



BrodTi's Hearing Demonstratives

Google LLC, v. BrodTi Inc.

IPR2025-00472

Patent No. 11,416,898 B2

April 21, 2026

Ex. 2011 - DEMONSTRATIVE EXHIBIT - NOT EVIDENCE

BrodTi is a small “micro” technology company founded by the inventor of the '898 Patent, John Eric DeTitta. Mr. DeTitta came up with the idea for a system that would facilitate the ability of creative individuals to earn revenue from content creation and ad revenue sharing long before the modern creator-economy existed.¹ For nearly two decades, Mr. DeTitta has, personally and through BrodTi, invested substantial personal and financial resources to prosecute, maintain, and enforce the '898 Patent.

POR, p. 1.

The '898 Patent – Exemplary Embodiment

- The '898 Patent is directed to a method for funding a project; FIG. 2 is an exemplary embodiment.
 - See EX1001 ('898 Patent), Title, 1:22-3:4; POR, 2-3.
- Creative process performed - idea (e.g., movie screenplay) and a budget to complete it (e.g., as a movie) developed.
 - EX1001 ('898 Patent), 4:35-49, FIG. 2; EX2009 (Myler Dec.), ¶19; POR, 3.
- Company owning the idea determines a target market and creates a website with content (e.g., a preview video for the project).
 - EX1001 ('898 Patent), 4:50-5:5, FIG. 2; EX2009 (Myler Dec.), ¶20; POR, 3.

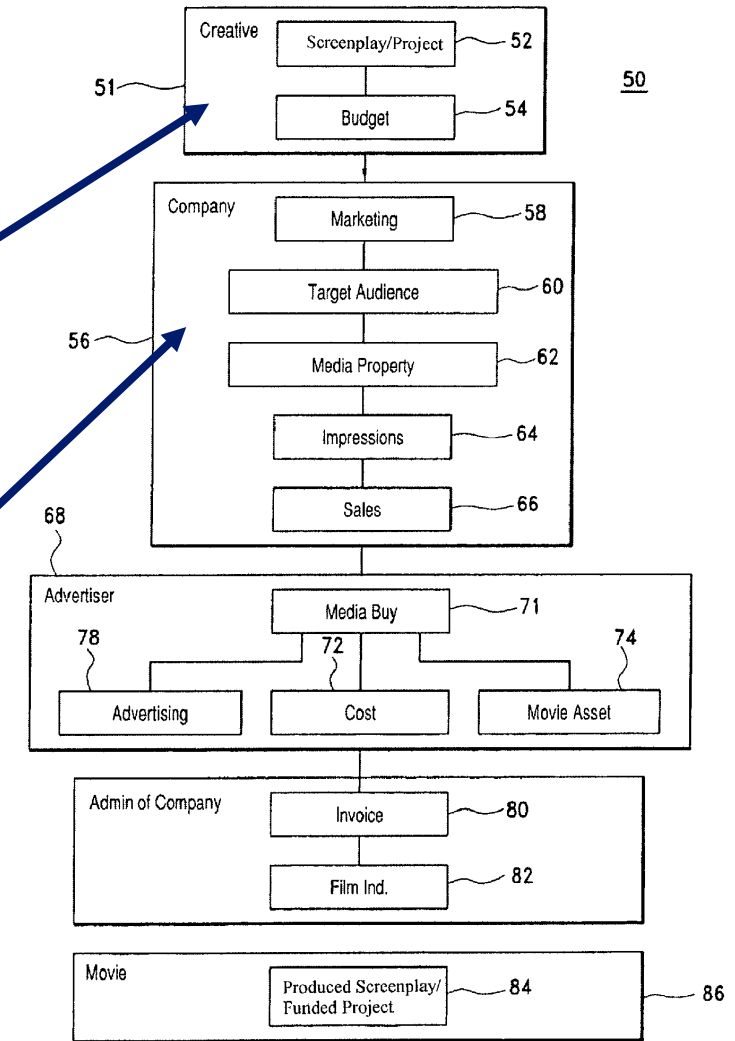


FIG. 2

'898 Patent (Ex. 1001), FIG. 2.

The '898 Patent – Exemplary Embodiment

- Once the content (e.g., a preview video) is set up (e.g., on a website), the company can track a number of impressions of the content.
 - EX1001 ('898 Patent), 5:17-21, FIG. 2; EX2009 (Myler Dec.), ¶21; POR, 4.
- This allows the company to measure the content's popularity.
 - EX2009 (Myler Dec.), ¶22. POR, 4.
- The company may use the gathered impression information to sell advertising space within its content.
 - EX1001 ('898 Patent), 5:5-9, FIG. 2; EX2009 (Myler Dec.), ¶23; POR, 5.

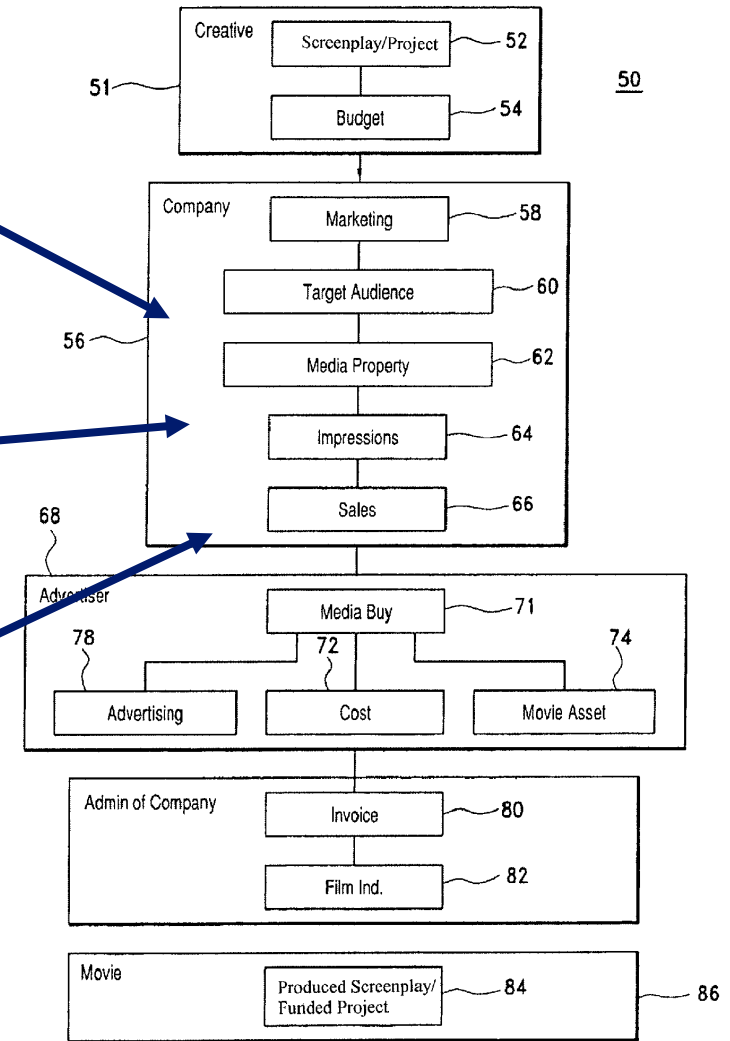


FIG. 2

'898 Patent (Ex. 1001), FIG. 2.

