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Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Amendment/Req. Reconsideration-After Non-Final Reject	16-03-15-DAT-PP_CON3-RTOA1.pdf	269245	no	34
			566c527e31db6a2bbcb66443b37ed86f986803a94		
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30514	no	2
			fc49180012cfc9d359c20835788565fd9ed4ee22		
Warnings:					
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Remarks

A. Claim interpretation issues.

The Office Action (paras. 12-16) contains certain comments on the interpretation of certain terms, even though it is unclear whether the interpretations mentioned have any impact on the rejections.

“Tag” – the Office Action quotes the explicit definition in the specification but neglects to follow it by characterizing the term as “only generally described.” The quoted part shows that the term tag is *defined* as “any unique identifier used to mark a person electronically visiting a media property, such as a web site, TV channel, or the like using any device.” The specification gives many examples of tags, and indicates that the tag, when there is software installed on the person’s computer, is controlled by the software. After quoting some of those specification remarks, the Office Action incorrectly says that “the tag is ... not limited to a specific function nor implementation.” The tag in fact has a specific function, defined in the specification, namely that it uniquely identifies a person (visitor).

“Profile information” – the Office Action interprets this term correctly as any information characterizing a visitor/user, but profile information can also be “behavioral,” i.e., information about what a visitor/user did. *See Spec.*, p. 3, line 2.

“Profile supplier” – the Office Action interprets this term as “any entity that gathers and/or uses and/or transmits profile information.” A more clear definition is an entity that provides profiles or a publisher that “transfers profile information, such as behavioral information, demographic information, etc., to a” behavioral targeting company. *See Spec.*, p. 3, lines 1-3; p. 7, line 23.

“Profile owner” – the Office Action interprets this term identically to a profile supplier. The specification teaches that a profile owner may “either own the profiles or have the right to resell the profiles on behalf of another profile owner.” *See Spec.*, p. 8, lines 13-14. Note that the pending claims all require that a “profile owner” computer

select the “entity” based on profile information about a visitor who accessed “apparatus of a profile supplier.”

“Electronic-advertising-space-controlling-entity” – the Office Action says that this term is “not recited nor discussed anywhere in the entire specification” but “is interpreted to include any entity which has any manner of control (including contractual and/or physical ownership and/or control) of advertising space and therefore may be more than one entity at any given time,” including (1) “a publisher who has ad space available to present advertisements,” (2) “an advertiser who has been given a publisher’s ad space, “and (3) “a third-party broker who has purchased or received some type of contractual control of an ad space but who may transfer physical and/or contractual control in part or whole of such ad space to another entity.”

The specification discusses at some length, especially at page 5, entities that control ad space, including temporarily, *i.e.*, “media properties.” Various types of entities are discussed, including web sites, ad networks, and TV networks. It is true that the specification discusses both ad space owners and entities allowed to deliver ads via payment to an ad space owner.

Applicant does not understand what the Office Action’s comment about “more than one entity at any given time” means, but it may not be significant. If viewed as important, applicant respectfully requests clarification so we can consider the point.

B. Section 112(2) rejections.

The Office Action (para. 20) rejects several dependent claims for indefiniteness under Section 112(2).

As to dependent claims 41 and 57, the Office Action asserts that “the parent claims discuss multiple different visitor devices” making the reference in the dependent claim to “the visitor device” unclear. Applicant respectfully requests clarification or reconsideration. Independent claim 34 refers to “a visitor device” at line 2 of part (a), and then refers to “the visitor device” at lines 1 and 3 of part (c). Where does the

examiner see the claim language referring to “multiple different visitor devices”? The same request for reconsideration applies to dependent claim 57 and to subsidiary dependent claims 42 and 58 (which the rejection says “inherit the deficiencies”).

As to dependent claim 49, the Office Action asserts lack of antecedent basis for “the URL.” As to six dependent claims, the Office Action asserts lack of antecedent basis for “the profile owner company.” Applicant has amended these seven dependent claims and requests reconsideration in view of the modified language.

C. Section 103 rejections.

The Office Action (para. 23) reject the bulk of the claims under 35 U.S.C. §103(a) as obvious over Jaschke (U.S. Pat. Pub. 2007/0130005) in view of Horowitz (U.S. Pat. Pub. 2005/0097204). The Office Action (para. 24) appears to reject dependent claims 47 and 63 as obvious over the same combination and further in view of Calinov, by which applicant understands as meaning U.S. Patent 7,356,711. The Office Action (para. 25) rejects dependent claims 48 and 64 as obvious over the same combination and further in view of Smith (which applicant understands to refer to U.S. Pat. Pub. 2003/0083938).

As to independent claim 34, the theory of the rejection in the Office Action (pp. 9-12) is that Jaschke discloses all elements of the invention except for explicit reference to storing tags, but Horowitz discloses storing tags (specifically cookies or tracking pixels) on user computers to identify and track a user, in the context of online advertising. Applicant agrees that Horowitz discloses tags. So the issue comes down to whether Jaschke discloses each of the other elements of the claim, because the Office Action does not assert that Horowitz discloses any elements aside from the tags.

Jaschke discloses, in general, a “consumer information broker” that accepts advertiser bids and chooses one of several advertisers automatically, so that an ad of the chosen advertiser can be delivered to a target in “real time.” As explained in the summary [0013], “the target triggers the brokerage process by visiting real time advertisement platforms.” As explained in [0012], “Throughout the claims and

specification, a target can be an individual, a consumer, a business, or any other entity that utilizes real time advertising platforms and/or receives marketing materials. A target is not limited to an individual who purchases goods for personal use, but may include any person and/or entity that receives information via real time advertising platforms and/or conventional advertising platforms.” Various advertisers bid for delivery of their ads to a “target” or user, and an advertiser is selected based on a calculation of which matches.

The invention claimed in this application relates to something different: A “profile owner” has a computer system that is programmed to select one, from among a group, of ad-space-controlling entities. (See above discussion about specification support.) Jaschke selects advertisements for a given ad space, it does not disclose selection of one among different ad spaces.

In the invention claimed in this application, the profile owner computer is programmed to perform the selection based on a detected match between a profile and a previous request for profiles or profile types received from the particular entity that has been stored by the profile owner. Upon selection, the profile owner facilitates storage of a tag by the entity, which tag is readable by equipment of the selected entity. Later, when the visitor device is available to receive an ad, the entity’s computer system can use the tag to cause delivery of an ad to the visitor device.

With that general discussion in mind, applicant points to the following distinctions from Jaschke not acknowledged in the Office Action’s rejection and accompanying explanation.

Note that claim 34 refers to the interplay between *two different* computer systems: (A) The “profile owner” computer system, described in part (b), and (B) the “computer system” selected by the “profile owner” computer system, which performs the functions in parts (a) and (c). Claim 34 is directed to the function of the “selected entity’s” computer system, but it requires that the actions performed by that computer

system are done “following receipt from a profile owner computer of indicia of a profile,” and that the “receipt” is from a computer specially programmed precisely as described in part (b).

The Office Action does not make clear which of those two computer systems Jaschke’s “broker” computer is supposed to meet. The Office Action (pp. 9-10) says that “Jaschke’s system” – the computer system of the “broker” – performs parts (a), (b)(i), and (c), but a single “broker” computer system cannot meet *both* systems referenced in claim 34.

Because the Office Action emphasizes that Jaschke’s “broker” does some kind of “selection,” we assume that the best interpretation of the Office Action is that Jaschke’s “broker” is alleged to correspond to the “profile owner computer” of part (b) of claim 34 and that the selected “advertiser” is being alleged to correspond to the “selected entity” that performs the steps of parts (a) and (c) of claim 34. If this is not correct, we ask that the examiner please explain. Under that assumption, we consider whether Jaschke teaches the claimed invention. It does not.

First, Jaschke’s broker selects one of several *advertisers who do not control ad space*, not one “*electronic-advertising-space-controlling entity*” from among a group of such entities. Jaschke’s referenced advertisers do not each control ad space – the whole point is that they are each competing (bidding) for permission to place their ads in a given ad space that Jaschke’s “broker” controls. Only when Jaschke’s broker makes the selection is the advertisement of *one* of the advertisers, the selected one, delivered to the user, which is triggered by the broker. Thus, Jaschke does not meet part (b)(i).

Second, Jaschke’s broker does not perform part (b)(ii) because there is no evidence that the broker arranges for electronic storage of a tag readable by the selected advertiser. Jaschke doesn’t disclose a tag readable by the selected entity’s ad-space-controlling equipment. The Office Action (p. 11) refers to a tag “readable by Jaschke’s system,” by which we understand the Office Action to be referring to the computer

system of the *broker*, but that is not the *selected entity*-controlled computer system, as specified in the claim language.

Also, the parenthetical observation on page 11 of the Office Action suggests a misunderstanding of the last clause of this claim element. Part (b)(ii) of claim 34 refers to the profile owner computer being programmed to select one of a plurality of ad-space controlling entities. When the profile owner has selected the entity whose computer system performs part (a), then the “electronic-advertising-space-controlling equipment controlled by the selected entity” referenced in part (b)(ii) is equipment within that same selected entity’s computer system. Again, the claim is not referring to equipment of the profile owner, and certainly not to equipment of Jaschke’s “broker.”

Third, even if Jaschke’s “broker” somehow could be shown to have been programmed to perform part (b), then Jaschke does not disclose any other “selected” computer system that would perform parts (a) and (c). The only entity “selected” by Jaschke is the “winning” advertiser, and there is no disclosure in Jaschke of a computer system of that advertiser performing these parts of the claim.

As to part (a), Jaschke does not disclose the advertiser arranging for storage of any kind of tag. And Jaschke does not disclose the “broker” computer sending “indicia of a profile associated with the visitor” to that advertiser. The Office Action (p. 9) says, as to part (a): “Jaschke’s system sends and receives information indicating availability to place an advertisement; inherently requires storage by the entity receiving such information.” But this falls far short of disclosure of the recipient arranging for storage of any tag, and the “availability to place an advertisement” is not necessarily “indicia of a *profile* associated with the visitor.”

Part (a) also says that the computer system arranges storage of the tag *following* receipt of indicia of the visitor profile from a profile owner computer. Jaschke is the reverse: Any storing of the tag (storing presumed by the Office Action to have occurred)

would have occurred first, before the computer system receives profile information about the user. *See, e.g.*, Jaschke [0064] (cited in the Office Action).

The “availability of an ad” does not meet another requirement of part (a) of claim 34, *i.e.*, the claim limitation: “for a profile of a visitor matching a profile or kind of profiles desired by” the recipient entity. To the contrary, when Jaschke’s system sends “information indicating availability,” the broker system doesn’t know whether the recipient advertiser will bid or not, so there is no knowledge of whether the person profiled (if profile information is present at all) is “desired by” the recipient.

As to part (c), the “winning” advertiser in Jaschke is given the opportunity to fill the ad space “in real time,” and thus there is no disclosure of that advertiser causing delivery of an ad “later” – *i.e.*, after the winning advertiser arranges to store the tag associated with the visitor device (which as shown above doesn’t happen anyway). Instead, Jaschke does not disclose explicitly anything about timing, but Jaschke suggests that it has to do with filling a *currently available* ad space; Jaschke says that the bidding is done for an “advertisement opportunity” and indeed done in “real time.” The Office Action’s identification (pp. 10-11) of portions of Jaschke allegedly disclosing this part of the claim omits any discussion of the timing.

None of the above distinctions – each of which are unrecognized in the Office Action – between Jaschke and independent claim 34 are cured by the addition of Horowitz, because the secondary reference is cited only to show storage of tags. Accordingly, neither of the references discloses the above-described missing features, and thus the combination of both references likewise fails to disclose them.

Conclusion as to Jaschke: The Jaschke reference does not disclose significant aspects of the claimed invention attributed to it. The claimed invention has significant advantages by enabling a selected entity, namely a media property that has expressed interest in the profile or type of profile, to tag a visitor device with a matching profile, to allow later delivery by the media property of ads connected to that profile when ad

space become available for that visitor's device. The supporting Horowitz reference does not cure the omissions.

Select dependent claims: As a backup, applicant respectfully requests reconsideration of certain dependent claims. The dependent claims discussed below are those depending on independent method claim 34 only; parallel distinctions apply to claims depending on independent apparatus claim 51.

In view of the plain differences from the art recited in the independent claims, and with respect to the dependent claims discussed below, applicant does not discuss each and every dependent claim or the stated rejections in the Office Action. The failure to discuss certain dependent claims, accordingly, should not be considered as any kind of admission that the grounds of rejection are valid or that the cited parts of the reference meets the added claim element.

Dependent claims 35-40 & 50 (two-device situations): Claim 35 applies to a situation where there are two user devices, a "first device" through which the visitor creates (or adds to) a profile, and a "second device" with which the tag is associated. An example of a two-device arrangement is found in the specification at the bottom of page 16. Claim 36 applies to the specific two-device scenario where the profile comes from a web site accessed by a user computer while the "media property" on which the ad is received is accessed via "mobile phone." *See* specification at para. E on page 15. Claim 50 refers to another two-device scenario where the "profile supplier operates in the Internet" while the ad is on a TV.

The Office Action (p. 12) refers to Jaschke for the added element of claim 35 and says that the "profiler 100" (mentioned in Jaschke [0052]) "can be a profiler collecting target user profiles by tracking user usage behavior on various devices." The Office Action (p. 13) refers to Jaschke [0063] for the specific case of a computer (PC) and a mobile phone in claim 36. Applicant does not see disclosure of two-device targeting in Jaschke, including in any of the four paragraphs of that reference cited in the Office

Action in this context. Jaschke [0063] cites a computer or a mobile phone as *alternative* places where an ad can be served, but there is no indication of profile data from *one* of those devices being used to deliver an ad on the *other*. We respectfully ask the examiner to explain where he believes such teaching appears in Jaschke more specifically.

If the Office Action's rejection is premised on the notion that Jaschke's profiler "can be" one that works cross-device, in the sense that such is *possible* and consistent with the Jaschke reference, then applicant respectfully submits that such a finding is not sufficient to support a legally correct art rejection. *See, e.g.*, MPEP 2112 & part (IV) ("The express, implicit, and inherent disclosures of a prior art reference may be relied upon in the rejection of claims under 35 U.S.C. 102 or 103," but: "The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic") (emphasis in original; citations omitted).

Claims 37-40 depend directly or indirectly on claims 35 or 36.

Also, specifically as to claim 38, the Office Action (p. 14) refers to Horowitz to support the element of the profile information being received by a profile owner via redirection from a profile supplier. The cited paragraphs of Horowitz (specifically [0045-46] as the others do not discuss redirection at all) refer to redirection *to* an advertiser or a tracking site by the profile owner; they do not refer to the profile owner obtaining profile information by redirection *from* another site.

Dependent claims 41 and 42 (reports to profile owner): As to claim 41, the Office Action (p. 17) refers to Jaschke to support the element of the computer system (selected entity) electronically reporting "to the profile owner" certain information about delivery of the ad. The cited paragraph of Jaschke (specifically [0060]) refers to reporting *from* the "consumer information broker" *to* advertisers, which is backwards from what is claimed. As to the content of the reports, the claim stipulates that the information is "about delivery of the advertisement."

There is no reason for Jaschke's selected advertiser to report such information given that, as the Office Action seems to understand, in Jaschke the "broker" already has such information. But in the claimed invention, where the advertisement may or may not be delivered by the media property, and when delivered is done so at a "later" time, the report is useful. (The Office Action remarks that the fact that the "broker" already has such information means that it "has been made available [reported] in some manner," but that does not logically follow – the "broker" has the information because it controls delivery of the ad and thus already "knows" the fact in question, so it does not need to have any information reported.)

This distinction also applies to claims 39 and 44, which contain parallel language.

Further, claim 42 depends on claim 41 and adds the additional limitation that the report must include information identifying the profile or kind of provide used in association with delivery of the ad. Aside from referring to the Section 112(2) rejection, the Office Action (p. 18) merely remarks that Jaschke [0099] discloses delivery of profiles used to deliver ads to various entities. Applicant does not see the referenced disclosure in the cited paragraph – perhaps the paragraph number is incorrectly listed, and we respectfully request clarification. Nevertheless, assuming Jaschke somewhere discloses delivery of profiles to various entities, such is the opposite direction from what is claimed; in the claim, the report is given back to the profile owner, reporting on which profiles were used when the ad is delivered.

Dependent claim 45 (recording payment to profile owner): This claim adds the limitation of, after the ad is delivered, the (selected entity's) computer system identifies a payment amount due to the profile-owner company. The Office Action (p. 19) refers to Jaschke, at paras. [0037], [0059], and [0095], which discloses the "consumer information broker" keeping a portion of the revenue charged by that broker (either a fee or a percentage) for delivering the ad. However this disclosure does not match the claim language because the act in the claim is done by a computer *other than* the profile

owner's computer – note that in the independent claim on which this claim depends, the “computer system” (the one that identifies the payment amount) is a computer that receives profile information from a different computer called a “profile owner computer.”

Applicant respectfully requests reconsideration of the above-described dependent claims.

D. Section 101 rejection.

The Office Action (para. 18) further rejects all claims as unpatentable subject matter under Section 101. This is an *Alice*-type rejection. Applicant also respectfully requests reconsideration. The “analysis” given in the two-page Office Action does not comport with standards announced by the PTO or the case law on Section 101. Properly analyzed, the claims pass the standard for patentable subject matter because they are methods or apparatus that are directed to specific equipment, used in particular ways to achieve novel results, not to “abstract ideas,” and they contain non-conventional elements and connections. In this response, applicant first criticizes the showings in the Office Action (subpart 1 below), then turns to demonstrating how a proper analysis would demonstrate patentable subject matter (subpart 2 below).

1. Criticism of the rejection.

The criticisms in this section arise from the conviction of applicant and the undersigned that the Section 101 discussion in the Office Action incorrectly performs the required steps of a Section 101 analysis, inaccurately characterizes the invention and its significance, contains gaps in logic, and fails to meet standards announced by the Office in connection with various guidance documents. We feel it necessary to respond to each comment and break down what is wrong. We understand that the guidance on *Alice* is not easy for examiners to apply to specific inventions, particularly in this field. However, *Alice* is decidedly not an instruction that *nothing* is patentable in this field of art. (If the examiner disagrees, please advise.)

The first paragraph on page 6 says that the claims are “directed to a combination of ideas, which are similar to judicially recognized abstract ideas.” The case law (*Alice* and its progeny), along with the PTO’s Guidance documents, make perfectly clear that a claim fails the first step of the *Alice* test only when it is *directed to* an abstract idea. If it is directed to a “combination of ideas,” then admittedly the claims *uses* abstract ideas (if they are abstract at all) as a *component*, and the claim is not directed to an abstract idea. See 2014 Interim Guidance on Patent Subject Matter Eligibility, 79 Fed. Reg. 74619, 74621 (Dec. 16, 2014) (Step 2A asks “is the claim directed to ... an abstract idea”) (emphasis added); *id.* at 74622 n.9 (“An invention is not rendered ineligible for patent simply because it *involves* an abstract concept”) (emphasis added; citing *Alice*).

The same paragraph says that the “combination of ideas” is “exemplified in the following limitations,” at which point the Office Action quotes the bulk of part (b)(i) of independent claim 34 and one line from part (c) of that claim. The use of the term “exemplified” is not explained, the choice of limitations is not explained, “what applicant invented” is not described, and the nature of the “abstract idea” (or combination) to which the claims are allegedly “directed” is not set forth.

The second paragraph begins by saying that “the claims describe the concept of” – then proceeds to include verbiage apparently intended to make square claims fit into the round hole of certain court cases. Specifically, the paragraph alleges that the concept that the claims describe is “comparing new information and stored information and using rules to identify options which may be a contractual relationship.” [Bracketed inserts omitted] However, this is inaccurate. Although claim 34, part (b)(i) refers to comparing some information to stored information, that is done by a computer that sends data to the computer practicing the method of the claimed invention.

Further, there is nothing in the claim about “using rules to identify options.” The bracketed material in the Office Action tries to say that the current claims have “rules” namely “undisclosed algorithms,” but what “undisclosed” really means is that the

claims do not have “algorithms” at all. No specific “algorithm” is required to practice the claimed invention, disclosed or not. The inventions are practiced by programmed computers, of course, as are all computer-implemented inventions, but the claims are not limited to or directed to any specific “algorithm.” The bracketed material continues by trying to say that the current claims have “options” namely “select an electronic-advertising-space controlling-entity,” but if this is an “option” at all, it is (again) an action performed by another computer from which the computer of the present invention receives information.

The paragraph proceeds to say that the claims also describe the concept of “using a tag ... in an undisclosed manner for the purpose of human activity relating to commercial practices.” This statement also contains inaccuracies. First, the tag is not used “in an undisclosed manner.” The use of the tag is explained in the specification, and even the language of the claim specifies the purpose of the tag and how it is used. Second, the tag is not used “for the purpose of human activity.” Rather, the tag is used *automatically* by a computer, and no “human activity” is required. Third, the activity of the claim is not “relating to commercial practices” namely “caus[ing] delivery of an electronic advertisement.” Triggering delivery of an ad in a particular way is not a “commercial practice” any more than any other service is a “commercial practice.” Nor does the Office Action explain why the question of whether a function of the claim is or is not a “commercial practice” has anything to do with the question of whether a claim is directed to an abstract idea.

The third paragraph argues that “these concepts are similar to” the “concepts” in the *SmartGene*, *buySAFE*, and *Bilski* cases. Apparently these attempted analogies amount to an effort to meet the PTO requirement that “Examiners should not go beyond those concepts that are similar to what the courts have identified as abstract ideas.” May 2016 Memo, p. 3 (<https://www.uspto.gov/sites/default/files/documents/ieg-may-2016-memo.pdf>). As an initial matter, *SmartGene* is a non-precedential case, and a recent

(November 2, 2016) memo to the examining corps instructed, “examiners should avoid relying upon or citing non-precedential decisions (e.g., *SmartGene*, *Cyberfone*) unless the facts of the application under examination uniquely match the facts at issue in the non-precedential decision.” See <https://www.uspto.gov/sites/default/files/documents/McRobascom-Memo.pdf>. The facts of *SmartGene* do not “uniquely match the facts at issue” here – indeed, they are completely unrelated to the pending claims. *SmartGene* involved a method for guiding the selection of a therapeutic treatment regimen by providing patient information that a computer used to rank therapeutic treatment regimens and to generate “advisory information.” Thus, *SmartGene* is quite remote.

Nor are the pending claims “similar” to either of the cited precedential cases, *buySAFE* or *Bilski*. First, *buySAFE* held abstract a “fundamental” type of “economic practices,” namely creating transaction performance-guarantee contracts. The only “invocation of computers” in the claims was the “generic” reference to a computer that “receives and sends the information over a network.” This is far removed from the claims here, which are integrally connected to a computer and indeed involve the interplay between two communicating computer systems. Second, *Bilski* held that “the basic concept of hedging” was an abstract idea because it “is a fundamental economic practice long prevalent in our system of commerce and taught in any introductory finance class,” which is even more remote.

