indicating that the moving image data delivery system is presented with the electric data.	Massive expressly or inherently discloses “a third controller adapted to allot the received electric payment to the moving image data delivery system in exchange of a presentation of a report from the moving image data delivery system to the advertising image data delivery system, the report indicating that the moving image data delivery system is presented with the electric data.” For example: The technology backbone behind the Network is Massive's patent-pending ad serving technology, a client-server system that dynamically delivers advertising into video games within the Massive Network, and measures and reports results. Once integrated into a game, the Massive client library pulls down advertising from the Massive Server in the background of game play and reports every time an ad is seen. Video Game Advertising Network Launched, DMEurope, Oct. 19, 2004. The Massive AdClient SDK integrates into video game engines at the development

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	stage and handles all connections and communications with Massive's AdServer, allowing the game to dynamically download advertising into the game. The technology works across all platforms. Using texture replacement, the game engine blends the advertising into 2D or 3D game environments as part of the normal rendering and display process. With minimal memory impact, Massive's AdClient software library keeps track of ad views and reports aggregate view data back to the server. The technology provides accurate reporting to advertisers, while at the same time preserving the privacy and security of the players. All data is reported in an aggregated format-no individual information is gathered and Massive does not store cookies or other persistent information on individuals' computers. Massive Releases Version 2.0 Ad Client, Jan. 25, 2005, available at https://www.gameindustry.com/news-industry-happenings/massive-releases-version-2-0-ad-client/ (accessed Nov 11, 2024). Massive's technology consists of both an AdClient that is integrated into the game at the development stage and an AdServer that dynamically delivers ads through an online connection into the game environment. Massive's technology and latest enhancements allow all forms of downloadable media and advertising content to be contextually integrated into the game, including image, audio, video and game object formats. In addition, the Massive AdServer provides complete ad campaign measurement, geographic targeting and the most comprehensive reporting on ad exposure, interaction and overall gameplay. Massive Incorporated Unleashes Next Gen Version of Its In-Game Advertising Technology, GamesIndustry.biz, available at https://www.gamesindustry.biz/massive-incorporated-unleashes-next-gen-version-of-its-in-game-advertising-technology (accessed Nov. 11, 2024).

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	A big challenge has been convincing advertisers that they can measure the effectiveness of their in-game advertising. To address this problem, Mr. Davis signed a deal in December with Nielsen, the company that tracks TV viewership, to use Massive's software to measure whether video game players are viewing the in-game commercial messages. The software allows game publishers set aside locations inside a game to post ads. In one popular action game called Splinter Cell, for example, boxes on cargo ships are stamped with the names of advertisers. The technology makes it possible to track how often a player comes across those boxes inside the game and reports back to the company over the Internet. "Measurement is the key part of the proposition," Mr. Davis said. "Advertisers are looking for accountability." A New Reality in Video Games: Advertisements, The New York Times, Apr. 11, 2005, available at https://www.nytimes.com/2005/04/11/technology/a-new-reality-in-video-games-advertisements.html (accessed Nov. 13, 2024). Ads will sell in 15 second increments of exposure on a cumulative basis and even according to the angle at which the gamer sees the creative unit. The Massive APIs can track how much exposure a gamer has had to an ad as he speeds by, so it may take a number of laps to add up to a single impression. If the gamer comes at the 3D texture ad from too oblique an angle to see the ad clearly, it isn't counted. Are In-Game Ad Networks the Next “Massive” Thing?, Electronic Gaming Business, June 2, 2004.

Claim Limitation	Exemplary Disclosure in the Prior Art
	<i>"After updating my version of SWAT4 to the latest patch from Vivendi, I soon discovered that the game was phoning home to grab posters to place in the enviroment of the game's levels. Not only did it do this for every level that was played, but it also informed the advertisers of how long each poster was viewed, and by which gamer. Expect to see this kind of advertising and brand placement becoming standard fare in the very near future."</i> Armed with packet-sniffing software and other tools, they were able to dissect the code and discover that the technology is far more invasive than mere product placement. <i>"The client contacted madserver to tell the advertisers how long the gamer spent with each advert in their view. This is mapped to the gamer id, so they know which player in the game saw the advert, and when, for how long, and from how far away (by virtue of the size attribute). Even the average viewing angle is passed back."</i> SWAT 4 patch contains Adware. Bit-tech.net, Aug. 10, 2005, available at https://bit-tech.net/news/gaming/swat4_adware/1/ (accessed Nov. 11, 2024).