The '898 Patent – Exemplary Embodiment

- “A sales team of the company then markets the impressions on the website to the advertiser for a **set number of impressions** and **cost** in a media buy. A media buy sets the terms and cost of the advertising provided by the media property to the advertiser.”
 - EX2009 (*Myler Dec.*), ¶25; POR, 5-6.
- The offer is **from** the company and **to** the advertiser.
 - EX2009 (*Myler Dec.*), ¶26; POR, 6.
- Advertiser reviews the “predetermined media buy” (*i.e.*, the offer of **impressions** and **cost**) offer from the company, determines the cost to the advertiser based on the offer, and creates the ad to be placed into the project/content.
 - EX1001 (*'898 Patent*), 5:22-37; EX2009 (*Myler Dec.*), ¶27; POR, 6.
- Media buy fulfilled - advertisements placed in the project/content and the advertiser pays the company for the placed ads.
 - EX1001 (*'898 Patent*), 5:38-49; EX2009 (*Myler Dec.*), ¶28; POR, 6-7.

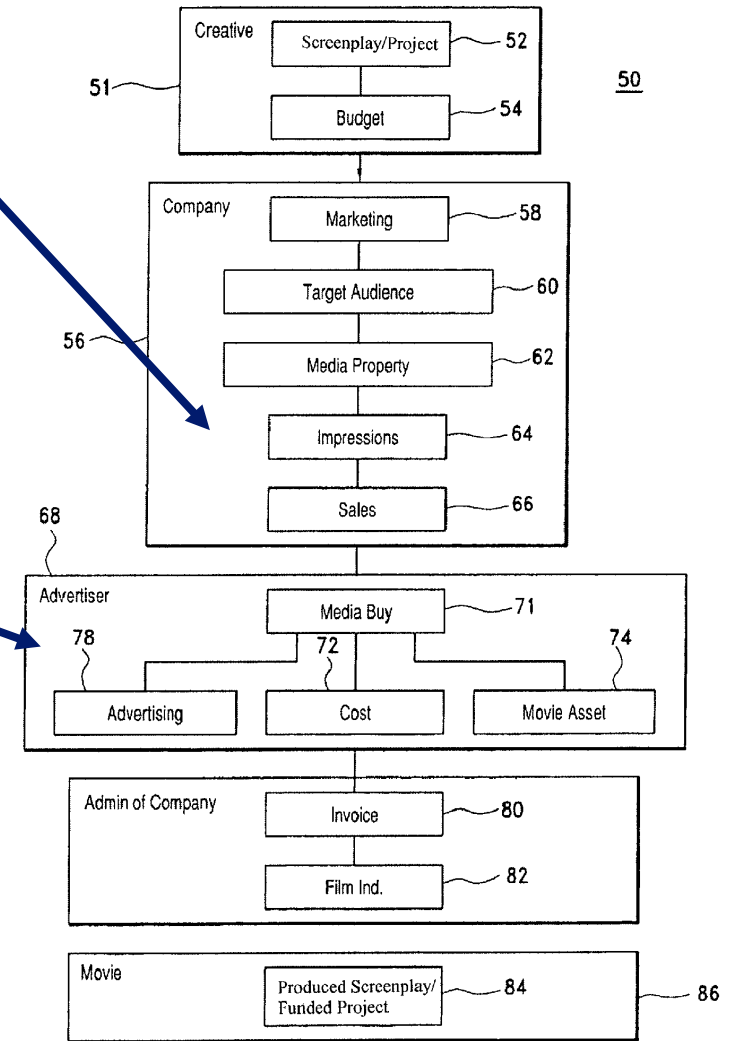


FIG. 2

'898 Patent (Ex. 1001), FIG. 2.

The '898 Patent – Impression Tracking

- In the context of the '898 Patent, impressions are measured based on the delivery of a webpage to a client, not just the client accessing a particular website or connecting to a particular web server.
 - EX1001 (*'898 Patent*), 5:9-16 and 5:59-6:10; EX2009 (*Myler Dec.*), ¶¶31; POR, 7-9.
- Both experts agree that webpages must be at least partially transmitted to a client for impressions to be recorded.
 - EX2004 (*Crovella Trans.*), 53:21-55:1; EX2009 (*Myler Dec.*), ¶¶32; POR, 9.

The Petition

Ground	Claims	Basis for Challenge under §103
1	1-6, 9-15, 18-19	Nicholas (EX1003) in view of Laidlaw (EX1004), Mayadas (EX1005), and Error (EX1007)
2	7-8, 16-17, 20	Ground 1 Prior Art + Yasnovsky (EX1006)
3	1-6, 9-15, 18-19	Ground 1 Prior Art + Manowitz (EX1015)
4	7-8, 16-17, 20	Ground 2 Prior Art + Manowitz

Pet., p. 3.

- Petition relies on *Nicholas* as allegedly teaching most of the elements of the Challenged Claims.
 - POR, 2
- *Nicholas*'s basic operation is different from the '898 Patent and Petitioner's effort to "fit" the claims to *Nicholas* is wrong.
 - POR, 2

Independent Claim 1 – Elements in Dispute

1. A computer-implemented method comprising:

- [a] receiving, by one or more processors, from a given client, over an Internet-based communication link from a browsing application executed on the given client processor to the one or more processors, a message comprising data, the data comprising advertising material to populate on one or more websites;
- [b] identifying, by the one or more processors, the given client, based on receiving the message, an identifier, wherein the message comprises the identifier;
- [c] based on a message provided by a given client, generating, by the one or more processors, a webpage, wherein the generating comprises providing, via a graphical user interface of the webpage, a plurality of advertising buy options for selection by a given client accessing said webpage;
- [d] obtaining, by the one or more processors, via an input in the graphical user interface, a selection of one or more of the advertising buy options, wherein the selected one or more advertising buy options comprise at least one website of the respective websites and a predetermined number of impressions of the advertising material for users visiting the at least one website;
- [e] generating, by the one or more processors, on a database accessible to the one or more processors, a repository for advertising revenue based on the selection;

- [f] based on obtaining the selection, populating, by the one or more processors, the advertising material on the at least one website, wherein the populating comprises placing the advertising material within web property content of the at least one website;
- [g] monitoring, by the one or more processors, a number of impressions of the advertising material provided to users accessing the web property content displayed on the at least one website;
- [h] determining, by the one or more processors, whether an impression of the advertising material is valid, wherein the impression is valid based on a predetermined impression tracking system;
- [i] determining, by the one or more processors, that the number of valid impressions is greater than or equal to the predetermined number of impressions;
- [j] upon determining a number of valid impressions are met, ceasing, by the one or more processors, the populating of the advertising material on the at least one website; and
- [k] based on determining a number of valid impressions are met, electronically collecting, by the one or more processors, a share of the advertising revenue to be transmitted to the web property content owner.

'898 Patent (Ex. 1001), claim 1.

Independent Claim 1 – Elements in Dispute

1. A computer-implemented method comprising:

- [a] receiving, by one or more processors, from a given client, over an Internet-based communication link from a browsing application executed on the given client processor to the one or more processors, a message comprising data, the data comprising advertising material to populate on one or more websites;
- [b] identifying, by the one or more processors, the given client, based on receiving the message, an identifier, wherein the message comprises the identifier;
- [c] based on a message provided by a given client, generating, by the one or more processors, a webpage, wherein the generating comprises providing, via a graphical user interface of the webpage, a plurality of advertising buy options for selection by a given client accessing said webpage;
- [d] obtaining, by the one or more processors, via an input in the graphical user interface, a selection of one or more of the advertising buy options, wherein the selected one or more advertising buy options comprise at least one website of the respective websites and a predetermined number of impressions of the advertising material for users visiting the at least one website;
- [e] generating, by the one or more processors, on a database accessible to the one or more processors, a repository for advertising revenue based on the selection;

- [f] based on obtaining the selection, populating, by the one or more processors, the advertising material on the at least one website, wherein the populating comprises placing the advertising material within web property content of the at least one website;
- [g] monitoring, by the one or more processors, a number of impressions of the advertising material provided to users accessing the web property content displayed on the at least one website;
- [h] determining, by the one or more processors, whether an impression of the advertising material is valid, wherein the impression is valid based on a predetermined impression tracking system;
- [i] determining, by the one or more processors, that the number of valid impressions is greater than or equal to the predetermined number of impressions;
- [j] upon determining a number of valid impressions are met, ceasing, by the one or more processors, the populating of the advertising material on the at least one website; and
- [k] based on determining a number of valid impressions are met, electronically collecting, by the one or more processors, a share of the advertising revenue to be transmitted to the web property content owner.