The above discusses a three-paragraph set of statements that contain repeated mischaracterizations of the claimed inventions and specious comparisons to three court cases. This is far below what is required for a valid Step 2A analysis. The discussion provides no basis to hold that claim 34, as construed, is directed to an “abstract idea.”

Step 2B expresses an obligation to consider whether the claim includes an “additional element” that amounts to “significantly more” than the abstract idea. It is difficult to determine whether elements are “significantly more,” though, given that the rejection does not define the “abstract idea” that is intended as the baseline for that test.

First it is necessary to identify the claim elements that are more than the abstract idea, to allow consideration of whether they are “significant.” The middle of the paragraph bridging pages 6 and 7 of the Office Action purports to identify some, but only *some* are presented, those that are mentioned are presented in caricature rather than by quoting actual claim language, and even then the Office Action criticizes them even while listing them for what is not “disclosed” or “recited” in them. The implication – untrue – is that applicant has some kind of obligation to ensure that the claim is (for example) “reciting [or] claiming any specific method for automating such routine activities such as storage.” That is hardly a fair analysis of a detailed and commercially significant patent claim.

After the abbreviated and incomplete characterization of certain elements, the Office Action dismisses them as a group with the three-line comment (found at the top of page 7) that they “all either further describe the abstract idea but do not make it less abstract or are merely insignificant extra-solution activity because such activity is necessary and routine in implementing the aforementioned abstract concepts.” Neither of those conclusions is the proper test for Step 2B, and the Office Action does not identify which of the two alternatives applies to which additional element. Nor does the three-line dismissal give any evidence or explanation for the conclusions. Again, this falls far short of a proper analysis of Step 2B per the process required by the Guidance.

The Office Action continues by saying, “If allowed, the claims seek to monopolize all implementations of the aforementioned abstract concepts.” This statement is again false, although it is hard to rebut when “the aforementioned abstract concepts” (note the plural) are not defined. If the sentence refers to the “concepts” of comparing information and using rules to identify options, then clearly the claims do not monopolize *that*! Even if the reference to “aforementioned abstract concepts” was intended to refer to selecting an ad-space controlling entity and using a tag to cause

delivery of an electronic ad, there are many ways to do such a task, and the claims do not “monopolize all implementations.”

Finally, the Office Action turns to “viewing the claims as a whole.” The remarks involve, again, only a single sentence, which contends that “the claims simply instruct the practitioner to implement the abstract concepts through the use of routine and conventional activity only disclosed at a high level of generality and with no specific examples of the algorithms themselves which achieve the functionalities claimed.” Again, the reference to “algorithms” is not understood; this invention is not about “algorithms.” Indeed, after saying on the previous page that the presence of “undisclosed algorithms” is a reason for concluding that the claims are analogous to the cases and thus properly held abstract, here the comment in connection to the “claims as a whole” analysis contradictorily uses the absence of “specific examples of the algorithms” as a reason to contend that the “claims as a whole” do not add “significantly more” to the abstract idea when considering all elements in combination.

The rest of the sentence states – without any proof or analysis – that the claims “implement” the concepts (undefined) “through the use of routine and conventional activity” at “a high level of generality.” Aside from the lack of proof of this (also false) statement, the comment shows a lack of understanding of the “claim as a whole” analysis. The point of the “claim as a whole” question is to judge whether, *despite* the fact that *each individual* element is merely “conventional,” the claim (with the elements considered in combination) defines an advance over the abstract idea on account of the presence of conventional elements interconnected in a novel and specific way. In short, the analysis of the “claim as a whole,” too, is woefully deficient.

In addition, contrary to the requirements of the guidance documents, the Office Action discusses none of the *dependent* claims separately. The only mention of dependent claims is in the “claims as a whole” remark (p. 7), which begins, “In viewing the claims as a whole, including the limitations of the dependent claims, the claims

simply” This is an improper mode of analysis. What is supposed to be “viewed as a whole” is *each* claim subject to the rejection, not *all* claims as a unit.

2. Explanation of why the claims contain patent-eligible subject matter.

Applicant’s claimed invention relates to the interplay between two computer systems. The profile owner computer system has chosen one of several ad-space-controlling entities (media properties) based on prior requests from those entities for specific profiles or categories of users. The computer of that “selected entity” receives profile information matching the previous request and arranges for a visitor’s device to be tagged, then uses the tag to deliver an ad later, when visitor ad space is available.

Before applicant’s invention, in Jaschke and in general (to applicant’s knowledge and belief), it was known to (a) choose among *advertisers who do not control ad space* for a particular ad slot, and (b) to forward *all* users, not requested categories, to an ad server to arrange to deliver ads when possible. As explained in applicant’s specification, *see, e.g.,* pages 7-10, previous systems created difficulties, solved by the current invention, including the problem of media properties monetizing general-content ad space, without such entities receiving categories of profiles that they cannot use.

More specifically, before applicant’s invention, when a “media property” controlling ad space wished to deliver ads to particular categories of Internet users (such as for the benefit of a given advertiser), it could seek to have audiences referred from one or more different referring websites. This would require specific negotiations with each site, exchange of technical information to make any tagging possible, and constant updating as the media property instituted new ad campaigns. Such a contracting process prevented referring websites from being positioned to cause media property tags to be added timely.

As the specification explains, worse, the prior art did not seem to allow such referring websites to deliver specifically a *subset* of users that the media property wished to target, and as a result the media property would end up delivering the ad to

some “unwanted” visitors as a result of broader audience than desired being tagged. Obtaining a targeted audience is difficult technically because the traffic across the collection of referring websites should be high enough to make the odds sufficiently high that enough visitors of the desired types would later be detected visiting the media property. If a referring website is a general one (such as a travel site), then there would be many “unwanted” visitors, and applicant is unaware of referring websites having either the technical capacity or financial interest in referring only visitors to those sites who met specified criteria, particularly given that ad campaigns are temporary. On the other hand, if a referring website is of a more specific type (so that the visitors are more targeted by implication), such as a local tennis club site, the volume of visitors would be low. Media properties using previous techniques could try to overcome this problem by cooperating with a set of many referring web sites, but entering into such contracts, facilitating the storage of tags, and providing sufficient incentive for sites to participate is technically impractical to implement in time to set up a media campaign. Whether by approaching large sites or collections of small sites, therefore, known prior art techniques did not provide a way, technically and practically, for a “media property” to obtain a desired audience of both a sufficient size and a targeted type.

The invention of claim 34 gave “media properties” a better solution: They could provide profile definitions of a desired audience to a “profile owner” that has access to users on account of their visit to “profile supplier,” and the media properties can cooperate with the “profile owner” to tag the subset of matching visitors. This way a “media property” benefits from access to just its desired audience, *i.e.*, a user identified by the “profile owner” as matching its request. The system works better than the prior art because the “profile owner” handles requests from a variety of possible “media properties,” and it matches visitors with the “media property” in question only when there is a match. Another advantage from the “media property” perspective is that the tagging can start as soon as the “profile owner” identifies the “media property” desired

audience visiting the “profile supplier” web site connected to the “profile owner.” The technique also is scalable, because the “profile owner” can utilize profile data about visitors that one “media property” considers not worth targeting and instead select a “media property” that has requested that profile or type of profile, thus utilizing all or most visitor traffic without the usage being untargeted. Another type of scalability is that the “profile owner” can receive profile information about users from as many “profile suppliers” as needed to provide the desired volume, even if each individual “profile supplier” provides just a sliver of the needed number of visitors. The technique also solves the timing problem by permitting immediate delivery of data requests to fit the needs of particular campaigns. In short, the inventive system avoids the prior art’s need for custom negotiations with, technical assistance to, and repeated updating of many referring sites, as discussed above, while at the same time achieving a volume of visitors limited to desired ones.

In view of the above explanation, let’s turn to the two-part test:

Step 1 is clearly met because the claims are directed to statutory classes. This is not disputed.

Step 2A is met because a selected entity arranging for a tag and delivering an ad to a visitor whose profile information was received from a profile owner that has selected the entity from among others based on requests for profiles or types of profiles of particular kinds is a specific and concrete – not an abstract – invention (or idea).

Step 2B is met (at least) because viewed as a whole: (i) there is no manual action nor even pre-Internet analog, as the claim is directed to an Internet-centric problem, so this claim is not directed simply to performing known techniques on a computer or on the Internet; (ii) the claim is directed to an unconventional and non-generic combination of elements, as explained above; (iii) the idea is confined to a particular, practical application of how to handle Internet advertising; (iv) the combination is not well-understood, routine, or conventional activity; and (v) the claims refer to a specific

technical solution. For those reasons, the claims have an “inventive concept” and are patent-eligible.

Applicant respectfully requests that the examiner review the most recent discussion issued by USPTO management, found at this link on the PTO’s website: <https://www.uspto.gov/sites/default/files/documents/ieg-bus-meth-exs-dec2016.pdf>, especially examples 34 and 35, which discuss the most recent Federal Circuit cases (from 2016) upholding patent-eligibility of certain patents, and the *Bascom* and *DDR* cases referenced therein, *i.e.*, *BASCOM Global Internet Services, Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1349 (Fed. Cir. 2016) (“step two [involves] the search for an ‘inventive concept’ [which] may arise in one or more of the individual claim limitations or in the ordered combination of the limitations”); *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245, 1259 (Fed. Cir. 2014) (“When the limitations of the ... asserted claims are taken together as an ordered combination, the claims recite an invention that is not merely the routine or conventional use of the Internet”).

Also helpful is the July 2015 example 21, referring to hypothetical but patent-eligible claim 2, found at <https://www.uspto.gov/sites/default/files/documents/ieg-july-2015-app1.pdf> and taught at <https://www.uspto.gov/sites/default/files/documents/ai-workshop-ii.pptx> (see slide 28 especially).

Those materials teach that, when a claim involves the Internet-centric challenge of communicating information between computers, and doing so in an unconventional way to solve a problem, a discrete implementation can be considered patent-eligible because of having an inventive concept.

In *DDR*, for example, the claimed system involved an “outsource provider” computer that interfaced with “host” computers, and when Internet visitors followed a link from one of the “hosts,” the “outsource provider” automatically customized the target page with the “host’s look and feel” (which was not conventional) so as to cure the “loss of eyeballs” problem present in the prior art.

In *Bascom* and example 34 based on that case, placing filtering software on a central computer overcame the problem of configuration and workarounds when such software was placed on client computers; a claim directed to a local client computer accessing one of a plurality of sets of logical filtering elements from a remote ISP computer was held patent-eligible because “the installation of a filtering tool at a specific location, remote from the end-users, with customizable filtering features specific to each end user” for a specific user account, was an eligible “inventive concept.”

Example 21 involved using a transmission server specifically programmed to communicate with a remote subscriber client computer to cause a stock quote alert to display when the subscriber’s computer comes back online. Here again the interplay between computers was considered to provide an “inventive concept” and make the claim patent-eligible.

What those examples have in common is that each involves the Internet-facilitated communication between two computers, done in an unconventional and novel way, to achieve a solution to a problem (business, technical, or a combination thereof). The same is true for this invention. Claim 34 specifies particular embodiments requiring an ad-space-controlling computer to tag visitors following receipt of profile information only in a desired profile or type of profiles, specified by the ad-space controller in advance, for the “profile owner” to forward. Like in *DDR*, *Bascom*, and the examples, the interaction between the two computer systems facilitates ad delivery in a specific and non-conventional way, generating useful and improved results as discussed above.

Applicant respectfully submits that claim 34 meets the requirements of Section 101, as the examiner’s predecessor found.

As a “backup,” please consider separately the Section 101 test as applied to certain dependent claims, which have significant added limitations worth discussing in

this context. (Again, applicant does not discuss all dependent claims or concede that claims not discussed lack significant added elements.)

Claim 35 and certain other claims relate to applying the invention in situations where there are two user devices, a “first device” through which the visitor creates (or adds to) a profile, and a “second device” with which the tag is associated. This allows “cross-device” advertising, which can be quite valuable. The combination of choosing one of several ad-space-controlling entities based on profile information on one device, to allow delivery of an ad by the selected entity on a different device, solves additional problems, such as opening added possibilities to reach the user in a powerful way.

Claim 41 and certain other claims relate to applying the invention with further steps related to the computer system of the selected entity electronically reporting to the profile owner certain information about delivery of the ad based on usage of the transmitted profile data. A particular piece of profile information may be given by many profile suppliers about many visitors, and delivering reporting about the use of the attribute by the selected entity to target a specific profiled visitor with a relevant ad, at a later time when an advertising opportunity is available to the selected entity, allows confirmation that the data was used and the possibility to credit the profile supplier that provided the desired profile information for that specific visitor. To applicant’s knowledge, previous systems did not attempt to credit profile suppliers who provided profile data based on later-delivered ads in a customized way, which stunted the market for profile information.

E. Miscellaneous remarks contained in the Office Action.

After (1) acknowledging that the examiner has reviewed the parent application, (2) stating, “the Examiner has reviewed and considered the prior art cited in the Parent Application,” and (3) saying that, if listing of the references cited is desired, applicant should resubmit the listing of information cited in the parent application (*see* para. 6), the Office Action makes (*see* para. 8) the following gratuitous remark: “[D]ue to the

volume of disclosed Information (especially in the 11/15/2013 disclosure), the documents submitted have only received a cursory review. Based on the volume or size of the IDSs submitted in total, consideration has been given only to the extent that the relevance of the reference(s) has been established.”

The “cursory review” remark is contradictory because the IDS filed in 2013 listed only references filed in the parent application (except for a few updated citations to several of applicant’s own applications). Absent further explanation, applicant will assume that the examiner’s comment that he has indeed reviewed the art in the parent cases, and considered what is necessary to properly examine the pending claims, is the controlling comment.

We describe the “cursory review” remark as gratuitous because it is not necessary to, or part of, any rejection or objection. Why this remark should be present in the Office Action at all is unexplained and not understood by assignee or the undersigned. The parent case had the same volume of references but never drew this kind of comment.

The examiner has a *duty* to review all cited references. The Office’s rules and the MPEP make this clear. *See* 37 C.F.R. §1.97(b) (“An information disclosure statement *shall be considered* by the Office” if filed before a first Office Action) (emphasis added); MPEP 609 (“An information disclosure statement filed in accordance with the provisions of [the rules] *will be considered by the examiner* assigned to the application.... Once the minimum requirements of [the rules] are met, the *examiner has an obligation to consider the information*”) (emphasis added); MPEP 904 (“In all continuing applications, the parent applications *should be reviewed* by the examiner for pertinent prior art. Where the cited prior art of a parent application has been reviewed, this fact should be made of record ...”) (emphasis added).

The examiner has a duty to consider cited references in the same manner as all other references, not merely in a “cursory” way. *See* MPEP 609 (“Consideration by the

examiner of the information submitted in an IDS means nothing more than considering the documents *in the same manner as other documents in Office search files are considered by the examiner while conducting a search* of the prior art in a proper field of search.”) (emphasis added). Thus, the statement that “the documents have received only a cursory review,” would constitute an admission that the examiner has not followed the MPEP. The undersigned prefers to believe that the examiner has not neglected his duty and thus believes instead that the statement that “only a cursory review” has been given is inaccurate.

As to another comment, as the Office Action itself admits, MPEP 609.04(c) says that a “concise explanation of relevance is not required.” However, in paragraph 10, the Office Action says, “Applicant is hereby requested to provide a representative document(s)/section(s) of each reference submitted in the 11/15/2013 disclosure that is/are particularly relevant to applicant’s claimed invention which the applicant would like the examiner to consider” along with “a disclosure addressing why applicant believes each document(s)/section(s) is important to understanding applicant’s invention.” Applicant does not understand this to be an “information request” *required* by the Office (because the term “requested” is used) and thus declines to refer to certain parts of references in preference to others or to explain anything about applicant’s “beliefs” of the importance or not of any reference. Applicant “would like the examiner to consider” the *entirety* of *every* cited reference. The examiner has the burden of explaining why any reference is “important” to applicant’s claimed invention, not the other way around. *See, e.g.*, 35 U.S.C. §102 (“A person shall be entitled to a patent unless ...”); MPEP 2144.08(II)(A) (“Office personnel should establish a *prima facie* case of unpatentability considering the factors set out by the Supreme Court in *Graham v. John Deere*” before applicant has the burden to come forward with “rebuttal evidence or argument”) (citations omitted).

Electronic Patent Application Fee Transmittal				
Application Number:		14080999		
Filing Date:		15-Nov-2013		
Title of Invention:		Providing collected profiles to media properties having specified interests		
First Named Inventor/Applicant Name:		Roy Shkedi		
Filer:		Louis J. Hoffman/Donald Hertz		
Attorney Docket Number:		14-PP-CON3		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 3 months with \$0 paid	1253	1	1400	1400
Miscellaneous:				
Total in USD (\$)				1400

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 14/080,999		Filing Date 11/15/2013		☐ To be Mailed	
ENTITY: ☒ LARGE ☐ SMALL ☐ MICRO									
APPLICATION AS FILED – PART I									
(Column 1)		(Column 2)							
FOR		NUMBER FILED		NUMBER EXTRA		RATE (\$)		FEE (\$)	
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A		N/A		N/A			
☐ SEARCH FEE (37 CFR 1.16(k), (l), or (m))		N/A		N/A		N/A			
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A		N/A		N/A			
TOTAL CLAIMS (37 CFR 1.16(i))		minus 20 =		*		X \$ =			
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =		*		X \$ =			
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))									
* If the difference in column 1 is less than zero, enter "0" in column 2.						TOTAL			
APPLICATION AS AMENDED – PART II									
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT	03/15/2017	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 33	Minus	** 33	= 0	x \$80 =		0	
	Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 0	x \$420 =		0	
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE		0	
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =			
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =			
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE			
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.									

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Form PTO-1449 (Modified)
List of Patents and Publications For
Information Disclosure Statement

Serial No.: 14/080,999
Applicant: Shkedi, Roy
Filed: 11/15/2013
Art Unit: 3622
Examiner: Sittner, Michael J.
Docket No.: 14-PP-CON3
Conf. No.: 9158

Page 1 of 4

OTHER ART

Examiner Initials	Item	AUTHOR, Title, Date, Pertinent Pages, Etc.
	1	24/7 RealMedia, The Science of Digital Marketing, Company Overview (2007)
	2	aaddzz.com webpages from www.archive.org, archived January 30, 1998
	3	AdForce, Inc., User Guide, A Complete Guide to AdForce, Version 2.6 (1998)
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Examiner: _____ Date Considered: _____

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance *and* not considered. Include copy of this form with next communication to applicant.

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OTHER ART

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	22	Graham, Ian S., HTML Sourcebook, A Complete Guide to HTML, John Wiley & Sons (1995)
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OTHER ART

Examiner Initials	Item	AUTHOR, Title, Date, Pertinent Pages, Etc.
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Examiner: _____

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Electronic Acknowledgement Receipt	
EFS ID:	28936117
Application Number:	14080999
International Application Number:	
Confirmation Number:	9158
Title of Invention:	Providing collected profiles to media properties having specified interests
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman/Donald Hertz
Filer Authorized By:	Louis J. Hoffman
Attorney Docket Number:	14-PP-CON3
Receipt Date:	14-APR-2017
Filing Date:	15-NOV-2013
Time Stamp:	22:24:27
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	17-04-14-DAT-PP_CON3-Supp_IDS_Cover-Yahoo2.pdf	37073 9e1bb4d883d56c0e0f542b4bfa9d0471cb5c1e62	no	1

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2	Information Disclosure Statement (IDS) Form (SB08)	17-04-14-DAT-PP_CON3-1449-Yahoo2.pdf	300166	no	4
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3	Non Patent Literature	1-24-7RealMedia.pdf	337174	no	2
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4	Non Patent Literature	3-Aaddzz_website_archive-19980130.pdf	2349712	no	42
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5	Non Patent Literature	5-Adforce-UserGuide2_6-1998.pdf	8947545	no	206
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6	Non Patent Literature	6-Fawcett-PublishersThankful.pdf	297316	no	6
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7	Non Patent Literature	11-Ad-Star_archives.pdf	1027670	no	29
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8	Non Patent Literature	12-Chang-Goodies.pdf	429946	no	10
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9	Non Patent Literature	15-Arlein-Privacy_Preserving.pdf	567347	no	9
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12	Non Patent Literature	21-Ribeiro-Neto-ExtractingSemiStructuredData.pdf	518192	no	8
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16	Non Patent Literature	30-AdKnowledge-CampainMgrQRC.pdf	342432	no	6
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17	Non Patent Literature	32-Emert-2WebAdFirmsDecidetoMarry.pdf	83220	no	1
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Total Files Size (in bytes):			117438085		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

Electronic Acknowledgement Receipt	
EFS ID:	28936124
Application Number:	14080999
International Application Number:	
Confirmation Number:	9158
Title of Invention:	Providing collected profiles to media properties having specified interests
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman/Donald Hertz
Filer Authorized By:	Louis J. Hoffman
Attorney Docket Number:	14-PP-CON3
Receipt Date:	14-APR-2017
Filing Date:	15-NOV-2013
Time Stamp:	22:29:26
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Non Patent Literature	AdManagerPro- AdEntryManual- UserManualV20.pdf	6134103 5613d5b4e7037cae18976a154ed3f73fe3f9d08c	no	125

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Total Files Size (in bytes):			41874355		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor	: Shkedi, Roy	Art Unit	: 3622
Serial No.	: 14/080,999	Examiner	: Sittner, Michael J.
Filing Date	: 11/15/2013	Conf. No.	: 9158
Title	: Providing collected profiles to media properties having specified interests		

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

Filed via EFS-Web on April 14, 2017

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Applicant discloses references listed on form PTO-1449 attached, received from defendant in Case No. 1:16-cv-01557-ILG-SMG (E.D.N.Y.). Applicant has not confirmed the dates nor that every cited reference qualifies as prior art, and has not concluded that each are more material to patentability than references cited earlier.

To the knowledge of the undersigned attorney after making reasonable inquiry, no new item of information contained in this IDS was either (1) cited in a communication from a foreign patent office in a counterpart foreign application, or (2) known to any individual designated in 37 CFR § 1.56(c), more than three months ago.

If there are any questions, please contact applicant's undersigned attorney.

Respectfully submitted,
DATONICS, LLC
by its attorney

Dated: April 14, 2017

/Louis J. Hoffman/
Louis J. Hoffman
Reg. No. 38,918

LOUIS J. HOFFMAN, P.C.
7689 East Paradise Lane
Suite 2
Scottsdale, Arizona 85260
(480) 948-3295



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/080,999	11/15/2013	Roy Shkedi	14-PP-CON3	9158
26362	7590	05/25/2017		
LOUIS J. HOFFMAN, P.C. 7689 East Paradise Lane Suite 2 Scottsdale, AZ 85260			EXAMINER SITTNER, MICHAEL J	
			ART UNIT 3622	PAPER NUMBER
			NOTIFICATION DATE 05/25/2017	DELIVERY MODE ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Louis@valuablepatents.com
donald@valuablepatents.com

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant's counsel reviewed claimed invention and Remarks filed 3/15/2017.