Claim Limitation	Exemplary Disclosure in the Prior Art
	To the extent Massive does not disclose any part of this limitation, Massive renders this limitation obvious. It would have been obvious to a person of ordinary skill in the art to practice this limitation in light of Massive combined with the knowledge of a person of ordinary skill in the art, and in light of Massive combined with any of the other prior art references identified in the contentions for this patent, including LOR, SWAT 4, Ray, Nolan, and/or Hisamune. The manner in which each of these references discloses and/or renders obvious this limitation is set forth in these contentions. All of these disclosures also would have been within the knowledge of a person of ordinary skill in the art.
12. The advertising image data delivery system according to claim 10 further comprising a fourth controller adapted to electrically provide one of the plurality of advertising image data of commercial messages to one of the plurality of moving image viewing apparatuses by request thereof.	Massive expressly or inherently discloses “[t]he advertising image data delivery system according to claim 10 further comprising a fourth controller adapted to electrically provide one of the plurality of advertising image data of commercial messages to one of the plurality of moving image viewing apparatuses by request thereof.” For example: All disclosures for all limitations of claim 10 are incorporated herein by reference. The technology backbone behind the Network is Massive's patent-pending ad serving technology, a client-server system that dynamically delivers advertising into video games within the Massive Network, and measures and reports results. Once integrated into a game, the Massive client library pulls down advertising from the Massive Server in the background of game play and reports every time an ad is seen. Video Game Advertising Network Launched, DMEurope, Oct. 19, 2004. The Massive AdClient SDK integrates into video game engines at the development

Claim Limitation	Exemplary Disclosure in the Prior Art
	stage and handles all connections and communications with Massive's AdServer, allowing the game to dynamically download advertising into the game. The technology works across all platforms. Using texture replacement, the game engine blends the advertising into 2D or 3D game environments as part of the normal rendering and display process. With minimal memory impact, Massive's AdClient software library keeps track of ad views and reports aggregate view data back to the server. The technology provides accurate reporting to advertisers, while at the same time preserving the privacy and security of the players. All data is reported in an aggregated format-no individual information is gathered and Massive does not store cookies or other persistent information on individuals' computers. Massive Releases Version 2.0 Ad Client, Jan. 25, 2005, available at https://www.gameindustry.com/news-industry-happenings/massive-releases-version-2-0-ad-client/ (accessed Nov 11, 2024). Massive allows developers to work with their native media formats. The Massive AdServer will recognize each ad request by game title and deliver the format appropriate to that title. For the developer who wants to retain complete control over the execution environment, the Massive AdClient uses the game engine's own system resource routines including memory management and timing, and uploads and downloads can be completely scheduled by the game engine or left to the discretion of the library. Massive Releases Version 2.0 Ad Client, Jan. 25, 2005, available at https://www.gameindustry.com/news-industry-happenings/massive-releases-version-2-0-ad-client/ (accessed Nov 11, 2024)

Claim Limitation	Exemplary Disclosure in the Prior Art
	Massive's technology consists of both an AdClient that is integrated into the game at the development stage and an AdServer that dynamically delivers ads through an online connection into the game environment. Massive's technology and latest enhancements allow all forms of downloadable media and advertising content to be contextually integrated into the game, including image, audio, video and game object formats. In addition, the Massive AdServer provides complete ad campaign measurement, geographic targeting and the most comprehensive reporting on ad exposure, interaction and overall gameplay. Massive Incorporated Unleashes Next Gen Version of Its In-Game Advertising Technology, GamesIndustry.biz, available at https://www.gamesindustry.biz/massive-incorporated-unleashes-next-gen-version-of-its-in-game-advertising-technology (accessed Nov. 11, 2024).