'898 Patent (Ex. 1001), claim 1.

Elements [c] and [d] – Claim Requirements

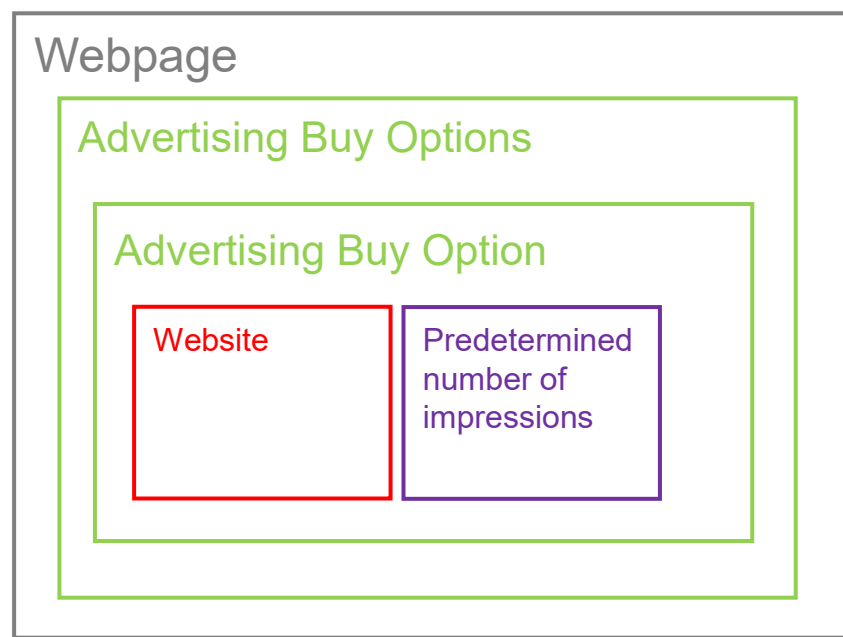
- Requires generation of a webpage ***presenting advertising buy options to a client for the client's selection.***
 - EX2009 (*Myler Dec.*), ¶78.
- [d] requires obtaining client “selection” of the presented “advertising buy options,” including “at least one website of the respective websites and a predetermined number of impressions of the advertising material.”
 - EX2009 (*Myler Dec.*), ¶79, POR, 22-23.
- To allow client selection of these “advertising buy options,” they must be presented in [c].
 - EX2009 (*Myler Dec.*), ¶80. POR, 23.
- This understanding reflects the exemplary embodiment.
 - EX1001 (*'898 Patent*), 6:16-23, *Id.* POR, 22.

- [c] based on a message provided by a given client, generating, by the one or more processors, a webpage, wherein the generating comprises providing, via a graphical user interface of the webpage, a plurality of advertising buy options for selection by a given client accessing said webpage;
- [d] obtaining, by the one or more processors, via an input in the graphical user interface, a selection of one or more of the advertising buy options, wherein the selected one or more advertising buy options comprise at least one website of the respective websites and a predetermined number of impressions of the advertising material for users visiting the at least one website;

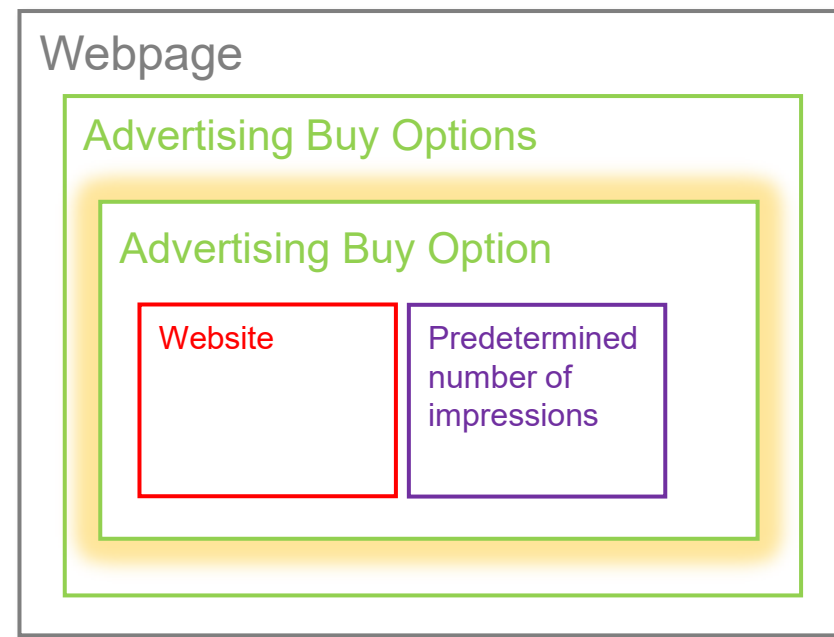
'898 Patent (Ex. 1001), claim 1.

Elements [c] and [d] – Claim Requirements

[c] based on a message provided by a given client, generating, by the one or more processors, a webpage, wherein the generating comprises providing, via a graphical user interface of the webpage, a plurality of advertising buy options for selection by a given client accessing said webpage;



[d] obtaining, by the one or more processors, via an input in the graphical user interface, a selection of one or more of the advertising buy options, wherein the selected one or more advertising buy options comprise at least one website of the respective websites and a predetermined number of impressions of the advertising material for users visiting the at least one website;



POSR, p. 2.

Nicholas Fails to Teach or Suggest Elements [c]/[d]

- Grounds rely on *Nicholas* as teaching elements [c]/[d]
- Grounds assert *Nicholas* teaches generation and selection of a predetermined number of impressions via the **client's entry** of a number in a provided text entry box in FIG. 8.
 - Pet., 21-28; EX1002 (*Crovella Dec.*), ¶¶102-110; EX2004 (*Crovella Trans.*), 43:19-44:11; POSR, 24-25.
- This client text entry is not the “generating” / “providing” for selection, or the actual “selection” of, an “advertising buy option” that includes “a predetermined number of impressions of the advertising material.”
 - Entering a value is not selecting a displayed option
 - Realtime text entry is not selecting a predetermined option
 - Client entered impression numbers are opposite to how the '898 Patent works
 - EX2009 (*Myler Dec.*), ¶¶78-80, 87-88; POR, 24-27; POSR, 4-5.

Dizpersion log off threshold

accounts advertiser website newspaper

Broadcast Ad Ad Upload Coupon Quantity Channels Geographic Demographic Summary

Company Name
User Name
Street Address
City, State Zip
[Home](#)

Steps

1. Enter the Number of Impressions Purchased.
2. Select the Broadcast Start Date.
3. Select the Broadcast Start Time and Time Zone.
4. Select the Broadcast End Date.
5. Select the Broadcast End Time and Time Zone.
6. Press Submit.

Impressions

Start Date

Start Time

End Date

End Time

Start Zone

Time Zone

2001 Dizpersion Corporation Contact Us Privacy Terms of Use

220
FIG. 8

POSR, p. 4.