Examiner did agree a specific 112, 2nd antecedent basis issue (Office action pg. 8) regarding "the device" is not applicable. No agreements were reached regarding the other rejections.

No agreements were reached concerning allowable subject matter. No agreements were reached concerning specific language to overcome any of the other rejections.

The Examiner thanks counsel for time explaining the nuances of the invention which applicant is claiming. The Examiner believes it would be helpful to further prosecution if clarification were made regarding: (1) the purpose/function or embodiment of "the tag"; (2) what "arranging storage of [said] tag" encompasses; (3) who/what "entity" is being selected by the "profile owner" and what its/their function is in relation to storage or use of "the tag"; (4) clarification regarding what action(s) trigger specific steps if such triggering events are important to the claimed invention.

Again, no specific agreements were reached regarding claim language.

No agreements were reached concerning allowable subject matter.

Amendments

IN THE CLAIMS:

Please amend the claims as follows:

1.-33. (Canceled)

34. (Currently amended) A method of causing delivery of electronic advertisements based on provided profiles comprising:

(a) with a computer system automatically arranging storage of a tag associated with a visitor device ~~following~~ as a result of receipt from a profile owner computer of indicia of [[a]] profile information associated with the visitor, for a profile of the visitor matching a profile or kind of profiles desired by an entity controlling the computer system, wherein the tag represents the profile information associated with the visitor;

(b) wherein the profile owner computer is programmed:

(i) to automatically select ~~an electronic advertising space-~~
~~controlling a media property~~ entity based on a comparison of (A) profile information about a visitor who electronically accessed electronic apparatus of a profile supplier with (B) a plurality of stored requests from different entities, each stored request being for requested profiles or kinds of profiles, which plurality of stored requests includes the desired profile or kind of profiles, and

(ii) to automatically arrange for electronic storage of a tag that is associated with the visitor and that is readable by ~~an electronic-~~
~~advertising space-controlling~~ equipment controlled by the selected media property entity, which equipment is part of the computer system of part (a) when the selected media property entity is the entity controlling the computer system; and

(c) later, when the visitor device is available to receive an advertisement, with the computer system, using the tag to automatically cause delivery of an electronic advertisement to the visitor device, wherein the electronic advertisement is dependent on the profile information associated with the visitor.

35. (Currently amended) The method of claim 34 wherein the profile information associated with the visitor is derived from the visitor's activity using a first device, and wherein the visitor device that is available to receive an advertisement is a second device of the visitor.

36. (Previously presented) The method of claim 35 wherein the first device is a computer of the visitor and the second device is a mobile phone of the visitor.

37. (Previously presented) The method of claim 36 wherein the tag identifies the mobile phone.

38. (Currently amended) The method of claim 36 wherein the profile owner computer is programmed to automatically select ~~an electronic advertising space~~ controlling a media property entity using profile information about the visitor that was derived from the visitor's activity using the computer of the visitor, which profile information was received by the profile-owner computer as a result of URL redirection from a website that is served by the electronic apparatus of the profile supplier, which website is accessed by the computer of the visitor.

39. (Previously presented) The method of claim 35 wherein the second device is a computer and further comprising, after parts (a) and (c), with the computer system electronically reporting information about delivery of the advertisement to the second device, which report is provided to a profile owner controlling the profile owner computer.

40. (Previously presented) The method of claim 39 wherein electronically reporting comprises automatically placing the second device in communication with

computer equipment controlled by the profile owner, via URL redirection from the computer system, when the computer system utilizes the tag to cause delivery of the advertisement.

41. (Previously presented) The method of claim 34 further comprising, after parts (a) and (c), with the computer system electronically reporting information about delivery of the advertisement to the visitor device that is available to receive an advertisement, which report is provided to a profile owner company controlling the profile owner computer.

42. (Previously presented) The method of claim 41 wherein reporting further comprises automatically electronically identifying to the profile owner company one of a plurality of profiles or kind of profiles used in association with delivery of the advertisement.

43. (Currently amended) The method of claim 34 wherein the profile owner computer is programmed to automatically select ~~an electronic advertising space~~ controlling a media property entity using profile information about the visitor that was derived from the visitor's activity using the visitor device.

44. (Previously presented) The method of claim 43 wherein the profile information was received by the profile-owner computer as a result of URL redirection from a website that is served by the electronic apparatus of the profile supplier, which website is accessed by the visitor device.

45. (Previously presented) The method of claim 34 further comprising, after parts (a) and (c), with the computer system automatically creating electronic data used to identify a payment amount due to a profile owner controlling the profile owner computer as a result of delivery of the electronic advertisement to the visitor device that is available to receive an advertisement.

46. (Previously presented) The method of claim 34 wherein the tag comprises personally identifiable information identifying the visitor.

47. (Previously presented) The method of claim 34 wherein automatically arranging storage of the tag comprises arranging for electronic storage of the profile information in the tag.
48. (Previously presented) The method of claim 34 wherein automatically arranging storage of the tag comprises arranging for electronic storage of the profile information in a database locatable through the tag.
49. (Previously presented) The method of claim 34 wherein automatically arranging storage of the tag comprises automatic redirection to a URL provided by the selected entity to place the visitor device in communication with computer equipment controlled by the selected entity to enable storage of the tag in association with the visitor device.
50. (Previously presented) The method of claim 34 wherein the equipment of the profile supplier operates in the Internet and the equipment of the selected entity utilizes the profile data to cause delivery of the electronic advertisements on a television of the visitor.
51. (Currently amended) A computer system comprising one or more computers, wherein the one or more computers are programmed and connected:
- (a) to automatically arrange storage of a tag associated with a visitor device ~~following as a result of~~ receipt from a profile owner computer of indicia of [[a]] profile information associated with the visitor, for a profile of the visitor matching a profile or kind of profiles desired by an entity controlling the computer system, wherein the tag represents the profile associated with the visitor;
 - (b) wherein the profile owner computer is programmed:
 - (i) to automatically select ~~an electronic advertising space~~ ~~controlling a media property~~ entity based on a comparison of (A) profile information about a visitor who electronically accessed electronic

apparatus of a profile supplier with (B) a plurality of stored requests from different entities, each stored request being for requested profiles or kinds of profiles, which plurality of stored requests includes the desired profile or kind of profiles, and

(ii) to automatically arrange for electronic storage of a tag that is associated with the visitor and that is readable by ~~an electronic-
advertising-space-controlling~~ equipment controlled by the selected media property entity, which equipment is part of the computer system of part (a) when the selected media property entity is the entity controlling the computer system; and

(c) later, when the visitor device is available to receive an advertisement, with the computer system, to use the tag to automatically cause delivery of an electronic advertisement to the visitor device, wherein the electronic advertisement is dependent on the profile information associated with the visitor.

52. (Currently amended) The computer system of claim 51 wherein the profile information associated with the visitor is derived from the visitor's activity using a first device, and wherein the visitor device that is available to receive an advertisement is a second device of the visitor.

53. (Previously presented) The computer system of claim 52 wherein the first device is a computer of the visitor and the second device is a mobile phone of the visitor.

54. (Previously presented) The computer system of claim 53 wherein the tag identifies the mobile phone.

55. (Currently amended) The computer system of claim 53 wherein the profile owner computer is programmed to automatically select ~~an electronic-advertising-space-controlling~~ a media property entity using profile information about the visitor that was

derived from the visitor's activity using the computer of the visitor, which profile information was received by the profile-owner computer as a result of URL redirection from a website that is served by the electronic apparatus of the profile supplier, which website is accessed by the computer of the visitor.

56. (Currently amended) The computer system of claim 52 wherein the second device is a computer and wherein the computer system is further programmed to, after parts (a) and (c), electronically report, to a profile owner controlling the profile owner computer, information about delivery of the advertisement to the second device, ~~which report is provided to a profile owner controlling the profile owner computer.~~

57. (Currently amended) The computer system of claim 51 wherein the one or more computers are further programmed to, after parts (a) and (c), electronically report, to a profile owner controlling the profile owner computer, information about delivery of the advertisement to the visitor device that is available to receive an advertisement, ~~which report is provided to a profile owner company controlling the profile owner computer.~~

58. (Currently amended) The computer system of claim 57 wherein the one or more computers are programmed to electronically report by further automatically electronically identifying ing to the profile owner company one of a plurality of profiles or kind of profiles used in association with delivery of the advertisement.

59. (Currently amended) The computer system of claim 51 wherein the profile owner computer is programmed to automatically select ~~an electronic advertising space controlling~~ a media property entity using profile information about the visitor that was derived from the visitor's activity using the visitor device.

60. (Previously presented) The computer system of claim 59 wherein the profile information was received by the profile-owner computer as a result of URL redirection from a website that is served by the electronic apparatus of the profile supplier, which website is accessed by the visitor device.

61. (Previously presented) The computer system of claim 51 wherein the one or more computers are further programmed to, after parts (a) and (c), automatically create electronic data used to identify a payment amount due to a profile owner controlling the profile owner computer as a result of delivery of the electronic advertisement to the visitor device that is available to receive an advertisement.

62. (Previously presented) The computer system of claim 51 wherein the tag comprises personally identifiable information identifying the visitor.

63. (Previously presented) The computer system of claim 51 wherein the one or more computers are programmed to automatically arrange storage of the tag by arranging for electronic storage of the profile information in the tag.

64. (Previously presented) The computer system of claim 51 wherein the one or more computers are programmed to automatically arrange storage of the tag by arranging for electronic storage of the profile information in a database locatable through the tag.

65. (Previously presented) The computer system of claim 51 wherein the equipment of the profile supplier operates in the Internet and the equipment of the selected entity utilizes the profile data to cause delivery of the electronic advertisements on a television of the visitor.

66. (Currently amended) An article comprising a ~~non-transitory~~ tangible medium that is not a transitory propagating signal encoding computer-readable instructions that, when applied to a computer system comprising one or more computers, instruct the computer system to perform a method of causing delivery of electronic advertisements based on provided profiles comprising:

(a) automatically arranging storage of a tag associated with a visitor device ~~following as a result of~~ receipt from a profile owner computer of indicia of [[a]] profile information associated with the visitor, for a profile of the visitor matching a profile or kind of profiles desired by an entity controlling the

computer system, wherein the tag represents the profile associated with the visitor;

(b) wherein the profile owner computer is programmed:

(i) to automatically select ~~an electronic advertising space-~~
~~controlling~~ a media property entity based on a comparison of (A) profile information about a visitor who electronically accessed electronic apparatus of a profile supplier with (B) a plurality of stored requests from different entities, each stored request being for requested profiles or kinds of profiles, which plurality of stored requests includes the desired profile or kind of profiles, and

(ii) to automatically arrange for electronic storage of a tag that is associated with the visitor and that is readable by ~~an electronic-~~
~~advertising space-controlling~~ equipment controlled by the selected media property entity, which equipment is part of the computer system of part (a) when the selected media property entity is the entity controlling the computer system; and

(c) later, when the visitor device is available to receive an advertisement, using the tag to automatically cause delivery of an electronic advertisement to the visitor device, wherein the electronic advertisement is dependent on the profile information associated with the visitor.

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Application Number:	14080999
International Application Number:	
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Title of Invention:	Providing collected profiles to media properties having specified interests
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman/Donald Hertz
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Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Supplemental Response or Supplemental Amendment	17-05-26-DAT-PP_CON3-Supp_RTOA1.pdf	179180 7073220932e373f7ea42f1089365fc08c82114d1	no	19

Warnings:

Information:	
Total Files Size (in bytes):	179180
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.	

Remarks

Assignee and the undersigned thank the examiner for phoning and arranging the requested interview, and for his time in the interview held by telephone, primarily on May 19, 2017. This paper responds to the discussion in the interview and includes assignee's report of the discussion along with further amendments and remarks. Please enter the amendments in the last response, as well as those above, which are written assuming the previous amendments have been entered or will be entered first.

In the interview, the examiner agreed that the previous amendment and remarks sufficed to overcome the rejections under Section 112.

As to Section 103, the examiner explained his intention in citing the supporting reference, Kalinov, and discussion of the distinction over the primary reference, Jaschke (U.S. Pat. Pub. 2007/0130005), ensued. Ultimately the examiner agreed that the pending claims were patentably distinct from Jaschke, at least if clarified, for the reasons explained below in more detail.

To summarize, Jaschke discloses a "consumer information broker" that accepts advertiser bids and chooses one of several advertisers automatically; various advertisers bid for delivery of their ads to a "target" or user, and an advertiser is selected based on a calculation of which matches. The invention claimed in this application, however, relates to something different: A "profile owner" has a computer system that is programmed to select one, from among a group, of "media properties" (see below). Jaschke's broker selects advertisements for a given ad space, whereas the claims of this application relate to selection of one among several "media properties."

In Jaschke, the broker selects one of several advertisers, but those advertisers (in the context of Jaschke) *do not control ad space*, and thus are not "media properties" as claimed. Jaschke's referenced advertisers do not each control ad space because the point of the reference patent is that the advertisers are competing (bidding) for permission to place their ads in a given ad space *that Jaschke's "broker" controls*. Only when Jaschke's

broker makes the selection is the advertisement of *one* of the advertisers, the selected one, delivered to the user, as triggered by the broker. Thus, Jaschke's broker cannot match the "profile owner" referenced in part (b) of the independent claims.

Nor can Jaschke's broker be considered the "media property" of the claims. Although Jaschke refers (at ¶¶[0028-29] for example, mentioned in the interview) to the broker receiving a "trigger or indication of availability" of "an advertisement opportunity," Jaschke contains no discussion of how such "indications" are issued, and specifically Jaschke does not describe the particular technique involving communication between the "profile owner" and the "media property" defined by the instant claims.

In sum, the examiner and the undersigned seemed to reach agreement that Jaschke is directed to a different technique, used for an entirely different purpose.

As to the Section 101 rejection, the examiner confirmed that the rejection could be overcome – at a minimum – by ensuring that the claims capture distinctions over Jaschke and thus contain *unconventional* method steps (or parallel claim elements for the apparatus claims), especially if the claims could be modified slightly for added clarity of the applicant-disclosed system.

The examiner and the undersigned discussed four possible modifications that the examiner thought could add further clarity:

1. Change "advertising-space-controlling" equipment/entity to "media property." The examiner suggested this change for added clarity, especially because "media property" is the term used in the specification. The examiner's interview report dated May 25, just received, lists this as item #3, "who/what 'entity' is being selected by the 'profile owner" Assignee agrees to the change to "media property," and implements it here, because we do not perceive any *substantive* difference.

As to the definition of "media property," page 5 of the specification defines "media property" as "equipment" (and in other places, refers to "media property" in the context of the entity controlling such equipment) "that controls an ad space viewed

by a visitor.” The same page of the specification also clarifies: “In the case of a media property controlling an ad space viewed by a visitor, a specific ad space on a page might be controlled only temporarily.” Therefore, because a “media property” is defined as equipment or an entity that is “ad-space-controlling,” at least temporarily, the change is acceptable. We have included the word “entity” after “media property” (or “equipment controlled by” before), to avoid confusion based on context.

As to the question about examples of “media property” entities, the specification lists many, including ad networks and entities controlling web sites. In response to the examiner’s questions about the specific categories listed in the Office Action, assignee confirmed agreement with the examples that a “media property entity” may be a publisher, advertiser, or some kind of broker, perhaps acting on behalf of an advertiser, *provided*, of course, that the entity has control of the ad space at least temporarily. Thus, the problem with Jaschke is not that Jaschke chooses among advertisers *per se* but that the advertisers in Jaschke do not control ad space at the time of the choice.

2. Change the term “following receipt” to more clearly imply causality. The parties to the interview discussed this potential change for added clarity. The examiner’s May 25 interview report lists this as item #4, “clarification regarding ... trigger” Assignee agrees to the change, and implements it here, because we had intended this language to imply cause anyway. We propose the wording “as a result.”

3. Better define what the tag is doing. The examiner suggested adding more clarity to the tag (not so much in terms of the type of tag or where it is stored, because the examiner seemed to understand that those characteristics can vary), particularly as to the connection between the tag and the profile. The examiner’s May 25 interview report mentions this as item #1, “the purpose/function or embodiment of ‘the tag,’” but also in part of item #3, “what [an entity’s] function is in relation to storage or use of ‘the tag.’” Assignee has implemented a change here to better define the purpose or function of the tag, specifically by clarifying that the tag *represents* the profile information

associated with the visitor. The specification explicitly discloses this point, for example on page 6, line 25, so the amendment does not introduce “new matter.” Assignee also conformed usage of the term “profile information” in the claim, at parts (a) and (c). With those changes, the claim better ties the tag’s purpose or function to the balance of the claim in a consistent way.

The examiner’s May 25 interview report requested (in item #1) clarification of the “purpose/function **OR** embodiment of the ‘tag’.” [Emphasis added] Assignee has elected to define the “purpose/function,” because the tag can have a *variety* of “embodiments” (the specification discusses alternatives). Likewise, the May 25 interview report requested (in the above-quoted part of item #3) the entity’s “function ... in relation to storage **OR** use of ‘the tag.’” [Emphasis added] Assignee has elected to define the entity’s “use” of the tag, because the tag can be stored in *different* locations or ways (again, the specification discusses alternatives – see more discussion below).

The “purpose/function” of the “tag” is now defined in independent claim 34, *i.e.*, “the tag represents the profile information associated with the visitor,” and the “use” of the “tag” by the “media property” is also defined in that claim, *i.e.*, in part (c), which specifies “using the tag to automatically cause delivery of an electronic advertisement to the visitor device, wherein the electronic advertisement is dependent on the profile information associated with the visitor.” Please notice also that claim 34 – see part (b)(ii) – further specifies that the entity that “controls the computer system” that performs parts (a) and (c) is the “selected media property entity,” *i.e.*, the “media property” that is selected by the “profile owner.”

4. More specifically define “arrange for electronic storage” of the tag. The examiner suggested the possibility of adding more clarity to the terms related to “arranging storage,” perhaps changing it to refer explicitly to “redirection.” The examiner’s May 25 interview report mentions this as item #2, “what ‘arranging storage of [said] tag’ encompasses.” Assignee promised to consider that idea, and did so, but in

the end wishes to decline the suggestion, because the specification, particularly on pages 14-15, discloses a variety of different ways to arrange for storage of the tag, including those alternatives listed at A to E, including several succeeding paragraphs. Redirecting is only one way of accomplishing the intended result of tagging, and assignee would prefer not to narrow the claim to only that technique. Narrowing should not be required, because the invention as claimed can be performed without using redirection specifically.

The examiner mentioned in the interview one reason for asking assignee to consider this fourth change was to ensure that the claim language does not cover human-performed tag transfers, contracting manually, or the like. Upon consideration, assignee notices that the claims already explicitly recite that the "arranging" for the tag to be stored is done "automatically," so we are not talking about human tasks. Humans obviously can initiate computer operations, *e.g.*, turning the computer on or scheduling particular tasks, but for Section 101 reasons assignee believes that the examiner wished to ensure that the claims cover a machine, which can operate in a programmed fashion, and the claim language already assures that such is true.

Narrowing to redirection should not be needed for Section 102/103 reasons because, as explained in the interview, unlike Jaschke's broker, the currently claimed method refers to a profile owner that arranges for electronic storage of a tag readable by the selected advertiser, but Jaschke doesn't disclose any means of arranging for electronic storage of a tag readable by the selected media property entity's equipment, redirection or otherwise. As explained in the last response, the reference in Jaschke to a tag "readable by Jaschke's system," refers to a tag readable by Jaschke's broker, so there is no disclosure of a tag readable by the claimed media property (if selected by the broker). Furthermore, Jaschke does not disclose the broker computer sending "indicia of a profile associated with the visitor" to any selected advertiser or other media property, nor of any selected media property delivering an ad later based thereon.

With the above amendments, the Section 103 rejection using Jaschke as the primary reference should be overcome for the above-explained reasons, and the Section 101 rejection should be overcome, at a minimum because of the presence of a combination of unconventional elements explicitly recited in the claims related to computer systems that are in communication with one another. The claimed invention has significant advantages by enabling a selected media property entity that has expressed interest in a profile or type of profile, to receive profile data, specifically from the specially programmed profile-owner computer, to tag a visitor device with a matching profile, and to allow the media property to later cause delivery of ads connected to that profile when ad space becomes available for that visitor's device.

In sum, even if there were any basis to hold that claim 34, as construed, is directed to an "abstract idea," the claimed invention is clearly patent-eligible under the Office's *Alice* test, Step 2B, because the claims clearly include "additional elements" that amount to "significantly more" than the abstract idea, regardless of how one defines the allegedly "abstract" idea, and because, when "viewing the claims as a whole," the claims do not "implement" the idea (however defined) only "through the use of routine and conventional activity," nor at "a high level of generality," but rather expresses a specific technical solution that describes an "inventive concept."

As explained in applicant's specification, *see, e.g.*, pages 7-10, previous systems created difficulties, solved by the current invention, including the problem of media properties monetizing general-content ad space without such entities receiving categories of profiles that they cannot use. Previous techniques would require specific negotiations with a number of different referring websites, exchange of technical information to make any tagging possible, and constant updating as a media property instituted new ad campaigns or finished running a campaign. Such a cumbersome contracting and technical-updating process prevented referring websites from being positioned to cause media property tags to be added timely. Also as the specification

explains, worse, the prior art did not seem to allow such referring websites to deliver specifically a *subset* of users that the media property wished to target, and as a result the media property would end up delivering the ad to some “unwanted” visitors as a result of broader audience than desired being tagged. Obtaining a targeted audience was difficult technically to balance the need for enough visitor volume against the desire to avoid excess visitors; as explained in the last response, known prior art techniques did not provide a way, technically and practically, for a “media property” to obtain a desired audience of both a sufficient size and a targeted type. The unconventional elements of the pending claims allow “media properties” to provide profile definitions of a desired audience to a “profile owner” that has access to users on account of their visit to “profile supplier,” and the media properties can cooperate with the “profile owner” to tag the subset of matching visitors. Such techniques allow access to the desired audience, without too many untargeted visitors, avoids the need for custom negotiations and technical assistance, can start timely, and can be scalable, also as explained in the last response.

Assignee continues to believe that the claims – directed as amended to having a selected media property arranging for a tag and delivering an ad to a visitor whose profile information was received from a profile owner that has selected the media property from among others based on requests for profiles or types of profiles of particular kinds – define a specific and concrete, and thus not an abstract, invention (or idea) and thus that the claims qualify as patent-eligible under Step 2A. Regardless, it appears clear from the examiner’s suggestion in the interview and taking the amendments here into account that the claims qualify as patent-eligible under Step 2B because, viewing any of the claims as a whole: (i) there is no manual action nor even pre-Internet analog, as the claim is directed to an Internet-centric problem, so the claim is not directed simply to performing known techniques on a computer or on the Internet; (ii) claim 34 directed to an unconventional and non-generic combination of

elements; (iii) the idea is confined to a particular, practical application of how to handle Internet advertising; (iv) the combination is not well-understood, routine, or conventional activity; and (v) the claims refer to an “inventive concept.” Therefore claim 34, together with all of the claims, is patent-eligible under the Office’s policy statements and the *Bascom* and *DDR* cases, *i.e.*, *BASCOM Global Internet Services, Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1349 (Fed. Cir. 2016) (“step two [involves] the search for an ‘inventive concept’ [which] may arise in one or more of the individual claim limitations or in the ordered combination of the limitations”); *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245, 1259 (Fed. Cir. 2014) (“When the limitations of the ... asserted claims are taken together as an ordered combination, the claims recite an invention that is not merely the routine or conventional use of the Internet”). As assignee previously noted, like in *DDR*, *Bascom*, and certain USPTO teaching examples, the interaction between the two computer systems defined in the claims facilitates the purpose of the claim (here advertisement delivery) in a specific and non-conventional way, generating useful results that have the above-described advantages.