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	To the extent Massive does not disclose any part of this limitation, Massive renders this limitation obvious. It would have been obvious to a person of ordinary skill in the art to practice this limitation in light of Massive combined with the knowledge of a person of ordinary skill in the art, and in light of Massive combined with any of the other prior art references identified in the contentions for this patent, including LOR, SWAT 4, Ray, Nolan, and/or Hisamune. The manner in which each of these references discloses and/or renders obvious this limitation is set forth in these contentions. All of these disclosures also would have been within the knowledge of a person of ordinary skill in the art.
13. The advertising image data delivery system according to claim 10 further comprising a fourth controller adapted to electrically provide one of the plurality of advertising image data of commercial messages to one of the plurality of moving image viewing apparatuses, the advertising image data of commercial message being related to a television program designated by the moving image viewing apparatus.	Massive expressly or inherently discloses “[t]he advertising image data delivery system according to claim 10 further comprising a fourth controller adapted to electrically provide one of the plurality of advertising image data of commercial messages to one of the plurality of moving image viewing apparatuses, the advertising image data of commercial message being related to a television program designated by the moving image viewing apparatus.” All disclosures for all limitations of claim 10 are incorporated herein by reference.

Claim Limitation	Exemplary Disclosure in the Prior Art
	The Massive AdClient SDK integrates into video game engines at the development gameindustry.com/news-industry-happenings/massive-releases-version-2-0-ad-client/ P Massive Releases Version 2.0 Ad Client - Gameindustry.com 11/11/2005 stage and handles all connections and communications with Massive's AdServer, allowing the game to dynamically download advertising into the game. The technology works across all platforms. Using texture replacement, the game engine blends the advertising into 2D or 3D game environments as part of the normal rendering and display process. With minimal memory impact, Massive's AdClient software library keeps track of ad views and reports aggregate view data back to the server. The technology provides accurate reporting to advertisers, while at the same time preserving the privacy and security of the players. All data is reported in an aggregated format-no individual information is gathered and Massive does not store cookies or other persistent information on individuals' computers. Massive Releases Version 2.0 Ad Client, Jan. 25, 2005, available at https://www.gameindustry.com/news-industry-happenings/massive-releases-version-2-0-ad-client/ (accessed Nov 11, 2024).

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Claim Limitation	Exemplary Disclosure in the Prior Art
	Starting out as Gandalf, you will have to mow down a series of soldiers that come from the forest. You can easily take them down with the Orc Hower combo, which you should have by now. A cut-scene will ensue. Carry on, and take out the Archers up ahead very swiftly with a few Fast Attacks. Take the path on the right up ahead. Lord of the Rings: Return of the King, Walkthrough: Part One, IGN, Mar. 27, 2012, available at https://www.ign.com/wikis/the-lord-of-the-rings-the-return-of-the-king/Walkthrough: Part One (accessed Nov. 10, 2024). cinema experience home, but gamers bear the cost. The unskippable cutscenes (copped from the same marathon session in which Peter Jackson shot the entire trilogy), finely detailed mega-scale combat, and opening credits fully simulate the silver screen. Those who can't stand to have Ian Precious, Precious Movie License Slogs to Mordor, Torpor, Village Voice, Dec. 9, 2003, available at https://web.archive.org/web/20121108042335/http://www.villagevoice.com/2003-12-09/news/precious-precious-movie-license-slogs-to-mordor-torpor/ (accessed on Nov. 13, 2024). To the extent Massive does not disclose any part of this limitation, Massive renders this limitation obvious. It would have been obvious to a person of ordinary skill in the art to practice this limitation in light of Massive combined with the knowledge of a person of ordinary skill in the art, and in light of Massive combined with any of the other prior art references identified in the contentions for this patent, including LOR, SWAT 4, Ray, Nolan, and/or Hisamune. The manner in which each of these references discloses and/or renders obvious this limitation is set forth in these contentions. All of these disclosures also would have been within the knowledge of a person of ordinary skill in the art.
14. The advertising image data delivery system according to claim 10 further comprising a fourth controller adapted to electrically provide one of the plurality of advertising image	Massive expressly or inherently discloses “[t]he advertising image data delivery system according to claim 10 further comprising a fourth controller adapted to electrically provide one of the plurality of advertising image data of commercial messages to one of the plurality of moving image viewing apparatuses, the plurality of advertising image data of commercial messages including an advertisement of a television program.”