Petitioner's Arguments for Elements [c]/[d] Are Wrong

Petitioner's Argument	Patent Owner's Response
Patent Owner's arguments require a particular user interface. Reply 8-10.	• PO has not argued this. POSR, 5.
Element [d] encompasses any "input in the graphical user interface," such as a client entering 1,000. Reply 10-12.	• Not advanced in the Petition. POSR, 5-6. • Inconsistent with the claim language; the recited "input" is the "selection" of an "advertising buy option" that includes "a predetermined number of impressions of the advertising material" (element [d]) that was previously generated/provided (element [c]). POSR, 5-6.
<i>Nicholas</i> doesn't require the selection of a predetermined number of impressions. Reply 11.	• Not understood. POSR. 6. • Seems to concede the point that <i>Nicholas</i> does not teach elements [c]/[d]. POSR. 6.
<i>Nicholas</i> teaches one alternative where the client/advertiser "may select both the number of impressions and the start and end times." Reply at 12.	• Not advanced in the Petition. POSR, 7. • Inconsistent with the claim language. Claim elements [c]/[d] do not simply require the selection of a number of impressions, they require the generating/providing for selection, and selection of, a "predetermined number of impressions." POSR, 7.

Petitioner's Arguments for Elements [c]/[d] Are Wrong

- Petitioner also argues that PO is attempting to “distort” the meaning of “predetermined,” which it argues refers to the specific number of impressions the advertiser had chosen for its advertisement. Reply at 12-14.
- Argument not advanced in the Petition. POSR 7-8.
- Position is inconsistent with multiple Federal Circuit decisions finding “predetermined” means determined “beforehand” or “in advance.” POSR 8.
- An “advertising buy option” that includes “a predetermined number of impressions of the advertising material” must be both generated/provided (element [c]) and selected (element [d]) such that the ***predetermination must occur before the “advertising buy option” is generated/provided (element [c]).*** POSR 7-8
- Something that is determined by the client/advertiser in its head and typed into a text box is not generated/provided for the client/advertiser’s selection and then selected by the client/advertiser. POSR 7-8

- [c]** based on a message provided by a given client, generating, by the one or more processors, a webpage, wherein the generating comprises providing, via a graphical user interface of the webpage, a plurality of advertising buy options for selection by a given client accessing said webpage;
- [d]** obtaining, by the one or more processors, via an input in the graphical user interface, a selection of one or more of the advertising buy options, wherein the selected one or more advertising buy options comprise at least one website of the respective websites and a predetermined number of impressions of the advertising material for users visiting the at least one website;

’898 Patent (Ex. 1001), claim 1.

Independent Claim 1 - Elements in Dispute

1. A computer-implemented method comprising:
- [a] receiving, by one or more processors, from a given client, over an Internet-based communication link from a browsing application executed on the given client processor to the one or more processors, a message comprising data, the data comprising advertising material to populate on one or more websites;
 - [b] identifying, by the one or more processors, the given client, based on receiving the message, an identifier, wherein the message comprises the identifier;
 - [c] based on a message provided by a given client, generating, by the one or more processors, a webpage, wherein the generating comprises providing, via a graphical user interface of the webpage, a plurality of advertising buy options for selection by a given client accessing said webpage;
 - [d] obtaining, by the one or more processors, via an input in the graphical user interface, a selection of one or more of the advertising buy options, wherein the selected one or more advertising buy options comprise at least one website of the respective websites and a predetermined number of impressions of the advertising material for users visiting the at least one website;
 - [e] generating, by the one or more processors, on a database accessible to the one or more processors, a repository for advertising revenue based on the selection;
 - [f] based on obtaining the selection, populating, by the one or more processors, the advertising material on the at least one website, wherein the populating comprises placing the advertising material within web property content of the at least one website;
 - [g] monitoring, by the one or more processors, a number of impressions of the advertising material provided to users accessing the web property content displayed on the at least one website;
 - [h] determining, by the one or more processors, whether an impression of the advertising material is valid, wherein the impression is valid based on a predetermined impression tracking system;
 - [i] determining, by the one or more processors, that the number of valid impressions is greater than or equal to the predetermined number of impressions;
 - [j] upon determining a number of valid impressions are met, ceasing, by the one or more processors, the populating of the advertising material on the at least one website; and
 - [k] based on determining a number of valid impressions are met, electronically collecting, by the one or more processors, a share of the advertising revenue to be transmitted to the web property content owner.

'898 Patent (Ex. 1001), claim 1.

Element [f] – Claim Terms

[f] based on obtaining the selection, populating, by the one or more processors, the advertising material on the at least one website, wherein the populating comprises placing the advertising material within web property content of the at least one website;

'898 Patent (Ex. 1001), claim 1.

- Element [f] requires:
 - (i) inserting an advertisement:
 - (ii) into the particular content (e.g., a discrete user-accessible file) for which revenue is being sought;
 - (iii) where the content is presented on a website (e.g., on a particular webpage).
 - EX2009 (Myler Dec.), ¶57. POR, 12-13.
- Parties dispute the meaning of:
 - Website
 - Web property content
 - Placing the advertising material within web property content of the at least one website

Element [f] – Meaning of “Website”

- [f] based on obtaining the selection, populating, by the one or more processors, the advertising material on the at least one website, wherein the populating comprises placing the advertising material within web property content of the at least one website;

'898 Patent (Ex. 1001), claim 1.

Element [f] – Meaning of “Website”

- The Parties agree that “website” has been used in slightly varying ways in the art over the years.
- A POSITA would have thus reviewed the '898 Patent to understand how “website” was used therein.
- Claim 1 repeatedly recites properties of a “website”
 - [a] ... the data comprising advertising material to populate on one or more **websites**;
 - [d] ... wherein the selected one or more advertising buy options comprise at least one **website** of the respective **websites** and a predetermined number of impressions of the advertising material for users visiting the at least one **website**;
 - [f] based on obtaining the selection, populating, by the one or more processors, the advertising material on the at least one **website**, wherein the populating comprises placing the advertising material within web property content of the at least one **website**;
 - [g] ...users accessing the web property content displayed on the at least one **website**;
 - [j] ... populating of the advertising material on the at least one **website**; and
 - EX2009 (*Myler Dec.*), ¶66; POR, 16-18.
- Thus, a “website” must at least: (i) allow advertisements to be populated on them; (ii) contain options that are selectable by a client as part of the ad buy process; (iii) be visitable by a user; and (iv) have web property content displayed on them.
 - EX2009 (*Myler Dec.*), ¶67; POR, 18.

Element [f] – Meaning of “Website”

- A POSITA would have thus understood “website” was being used to describe a webpage (e.g., www.espn.com) or a group of webpages at a particular domain (e.g., www.espn.com, www.espn.com/nba, www.espn.com/nfl, www.espn.com/nhl).
 - EX2009 (*Myler Dec.*), ¶¶68; POR, 18.
- “Website” is used similarly in the ’898 Patent’s specification.
 - EX1001 (*’898 Patent*), 5:17-19, 6:19-21, and 6:43-45; EX2009 (*Myler Dec.*), ¶¶69; POR, 18-19.
- “Website” is used similarly in the prior art cited by Petitioner and Dr. Crovella.
 - EX2009 (*Myler Dec.*), ¶¶70; POR, 19.
- Petitioner utilized this understanding in its original analysis of “website” for element [d].
 - Petitioner compared “website” to, e.g., *Nicholas’s* “test.com” for element [d]. POSR, 10.
- A web server, by itself, cannot be a “website” as Petitioner asserted.
 - Pet., 37-41; EX1002 (*Crovella Dec.*), ¶¶125-128.
- A server cannot: (i) allow advertisements to be populated **on it**; (ii) **show options** that are selectable by a client; (iii) **be visitable** by a user; and (iv) **have web property content displayed on it**.
 - EX2009 (*Myler Dec.*), ¶¶73; POR, 20.