The *Bascom* case is particularly worth studying. In *Bascom*, the Court found that “the limitations of the claims, taken individually, recite generic computer, network and Internet components, none of which is inventive by itself.” 827 F.3d at 1349. Nevertheless, the Court found the claim patent-eligible because “an inventive concept can be found in the non-conventional and non-generic arrangement of known, conventional pieces” *Id.* at 1350. Indeed, “The inventive concept described and claimed” in *Bascom*’s patent was just “the installation of a filtering tool at a specific location, remote from the end-users [*i.e.*, an ISP], with customizable filtering features specific to each end user,” as opposed to “a filter on a local computer.” *Id.* Like in *Bascom*, the particularly claimed method here, even if considered to employ only “generic ... components, none of which is inventive by itself,” defines an arrangement of

components to facilitate interactions between computer systems in a non-conventional fashion, generating specific advantages from the claim-defined technique.

The interview did not cover any dependent claims, as it was considered unnecessary. However, assignee has entered amendments to dependent claims 35, 38, and 43 to conform their wording with the terminology of the independent claims. Assignee has amended apparatus claim 51 in parallel to the changes to claim 34. Assignee has amended certain dependent claims depending on claim 51 to improve the grammar and to conform terminology. Assignee has amended article (*Beauregard*) claim 66 in parallel to the changes to claim 34, and also to update the preamble to the form approved repeatedly in others of assignee's patents.

Finally, regarding assignee's "additional remarks," the examiner confirmed in the portion of the interview on an earlier date that he had considered all art of record, including art from the parent applications, *in the usual manner required of examiners*. He explained that an examiner is certainly allowed to "triage" references and study in more detail those references (like Jaschke) considered closest to the claimed invention. The undersigned acknowledged that such is conventional practice and indicated his appreciation of the confirmation that the statements in the Office Action, particularly the comment about "cursory review," were not intended to suggest that the examiner had done a less-thorough job than he normally does with respect to any other applications or issued patents. To the contrary, the undersigned representative expressed his sincere appreciation for the unusually long time that the examiner spent with the undersigned during the interview – which extended for a total of about two hours (three quarters of that time occurring on May 19th) – and the efforts during that time to understand the claim language and the inventive concept in great detail.

Having complied with the request for more definitiveness in the claim language, and as a result of the positive comments expressed in the interview, assignee again respectfully requests a prompt indication of allowance.

Respectfully submitted,
DATONICS, INC.
by its attorney

Dated: May 26, 2017

/Louis J. Hoffman/
Louis J. Hoffman
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor	:	Shkedi, Roy	Art Unit	:	3622
Serial No.	:	14/080,999	Examiner	:	Sittner, Michael J.
Filing Date	:	11/15/2013	Conf. No.	:	9158
Title	:	Providing collected profiles to media properties having specified interests			

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

Filed via EFS-Web – May 26, 2017

SUPPLEMENTAL RESPONSE TO OFFICE ACTION AND INTERVIEW REPORT

Dear Sir:

In further response to the Office Action dated September 15, 2016, and to supplement the response filed March 15, 2016, assignee requests entry of the following amendments and consideration of the following remarks, and includes in the remarks an interview report of the interview held primarily on May 19th.

Amendments to the claims begin on page 2.

Remarks begin on page 10.

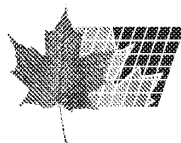
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 14/080,999		Filing Date 11/15/2013		☐ To be Mailed				
ENTITY: ☒ LARGE ☐ SMALL ☐ MICRO												
APPLICATION AS FILED – PART I												
		(Column 1)		(Column 2)								
FOR		NUMBER FILED		NUMBER EXTRA		RATE (\$)		FEE (\$)				
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A		N/A		N/A						
☐ SEARCH FEE (37 CFR 1.16(k), (l), or (m))		N/A		N/A		N/A						
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A		N/A		N/A						
TOTAL CLAIMS (37 CFR 1.16(i))		minus 20 =		*		X \$ =						
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =		*		X \$ =						
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).										
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))												
* If the difference in column 1 is less than zero, enter "0" in column 2.						TOTAL						
APPLICATION AS AMENDED – PART II												
		(Column 1)		(Column 2)		(Column 3)						
AMENDMENT	05/26/2017	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA		RATE (\$)		ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))	+ 33	Minus	** 33	= 0		x \$80 =		0			
	Independent (37 CFR 1.16(h))	+ 3	Minus	***3	= 0		x \$420 =		0			
	☐ Application Size Fee (37 CFR 1.16(s))											
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))											
	TOTAL ADD'L FEE								0			
		(Column 1)		(Column 2)		(Column 3)						
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA		RATE (\$)		ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))	+	Minus	**	=		X \$ =					
	Independent (37 CFR 1.16(h))	+	Minus	***	=		X \$ =					
	☐ Application Size Fee (37 CFR 1.16(s))											
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))											
	TOTAL ADD'L FEE											
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.												

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(51) Int.Cl.⁶ G06F 11/34, G06F 17/30
(30) 1996/09/03 (08/707,279) US
(54) **MONITEUR D'AFFICHAGE DE CONTENU**
(54) **CONTENT DISPLAY MONITOR**

(57) Cette invention permet à un système informatique de surveiller l'affichage de contenu, et elle permet en outre la surveillance de contenu affiché aux fins de production d'informations de surveillance à partir desquelles un observateur peut tirer des conclusions relatives à l'observation du contenu affiché. Cette invention permet également, au niveau d'un site d'affichage de contenu, la surveillance de l'affichage du contenu fourni par un site fournisseur de contenu, sur un réseau, à un site d'affichage de contenu. En outre, l'invention permet encore la fourniture très rapide de contenu mis à jour et/ou personnalisé, sur un réseau, d'un site fournisseur de contenu vers un site d'affichage de contenu, de façon que le contenu à jour et personnalisé de manière appropriée du fournisseur de contenus soit toujours affiché au niveau du site d'affichage de contenu. Des aspects de l'invention se rapportant au transfert de contenu sur un réseau peuvent généralement s'appliquer à n'importe quel type de réseau. Cependant, il a été prévu que l'invention pouvait être particulièrement utile dans un réseau informatique, notamment dans des réseaux informatiques privés (par exemple American OnlineTM) et dans des réseaux informatiques publics (par exemple l'Internet). Ainsi, on peut utiliser avantageusement cette invention avec des réseaux ou des portions de réseaux informatiques, sur lesquels le contenu vidéo et/ou audio est transféré à partir d'un site de réseau vers un autre site de réseau, aux fins d'observation, comme la portion WWW de l'Internet.

(57) The invention can enable monitoring of the display of content by a computer system. Moreover, the invention can enable monitoring of the displayed content to produce monitoring information from which conclusions may be deduced regarding the observation of the displayed content by an observer. The invention can also enable monitoring of the display at a content display site of content that is provided by a content provider site over a network to the content display site. Additionally, the invention can enable the expeditious provision of updated and/or tailored content over a network from a content provider's site to a content display site so that the content provider's current and appropriately tailored content is always displayed at the content display site. Aspects of the invention related to transfer of content over a network are generally applicable to any type of network. However, it is contemplated that the invention can be particularly useful with a computer network, including private computer networks (e.g., America OnlineTM) and public computer networks (e.g., the Internet). In particular, the invention can be advantageously used with computer networks or portions of computer networks over which video and/or audio content are transferred from one network site to another network site for observation, such as the World Wide Web portion of the Internet.





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(21) International Application Number: PCT/US97/15353 (22) International Filing Date: 29 August 1997 (29.08.97) (30) Priority Data: 08/707,279 3 September 1996 (03.09.96) US (71) Applicant (for all designated States except US): NUWEB [US/US]; 1907 Redwood Avenue, Redwood City, CA 94061 (US). (72) Inventor; and (75) Inventor/Applicant (for US only): BLUMENAU, Trevor, I. [US/US]; 1907 Redwood Avenue, Redwood City, CA 94061 (US).	(81) Designated States: AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GE, GH, HU, IL, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, UA, UG, US, UZ, VN, YU, ZW, ARIPO patent (GH, KE, LS, MW, SD, SZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, ML, MR, NE, SN, TD, TG). Published With international search report. (88) Date of publication of the international search report: 17 September 1998 (17.09.98)	
(54) Title: CONTENT DISPLAY MONITOR		
(57) Abstract The invention can enable monitoring of the display of content by a computer system. Moreover, the invention can enable monitoring of the displayed content to produce monitoring information from which conclusions may be deduced regarding the observation of the displayed content by an observer. The invention can also enable monitoring of the display at a content display site of content that is provided by a content provider site over a network to the content display site. Additionally, the invention can enable the expeditious provision of updated and/or tailored content over a network from a content provider's site to a content display site so that the content provider's current and appropriately tailored content is always displayed at the content display site. Aspects of the invention related to transfer of content over a network are generally applicable to any type of network. However, it is contemplated that the invention can be particularly useful with a computer network, including private computer networks (e.g., America OnlineTM) and public computer networks (e.g., the Internet). In particular, the invention can be advantageously used with computer networks or portions of computer networks over which video and/or audio content are transferred from one network site to another network site for observation, such as the World Wide Web portion of the Internet. The diagram illustrates a system for monitoring content display. It features two main components: a 'Content Provider Site' (labeled 301) and a 'Content Display Site' (labeled 302). These two sites are connected by a horizontal line representing a network. An arrow labeled 'Monitoring Information' points from the Content Display Site (302) back to the Content Provider Site (301). The entire network connection is labeled with the number 303.		

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CONTENT DISPLAY MONITORBACKGROUND OF THE INVENTION

1. Field of the Invention

5 This invention relates to monitoring the display and observation of content by a computer system. The invention also relates to monitoring the display and observation at a content display site of content that is provided by a content provider site over a network to the content display site. The
10 invention further relates to the provision of updated and/or tailored content from a content provider site to a content display site so that the content provider's current content is always displayed at the content display site.

2. Related Art

15 A large amount of human activity consists of the dissemination of information by information providers (content providers) to information consumers (observers). Recently, computer networks have become a very popular mechanism for accomplishing information dissemination. The use of computer
20 networks for information dissemination has necessitated or enabled new techniques to accomplish particular functions related to the dissemination of information.

For example, information providers of all types have an interest in knowing the extent and nature of observation of the
25 information that they disseminate. Information providers that disseminate information over computer networks also have this interest. However, the use of networked computers for information dissemination can make it difficult to ascertain who is observing the disseminated information and how, since
30 information can be accessed rapidly from a remote location by any of a large number of possible observers whose identity is

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often not predictable beforehand, and since control over the display of the information once disseminated may not be possible, practical or desirable.

Among information providers, advertisers have particular
5 interest in knowing how and to what extent their advertisements
are displayed and/or observed, since such knowledge can be a
key element in evaluating the effectiveness of their
advertising and can also be the basis for payment for
advertising. Mechanisms for obtaining such information have
10 been developed for advertisements disseminated in conventional
media, e.g., audiovisual media such as television and radio,
and print media such as magazines and newspapers. For example,
the well-known Nielsen television ratings enable advertisers to
gauge the number of people that likely watched advertisements
15 during a particular television program. As advertising over a
computer network becomes more common, the importance of
developing mechanisms for enabling advertisers to monitor the
display and observation of their advertisements disseminated
over a computer network increases.

20 Previous efforts to monitor the display of advertising (or
other content) disseminated over a computer network have been
inadequate for a variety of reasons, including the limited
scope of the monitoring information obtained, the ambiguous
nature of the monitoring information, the incompleteness of the
25 monitoring information, and the susceptibility of the
monitoring information to manipulation. Review of some of the
techniques that have previously been used to acquire monitoring
information regarding the display of content (e.g.,
advertising) disseminated over a particular computer network -
30 the World Wide Web portion of the Internet computer network -
will illustrate the deficiencies of existing techniques for
monitoring the display of content disseminated over a computer
network.

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FIGS. 1A and 1B are simplified diagrams of a network illustrating operation of a previous system for monitoring requests for content over the World Wide Web. In FIGS. 1A and 1B, a content provider site 101 (which can be embodied by, 5 for example, a server computer) can communicate with a content display site 102 (which can be embodied by, for example, a client computer) over the network communication line 103. The server computer at the content provider site 101 can store content colloquially referred to as a "Web page." The client 10 computer at the content display site 102 executes a software program, called a browser, that enables selection and display of a variety of Web pages stored at different content provider sites. When an observer at the content display site 102 wishes to view a particular Web page, the observer causes the client 15 computer at the content display site 102 to send a request to the appropriate server computer, e.g., the server computer at the content provider site 101, as shown in FIG. 1A. The server computers at content provider sites all include a software program (in the current implementation of the World Wide Web, 20 this is an http daemon) that watches for such incoming communications. Upon receipt of the request, the server computer at the content provider site 101 transfers a file representing the Web page (which, in the current implementation of the World Wide Web, is an html file) to the client computer 25 at the content display site 102, as shown in FIG. 1B. This file can itself reference other files (that may be stored on the server computer at the content provider site 101 and/or on other server computers) that are also transferred to the content display site 102. The browser can use the transferred 30 files to generate a display of the Web page on the client computer at the content display site 102. The http daemon, in addition to initiating the transfer of the appropriate file or files to the content display site 102, also makes a record of

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requests for files from the server computer on which the daemon resides. The record of such requests is stored on the server computer at the content provider site 101 in a file 104 that is often referred to as a "log file."

5 The exact structure and content of log files can vary somewhat from server computer to server computer. However, generally, log files include a list of transactions that each represent a single file request. Each transaction includes multiple fields, each of which are used to store a predefined
10 type of information about the file request. One of the fields can be used to store an identification of the file requested. Additional fields can be used to store the IP (Internet Protocol) address of the client computer that requested the particular file, the type of browser that requested the file,
15 a time stamp for the request (i.e., the date and time that the request was received by the server computer), the amount of time required to transfer the requested file to the client computer, and the size of the file transferred. Other information about file requests can also be stored in a log
20 file.

Previous methods for monitoring the display of content distributed over the World Wide Web have used the information stored in the log file. For example, one previous method has consisted of simply determining the number of transactions in
25 the log file and counting each as a "hit" on a Web page, i.e., a request for a Web page. The number of hits is deemed to approximate the number of times that the Web page has been viewed and, therefore, the degree of exposure of the content of the Web page to information consumers.

30 There are a number of problems with this approach however. For example, as indicated above, a request for a Web page may cause, in addition to the request for an initial html file, requests for other files that are necessary to generate the Web

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page. If these other files reside on the same server computer as the initial html file, additional transactions are recorded in the log file. Thus, a request for a single Web page can cause multiple transactions to be recorded in the log file. As 5 can be appreciated, then, the number of times that a Web page is transferred to a content display site can be far less than the number of transactions recorded in the log file. Moreover, without further analysis, there is no way to accurately predict the relationship between the number of transactions in the log 10 file and the number of times that a Web page has been transferred to the content display site. Such inaccuracy can be very important to, for example, advertisers - whose cost of advertising is often proportional to the measured exposure of the advertising - since the measured exposure of their 15 advertising (and, thus, its cost) may be based upon the number of hits on a Web page containing their advertisement.

A method to overcome this problem has been used. By analyzing the contents of the log file to determine which file was requested in each transaction, it may be possible to 20 differentiate transactions in which the initial html file needed to generate a Web page is requested from transactions in which the requested file is one which is itself requested by another file, thus enabling "redundant" transactions to be identified and eliminated from the hit count. While such an 25 approach can increase the accuracy of counting Web page hits, it still suffers from several problems.

For example, log file analysis may result in some undercounting of Web page hits, apart from any overcounting. This is because, once transferred to a client computer at a 30 content display site, the files necessary to generate a Web page can be stored ("cached") on that client computer, thus enabling an observer at the content display site to view the Web page again without causing the client computer to make

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another request to the content provider server computer from which the Web page was initially retrieved. Consequently, the observer can view the Web page without causing transactions to be added to the log file, resulting in undercounting of the 5 number of Web page hits.

Additionally, log files are subject to manipulation, either directly or indirectly. For example, an unscrupulous content provider could directly manipulate the log file by retrieving and editing the log file to add phony transactions, 10 thus artificially increasing the number of Web page hits and making the Web page appear to be more popular than it really is. This problem can be ameliorated by causing the log files to be transferred periodically at predetermined times (e.g., each night at 12:00 midnight) from the server computer at the 15 content provider site to a neutral network site; however, the log file can still be manipulated during the time between transfers.

A log file might be manipulated indirectly, for example, by programming one or more computers to continually request a 20 Web page, thereby generating a large number of hits on that Web page. While the log file would contain transactions corresponding to actual file requests associated with the Web page, these requests would be artificial requests that would almost certainly not result in a display of the Web page, and 25 certainly not in the observation of the Web page. Moreover, checking the contents of the log file for an unusually high number of requests from a particular IP address (i.e., client computer) may not enable such manipulation to be detected, since a large number of requests may legitimately come from a 30 client computer that serves many users (for example, the proprietary network America Online™ has a handful of computers that are used by many users of that network to make connection to the Internet and World Wide Web).

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It may be possible to identify the real origin of requests for content using "cookies." A cookie enables assignment of a unique identifier to each computer from which requests really emanate by transferring the identifier to that computer with content transferred to that computer. Future requests for content carry this identifier with them. The identifier can be used, in particular, to aid in identification of indirect log file manipulation, as described above, and, more generally, to enable more robust log file analysis.

10 Notwithstanding such enhancement, cookies do not overcome a fundamental problem with the use and analysis of log files to ascertain information regarding the display of content provided over the World Wide Web. That is, as highlighted by the overcounting problem associated with the above-described
15 artifice and the undercounting problem associated with caching of content at the content display site, log files only store information about file requests. A log file does not even indicate whether the requested file was actually transferred to the requesting client computer (though, typically, such file
20 transfer would occur). Nor does a log file include any information about how the file was used once transferred to the requesting client computer. In particular, log files do not provide any information regarding whether the content represented by the requested file is actually displayed by the
25 client computer at the content display site, much less information from which conclusions can be deduced regarding whether - and if so, how - the content was observed by an observer. These limitations associated with the content of a log file cannot be overcome by a monitoring approach based on
30 log file analysis. Moreover, log file analysis is calculation intensive, requiring hours in some instances to extract the desired information from the log file.

Another method of monitoring the display of content

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disseminated over the World Wide Web uses an approach similar to that of the Nielsen ratings system used in monitoring television viewing. In this method, monitoring software is added to the browser implemented on the client computers of a
5 selected number of defined observers (e.g., families) to enable acquisition of data regarding advertising exposure on those computers. This information is then used to project patterns over the general population.

However, this approach also has several disadvantages.
10 First, only a limited amount of data is collected, i.e., data is only obtained regarding a small number of information consumers. As with any polling method, there is no guarantee that the data acquired can be extrapolated to the general population, even if the observers selected for monitoring are
15 chosen carefully and according to accepted sampling practices. Second, as the size of the World Wide Web (or other computer network for which this method is used) grows, i.e., as the number of content provider sites increases, the number of monitored observers necessary to ensure accurate representation
20 of the usage of all content provider sites must increase, since otherwise there may be few or no observer interactions with some content provider sites upon which to base projections. It may not be possible to find an adequate number of appropriate observers to participate in the monitoring process,
25 particularly given concerns with the attendant intrusion into the privacy of the selected observers. Third, installation of the monitoring software on a client computer to be compatible with a browser presents a number of problems. Such installation requires active participation by observers; since
30 observers typically do not reap benefit from operation of the monitoring software, they may be reluctant to expend the effort to effect installation. The monitoring software must continually be revised to be compatible with new browsers and

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new versions of old browsers. To enable monitoring of a large number of client computers, the software must be tested for compatibility with a wide variety of computing environments. And, as currently implemented, such monitoring software is also dependent upon the computing platform used, making it necessary to revise the monitoring software for use with new computing platforms or risk skewing the demographics of the sample users.

In addition to desiring information regarding the display and observation of the content that they provide, content providers also often desire to provide content to a content display site that is particularly tailored for observation (e.g., according to various demographic characteristics of an expected observer) at that content display site. For example, text content should be expressed in a language that the observer can understand. If appropriate for the content, it is desirable to tailor the content according to, for example, the age, sex or occupation of the observer.

Such tailoring of content has previously been enabled by modifying the http daemon on a computer at the content provider site to cause a particular version of a set of content to be transferred to a requesting content display site based upon the IP address of that content display site. While such tailoring of content is useful, it is desirable to be able to tailor the presentation of content in additional ways not enabled by this approach.

Content providers also often desire to provide their content with the content of other content providers. For example, it is a common practice for content providers (referred to here as "primary content providers") on the World Wide Web to include advertisements from other entities (referred to here as "secondary content providers") as part of the content provider's Web page. In such situations, it is desirable for the secondary content provider to be able to

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easily update and/or appropriately tailor (e.g., according to characteristics of the requester) the content that they supply to the primary content provider. This could be accomplished by causing the primary content provider site to contact the
5 secondary content provider site - each time that the primary content provider receives a request for content that includes the secondary content - to retrieve the secondary content (thus ensuring that updated, appropriately tailored secondary content is used) or check whether updated or tailored secondary content
10 is available (if so, the content is retrieved). (This method could also be modified so that content retrieval or a check for updated and/or tailored content is only performed according to a predetermined schedule.) However, both the primary content provider and the secondary content provider may not want their
15 systems burdened with the extra computational capacity required to handle the multitude of requests that would be needed to effect this operation. Alternatively, the primary content provider could collect and store the updated and tailored content from the secondary content providers at the primary
20 content provider site. However, the burden associated with collecting and managing the content from secondary content providers may be more than the primary content provider wants to shoulder.

One way that this functionality can be achieved without
25 creating an undesirable burden on the primary or secondary content providing systems is by providing a secondary content storage site that can continually store the most recent content provided by a secondary content provider, as well as different sets of content tailored for particular situations (e.g.,
30 display by particular observers or at particular times). FIGS. 2A through 2D are simplified diagrams of a network illustrating the operation of such a system. In FIG. 2A, a content display site 202 makes a request over the network

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communication line 203 to the primary content provider site 201 for content that includes the secondary content. In FIG. 2B, the primary content provider site 201 transfers the file or files stored at the primary content provider site 201 that are
5 necessary to generate a display of the primary content. These files include appropriate reference to a file or files stored at a secondary content storage site 204 that includes the most updated and/or appropriately tailored secondary content for display with the primary content. As shown in FIG. 2C, this
10 reference causes the content display site 202 to request the secondary content from the secondary content storage site 204. In FIG. 2D, the secondary content is transferred from the secondary content storage site 204 to the content display site 202 for display at the content display site 202.