Claim Limitation	Exemplary Disclosure in the Prior Art
data of commercial messages to one of the plurality of moving image viewing apparatuses, the plurality of advertising image data of commercial messages including an advertisement of a television program.	All disclosures for all limitations of claim 10 are incorporated herein by reference. The Massive AdClient SDK integrates into video game engines at the development gameindustry.com/news-industry-happenings/massive-releases-version-2-0-ad-client/ P Massive Releases Version 2.0 Ad Client - Gameindustry.com 11/11/2005 stage and handles all connections and communications with Massive's AdServer, allowing the game to dynamically download advertising into the game. The technology works across all platforms. Using texture replacement, the game engine blends the advertising into 2D or 3D game environments as part of the normal rendering and display process. With minimal memory impact, Massive's AdClient software library keeps track of ad views and reports aggregate view data back to the server. The technology provides accurate reporting to advertisers, while at the same time preserving the privacy and security of the players. All data is reported in an aggregated format-no individual information is gathered and Massive does not store cookies or other persistent information on individuals' computers. Massive Releases Version 2.0 Ad Client, Jan. 25, 2005, available at https://www.gameindustry.com/news-industry-happenings/massive-releases-version-2-0-ad-client/ (accessed Nov 11, 2024)

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	Collect the health item around the corner, and move along. Watch the cut-scene, and take out the shielded guards with the Fierce Attack, and the Archers with the Fast Attack as you make your way through the pillar maze. Back into the fog we go, and destroy the enemies near the ladder after the fog. Climb the ladder. Lord of the Rings: Return of the King, Walkthrough: Part One, IGN, Mar. 27, 2012, available at https://www.ign.com/wikis/the-lord-of-the-rings-the-return-of-the-king/Walkthrough: Part One (accessed Nov. 10, 2024). Starting out as Gandalf, you will have to mow down a series of soldiers that come from the forest. You can easily take them down with the Orc Hower combo, which you should have by now. A cut-scene will ensue. Carry on, and take out the Archers up ahead very swiftly with a few Fast Attacks. Take the path on the right up ahead. Lord of the Rings: Return of the King, Walkthrough: Part One, IGN, Mar. 27, 2012, available at https://www.ign.com/wikis/the-lord-of-the-rings-the-return-of-the-king/Walkthrough: Part One (accessed Nov. 10, 2024). cinema experience home, but gamers bear the cost. The unskippable cutscenes (copped from the same marathon session in which Peter Jackson shot the entire trilogy), finely detailed mega-scale combat, and opening credits fully simulate the silver screen. Those who can't stand to have Ian Precious, Precious Movie License Slogs to Mordor, Torpor, Village Voice, Dec. 9, 2003, available at https://web.archive.org/web/20121108042335/http://www.villagevoice.com/2003-12-09/news/precious-precious-movie-license-slogs-to-mordor-torpor/ (accessed on Nov. 13, 2024). To the extent Massive does not disclose any part of this limitation, Massive renders this limitation obvious. It would have been obvious to a person of ordinary skill in the art to practice this limitation in light of Massive combined with the knowledge of a person of ordinary skill in the art, and in light of Massive combined with any of the other prior art references identified in the contentions for this patent, including LOR, SWAT 4, Ray, Nolan, and/or Hisamune. The manner in which each of these references discloses and/or renders obvious this

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	limitation is set forth in these contentions. All of these disclosures also would have been within the knowledge of a person of ordinary skill in the art.
15. The advertising image data delivery system according to claim 10, wherein the advertising image data delivery system is integrated into a system of the advertiser.	Massive expressly or inherently discloses “[t]he advertising image data delivery system according to claim 10, wherein the advertising image data delivery system is integrated into a system of the advertiser.” All disclosures for all limitations of claim 10 are incorporated herein by reference. To the extent Massive does not disclose any part of this limitation, Massive renders this limitation obvious. It would have been obvious to a person of ordinary skill in the art to practice this limitation in light of Massive combined with the knowledge of a person of ordinary skill in the art, and in light of Massive combined with any of the other prior art references identified in the contentions for this patent, including LOR, SWAT 4, Ray, Nolan, and/or Hisamune. The manner in which each of these references discloses and/or renders obvious this limitation is set forth in these contentions. All of these disclosures also would have been within the knowledge of a person of ordinary skill in the art.