Element [f] – Meaning of “Web Property Content”

- [f] based on obtaining the selection, populating, by the one or more processors, the advertising material on the at least one website, wherein the populating comprises placing the advertising material within web property content of the at least one website;

'898 Patent (Ex. 1001), claim 1.

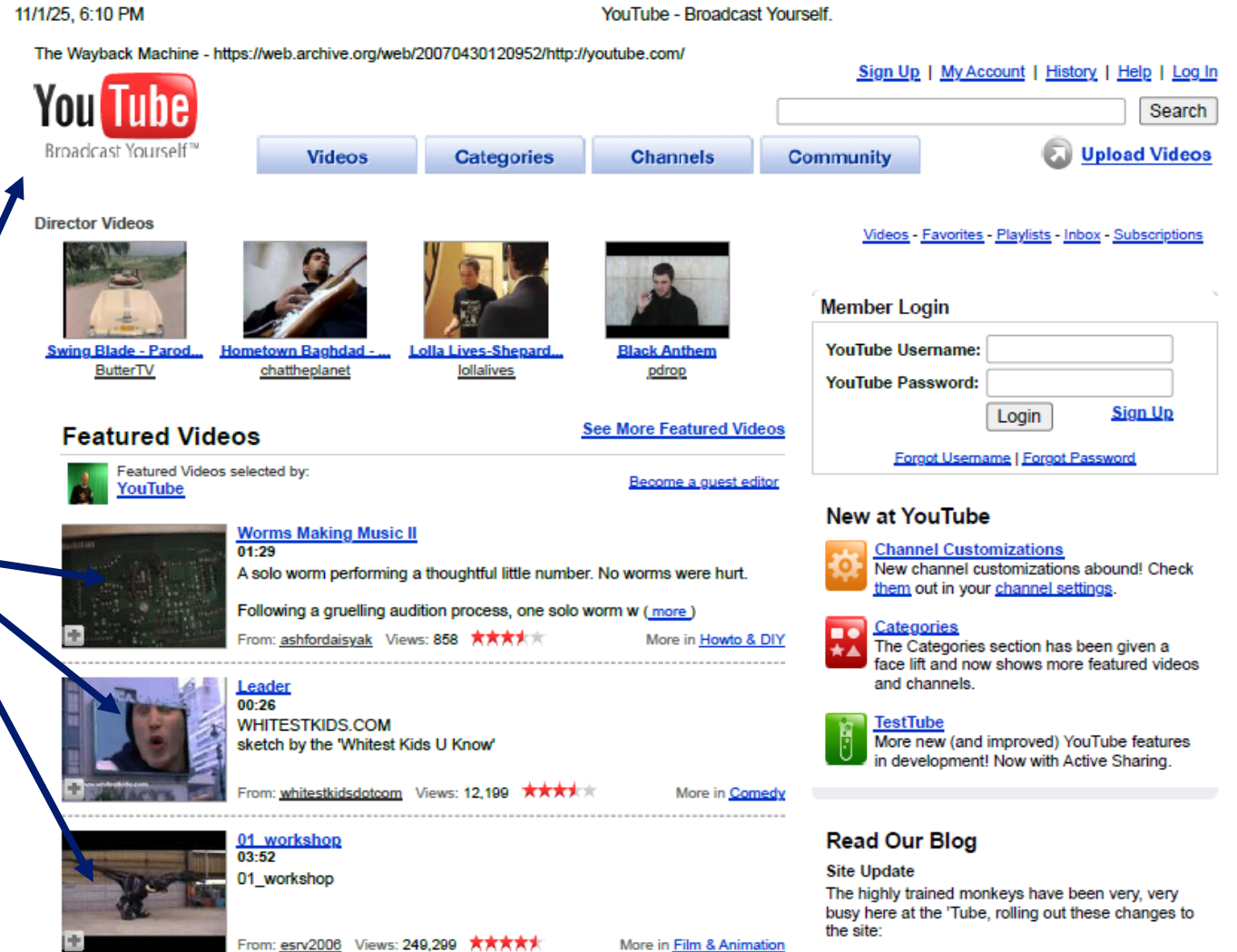
Element [f] – Meaning of “Web Property Content”

- “Web property content,” appears three times in claim 1
 - [f] ... the populating comprises placing the advertising material within **web property content** of the at least one website;
 - [g] monitoring, by the one or more processors, a number of impressions of the advertising material provided to users accessing the **web property content** displayed on the at least one website; ...
 - [k] ... electronically collecting, by the one or more processors, a share of the advertising revenue to be transmitted to the **web property content** owner.
 - EX2009 (*Myler Dec.*), ¶58; POR, 10.
- Thus, “web property content” must be: (i) capable of being placed on a website; (ii) capable of being accessible to a user on the website; and (iii) the thing for which revenue is being sought.
 - EX2009 (*Myler Dec.*), ¶59; POR, 10-11.
- A POSITA would have understood the “content” to be a specific file such that it can be accessed and tracked.
 - EX1001 (*'898 Patent*), FIG. 2, 4:30-5:49; EX2009 (*Myler Dec.*), ¶60; POR, 14.
- Thus, a POSITA would have understood “web property content” to mean a discrete user-accessible file on a website for which revenue is being sought.
 - EX2009 (*Myler Dec.*), ¶61; POR, 14.

Element [f] – Meaning of “Web Property Content”

- An example of web property content on a webpage in the context of the claims is illustrated by the following page from www.youtube.com with multiple content items (e.g., videos) on a website (e.g., www.youtube.com). POSR, 12.

Website (e.g., webpage)
content items (e.g., videos)



Ex. 2006.

“Web Property Content” Cannot Be a Webpage

- The Parties dispute whether “web property content” is discrete content accessible **on a webpage** (as Patent Owner states) or if it can be the webpage itself (as Petitioner asserts).
- Patent Owner maintains that the former understanding is correct based on its usage in elements [f], [g], and [k] that require “web property content” to be: (i) capable of being placed on a website (*i.e.*, webpage/webpages as set forth above); (ii) capable of being accessible to a user on the website (*i.e.*, webpage/webpages) and impression-tracked; and (iii) the thing for which revenue is being sought.
 - EX2009 (*Myler Dec.*), ¶¶58-61; POR (13-15); POSR, 12-14.
- Petitioner’s arguments ignore the claim language and focus on out-of-context snippets from the ’898 Patent’s specification.
 - EX1001 (*’898 Patent*), 3:66-4:2; 4:65-5:28; POSR, 14-16.
- There is no support in the cited specification snippets for reading “web property content” as a “webpage.”
 - POSR, 15-16.

“Web Property Content” Cannot Be a Webpage

The internet comprises a vast number of computers and computer networks that are interconnected through communication links such as the link **16** as shown in FIG. **1**. The interconnected computers exchange information using various services, such as electronic mail, Gopher, and the World Wide Web (“WWW”). The WWW service allows a server computer system (i.e., Web server or Web site) to send

graphical Web pages or screens of information such as the advertising materials to a remote client computer system **10**.