15 However, while this system can relieve the primary content provider of the burden of managing the acquisition, storage and provision of secondary content (a burden that can become rather onerous when many secondary content providers are providing content to the primary content provider), the system has a
20 characteristic that can make it undesirable for many content providers. The secondary content storage site not only manages the secondary content, it also provides the secondary content when requests for primary content are made to the primary content provider. Moreover, the secondary content is
25 frequently content, such as graphics files used to generate visual images (which frequently dominate advertisements), that has a high bandwidth requirement for transmission over the network. By taking control of the transmission of secondary content to the content display site, the secondary content
30 storage site is also frequently taking control of the most bandwidth sensitive parts of the content provided by the primary content providers. The operator of the secondary content storage site may not provide a system that addresses

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the bandwidth requirements to the satisfaction of the primary content provider, so that the presentation of the combined primary and secondary content occurs more slowly than desired by the primary content provider. Thus, this approach causes
5 the primary content provider to lose control of a critical aspect of their operation.

SUMMARY OF THE INVENTION

The invention can enable monitoring of the display of content by a computer system. Moreover, the invention can
10 enable monitoring of the content display to produce monitoring information from which conclusions may be deduced regarding the observation of the content display by an observer. The invention can also enable monitoring of the display at a content display site of content that is provided by a content
15 provider site over a network to the content display site. Additionally, the invention can enable the expeditious provision of updated and/or tailored content over a network from a content provider site to a content display site so that the content provider's current and appropriately tailored
20 content is always displayed at the content display site.

Aspects of the invention related to transfer of content over a network are generally applicable to any type of network. However, it is contemplated that the invention can be particularly useful with a computer network, including private
25 computer networks (e.g., America Online™) and public computer networks (e.g., the Internet). In particular, the invention can be advantageously used with computer networks or portions of computer networks over which video and/or audio content are transferred from one network site to another network site for
30 observation, such as the World Wide Web portion of the Internet. Additionally, the invention is particularly useful in monitoring the display of content obtained over such a

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network using an interactive browser to acquire and view the content in real time.

In one aspect of the invention, the display of content by a computer system can be monitored by monitoring the position of the content display on a display screen of the computer system and evaluating the position of the content display on the display screen to produce monitoring information regarding display of the content. Monitoring of content display according to this aspect of the invention can be further enabled by monitoring the position of one or more other images on the display screen and comparing the position of the content display to the position of the other images to produce the monitoring information. In particular, this aspect of the invention can enable a determination as to whether (and for how long) the content display is hidden by one of the other images, and, further, whether the content display is fully hidden or partially hidden (and for how long the content display is fully and partially hidden, respectively). This information can be useful to, for example, indicate the amount of time that the content display was visible to an observer for observation, or to aid the content provider in determining in which regions of a display screen his content is most likely to be unobstructed. This aspect of the invention can also enable determination of the number of times that an on-screen pointer (e.g., a mouse arrow or a cursor) entered an area defined by the content display. This information may be useful in determining how attentive the observer was to the content, since an observer frequently watches the position of the on-screen pointer when viewing the display screen.

In another aspect of the invention, the display of content by a computer system can be monitored by monitoring the change in time of a characteristic of the content display and evaluating the change in time of the characteristic of the

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content display to produce monitoring information regarding display of the content. Monitoring of content display according to this aspect of the invention can be further enabled by monitoring the change in time of a characteristic of the computer system and comparing the change in time of the characteristic of the content display to the change in time of the characteristic of the computer system to produce the monitoring information. This aspect of the invention can also enable, as discussed above, determination as to whether (and for how long) the content display is fully or partially hidden by another displayed image, as well as the number of times that an on-screen pointer entered an area defined by the content display.

In still another aspect of the invention, in a computer system in which the content is displayed in response to an instruction that is provided from a source external to the computer system and the system for monitoring (e.g., an instruction provided by a user of the computer system), the beginning and end of a display of the content can be ascertained so that monitoring of the display of content by the computer system can begin at the beginning of the content display and end at the end of the content display. The monitoring can occur in accordance with other aspects of the invention described herein. The monitoring can also determine the duration of the display of the content. Since the occurrence of monitoring according to this aspect of the invention is coincident with the display of the content to be monitored, the monitoring expends processing capability of the computer system only when necessary, while simultaneously assuring that monitoring occurs at all times that the content is displayed.

In yet another aspect of the invention, where content is provided by a content provider site over a network to a content

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display site for display at the content display site, a mechanism for monitoring the display of the content can be transferred from the content provider site to the content display site in response to (e.g., together with) the transfer of content from the content provider site. The monitoring can occur in accordance with other aspects of the invention described herein. Monitoring information obtained regarding the display of the content at the content display site can be transferred to a remote site that is part of the network. The remote site can, but need not necessarily be, the content provider site from which the content was transferred to the content display site. Where the remote site is such content provider site, the monitoring information can then, in turn, be transferred from the content provider site to a second remote site. Further, where the remote site is such content provider site, the monitoring information can be transferred from the content display site to the content provider site via a communication means that is different from the communication means used to transfer the content from the content provider site to the content display site, a feature that can be useful, for example, when the network is the World Wide Web. This aspect of the invention provides a heretofore unavailable monitoring capability for obtaining information about how content is displayed on a network such as the World Wide Web. In particular, it has not previously been possible to monitor content transferred from a content provider site on the World Wide Web once the content has been transferred to a content display site.

In a still further aspect of the invention, in a network which operates according to a protocol that enables new content to be transferred to a content display site in response to selection of a portion of the content currently being displayed at the content display site, a mechanism for monitoring the

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display of content can be transferred from a content provider site to a content display site so that the mechanism for monitoring operates at the content provider site. The monitoring can occur in accordance with other aspects of the invention described herein. Monitoring information obtained regarding the display of the content at the content display site can be transferred to a remote site that is part of the network. This aspect of the invention is particularly advantageous when at least some of the content being monitored comprises a graphical display. As discussed above with respect to the immediately preceding aspect of the invention, this aspect of the invention provides a heretofore unavailable monitoring capability for obtaining information about how content is displayed when retrieved over a network in an interactive browsing environment, such as occurs on the World Wide Web.

In yet a further aspect of the invention, the display of content that is provided by a content provider site over a network to the content display site is monitored to produce monitoring information, then the monitoring information is transferred to a remote site of the computer network that is different from the content provider site. According to this aspect, the monitoring information can first be transferred to the content providing site before eventual transfer to the remote site, so long as the monitoring information cannot be stored at the content provider site, or accessed or manipulated at the content provider site before transfer to the remote site. Access to the monitoring information at the remote site can be allowed to enable interaction with, but not modification of, the monitoring information. This aspect of the invention provides a system configuration that can overcome the problem of possible tampering with the substance of the monitoring information by the content provider. Further, this aspect of

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the invention can be implemented so that the content and the monitoring instructions are stored at the remote site and transferred to the content display site when requested by an observer at the content display site, thus relieving the
5 content provider of storing and managing the content and monitoring instructions at the content provider site and thereby simplifying use of the invention for the content provider.

In another aspect of the invention, current and/or
10 tailored content can be provided to a content display site from a content provider site. The content can include both primary content (from the content provider site) and secondary content (provided by third parties). The primary and secondary content can be provided from a secondary content provider site to an
15 application manager site. When the application manager site receives new content (in particular, updated and/or tailored content) from any content provider site, that content is transferred to content provider sites that use that content. Updated and/or tailored content is therefore available for
20 transfer to a content display site immediately upon receipt of a request for the content from the content display site. This aspect of the invention relieves the primary content provider of the need to manage the storage of content, while reserving control over the provision of that content to the primary
25 content provider, thereby enabling the content provider to ensure that the bandwidth requirement of the content provided from the content provider site are met

BRIEF DESCRIPTION OF THE DRAWINGS

FIGS. 1A and 1B are simplified diagrams of a network
30 illustrating operation of a previous system for monitoring requests for content over the World Wide Web.

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FIGS. 2A, 2B, 2C and 2D are simplified diagrams of a network illustrating operation of a previous system for enabling retrieval of updated and/or tailored secondary content for use in primary content provided over the network.

5 FIGS. 3A, 3B and 3C are simplified diagrams of a network illustrating operation of one embodiment of the invention.

FIGS. 4A, 4B and 4C are simplified views of a display screen including a content display and other images, illustrating an unobstructed, fully hidden, and partially
10 hidden content display, respectively.

FIG. 4D is a simplified view of a display screen including a content display and other images, illustrating a content display that is only partially hidden, but that would be determined to be fully hidden according to a method of the
15 invention. FIG. 4E is a simplified view of the display screen shown in FIG. 4D, illustrating how another method of the invention can correctly determine the content display to be partially hidden.

FIG. 4F is a simplified view of a display screen including
20 a content display and other images, illustrating a display that is partially hidden, but that may be determined to be unobstructed according to a method of the invention.

FIGS. 5A, 5B and 5C are simplified diagrams of a network illustrating operation of another embodiment of the invention.

25 FIGS. 6A, 6B, 6C and 6D are simplified diagrams of a network illustrating operation of still another embodiment of the invention.

DETAILED DESCRIPTION OF THE INVENTION

The invention includes several aspects related to the
30 display of content to an observer. For example, the invention can enable monitoring of the display of content by a computer system. In particular, the invention can enable monitoring of

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the displayed content in a manner that provides monitoring information from which aspects of the user's observation of the content can be gleaned. The invention can also enable monitoring of the display and - using the aforementioned
5 capability - the observation at a content display site of content that is provided by a content provider site over a network to the content display site. Additionally, the invention can enable the expeditious provision of updated and/or tailored content over a network from a content provider
10 site to a content display site so that the content provider's current and appropriately tailored content is always displayed at the content display site.

Herein, "content" refers generally to any sensory images (or data used to produce those sensory images) displayed by a
15 device with which the invention is used. "Observation" refers to the perception of content by an observer. Typically, the content will be visual or aural images produced by the device; observation of such content thus consists of viewing or listening, as appropriate, to the produced images.

20 Certain aspects of the invention relate to the monitoring of content obtained from, or provision of content over, a network. "Content provider site" refers to a device that is part of the network and that can provide content to another device that is part of the network. "Content display site"
25 refers to a device that is part of the network and that can receive and display content from another device that is part of the network. It is contemplated that the invention can be particularly useful with a computer network that operates in this way. "Computer network" includes any collection of
30 interconnected computer systems. "Computer system" refers to a device or collection of devices which depend upon a computational device (e.g., a general or special purpose processor) for at least some aspects of their operation. In

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particular, as used herein, a "computer system" can include any type of display device, including a conventional computer display monitor, a television, or one or more audio speakers.

FIGS. 3A, 3B and 3C are simplified diagrams of a network illustrating operation of one aspect of the invention. A content display site 302 (which can be embodied by a conventional client computer) is linked via a network communication line (or lines) 303 to a content provider site 301 (which can be embodied by a conventional server computer). (Typically, the network links multiple content display sites with multiple content provider sites; a single content display site 302 and a single content provider site 301 are shown in FIGS. 3A, 3B and 3C for simplicity. Additionally, it is to be understood that each site on the network can function as both a content display site and a content provider site.) As shown in FIG. 3A, the client computer at the content display site 302 requests content from the server computer at the content provider site 301 over the network communication line 303. As shown in FIG. 3B, the server computer at the content provider site 301 provides content to the client computer at the content display site 302 over the network communication line 303. According to this aspect of the invention, in response to the request for content from the content provider site 301, a set of monitoring instructions (which can be embodied, for example, in a computer program) are also transferred to the content display site 302. The transfer of the monitoring instructions can occur before, with or after the transfer of the content. As explained in more detail below, the monitoring instructions cause the client computer at the content display site 302 to monitor the display of the content to produce monitoring information regarding the manner in which the content is displayed. As shown in FIG. 3C, the monitoring information is transferred from the content display

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site 302 to the content provider site 301 over the network communication line 303. (The monitoring information could, alternatively or additionally, be transferred to another site that is part of the network.) Review of the monitoring information produced by the monitoring instructions can enable conclusions regarding the user's observation of the content to be deduced, as explained in more detail below. (It should be noted that, more generally, monitoring instructions according to the invention can be used to monitor the display of content on a computer system whether or not the computer system is part of a network and receives content and monitoring instructions over the network.)

The invention can be used with both public computer networks (e.g., the Internet) and private computer networks (e.g., commercial online services such as America Online™, Prodigy™ and CompuServe™, as well as intranets). In particular, the invention can be advantageously used with computer networks or portions of computer networks over which video and/or audio content are transferred from one network site to another network site for display. Further, the invention can advantageously be used with a network in which the network sites can be accessed in real time with a browser. ("Browser" can refer to a computer program which can interpret hypertext files and display the content corresponding to those files, as well as enable transfer from one hypertext file to another via a hyperlink within the hypertext file being transferred from.) The World Wide Web portion of the Internet is a well-known current example of such a network with which the invention can be used. Below, some aspects of the invention are described, for purposes of illustration, as implemented in a manner that is compatible with the World Wide Web, i.e., in accordance with the hypertext markup language (html) and the hypertext transfer protocol (http). However,

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none of the aspects of the invention are limited to such implementation.

When the invention is used with a computer network or to monitor display of content by a computer system, aspects of the invention can be implemented as one or more computer programs that can be executed by a computer to achieve the functionality of that aspect. Generally, such computer programs can be implemented using any appropriate computer programming language. However, when an aspect of the invention is used with a computer network that includes computers of many different types (such as the Internet), the computer programming language is preferably one that can be executed by any type of computer (i.e., the computer programming language is platform independent). The Java programming language, developed by Sun Microsystems, Inc. of Mountain View, California, is one such computer programming language. Below, some aspects of the invention are described, for purposes of illustration, as implemented in the Java programming language. Again, however, none of the aspects of the invention are limited to such implementation.

In one embodiment of the invention, the monitoring instructions are transferred to the content display site together with the content. In a particular embodiment, the monitoring instructions are part of a computer program that also includes instructions for displaying the content. Illustratively, such a computer program can be an applet written in the Java programming language. As will be appreciated by those skilled in the use of html, Example 1 below illustrates a set of instructions in accordance with the html syntax that can be used to cause execution of an applet that both displays content and monitors the display.

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Example 1

```
<applet code="AdInsert.class" width=230 height=33>  
<param name="image" value="images/southwest.gif">  
<param name="href" value="http://www.swa.com/">  
5 </applet>
```

The instructions shown in Example 1 are executed by a conventional browser implemented on a computer at a content display site when an observer at the content display site makes a request for (e.g., selects a hyperlink) the content
10 represented by the file "southwest.gif." The request is received by an http daemon at the appropriate content provider site. The instructions identify the location ("image") at the content provider site of an applet (a small application program) called "AdInsert" that includes further instructions
15 which, when executed, perform a monitoring method according to the invention, as well as cause the content to be displayed. (The steps that can be implemented in such a monitoring method are discussed further below.) Upon receipt of the request by the http daemon at the content provider site, the AdInsert
20 applet is transferred to the requesting content display site and begins executing. The instructions in Example 1 also establish the size of the area (width and height) in which the content is displayed on a computer display screen, as well as indicate a network site ("href") to which connection can be
25 made by selecting a hyperlink within the content. Thus, illustratively, in accordance with the invention, content from a content provider site that can be accessed by a browser (such as a network site that is part of the World Wide Web) can be transferred to and displayed at a content display site by
30 transferring an applet to the content display site that can be executed by the browser to both display the content and cause aspects of the display of the content to be monitored. (Note that the content being monitored can comprise all of the

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content being displayed, or only a part of the content being displayed, e.g., an advertisement present in a Web page.)

In contrast, previously, only content has been transferred to content display sites, using an html syntax as shown in
5 Example 2 below for the content that is displayed by the html syntax shown in Example 1 above.

Example 2

```
<a href="http://www.swa.com/">  
  
10 </a>
```

Thus, previously, it has not been possible to monitor content transferred from a content provider site on the World Wide Web once the content has been transferred to the content display site. As can be appreciated, then, this aspect of the
15 invention provides a powerful tool, not previously available, for obtaining information about how content is displayed on a computer network such as the World Wide Web.

Implementation of a monitoring method as described immediately above means that the operation of the monitoring
20 method is coincident with the display of the content to be monitored. Since the monitoring method does not operate when the content is not being displayed, the monitoring method expends processing capability of the computer system at the content display site only when necessary. At the same time,
25 operation of the monitoring method at all times when the content is displayed is assured.

Further, since the monitoring method can be implemented as part of a broader method according to the invention that also causes the content to be displayed, the problems previously
30 noted with monitoring the display of content that is cached at the content display site are overcome. This is because, unlike the previous use of log files - which require that a request be

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made to a content provider site in order that any information be recorded - a monitoring method according to the invention can record monitoring information any time that the content is displayed, without regard to the manner in which the display is requested. In particular, the invention can enable the number of times that a particular set of content is displayed to be precisely counted. This is a huge improvement over previous methods as described above, which not only do not count the number of times that the content is displayed (they count requests), but may not even count the number of requests accurately.

The instructions that implement a monitoring method according to the invention can be used to obtain a large variety of monitoring information. For example, the contents of conventional log files (discussed above) can be ascertained by a monitoring method of the invention. An important aspect of the invention, however, is that monitoring information beyond that available in a conventional log file can also be obtained by a monitoring method according to the invention. Instructions for obtaining several types of such monitoring information are described below. However, it is to be understood that the descriptions below are merely illustrative of the types of monitoring information that can be obtained; the obtaining of other types of monitoring information is also contemplated by the invention.

For example, a monitoring method according to the invention can detect each time that the content is displayed. In fact, in one embodiment of a monitoring method according to the invention, the monitoring method does no more than this. A monitoring method that detects the display of the content can be implemented by an applet as described above. The "monitoring instructions" of such an applet may be no more than an instruction that causes an indication that the applet has

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executed to be stored or transferred to an appropriate network site (discussed further below). A monitoring method that can ascertain whether the content was displayed or not can be a very useful monitoring method that provides important basic
5 information not previously available in an interactive browsing environment for acquiring and viewing content. In particular, undercounting (due to, for example, caching of content at the content display site) and overcounting (due to, for example, submission of artificial requests for content that do not
10 result in the display of content) of the number of times that the content is displayed are avoided.

A monitoring method according to the invention can also determine the duration of the content display. For example, the duration of the content display can be determined as the
15 amount of time that the computer program for displaying the content executed, as indicated by time stamps - ascertainable, for example, using a method that exists as part of the Java language - associated with a predefined beginning and end of execution of the program.

20 In one embodiment of the invention, a monitoring method monitors the position of the content on a display screen while the content is being displayed. The position is evaluated to produce monitoring information regarding the display of the content. Such evaluation can be accomplished, for example, by
25 further obtaining information regarding the position of one or more other images on the display screen, and comparing the position of the content to the position of the one or more other images.

For example, in accordance with the above embodiment, the
30 monitoring method can determine whether the content is not visible on the display screen, either because the content is occluded by the one or more other images, or because the content has been "scrolled" off of the display screen

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(hereafter, these two situations will be referred to together by saying that the content is "hidden"). Further, the monitoring method can determine whether the content is partially hidden, i.e., either partially occluded by the one or 5 more other images, or partially scrolled off of the display screen. Moreover, the duration of time of each period during which the content is fully or partially hidden can be determined as such periods occur. The duration of time of unobstructed displays of the content can be determined as times 10 when the view of the content is not either fully or partially hidden. Each of the durations can be reported directly and/or the total duration that the content is fully hidden, partially hidden, fully or partially hidden and/or unobstructed, respectively, can be reported.

15 Information regarding whether or not the displayed content is hidden can be useful for a variety of reasons. For example, such information indicates the amount of time that the displayed content was visible to the observer for observation. Additionally, this information can be used by the content 20 provider to determine in which regions of a display screen his content is most likely to be unobstructed.

Whether the displayed content is hidden can be determined in any manner that is possible using the tools (e.g., supported programming language, operating system characteristics) 25 associated with the computer network with which the invention is being used. One way of determining whether the displayed content is hidden using the above-described applet is to periodically declare that the content display (or a portion thereof) is invalid, i.e., the operating system is asked to 30 redraw the content display, if necessary. If the operating system then makes a request to the applet to redraw the content display, then the content display is not hidden. However, if the operating system does not make a request to the applet to

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redraw the content display, then the content display is hidden.

The most complete information regarding whether the content display is hidden can be obtained by invalidating each discrete element of the content display (e.g., pixel) and determining whether the discrete element is hidden, in the manner described above. However, such an approach is computationally expensive and is generally not necessary to obtain useful and sufficiently accurate information regarding whether the content display is hidden. Preferably, then, only a portion of the content display, strategically selected, is evaluated in this manner.

For example, in one embodiment of the invention, each of the corners of the content display are invalidated and monitored for redrawing as described above. If all of the corners are redrawn, then the content display is determined to be unobstructed. If none of the corners are redrawn, then the content display is determined to be fully hidden. If at least one, but not all, of the corners are redrawn, then the display is determined to be partially hidden.

FIGS. 4A, 4B and 4C are simplified views of a display screen 400 including a content display 401 and other images 402, 403 and 404, illustrating an unobstructed, fully hidden, and partially hidden content display, respectively. In FIG. 4A, none of the corners 401a, 401b, 401c or 401d are covered by one of the other images 402, 403 and 404. Thus, after the corners 401a, 401b, 401c and 401d are invalidated, each is redrawn, and the content display 401 is (correctly, in this case) determined to be unobstructed. In FIG. 4B, each of the corners 401a, 401b, 401c and 401d is covered by the image 402. Thus, none of the corners 401a, 401b, 401c and 401d are redrawn after being invalidated, and the content display 401 is (again, correctly) determined to be fully hidden. In FIG. 4C, the corners 401c and 401d are covered by

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the image 402, but the corners 401a and 401b are not. Thus, only the corners 401a and 401b are redrawn after invalidation of the corners 401a, 401b, 401c and 401d, and the content display 401 is (once again, correctly) determined to be partially hidden.

The above approach may not be accurate in all cases. FIG. 4D is a simplified view of the display screen 400 including the content display 400 and other images 402, 403 and 404, illustrating a partially hidden content display 401 that would be determined to be fully hidden according to the method of the invention detailed above. In FIG. 4D, the image 402 covers the corners 401c and 401d, the image 403 covers the corner 401a, and the image 404 covers the corner 401b. Thus, since none of the four corners 401a, 401b, 401c and 401d is redrawn after being invalidated, the content display 401 is determined to be fully hidden; however, as can be seen in FIG. 4D, this is not the case.

This problem can be alleviated by evaluating other discrete elements of the content display in addition to the corners. For example, discrete elements at the center of the upper and lower edges, and/or the right and left edges of the content display could be evaluated in addition to the corner pixels. FIG. 4E is a simplified view of the display screen 400 as shown in FIG. 4D, illustrating how another method of the invention can correctly determine the content display 401 to be partially hidden. In FIG. 4E, the upper edge center 401e and the lower edge center 401f of the content display 401 are also evaluated. The lower edge center 401f is covered by the image 402, while the upper edge center 401e is not. Thus, after invalidation of the corners 401a, 401b, 401c and 401d, and the centers 401e and 401f, the upper edge center 401e is redrawn, and the content display 401 is (correctly) determined

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to be partially hidden.

FIG. 4F is a simplified view of the display screen 400, including the content display 401 and other images 402, 403 and 404, illustrating a partially hidden content display 401 that may be determined to be unobstructed according to a method of the invention. In FIG. 4F, none of the corners 401a, 401b, 401c and 401d, or the centers 401e and 401f are covered by the images 402, 403 and 404. Thus, after invalidation of the corners 401a, 401b, 401c and 401d, and the centers 401e and 401f, each is redrawn, and the content display 401 is determined to be unobstructed. However, as can be seen in FIG. 4F, this is not the case, since the image 403 is positioned in the middle of the content display 401.

As illustrated in FIGS 4D through 4F, while the evaluation of additional discrete elements of a content display does not eliminate the possibility of an inaccurate determination regarding whether the content display is hidden, it does reduce the likelihood of such occurrence. Generally, any number and configuration of discrete elements of a content display can be evaluated to reduce the possibility of an incorrect determination regarding whether the content display is hidden, so long as the associated computational cost does not become unacceptably high. Further, the above-described method for determining whether a content display is hidden is only one way in which such determination can be made.

As part of determining whether the content display is hidden, a time stamp is recorded each time there is a change in the "hidden state" of the content display. From these time stamps, the duration of each period of time that the content display is unobstructed, partially hidden and fully hidden can be determined. From the duration of each period, total durations of time that the content display is unobstructed, partially hidden and fully hidden can also be determined.

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It may also be possible, by appropriately configuring the discrete elements of the content display that are evaluated, to determine (though, typically, approximately), when the content display is partially hidden, the amount of the content display that is visible. It can be possible, too, when the content display is partially hidden, to give a qualitative description of the portion of the content display that is hidden (or visible), e.g., upper right corner, lower left corner.

When the monitoring method operates on a computer system having an event-driven operating environment, the monitoring method can monitor events as transmitted by the operating system to ascertain information regarding the content display. When the monitoring method is implemented as an applet that also displays the content, such monitoring can occur naturally, since only events concerning the content display are transmitted to the monitoring method. For example, the applet can use a pre-existing Java method (e.g., the method named `HandleEvent` in a current version of Java) to monitor events as transmitted by the operating system. Such event monitoring can be used to, for example, determine the number of times that an on-screen pointer (e.g., a mouse arrow or a cursor) entered an area defined by the content display. (The defined area can be related to the content display in any manner and can be, for example, the area in which the content is displayed, or an area somewhat smaller or larger than the area of the content display.) The operating system of the computer system displaying the content display typically monitors the position of the on-screen pointer and can identify in which region on the display screen the pointer is located. Thus, an applet configured to display content, as described above, can discern whether the pointer is located within the content display by monitoring an event that indicates that the pointer has entered the area defined by the content display. The monitoring method

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of the invention can use this information provided by the operating system to count the number of times that the on-screen pointer enters the area defined by the content display. The monitoring method can also determine when the on-screen pointer leaves the defined area after each entry, by monitoring another event that indicates that the pointer has exited the area defined by the content display. The time stamps associated with the entry into and exit from the defined area can be used to calculate the duration of time that the pointer was in the defined area for each entry into the defined area, as well as the total duration of time that the pointer was within the defined area. The monitoring method can also determine when the on-screen pointer is moving within the defined area, again by monitoring an event that indicates such pointer movement. The above-described information regarding the on-screen pointer position and movement relative to the content display may be useful in determining how attentive the observer was to the content, since an observer frequently watches the position of the on-screen pointer when viewing the display screen.

In another embodiment of the invention, the monitoring method monitors the change in time of a characteristic of the content display. The change in time of this characteristic is evaluated to produce monitoring information. The evaluation can be accomplished, for example, by further monitoring the change in time of a characteristic of the computer system used to display the content, and comparing the change in time of the characteristic of the content display to the change in time of the characteristic of the computer system. Either of the two examples given immediately above (hiding of the content display and entry of a pointer into a defined area) are also examples of a monitoring method in accordance with this embodiment of the invention.

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A monitoring method according to the invention can obtain a variety of other information, as well. For example, the monitoring method can obtain a time stamp (date and time of day) that indicates when the display of the content began. When the monitoring method is implemented by an applet written in Java, the time stamp can be obtained using a method that exists as part of the Java language.

Identifying information regarding the computer on which the content is displayed can also be obtained. The Internet Protocol (IP) address from which the request for the content was made, as well as an identification of the machine to which the content was transferred can be obtained. (There may not be a one-to-one correspondence between these two if, for example, the latter is a client computer of a system for which the former is a server computer.) Again, both the IP address and machine name can be obtained using a pre-existing Java method.

A monitoring method according to the invention can also determine if the user of the computer at the content display site selected (e.g., clicked with a mouse or pressed an appropriate keyboard key) a hyperlink within the area of the content display to end display of the current content display. Similar to the monitoring of the pointer location described above, an applet that implements a monitoring method of the invention can include a standard Java method (e.g., `HandleEvent`) that accepts events transmitted by the operating system. One of the events is the selection of a hyperlink. When such an event is reported, the monitoring method can so note.

As previously indicated, the above-described examples of monitoring information are merely illustrative of the types of monitoring information that can be obtained by a monitoring method according to the invention. Generally, a monitoring method according to the invention can make use of any method

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available in the computing environment, e.g., an operating system method, or a method that is part of a software framework, or that can be written in a computer programming language that can be used in the computing environment. For example, when the monitoring method is implemented by an applet written in Java any existing Java method can be used to obtain information relevant to the display of the content to be monitored, either by using the method to change the state of the computer (e.g., the state of the display) on which the content is being displayed and monitoring the response of the computer (e.g., the method for monitoring whether content display is hidden, discussed above) or by retrieving information about the state of the computer (e.g., the method for monitoring entry of the pointer into the content display, discussed above). In particular, the monitoring of events as discussed above can be useful in discerning information about the content display.

A monitoring method according to the invention can also be used to ascertain information about an audio display. For example, if the content being monitored includes audio content that can only be displayed by selecting an appropriate user interface mechanism (e.g., a graphical pushbutton), a monitoring method according to the invention can determine whether that "event" is transmitted to the window represented by the content, indicating that the audio display was at least begun. Using a method as described above for determining the duration of a content display, together with knowledge of the when the audio display was begun (using a time stamp as described above), the duration of the audio display can also be determined. It may also be possible to determine the volume at which the audio content is displayed, by appropriately monitoring the methods used to operate the audio display devices. These examples are merely illustrative. As can be

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appreciated, using any other method available in the computing environment, other information regarding an audio display can be determined.

A monitoring method according to the invention can also be used to explicitly (i.e., by presenting questions to observers that they can answer) acquire demographic information regarding the observers of the content being monitored. This could be implemented, for example, by including the instructions for asking such questions, the content of the questions and the instructions for storing the obtained demographic information in a computer program used to implement the monitoring method. Or, such instructions and question content could be stored in a separate file that is called and executed by the computer program that implements the monitoring method. Or, instructions for presenting the questions and storing the answers could be included as part of the computer program for implementing the monitoring method, and the content of the questions could be contained in a separate file that is accessed by the computer program. These latter two possibilities can be particularly advantageous, since they allow multiple sets of demographic questions to be presented to observers by the monitoring method, thus enabling the demographic questions to be tailored to the content being displayed or to the characteristics of the observer likely to view the content.

As described above, in accordance with the invention, monitoring information regarding the display of content can be obtained, then later reviewed and analyzed to enable conclusions to be drawn about how the content was displayed and, possibly, to enable deductions to be made about how the content was observed. In addition, monitoring information can be used to affect the display of a set of content. One way in which this can occur is for a set of content, or the manner in

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which the set of content is displayed, to be modified based upon review and analysis of monitoring information obtained from previous displays of the set of content (e.g., monitoring information regarding whether or not the content was hidden, or 5 the frequency of display of the content at different times during the day or week, that may be used to determine the best location on a display screen or the best times, respectively, to display the content).

Another way in which monitoring information can be used to 10 affect the display of a set of content is to use certain monitoring information obtained just before or during the display to cause the set of content to be displayed in a particular manner. For example, as discussed above, the IP address from which a request for a set of content emanated can 15 be ascertained when the request is first received. It may be possible to associate characteristics of an observer or observers with an IP address from which a request for content has been received (because, for example, demographic information has previously been obtained as described above 20 when a set of content was previously transferred to that IP address). Based upon the known characteristics associated with the IP address, an appropriate one of multiple versions of the requested set of content can be transferred for display, e.g., if it is known that the IP address corresponds to a content 25 display site that is used by observers that speak a particular language, then text displayed aurally or visually can be displayed in that language. As another example, the duration of time that a set of content has been displayed can be determined, as discussed above, and the portion of the set of 30 content that is being displayed changed as a function of that duration, e.g., the display of a set of content can begin with a particular video display and change to another video display after passage of a specified duration of time. As still

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another example, the portion of a set of content that is displayed can be varied based upon performance characteristics of the network over which the content is transferred. For example, the amount of time required to transfer data from the content provider site to the content display site can be monitored (by, for example, obtaining information from the log file regarding the size of transferred files and the amount of time required to transfer those files, as discussed above). The display of the content can then be controlled so that a moving video is displayed if the data transfer rate is above a predetermined magnitude and a still video is displayed if the data transfer rate is below the predetermined magnitude, the predetermined magnitude being chosen so that data rates below that magnitude are insufficiently fast to produce moving video of acceptable quality. The above examples are merely illustrative; other ways of using monitoring information to affect the display of a set of content are contemplated by the invention.

As described above, a monitoring method according to the invention can obtain monitoring information regarding the display of content. Of particular interest is the basic question of whether the content was displayed at all. As described above, a monitoring method according to the invention can make this determination. Some observers, however, have developed techniques for suppressing the display of particular content (e.g., advertisements). A monitoring method according to the invention can also increase the likelihood that particular content is displayed by conditioning certain other operation of the computer system that displays the content on the display of that particular content. For example, the content to be monitored can be presented as part of other content. Such presentation is common on, for example, the World Wide Web, where, for example, advertising content is

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frequently included as part of other content. A monitoring method according to the invention can condition the display of the other content on the display of the to-be-monitored content, e.g., the full content of a Web page cannot be viewed unless an advertisement included on the Web page is viewed. Moreover, the presentation of the other content can be conditioned on the display of the to-be-monitored content for a specified period of time. This can be particularly valuable when the to-be-monitored content does not appear automatically as part of the other content, but, rather, is only displayed in response to selection of an appropriate user interface mechanism (e.g., a graphical pushbutton) that is part of the other content.

In accordance with the above-described forced presentation of specified content, the detection of content suppression can be accomplished in any suitable manner. For example, it may be possible to detect the suppression technique being used. Or, the display of the content can be ordered so that the content that must be displayed ("required content") is displayed first; if the monitoring method detects that the content display site is displaying the other content without first having displayed the required, then suppression of the required content has been detected. Upon detection of suppression of the required content, display of the other content is prevented and, if desired, a message indicating that fact can be displayed.

As indicated above, after monitoring information is obtained by a monitoring method according to the invention, the monitoring information is transferred from the content display site 302 to a remote site. The remote site can be the content provider site 301 or another site that is part of the network. When a monitoring method according to the invention is implemented by a Java applet, the remote site is the content provider site 301, since, currently, such applets can only

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communicate information to the network site from which they were transferred. However, in the future, such constraint may not exist; in that event, the remote site need not necessarily be the content provider site 301 even when a Java applet is used to implement a monitoring method according to the invention.

Generally, the monitoring information can be transferred to the remote site at any time. It may be desirable, for example, to cause the monitoring information to be transferred to the remote site immediately after the monitoring information is obtained, so that the monitoring information is accessible as quickly as possible. It may, alternatively, be desirable to store the monitoring information at the content display site, then transfer the monitoring information at a time when communication over the network communication line 303 is fastest and/or least expensive, e.g., at night.

The monitoring information can be communicated to a communication port that is different than the port from which the content and the monitoring instructions were transmitted to the content display site 302. In that event, a special daemon that monitors such communication port for receipt of monitoring information is installed on the server computer at the content provider site. The daemon can be implemented as a conventional server daemon for monitoring data received by a server computer on a designated communication port. Communication of the monitoring information to a specially designated port can be useful to enable the monitoring data to sent in any desired format in accordance with any desired protocol. For example, the monitoring data can be encrypted, as described below.

When the invention is implemented with the World Wide Web, it is also possible to transmit the monitoring data over the network using the communication channel monitored by the http daemon, i.e., by transmitting a request to the http daemon.

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Such transmission may be desirable for several reasons. For example, transmission of monitoring data to the http daemon eliminates the need to create, and supply to operators of the remote site to which the monitoring data is to be transferred 5 (e.g., a Web page operator or, as described below, an application manager site operator), special software for receiving the monitoring data. Additionally, transmission of monitoring data by transmitting a request to the http daemon may be the only way to transfer the monitoring data to the 10 remote site. This can be true, for example, when one or more client computers are served by a "proxy server" which mediates communication between the client computers and other sites on the network. The proxy server may not allow communication over a channel specially designated for transmitting monitoring 15 data, but allow communication to the http daemon.

Transmission of monitoring data by making a request to the http daemon can be accomplished in a variety of ways. For example, an http request can be submitted for a file having a "name" that denotes the monitoring data in some way. 20 Notwithstanding the spurious nature of the file request, the request is recorded in the http log file, from which the "name" can be retrieved to enable extraction of the monitoring data. Or, a request for execution of a CGI script can be transmitted, with the parameter of the CGI script request that specifies 25 input to the script being specified to denote the monitoring data in some way. A computer program resident on the computer system at the remote site can then implement a method that extracts the value of the input from the CGI script, and the monitoring data can be extracted from the value of the input. 30 Other methods of using CGI scripts or http requests to transmit monitoring data to an http daemon are possible.

For security, it may be desirable to encrypt the monitoring data before it is transferred from the content

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display site 302 to a remote site. Any suitable encryption method can be used. For example, a public key encryption method, such as the well known RSA algorithm, can be used to encrypt the monitoring data. In general, the monitoring data
5 (or other data transferred over a network in accordance with the invention) can be encrypted before any transmission of the data over a network (other examples of such data transmission are described below as part of the systems illustrated in FIGS. 5A, 5B and 5C, and FIGS. 6A, 6B, 6C and 6D).

10 Once communicated to the remote site, the monitoring information can be stored in any appropriate database, as known to those skilled in the art of constructing and managing databases. The monitoring information can be presented for observation through a suitable user interface, such as a
15 graphical user interface (GUI), in any desired format, e.g., graphs, bar charts, pie charts. The monitoring information stored in the database can also be subjected to further analysis if desired. For example, the total time that a content display is available to be viewed can be broken down
20 into percentages of time that the content display was unobstructed, partially hidden and fully hidden. Or, the percentage of observers of a set of content that select a particular hyperlink while observing the content can be identified.

25 The monitoring information may be of interest not only to the content provider that provides the content for display, but to third parties as well. For example, if the content provided by the content provider includes an advertisement, the advertiser may be interested in the monitoring information
30 regarding display of the content. The third party and the content provider may have conflicting interests in the substance of the monitoring information. For example, if the third party is paying the content provider to include the third

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party's content with the content provider's content, and the payment is based upon the amount of exposure of the third party's content to observers, the content provider has an interest in the monitoring information showing a large amount of exposure of the content, while the third party has an interest in the monitoring information showing a small amount of exposure. (Both parties, of course, can be simultaneously motivated by other interests, as well: for example, the third party may simply want the monitoring information to reflect accurately the amount of exposure of the content, so that they can use that information in assessing the effects of providing their content through the content provider.) If the monitoring information is transferred from the content display site to the content provider site, and unrestricted access to the monitoring information allowed at the content provider site, there may be no foolproof way to prevent the content provider from tampering with the substance of the monitoring information. This problem is particularly acute when a monitoring method according to the invention is embodied in a manner (e.g., by a Java applet), as discussed above, that necessitates that the monitoring information be transferred back to the content provider site.

FIGS. 5A, 5B and 5C are simplified diagrams of a network illustrating operation of another embodiment of the invention. This embodiment of the invention provides a system configuration that can overcome the problem of possible tampering with the substance of the monitoring information by the content provider. As in the system illustrated in FIGS. 3A, 3B and 3C, a content display site 302 is linked over a network to a content provider site 301. The network also includes an application manager site 501. The content display site 302 and content provider site 301 can communicate with each other via the network communication line 303, as described

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above, to enable transfer of content and monitoring instructions from the content provider site 301 to the content display site 302. Alternatively, the content and monitoring instructions can be transferred to the content display site 302 5 from the application manager site 501 in response to a request received from the content provider site 301 upon receipt of the request from the content display site 302. This latter implementation is illustrated in FIGS. 5A, 5B and 5C. In such an implementation, the content provider site 301 needn't have 10 either a computer program for implementing the monitoring method or a program for receiving monitoring data installed at the content provider site 301, thus simplifying use of the invention for the content provider. Rather, the content provider need only have an open account (as discussed below) at 15 the application manager site 501.

In this embodiment of the invention, the monitoring information obtained at the content display site 302 is transferred to the application manager site 501, either directly from the content display site 302 or indirectly via 20 the content provider site 301. If the latter, then the monitoring information can be received by the content provider site 301 and transferred to the application manager site 501 in a way that prevents access to the monitoring information at the content provider site 301. For example, the monitoring 25 information could be encrypted at the content display site 302 before transfer to the content provider site 301, the decryption method being available only at the application manager site 501. Or, the monitoring information could be immediately transferred to the application manager site 501 30 after being received at the content provider site 301. Once received at the application manager site 501, access to the monitoring information can be administered by the (neutral) application manager so that the monitoring information can not

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be modified by any of the parties having an interest in the information, thus ensuring the integrity of the monitoring information.

In a typical implementation, multiple sets of content will be provided from multiple content provider sites, and each set of content will be displayed by multiple content display sites. A set of monitoring information will be recorded for each display of each of the multiple sets of content and transferred to the application manager site for storage in a database that is implemented on a computer at the application manager site. Each set of monitoring information must be identified as corresponding to the set of content for which the monitoring information was obtained, so that monitoring information can be appropriately stored in a database to enable later retrieval of the monitoring information for that set of content. When a monitoring method according to the invention is implemented for use with the World Wide Web, this can be accomplished by appropriate specification of a parameter included in a computer program written in html used to implement a monitoring method, as discussed above. Example 3 below illustrates how Example 1 discussed above can be modified to make such specification (the "Account" parameter).

Example 3

```

25 <applet code="//AppMgr.com/AdInsert.class" width=230 height=33>
  <param name="image" value="images/southwest.gif">
  <param name="href" value="http://www.swa.com/">
  <param name="Account" value="9004560093">
</applet>

```

The database residing on the computer at the application manager site can also be used, for example, to store account information about the content provider site from which the content display is provided.

In the embodiment of the invention illustrated in FIG. 5,

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a user interface (e.g., GUI) can be provided on the content provider site computer to enable the owner (or representative) of the content provider site to access monitoring information stored at the application manager site regarding content displays provided by the content provider site. Such an interface can also be configured to enable the content provider to create a new account on the application manager computer, authorize payments for use of the monitoring system of the invention, and request particular analysis or presentation of obtained monitoring information. Other functions can also be provided in such an interface, as desirable.

It is also possible that there be multiple application manager sites. Typically, monitoring information for each content display will be designated for storage on a particular one of the application manager sites. Such designation can be included as a parameter specification in a computer program used to implement the monitoring information as discussed above.

As discussed above, the content provided by a content provider can be tailored according to any specified criteria. Further, the content provider may periodically update the content. Additionally, third parties may want to provide their content with that of a content provider. These third parties may also have multiple sets of specially tailored content that are updated periodically. The management of such multiple sets of content by a content provider at the content provider site can become undesirably complex and may overtax the available bandwidth for transmission of data to and from the content provider site.

FIGS. 6A, 6B, 6C and 6D are simplified diagrams of a network illustrating operation of still another embodiment of the invention. This embodiment of the invention provides a system configuration that can enable updated and/or tailored

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secondary content provided by a secondary content provider to be transferred to a primary content display site for use with primary content supplied by a primary content provider without the problems identified above with existing such systems, as discussed in more detail below. This embodiment of the invention also can enable all of the functionality described above for the system illustrated in FIGS. 5A, 5B and 5C. In the embodiment of the invention shown in FIGS. 6A, 6B, 6C and 6D, a content display site 302, a primary content provider site 602 and an application manager site 501 are linked to each other over a network and can communicate with each other as described above. The network also includes a secondary content provider site 601. As shown in FIG. 6A, in this embodiment of the invention, secondary content can be provided from the secondary content provider site 601 to the application manager site 501 and stored thereat. As shown in FIG. 6B, whenever secondary content is provided to the application manager site 501, the application manager causes the content to both be stored at the application manager site 501 and transferred to all content provider sites, e.g., content provider site 602, that provide that secondary content with their primary content. When a request for the primary content that includes such secondary content is received by the primary content provider site 602 from the content display site 302 (FIG. 6C), the primary content provider site 602 is able to immediately (i.e., without necessity to retrieve the content from another network site or request that the content be provided to the content display site from another network site) provide both the primary and secondary content to the content display site 302, as shown in FIG. 6D.

As can be appreciated, the management of both primary and secondary content can become quite burdensome when many sets, and/or many versions of sets, of secondary content and/or

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primary content are being provided from the primary content provider site. Management of continual updates to these sets of content data exacerbates this burden. By storing secondary content (and, if desired, primary content) at the application manager site 501, the system of FIGS. 6A, 6B, 6C and 6D relieves the primary content provider of the burden of managing such content. However, because the application manager causes the content to be stored at the content provider site 602, the content can be provided to the content display site 302 from the content provider site 602, rather than the application manager site 501, thus leaving control of bandwidth management with the primary content provider so that the primary content provider can ensure that a system that adequately addresses the bandwidth requirements of the content provided from the primary content provider site 602 is in place. This is an important consideration for the primary content provider since requesters of content from the primary content provider will hold the primary content provider responsible for the performance characteristics (e.g., speed) associated with the provision of that content. The system of FIGS. 6A, 6B, 6C and 6D, then, relieves the primary content provider of the need to manage the storage of content, while reserving control over the provision of that content to the content provider.