EX1001 ('898 *Patent*), 3:66-4:2

65 in the 16-35 year range. Upon determining a target audience, the marketing team creates in step **62** a media property and then promotes it to attract potential targeted audience to access and view the media property. The media property comprises a description of the relevant target audience and the content carried by the media that could illustratively take the form of print, radio, television or as defined above in this financial media production process **50**. When the media property is created in step **62**, the marketing team begins to attract visitors to the media property creating impressions in step **64**.

Ad Impression is defined by the Internet advertising bureau as the standard in internet advertising as a measurement of responses from an ad delivery system to an ad request from the user's browser **14**, which is filtered from robotic activity and is recorded at a point as late as possible in the process of delivery of the advertising materials to the user's browser-therefore the closest to actual opportunity to see by the user.

In particular, an impression is a visitor to the website through access to the World Wide Web that visits a screen of the media property. These impressions create a commodity in the advertising community and are packaged by the sales team to be sold in step **66** to an advertiser.

The advertiser is an individual or company, which generally sells in step **68** a product or service, desires to market itself to the targeted audience and purchases the targeted impressions from the sales team at a predetermined media buy. A media buy defines a predetermined cost per impression, and the length of the contracts and ads to be displayed on the media property. The advertiser determines in step **72**

Element [f] – Meaning of “Placing ...”

[f] based on obtaining the selection, populating, by the one or more processors, the advertising material on the at least one website, wherein the populating comprises placing the advertising material within web property content of the at least one website;

'898 Patent (Ex. 1001), claim 1.

- A POSITA would have understood this phrase to mean inserting the advertisement into content.
 - “Inserting .. into” describes “placing ... within” POSR, 17.
- It is impressions of the **content** that matter for fundraising in the '898 Patent and element [g].
 - EX1001 (*'898 Patent*), 4:30-5:49; EX2009 (*Myler Dec.*), ¶63; POR, 15.
- Impressions must be content-based because a webpage could include multiple different pieces of content.
 - POR, 15-16.

Nicholas Does Not Teach Element [f]

[f] based on obtaining the selection, populating, by the one or more processors, the advertising material on the at least one website, wherein the populating comprises placing the advertising material within web property content of the at least one website;

'898 Patent (Ex. 1001), claim 1.

- *Nicholas's* node 130 does not teach “the at least one website” on which ads may be populated.
- *Nicholas* does not teach placing advertising material “within web property content.”

Nicholas Does Not Teach Element [f]

- *Nicholas* does not teach populating advertising material on “the at least one website”.
- Petitioner compares the “at least one website” of element [f] to *Nicholas*’s node 130. Node 130 is not a website in the context of the claims as it provides none of the required functionality.
 - Pet., 30; EX1002 (*Crovella Dec.*), ¶¶125-126; EX2009 (*Myler Dec.*), ¶¶95; POR, 28; POSR, 19.
 - Petitioner asserts it cited more than just node 130 (Reply at 16-17), but that is not so (POSR, 19).
- Even if *Nicholas*’s node 130 could be considered a “website” in the context of claim 1, Petitioner did not show that that node 130 corresponds to the **particular website** selected by the advertiser in element [1d].
 - See Pet., 37-41; EX1002 (*Crovella Dec.*), ¶¶125-128; EX2009 (*Myler Dec.*), ¶96; POR, 28-29; POSR, 19.
 - Petitioner compared the “at least one website” selected in element [d] to one of the websites listed in *Nicholas*’s FIG. 9 (e.g., “test.com.”). Pet. at 23.

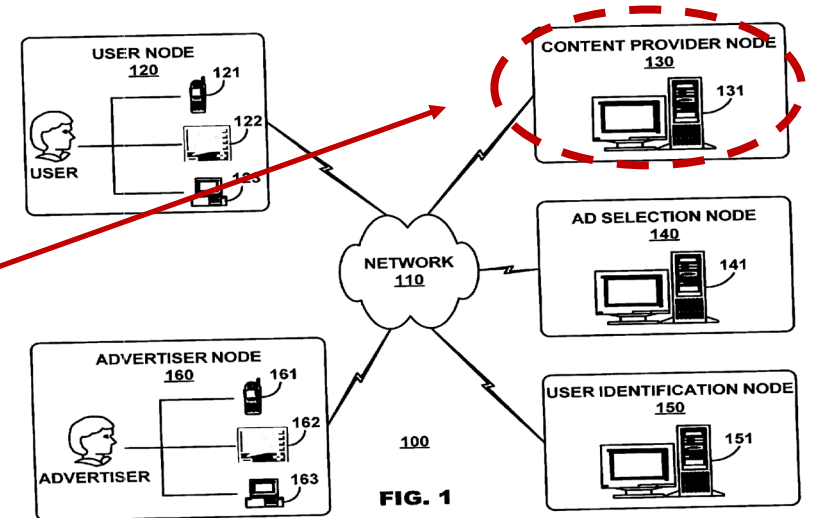


FIG. 9

Nicholas Does Not Teach Element [f]

- (f) “based on obtaining the selection, populating, by the one or more processors, the advertising material on the at least one website, wherein the populating comprises placing the advertising material within web property content of the at least one website;” (1[f])

Nicholas discloses an advertisement delivery technique in which an advertisement is delivered to a user when the user accesses a website (*e.g.*, content provider node 130). In this technique, HTML tags are embedded into the webpage served by the content site that cause the web browser via a URL to request the advertisement from the ad selection node 140 (at ads.dizperson.com):

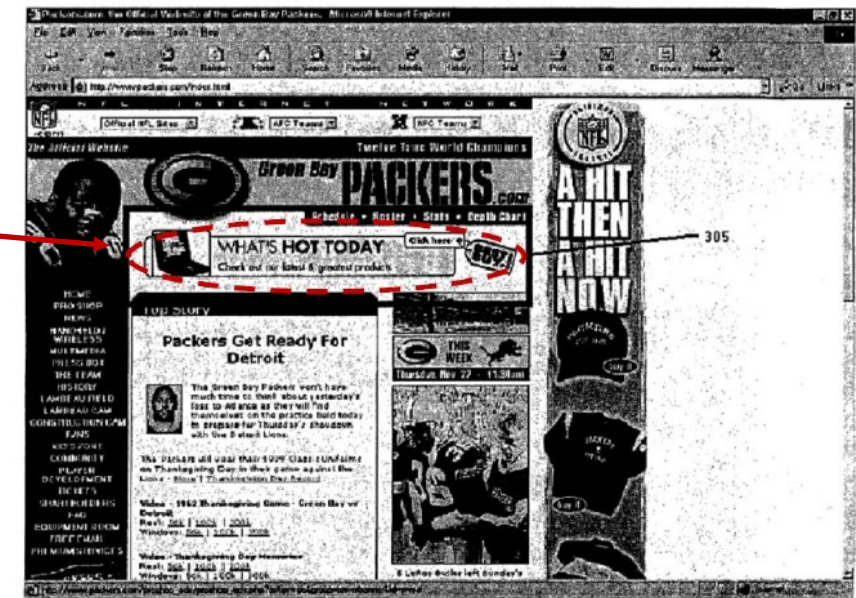
Petition (Paper No. 02), p. 37.

In plain English, the passage above states that content provider node 130 (the “at least one website” where advertisements will be shown) provides HTML code that causes the browser to issue a request for advertising material from the ad selection node 140 (“the one or more processors”), which in this case, is located at

Pet., p. 38.

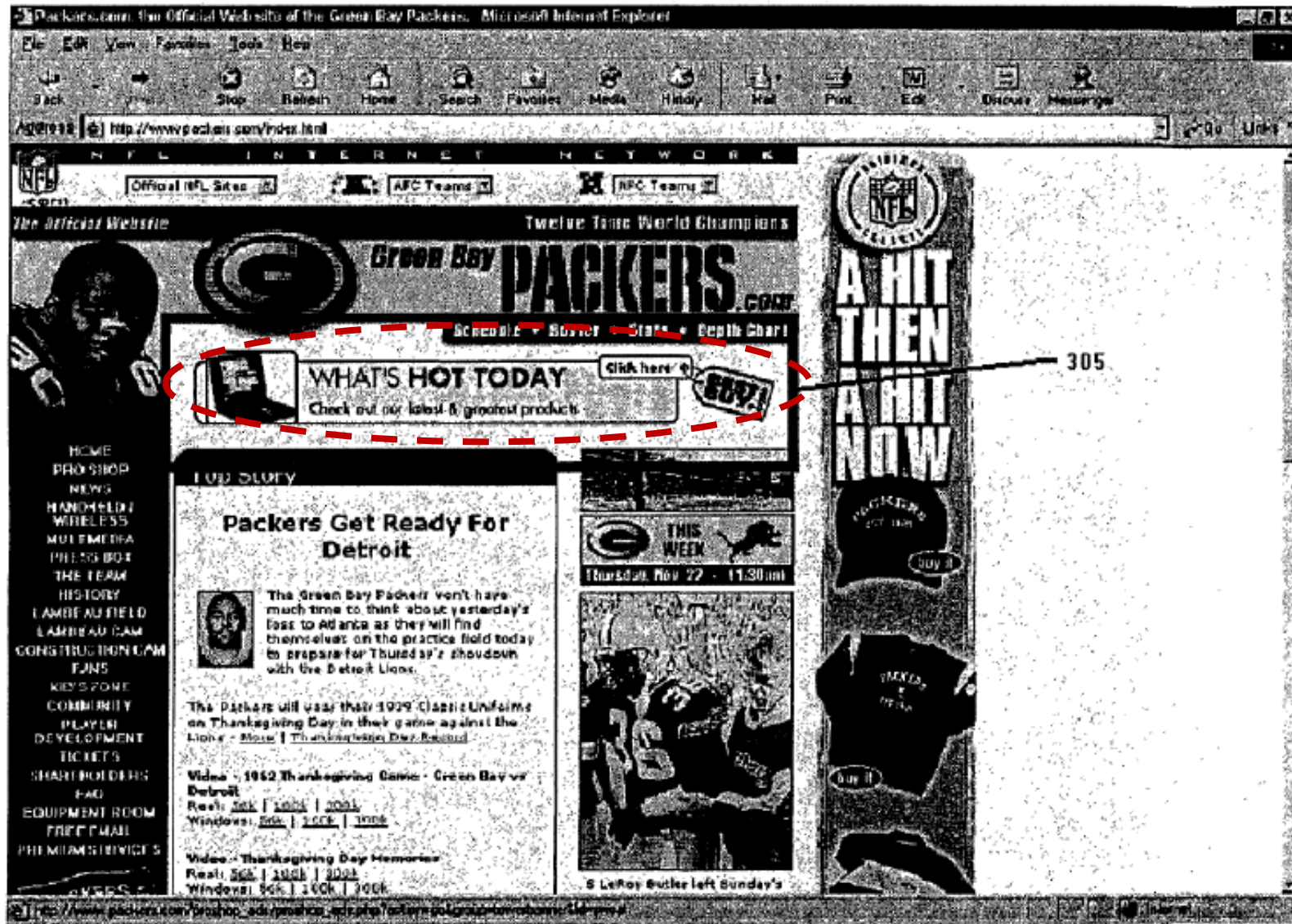
Nicholas Does Not Teach Element [f]

- *Nicholas* does not teach placing ads “within web property content.”
 - EX2009 (*Myler Dec.*), ¶¶97.
- Petitioner cites only to an ad presented on a webpage as teaching this element
 - Pet., 38-39; EX1002 (*Crovella Dec.*), ¶126; EX2009 (*Myler Dec.*), ¶97; EX2004 (*Crovella Trans.*), 58:7-59:22. POR, 30.
- But this ad is not placed “within web property content of the at least one website.”
 - EX2009 (*Myler Dec.*), ¶98.
- While the ad is placed on a website, it is not placed within content (e.g., a particular media file) on the website as required by element [f].
 - EX2009 (*Myler Dec.*), ¶¶97-98; POR, 30; POSR, 20-21.
 - The portion of *Nicholas*’s priority document Petitioner cites specifies that FIG. 3 shows a “web site.” EX1002 (*Crovella Dec.*), ¶126 (last three lines); Pet., 38 (describing FIG. 3 as a website).



POR, p. 30.

Nicholas Does Not Teach Element [f]

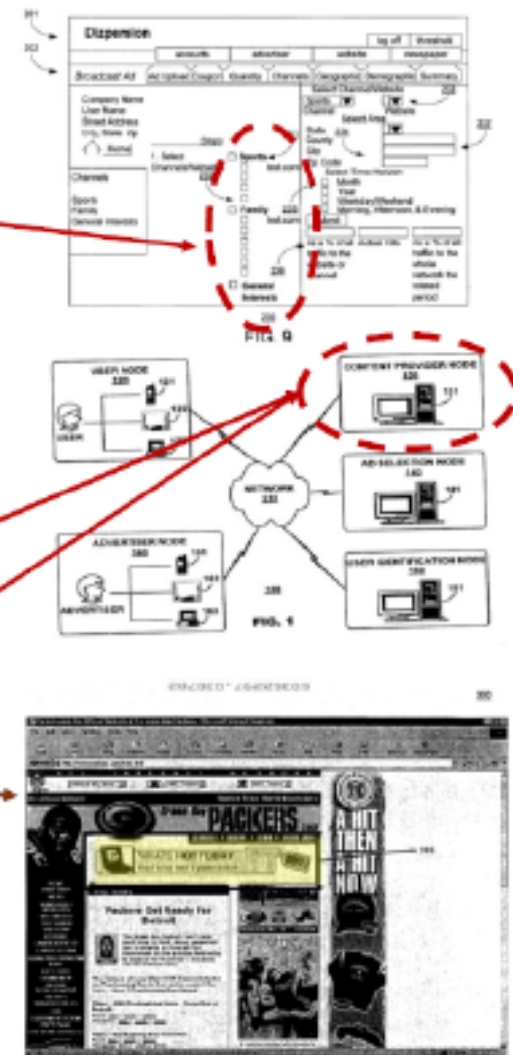


Petitioner's Assertions Are Inconsistent

Claim Elements

- [d] obtaining, by the one or more processors, via an input in the graphical user interface, a selection of one or more of the advertising buy options, wherein the selected one or more advertising buy options comprise **at least one website of the respective websites** and a predetermined number of impressions of the advertising material for users visiting the at least one website;
- [e] generating, by the one or more processors, on a database accessible to the one or more processors, a repository for advertising revenue based on the selection;
- [f] based on obtaining the selection, populating, by the one or more processors, **the advertising material on the at least one website**, wherein the populating comprises placing **the advertising material within web property content of the at least one website**;