In this embodiment of the invention a user interface (e.g., GUI) can be provided at both the primary content provider site 602 and the application manager site 501. The primary content provider user interface can provide the same functionality as described above with respect to FIG. 5. Additionally, the primary content provider user interface can enable the content provider to select available secondary content for possible inclusion with that content provider's primary content. Such selection can also include specification of terms upon which the primary content provider wishes to

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include the secondary content. Selection of secondary content does not automatically cause the secondary content to be included with the primary content provider's content, but, rather, causes a request for such inclusion to be made (e.g.,
5 via the secondary content provider user interface, described below) to the secondary content provider. Upon acceptance by the secondary content provider, the secondary content can be included with the primary content. The secondary content provider user interface can enable the secondary content
10 provider to select a primary content provider site with which to include the secondary content provider's content. Again, such selection can be made together with specification of the terms of such inclusion; the selection causes a request for inclusion to be made (e.g., via the primary content provider
15 user interface) to the primary content provider. The secondary content user interface can also provide functionality similar to that described above with respect to FIG. 5. As will be readily appreciated by those skilled in the art, other functions can also be provided in the primary content provider
20 and secondary content provider user interfaces, as desirable. The embodiment of the invention shown in FIG. 6 facilitates interaction between the primary content provider site 602 and the secondary content provider site 601 to enable a secondary content provider to easily and flexibly provide content to a
25 primary content provider in a manner that enables both the primary and secondary content providers to exercise control over the provision of content.

As described above, monitoring instructions and content can be embodied by an applet that executes at the content
30 display site. In the system of FIGS. 5A, 5B and 5C or the system of FIGS. 6A, 6B, 6C and 6D, the use of such an applet can advantageously dovetail with an implementation of those systems in which the applet is transferred to the content

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display site from the application manager site. This is because an applet must return the monitoring information to the network site from which the applet was transferred: thus, the monitoring information is transferred directly to the neutral
5 application manager site. Too, when the monitoring instructions and content are transferred from the application manager site to the content display site, the use of monitoring information to tailor the content provided to the content display site, as discussed above, can also be easily
10 implemented.

Various embodiments of the invention have been described. The descriptions are intended to be illustrative, not
limitative. Thus, it will be apparent to one skilled in the art that certain modifications may be made to the invention as
15 described above without departing from the scope of the claims set out below. For example, though the invention has been described above as it particularly applies to monitoring the display of content disseminated over the World Wide Web, the invention can generally be used to monitor the display of
20 content disseminated over any computer network. Additionally, though an implementation of the invention has been described in which aspects of the Java programming language are used, it is to be understood that invention is not limited to such implementation; other programming languages could be used
25 having other features and characteristics (e.g., the language need not be an object-oriented language as is Java).

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I claim:

1. A system for monitoring the display of content by a computer system, comprising:

means for monitoring the position of the content
5 display on a display screen of the computer system; and
means for evaluating the position of the content
display on the display screen to produce monitoring
information regarding display of the content.

2. A system as in Claim 1, further comprising means for
10 monitoring the position of one or more other images on the
display screen, and wherein the means for evaluating further
comprises means for comparing the position of the content
display to the position of the one or more other images to
produce the monitoring information.

15 3. A system as in Claim 2, wherein the means for
comparing further comprises means for determining whether the
content display is hidden by the one or more other images.

4. A system as in Claim 3, wherein the means for
comparing further comprises:
20 means for determining the duration of each time that
the content display is hidden by the one or more images;
and
means for determining the duration of each time that
the content display is not hidden by the one or more
25 images.

5. A system as in Claim 3, wherein the means for
comparing further comprises:

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means for determining the total duration of time that the content display is hidden by the one or more images; and

5 means for determining the total duration of time that the content display is not hidden by the one or more images.

6. A system as in Claim 3, wherein the means for determining further comprises means for determining whether the content display is fully hidden or partially hidden by the one
10 or more other images.

7. A system as in Claim 6, wherein the means for comparing further comprises:

15 means for determining the duration of each time that the content display is fully hidden by the one or more images;

means for determining the duration of each time that the content display is partially hidden by the one or more images; and

20 means for determining the duration of each time that the content display is not hidden by the one or more images.

8. A system as in Claim 6, wherein the means for comparing further comprises:

25 means for determining the total duration of time that the content display is fully by the one or more images;

means for determining the total duration of time that the content display is partially hidden by the one or more images; and

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means for determining the total duration of time that the content display is not hidden by the one or more images.

9. A system as in Claim 2, wherein:
5 one of the other images is a pointer; and
the means for comparing further comprises means for determining the number of times that the pointer entered an area defined by the content display.

10. A system as in Claim 1, wherein at least some of the
10 content being monitored comprises a graphical display.

11. A system for monitoring the display of content by a computer system, comprising:
means for monitoring the change in time of a characteristic of the content display; and
15 means for evaluating the change in time of the characteristic of the content display to produce monitoring information regarding display of the content.

12. A system as in Claim 11, further comprising means for monitoring the change in time of a characteristic of the
20 computer system, and wherein the means for evaluating further comprises means for comparing the change in time of the characteristic of the content display to the change in time of the characteristic of the computer system to produce the monitoring information.

- 25 13. A system for monitoring the display of content by a computer system, wherein the content is displayed in response to an instruction that is provided from a source external to the computer system and the system for monitoring, comprising:

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means for ascertaining the beginning of a display of the content;

means for ascertaining the end of a display of the content; and

5 means for monitoring the display of the content, wherein:

the means for monitoring begins operating when the beginning of a display of the content is ascertained; and

10 the means for monitoring stops operating when the end of a display of the content is ascertained.

14. A system as in Claim 13, wherein the instruction is provided by a user of the computer system.

15. A system as in Claim 13, wherein the means for 15 monitoring the display of the content further comprises:

means for monitoring the position of the content display on a display screen of the computer system; and

20 means for evaluating the position of the content display on the display screen to produce monitoring information regarding display of the content.

16. A system as in Claim 13, wherein the means for monitoring the display of the content further comprises:

means for monitoring the change in time of a characteristic of the content display; and

25 means for evaluating the change in time of the characteristic of the content display to produce monitoring information regarding display of the content.

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17. A system as in Claim 13, wherein the means for monitoring further comprises means for determining the duration of the display of the content.

18. A system for monitoring the display at a content
5 display site of content that is provided by a content provider site over a network to the content display site, comprising:

means for monitoring the display of the content to produce monitoring information regarding display of the content; and

10 means for transferring the means for monitoring from the content provider site to the content display site in response to the transfer of content from a content provider site.

19. A system as in Claim 18, wherein the means for
15 monitoring is transferred to the content provider site together with the content.

20. A system as in Claim 18, further comprising means for transferring the monitoring information to a remote site that is part of the network.

20 21. A system as in Claim 20, wherein the remote site is the content provider site from which the content was transferred to the content display site.

22. A system as in Claim 21, further comprising means for transferring the monitoring information from the content
25 provider site to a second remote site.

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23. A system as in Claim 22, wherein the second remote site is adapted to receive and store monitoring information from a plurality of content provider sites.

24. A system as in Claim 21, wherein monitoring
5 information is transferred from the content display site to the content provider site via a communication means that is different from the communication means used to transfer the content from the content provider site to the content display site.

10 25. A system as in Claim 18, wherein new content can be transferred to the content display site in response to selection of a portion of the content currently being displayed at the content display site.

26. A system as in Claim 18, wherein the monitoring
15 information includes information from which conclusions may be deduced regarding the observation of the content by an observer.

27. A system as in Claim 18, wherein the means for
monitoring further comprises:
20 means for monitoring the position of the content display on a display screen at the content provider site;
and
means for evaluating the position of the content display on the display screen to produce monitoring
25 information.

28. A system as in Claim 18, wherein the means for
monitoring further comprises:
means for monitoring the change in time of a

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characteristic of the content display; and

means for evaluating the change in time of the characteristic of the content display to produce monitoring information.

5 29. A system as in Claim 18, wherein:

the content is displayed in response to an instruction that is provided from a source external to the computer network and the system for monitoring; and

the means for monitoring further comprises:

10 means for ascertaining the beginning of a display of the content; and

means for ascertaining the end of a display of the content, wherein:

15 the means for monitoring begins operating when the beginning of a display of the content is ascertained; and

the means for monitoring stops operating when the end of a display of the content is ascertained.

20 30. A system for monitoring the display at a content display site of content that is provided by a content provider site over a network to the content display site, wherein the network operates according to a protocol that enables new content to be transferred to a content display site in response
25 to selection of a portion of the content currently being displayed at the content display site, the system comprising:

means for monitoring the display of the content to produce monitoring information regarding display of the content; and

30 means for transferring the means for monitoring from the content provider site to the content display site so

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that the means for monitoring operates at the content provider site.

31. A system as in Claim 30, wherein at least some of the content being monitored comprises a graphical display.

5 32. A system as in Claim 30, wherein the means for monitoring further comprises:

 means for monitoring the position of the content display on a display screen at the content provider site; and

10 means for evaluating the position of the content display on the display screen to produce the monitoring information.

33. A system as in Claim 30, wherein the means for monitoring further comprises:

15 means for monitoring the change in time of a characteristic of the content display; and

 means for evaluating the change in time of the characteristic of the content display to produce monitoring information regarding display of the content.

20 34. A system as in Claim 30, wherein:

 the content is displayed in response to an instruction that is provided from a source external to the computer network and the system for monitoring; and

 the means for monitoring further comprises:

25 means for ascertaining the beginning of a display of the content; and

 means for ascertaining the end of a display of the content, wherein:

 the means for monitoring begins operating

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when the beginning of a display of the content is ascertained; and

the means for monitoring stops operating when the end of a display of the content is ascertained.

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35. A system as in Claim 30, further comprising means for transferring the monitoring information to a remote site that is part of the network.

36. A system for monitoring the display at a content display site of content that is provided by a content provider site over a network to the content display site, comprising:

means for monitoring the display of the content to produce monitoring information regarding display of the content; and

15 means for transferring the monitoring information from the content display site to a remote site of the computer network that is different from the content provider site.

37. A system as in Claim 36, wherein the means for 20 transferring the monitoring information further comprises:

means for transferring the monitoring information from the content display site to the content provider site; and

25 means for transferring the monitoring information from the content provider site to the remote site, wherein the monitoring information cannot be stored at the content provider site, or accessed or manipulated before transfer to the remote site.

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38. A system as in Claim 36, further comprising means for storing monitoring information at the remote site.

39. A system as in Claim 38, wherein the means for storing monitoring information at the remote site is adapted to enable storage of monitoring information regarding the display of a plurality of sets of content.

40. A system as in Claim 38, wherein:
the computer network includes a plurality of content provider sites; and
10 the means for storing monitoring information at the remote site is adapted to enable storage of monitoring information regarding the display of content at each of the plurality of content provider sites.

41. A system as in Claim 38, further comprising means for
15 accessing the monitoring information stored at the remote site from a site on the network other than the remote site, such that a user at the other site can interact with the monitoring information, but cannot modify the monitoring information.

42. A system for providing updated and/or tailored
20 content from a first content provider site to a content display site, comprising:

means for transferring content from the first content provider site to a second content provider site;
means for recognizing the presence of updated and/or
25 tailored content stored at the first content provider site, wherein the means for transferring content transfers the updated and/or tailored content from the first content provider site to the second content provider site in response to recognition of the presence of updated and/or

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tailored content at the first content provider site; and
means for transferring content from the second
content provider site to the content display site when
such content is requested by the content display site.

5 43. A system as in Claim 42, further comprising an
application manager system and wherein the means for
transferring content from the first content provider site to
the second content provider site further comprises:

means for transferring content from the first content
10 provider site to the application manager system; and
means for transferring content from the application
manager system to the second content provider site.

44. A system as in Claim 42, wherein the means for
transferring content transfers the updated content from the
15 first content provider site to the second content provider site
automatically upon recognition of the updated and/or tailored
content at the first content provider site.

45. A system as in Claim 42, wherein:
there are a plurality of second content provider
20 sites; and

the means for transferring content transfers the
updated and/or tailored content from the first content
provider site to each of the plurality of second content
provider sites in response to recognition of the updated
25 and/or tailored content at the first content provider
site.

46. A system as in Claim 42, wherein there are a
plurality of content provider sites to which content can be
transferred from the first content provider site, and further

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comprising means for enabling a user at the first content provider site to select one or more of the plurality of content provider sites to be second content provider sites.

47. A system as in Claim 42, wherein there are a
5 plurality of content provider sites from which content can be transferred to the second content provider site, and further comprising means for enabling a user at the second content provider site to select one or more of the plurality of content provider sites to be first content provider sites, wherein only
10 a content provider site so selected can transfer content to the second content provider site.

48. A computer readable medium encoded with one or more computer programs for enabling the monitoring of the display of content by a computer system, comprising:

15 instructions for monitoring the position of the content display on a display screen of the computer system; and

instructions for evaluating the position of the content display on the display screen to produce
20 monitoring information regarding display of the content.

49. A computer readable medium as in Claim 48, further comprising instructions for monitoring the position of one or more other images on the display screen, and wherein the instructions for evaluating further comprise instructions for
25 comparing the position of the content display to the position of the one or more other images to produce the monitoring information.

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50. A computer readable medium as in Claim 49, wherein the instructions for comparing further comprise instructions for determining whether the content display is hidden by the one or more other images.

5 51. A computer readable medium as in Claim 50, wherein the instructions for comparing further comprise:

instructions for determining the duration of each time that the content display is hidden by the one or more images; and

10 instructions for determining the duration of each time that the content display is not hidden by the one or more images.

52. A computer readable medium as in Claim 50, wherein the instructions for comparing further comprise:

15 instructions for determining the total duration of time that the content display is hidden by the one or more images; and

20 instructions for determining the total duration of time that the content display is not hidden by the one or more images.

53. A computer readable medium as in Claim 50, wherein the instructions for determining further comprise instructions for determining whether the content display is fully hidden or partially hidden by the one or more other images.

25 54. A computer readable medium as in Claim 53, wherein the instructions for comparing further comprise:

instructions for determining the duration of each time that the content display is fully hidden by the one or more images;

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instructions for determining the duration of each time that the content display is partially hidden by the one or more images; and

5 instructions for determining the duration of each time that the content display is not hidden by the one or more images.

55. A computer readable medium as in Claim 53, wherein the instructions for comparing further comprise:

10 instructions for determining the total duration of time that the content display is fully hidden by the one or more images;

instructions for determining the total duration of time that the content display is partially hidden by the one or more images; and

15 instructions for determining the total duration of time that the content display is not hidden by the one or more images.

56. A computer readable medium as in Claim 49, wherein: one of the other images is a pointer; and

20 the instructions for comparing further comprise instructions for determining the number of times that the pointer entered an area defined by the content display.

57. A computer readable medium encoded with one or more computer programs for enabling the monitoring of the display of 25 content by a computer system, comprising:

instructions for monitoring the change in time of a characteristic of the content display; and

30 instructions for evaluating the change in time of the characteristic of the content display to produce monitoring information regarding display of the content.

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58. A computer readable medium as in Claim 57, further comprising instructions for monitoring the change in time of a characteristic of the computer system, and wherein the instructions for evaluating further comprise instructions for
5 comparing the change in time of the characteristic of the content display to the change in time of the characteristic of the computer system to produce the monitoring information.

59. A computer readable medium encoded with one or more computer programs for enabling the monitoring of the display of
10 content by a computer system, for use with a computer system in which the content is displayed in response to a content display instruction that is provided from a source external to the computer system and not part of the monitoring computer program, comprising:

15 instructions for ascertaining the beginning of a display of the content;
 instructions for ascertaining the end of a display of the content; and
 instructions for monitoring the display of the
20 content, wherein:
 the instructions for monitoring begin executing when the beginning of a display of the content is ascertained; and
 the instructions for monitoring stop executing
25 when the end of a display of the content is ascertained.

60. A computer readable medium as in Claim 59, wherein the content display instruction is provided by a user of the computer system.

30 61. A computer readable medium as in Claim 59, wherein

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the instructions for monitoring the display of the content further comprise:

5 instructions for monitoring the position of the content display on a display screen of the computer system; and

instructions for evaluating the position of the content display on the display screen to produce monitoring information regarding display of the content.

62. A computer readable medium as in Claim 59, wherein
10 the instructions for monitoring the display of the content further comprise

instructions for monitoring the change in time of a characteristic of the content display; and

15 instructions for evaluating the change in time of the characteristic of the content display to produce monitoring information regarding display of the content.

63. A computer readable medium as in Claim 59, wherein the instructions for monitoring further comprise instructions for determining the duration of the display of the content.

20 64. A computer readable medium encoded with one or more computer programs for enabling the monitoring of the display of content by a computer system, comprising:

instructions for causing the content to be displayed by the computer system; and

25 instructions for monitoring the display of content by the computer system to produce monitoring information regarding the display of the content.

65. A computer readable medium encoded with one or more computer programs for enabling the monitoring of the display of

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content at a content display site, comprising:

instructions, adapted for use at the content display site, for monitoring the display of content at the content display site to produce monitoring information regarding display of the content; and

instructions for receiving monitoring information from the content display site.

66. A method for monitoring the display of content by a computer system, comprising:

monitoring the position of the content display on a display screen of the computer system; and

evaluating the position of the content display on the display screen to produce monitoring information regarding display of the content.

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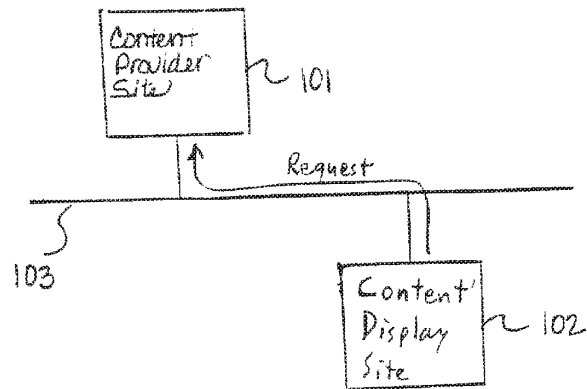


FIG. 1A

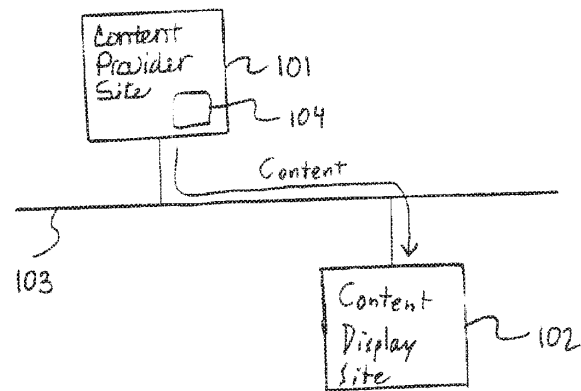


FIG. 1B

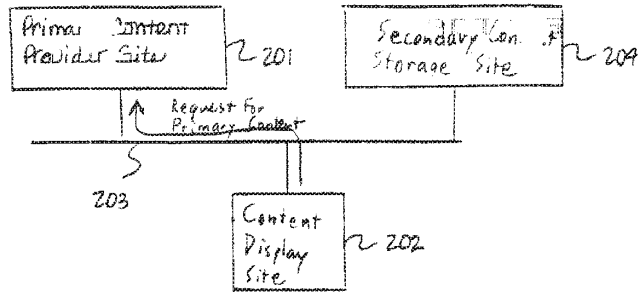


FIG. 2A

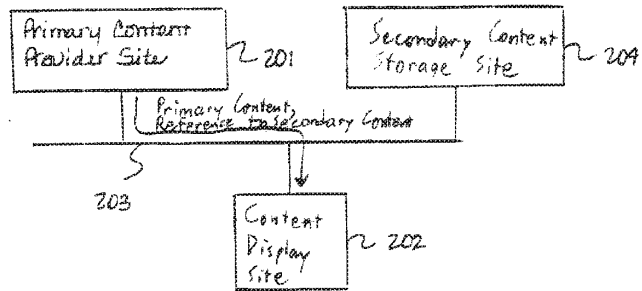


FIG. 2B

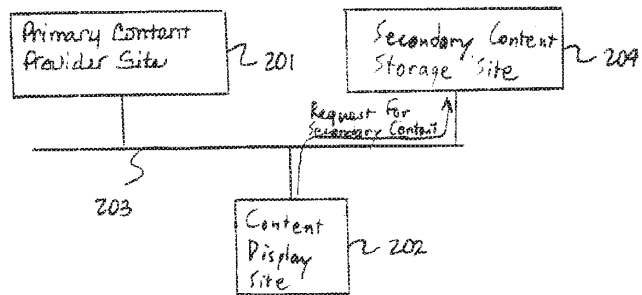


FIG. 2C

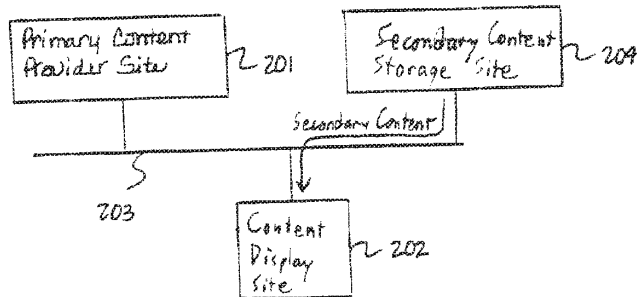


FIG. 2D

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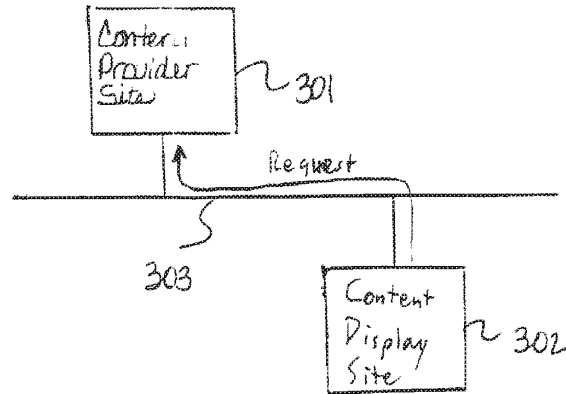