Petitioner's Comparisons



Independent Claim 1 - Elements in Dispute

1. A computer-implemented method comprising:
- [a] receiving, by one or more processors, from a given client, over an Internet-based communication link from a browsing application executed on the given client processor to the one or more processors, a message comprising data, the data comprising advertising material to populate on one or more websites;
 - [b] identifying, by the one or more processors, the given client, based on receiving the message, an identifier, wherein the message comprises the identifier;
 - [c] based on a message provided by a given client, generating, by the one or more processors, a webpage, wherein the generating comprises providing, via a graphical user interface of the webpage, a plurality of advertising buy options for selection by a given client accessing said webpage;
 - [d] obtaining, by the one or more processors, via an input in the graphical user interface, a selection of one or more of the advertising buy options, wherein the selected one or more advertising buy options comprise at least one website of the respective websites and a predetermined number of impressions of the advertising material for users visiting the at least one website;
 - [e] generating, by the one or more processors, on a database accessible to the one or more processors, a repository for advertising revenue based on the selection;
 - [f] based on obtaining the selection, populating, by the one or more processors, the advertising material on the at least one website, wherein the populating comprises placing the advertising material within web property content of the at least one website;
 - [g] monitoring, by the one or more processors, a number of impressions of the advertising material provided to users accessing the web property content displayed on the at least one website;
 - [h] determining, by the one or more processors, whether an impression of the advertising material is valid, wherein the impression is valid based on a predetermined impression tracking system;
 - [i] determining, by the one or more processors, that the number of valid impressions is greater than or equal to the predetermined number of impressions;
 - [j] upon determining a number of valid impressions are met, ceasing, by the one or more processors, the populating of the advertising material on the at least one website; and
 - [k] based on determining a number of valid impressions are met, electronically collecting, by the one or more processors, a share of the advertising revenue to be transmitted to the web property content owner.

'898 Patent (Ex. 1001), claim 1.

The Cited References Do Not Teach Elements [g]/[h]

[g] monitoring, by the one or more processors, a number of impressions of the advertising material provided to users accessing the web property content displayed on the at least one website;

[h] determining, by the one or more processors, whether an impression of the advertising material is valid, wherein the impression is valid based on a predetermined impression tracking system;

'898 Patent (Ex. 1001), claim 1.

- *Nicholas/Error* do not teach impression tracking/validation of advertisements ***within web property content***; the combination teaches only impression tracking of ***webpages***.
 - POSR, 22-24.
- Petitioner does not explain how the *Nicholas/Error* combination would teach the impression tracking of individual videos (e.g., web property content) on a website (e.g., the webpage www.youtube.com).
 - EX2006; EX2009 (*Myler Dec.*), ¶64; POSR, 23-24.

Independent Claim 1 - Elements in Dispute

1. A computer-implemented method comprising:
 - [a] receiving, by one or more processors, from a given client, over an Internet-based communication link from a browsing application executed on the given client processor to the one or more processors, a message comprising data, the data comprising advertising material to populate on one or more websites;
 - [b] identifying, by the one or more processors, the given client, based on receiving the message, an identifier, wherein the message comprises the identifier;
 - [c] based on a message provided by a given client, generating, by the one or more processors, a webpage, wherein the generating comprises providing, via a graphical user interface of the webpage, a plurality of advertising buy options for selection by a given client accessing said webpage;
 - [d] obtaining, by the one or more processors, via an input in the graphical user interface, a selection of one or more of the advertising buy options, wherein the selected one or more advertising buy options comprise at least one website of the respective websites and a predetermined number of impressions of the advertising material for users visiting the at least one website;
 - [e] generating, by the one or more processors, on a database accessible to the one or more processors, a repository for advertising revenue based on the selection;
 - [f] based on obtaining the selection, populating, by the one or more processors, the advertising material on the at least one website, wherein the populating comprises placing the advertising material within web property content of the at least one website;
 - [g] monitoring, by the one or more processors, a number of impressions of the advertising material provided to users accessing the web property content displayed on the at least one website;
 - [h] determining, by the one or more processors, whether an impression of the advertising material is valid, wherein the impression is valid based on a predetermined impression tracking system;
 - [i] determining, by the one or more processors, that the number of valid impressions is greater than or equal to the predetermined number of impressions;
 - [j] upon determining a number of valid impressions are met, ceasing, by the one or more processors, the populating of the advertising material on the at least one website; and
 - [k] based on determining a number of valid impressions are met, electronically collecting, by the one or more processors, a share of the advertising revenue to be transmitted to the web property content owner.

'898 Patent (Ex. 1001), claim 1.

Element [k] Does Not Cover a Single Impression

[k] based on determining a number of valid impressions are met, electronically collecting, by the one or more processors, a share of the advertising revenue to be transmitted to the web property content owner.

'898 Patent (Ex. 1001), claim 1.

- To support most of its obviousness positions, Petitioner alleges “determining a number of valid impressions are met” can be satisfied by a **single** valid impression.
 - Pet., 48; EX1002, ¶¶145-146; Reply at 22.
- But a POSITA would have understood this phrase to require a **plural number of impressions**.
 - “A number of valid impressions” requires more than one impression because “impressions” is plural. EX2009 (*Myler Dec.*), ¶114; POR 35-36.
 - If the claimed system were meant to operate based on the detection of a single impression, there would be no need to track impressions. EX2009 (*Myler Dec.*), ¶114; PSR, 24-25.
 - The '898 patent is not related to per-impression payment. EX2009 (*Myler Dec.*), ¶114; POR, 35-36.
- Petitioner argues that, if the patentee had intended to require a plurality of valid impressions, it would have inserted “plurality” into the claim language. Reply at 23.
 - Petitioner does not propose a way to do so in the grammar of element [k].
 - Other claim elements use “one or more” for a singular/plural scope, which is not used here. POSR, 25.

The Cited References Do Not Teach Element [k]

[k] based on determining a number of valid impressions are met, electronically collecting, by the one or more processors, a share of the advertising revenue to be transmitted to the web property content owner.

'898 Patent (Ex. 1001), claim 1.

- Alternatively, Petitioner alleges a POSITA would have understood, based on *Nicholas's* teaching that impressions can be purchased on a CPM basis, that *Mayadas's* payment scheme could be modified such that payment can be effected "after a larger number of valid impressions."
 - Pet., 48-51; EX1002 (*Crovella Dec.*), ¶¶147-149; Reply at 23-24.
- There would have been no motivation to make this change.
 - Petitioner's alleged modification is opposite *Mayadas's* teachings that its payment-per-ad-service is an important feature to reduce risk. EX1005 (*Mayadas*), ¶[0038]; EX2009 (*Myler Dec.*), ¶117; POR, 36-37.
 - Just because ads are *priced* on a CPM basis does not make it obvious that a separate payment will not be made until a particular number of valid impressions has been reached. POR, 36-37.
 - Petitioner fails to cite even a single additional reference that teaches payment based on a plurality of valid impressions; its position is based only on Dr. Crovella's *ipse dixit*. POR, 36-37.
 - If this was such a straightforward modification surely Petitioner could have identified a supporting reference. POSR, 26

Claim 8 Is Not Obvious

- Petitioner asserts *Yanovsky*'s teachings render claim 8 obvious.
 - POR, 38.
- But claim 8 recites a process where an advertiser can request that the predetermined number of impressions that is ***offered to the advertiser*** for the media buy be increased.
 - EX2009 (*Myler Dec.*), ¶121.
- *Yanovsky* does not teach that. *Yasnovsky* teaches adjustments to a campaign budget (not impressions) by the ***client/advertiser***, not the party offering the “predetermined number of impressions” specified in elements [c]/[d] ***to an advertiser***.
 - EX2009 (*Myler Dec.*), ¶121. POSR, 27.

8. The computer-implemented method of claim 1, further comprising:

prior to determining that the number of impressions is equal to the predetermined number of impressions, obtaining, by the one or more processors, via an input in the graphical user interface, a request for increasing the predetermined number of impressions of the advertising material for users visiting the at least one website; and

based on the obtaining, automatically increasing the predetermined number of impressions.

'898 Patent (Ex. 1001), Claim 8.