FIG. 3A

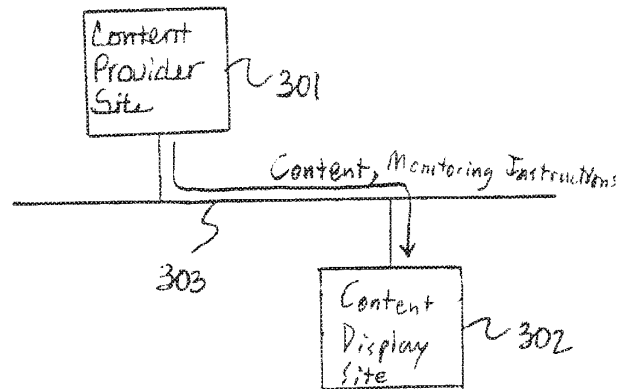


FIG. 3B

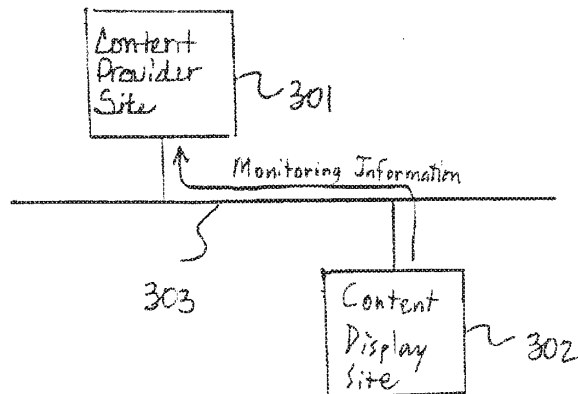


FIG. 3C

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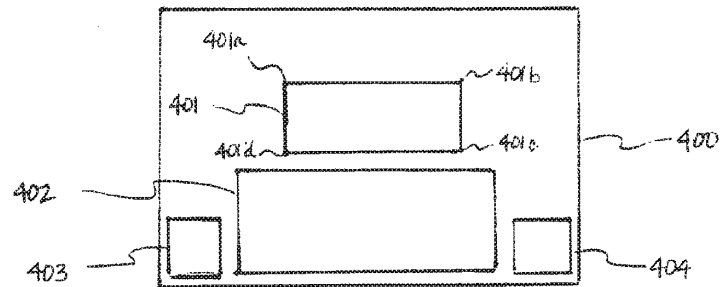


FIG. 4A

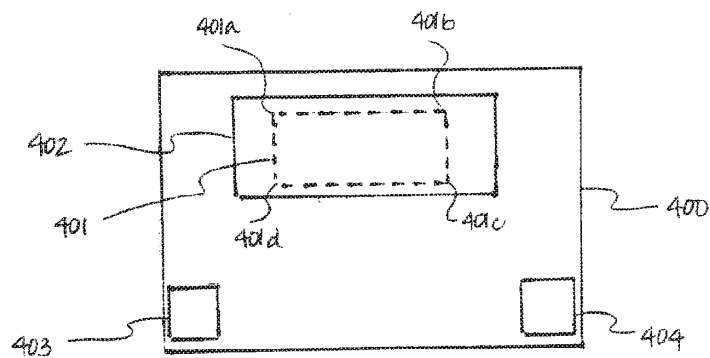


FIG. 4B

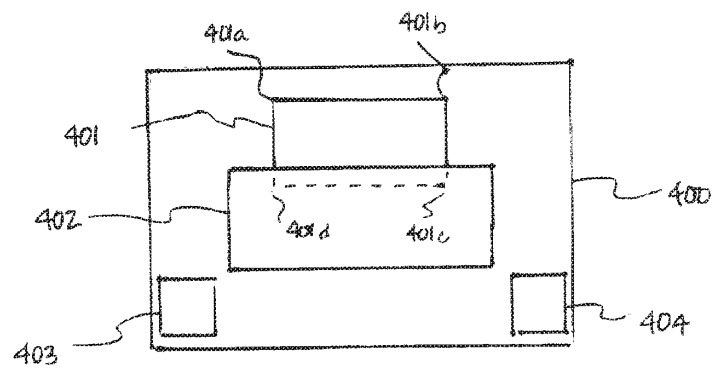


FIG. 4C

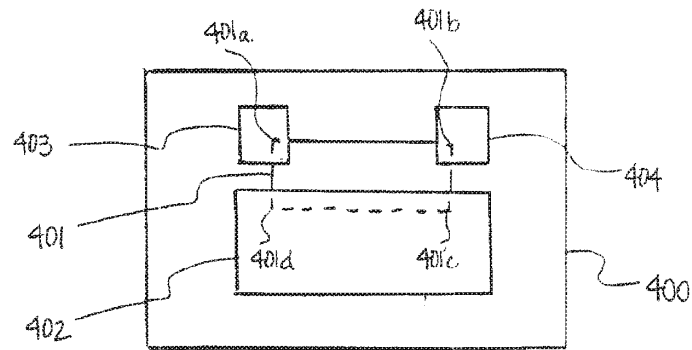


FIG. 4D

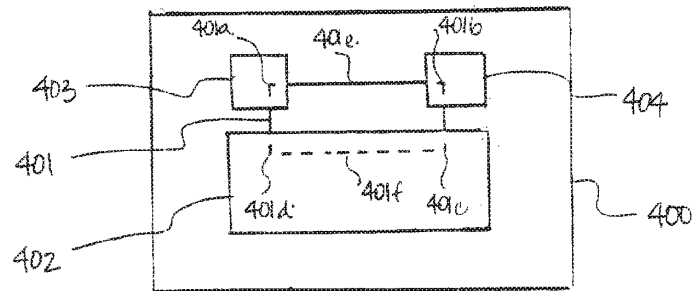


FIG. 4E

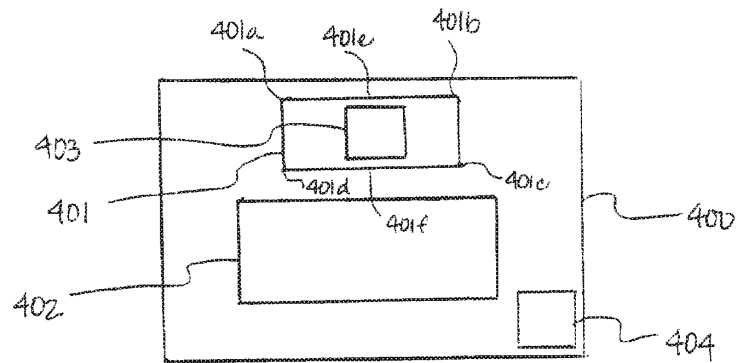


FIG. 4F

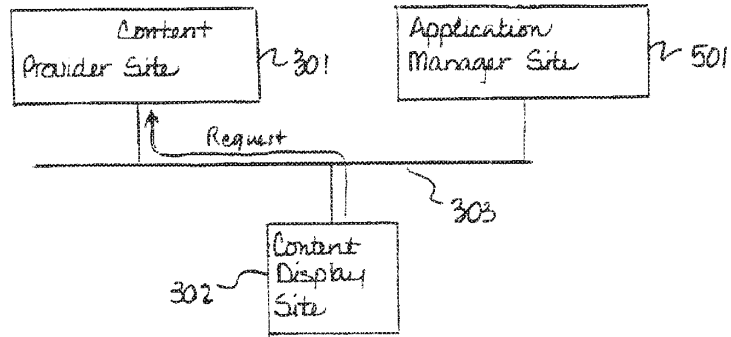


FIG. 5A

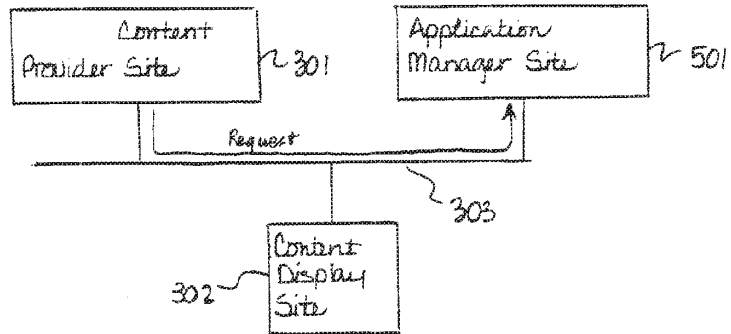


FIG. 5B

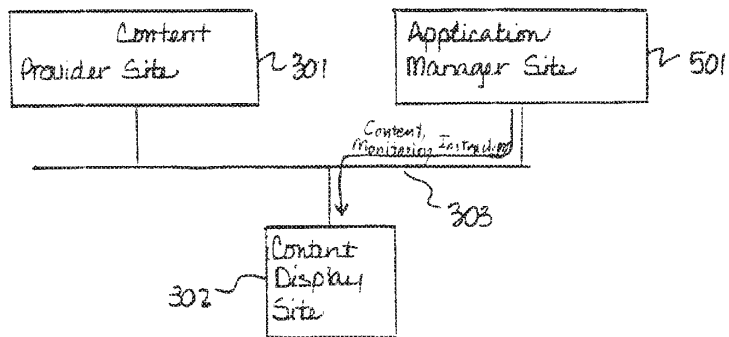


FIG. 5C

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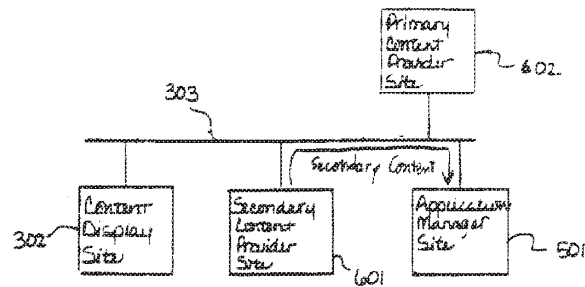


FIG. 6A

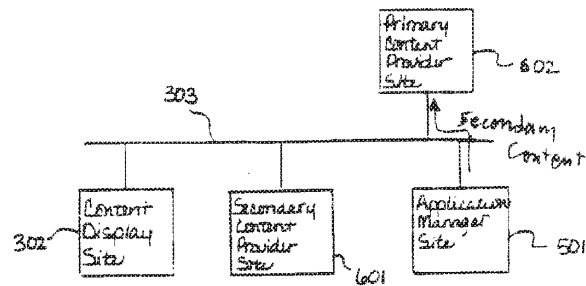


FIG. 6B

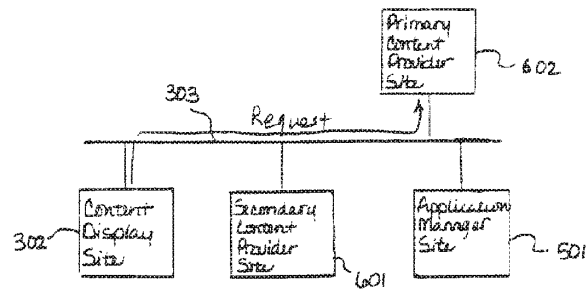


FIG. 6C

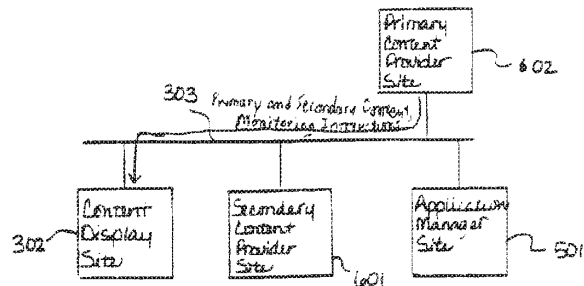


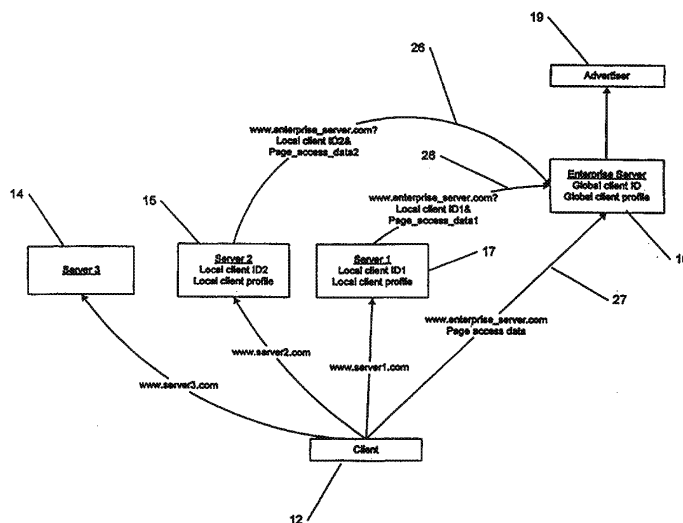
FIG. 6D



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(54) Title: SYSTEM AND METHOD FOR BUILDING USER PROFILES



(57) Abstract

A computer apparatus and a method are described for establishing a global interest profile of a user. At least one local server and an enterprise server communicate with the user via a communication channel. The local server assigns a local ID to the user. The enterprise server assigns to the user a global ID and links the local ID and local user information with the global ID to form a global interest profile of the user. The identity of the users is not shared between servers, thereby maintaining the privacy of the user. Also described is a method for forming and updating user profiles that operates incrementally and in real time.

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SYSTEM AND METHOD FOR BUILDING USER PROFILES

Cross-Reference to Related Applications

This application claims the benefit of U.S. Provisional Applications No. 60/076,179 and 60/076,404 having a common filing date of February 27, 1998.

5 Field of the Invention

The invention relates to systems and methods for monitoring and measuring the interests of a user viewing content on a computer network, in particular on multiple servers in an enterprise network, while protecting the privacy of the user.

10 Background of the Invention

It is useful for vendors who sell items through the Internet to be able to compile sophisticated marketing data that indicates users' interest in the vendors' Web pages. Interest in a particular page may be determined by counting the number of "hits" on that page (i.e., the number of times the page is accessed) or by combining a count of the
15 number of hits with data indicative of the amount of time users spend viewing the page. The number of hits for a page and the amount of time spent by users viewing a page are both determinable using conventional techniques.

Although measurement of users' interest in each of a vendor's pages is useful,
20 additional useful information may be obtained by correlating these measurements on a per user basis. Thus, a vendor may learn that a first type of user that is interested in page A is also usually interested in page B, while a second type of user that is interested in page C is also usually interested in page D. Such information allows the vendor to customize his Web pages on the fly for each user so that a user that initially selects
25 particular pages is presented with the opportunity to select more of the type of pages in which that user is expected to be interested.

However, in many instances, a user accessing the Internet jumps from server to server. Unless different vendors on different servers agree to cooperate, it is extremely difficult, if not impossible, for a first vendor on a first server to know that a user who accessed a particular one of the first vendor's pages also accessed a particular page of a second vendor on a second server. In addition, there is no built in mechanism on the Internet for globally identifying users so that vendors on different servers can share such information. Also, even in instances where a group of cooperating vendors have adopted a cross-server user identification scheme that globally identifies the users to the vendors, it is questionable whether such schemes violate users' privacy since each of the participating vendors is exchanging information about users that the users might not want to be shared. Moreover, such limited cooperative efforts at cross-server identification generally employs a single identifier for each user. However, cross-server identification schemes that employ a single identifier have disadvantages. For example, should one of the vendors stop collaborating with the others, such as because of an organizational or business change, issues of ownership and access to information tied to a shared identifier can arise.

Accordingly, it is an object of the invention to provide a distributed identification scheme which allows individual servers to control their own local identification scheme and to collaborate with other servers at its manager's discretion. It is yet another object of the invention to compile page usage information about users accessing multiple servers in an enterprise network without potentially violating the privacy of the users.

Summary of the Invention

A distributed user identification process is provided that allow individual local servers or domains to control their own user identification scheme and to collaborate with other local servers or domains at the discretion of an enterprise server. The enterprise server correlates the local user identification scheme with a global user identifier and may disclose to interested outside parties, such as advertisers, only the global user identifier without revealing the identity of a user who interacts with a local server.

Also provided is a process for compiling anonymously a global user profile from local user profiles generated by the local servers.

5 In general, according to one aspect of the invention, a computer network includes at least one local server and an enterprise server in communication with the local server. The local server establishes a local ID for the user and communicates to the enterprise server the local ID of the user and a local user profile based on user interaction with the local server. The enterprise server links the local ID to a global ID assigned to the user by the enterprise server and records in a database the information
10 about the local user profiles to form the global interest profile of the user.

Preferred embodiments may include one or more of the following features. The global ID may be known only to the enterprise server and may be kept secret from the local servers. User information recorded in the enterprise database may include the local
15 ID of the user. The local user ID assigned by one local server may be hidden from the other local servers. The local user profile may be communicated to the enterprise server at predetermined times and/or when a number of changes made to the local profiles are greater than a predetermined number of changes. The global ID may be assigned to the user directly by the enterprise server when the user first accesses the enterprise server.
20 Alternatively, the global ID may be assigned to the user when the user accesses one of the local servers and the local server communicates the local ID of the user and possibly also a local user profile to the enterprise server. The local ID and the global ID may be persistent and include state information. The state information may be communicated between the user and the local server and the enterprise server with the help of cookies.
25 The local server may communicate the local user ID to the enterprise server by transmitting on an HTML page a URL which may include a graphic symbol of zero width and height, or by temporarily redirecting the URL selected by the user to a local URL. Transmission of the URL may be transparent to the user.

30 A global interest profile may be established for each user of at least a subset of users and the global interest profiles between different users may be compared. At least one score may be computed for a user and the score of the user may be compared to a

corresponding score of another user. The scores may represent an absolute number score. The local user profile may be established incrementally by adding information about a most recent user interaction to a legacy user profile stored at the local server. The user profile may be processed in real time and weighted according to the recency of the user interaction with the local server. The global user profile for a plurality of users may be updated in a single pass.

In another aspect of the invention, a computer apparatus for establishing a global interest profile of a user includes at least one local server in communication with the user via a communication channel wherein the local server assigns a local ID for the user during the first access by the user to the local server. An enterprise server communicates with the user and the local server via the communication channel and assigns a global ID for the user. The local server communicates to the enterprise server the local ID of the user and possibly also a local user profile based on user interaction with the local server. The enterprise server links the local ID to the global ID and records in a database information about the local ID and, if desired, also the local user profile to form a global interest profile of the user.

In yet another aspect of the invention, a method monitors interactions between a client and a plurality of servers communicating with one another in a computer network by designating one of the servers as an enterprise server and the remaining servers as local servers. The local server, upon interaction with the client, establishes a local ID for the client and communicating at least the local ID of the client to the enterprise server. When the enterprise server receives from the local server the local ID of the client or when the client interacts directly with the enterprise server, the enterprise server assigns a unique global ID to the client and links the local ID with the global ID.

Preferred embodiments may include one or more of the following features. The enterprise server and the local servers may form an enterprise group. The client may receive state information from the server upon interaction with the server and may transmit the state information during a subsequent interaction with the server. Likewise, the local server may receive from the enterprise server state information related to the

client, and may transmit the state information during a subsequent interaction with the enterprise server that relates to the same client. The state information may be persistent and stored in form of a cookie.

5 In yet another aspect of the invention, a computer program residing on a computer-readable medium includes instructions for causing an enterprise server to establish a unique global ID for a client and link the global ID with a local ID associated with the client on a local server. The program may also form a global interest profile of the client based on local interest profiles compiled by the local server.

10 Brief Description Of The Drawings

The forgoing and other features and advantages of the present invention will be appreciated more fully from the following further description thereof, with reference to the accompanying drawings wherein:

15 FIG. 1 is a functional block diagram a computer network;

FIG. 2 is a flowchart of a process operating on a local server for establishing a local user profile;

20 FIG. 3 is a flowchart of a process operating on an enterprise server for linking a local user ID to a global user ID;

25 FIG. 4 is a flowchart of a process for building a global user profile on the enterprise server;

FIG. 5 is an example of a user's session record;

30 FIG. 6 is a flowchart of a process operating on the enterprise server for creating a multi-user profile; and

FIG. 7 is a block diagram of client interaction with the servers.

Detailed Description of the Illustrated Embodiments

To provide an overall understanding of the invention, certain illustrative embodiments will now be described. However, it will be understood by one of ordinary skill in the art that the systems described herein can be adapted and modified to provide systems for other suitable applications and that other additions and modifications can be made to the invention without departing from the scope hereof.

Referring now to FIGS. 1 and 7, a part 10 of the Internet computer network includes a client 12 and a group of servers 14-18. The client 12 may be any one of a variety of conventional, commercially available, hardware and software combinations configured to access Internet servers by any one of a variety of suitable means. Similarly, the servers 14-18 may also be any one of a variety of conventional, commercially available, hardware and software combinations configured to provide conventional Internet services to users. Conventionally, the particular hardware and software combination used by any one of the servers 14-18 is independent of the particular hardware and software combination used by any other one of the servers 14-18. In some instances such as those described below, the conventional server software is supplemented to provide the functionality discussed herein. The servers 14-18 and the client 12 communicate with each other via communication links 24, 25 and 29 which are all connected to a communication channel 28.

For the system described herein, a subset of the servers 15-17 form an enterprise group 22 that monitors and measures users' page usage among all of the local servers 15-17 of the group 22. One of the servers 16 is designated as the "enterprise server" for the group 22 while the other servers 15 and 17 that are part of the group 22 are designated as "local servers". Communication links 26 shown in FIG. 7 between the local servers 15 and 17 and the enterprise server 16 of the enterprise group 22 are not physical communication links, but are intended to illustrate the information exchange, such as information about the users' page usage, between the servers 15 and 17 and the enterprise server 16. The client 12 can also communicate directly with the enterprises server 16, as indicated in FIG. 7 by communication link 27. Communication links 26 and 27 can also be used to exchange state information, as discussed below. In the

exemplary embodiment of FIG. 1, the servers 14 and 18 are not part of the enterprise group 22 and therefore do not exchange usage information with the enterprise servers 16. The servers 14 and 18, however, can still be accessed by the client 12.

5 Note that the term "local" is meant to convey the relationship of the servers 15 and 17 within the enterprise group 22. The local servers 15 and 17 can be accessed by users in the same manner that other conventional Internet servers are generally accessible. The following discussion will be limited to the servers 15-17 which are part of the enterprise group 22.

10 As indicated in FIG. 7, the client 12 may access any of the servers 15-17 by: (1) establishing a connection to the server, e.g., in an Internet connection, by entering the server's URL (Uniform Resource Locator) address `www.server#.com`; (2) using the established connection to provide the server with a request for specific data; and (3)
15 receiving the requested data from the server via the connection. The Internet location may also include, e.g., appended to the URL, the server location of the data, the file(s) on the server that contain the data, and the type of the data (i.e., graphic image, HTML page, etc.).

20 The client 12 requests HTML pages from the servers 15-17 that, when displayed, may include user-actuable links to other HTML pages. The other HTML pages may be on the same server as the displayed HTML page, or may be on a different server. In many instances, actuating a link to an HTML page causes the user to transfer from one server to another in a manner that is, in many respects, transparent to the user.

25 The local servers 15 and 17 upload information about users' page accesses to the enterprise server 16. The enterprise server 16 combines the information for each user so that, for example, it is possible to correlate accesses by a particular user of Web pages on the local server 15 with accesses by the same user of Web pages on the local server
30 17. However, as seen in FIG. 7 and described in more detail below, it is the enterprise server 16, rather than the local servers 15 and 17, that correlates the cross-server information on a per user basis. Each of the local servers 15 and 17 uses a "local" ID for

each user that accesses the local servers 15 and 17 directly. The local ID's are different for each of the servers 15 and 17 so that the local servers 15 and 17 are prevented from directly sharing or correlating information about a particular user without assistance from the enterprise server 16.

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Since the HTTP protocol is stateless, the servers and any gateway program on the servers retain no knowledge of any previous transaction. Without persistent state information, the server will not be able to identify the client and/or obtain information about the client. Likewise, without state information, the local servers 15 and 17 will not be able to communicate local information about the client to the enterprise server 16. The exemplary system described herein employs cookies to preserve state information. However, any other mechanism that preserves state information can be used.

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The features of cookies are described in, for example, The HTML Sourcebook, third edition, by Ian S. Graham, published by Wiley & Sons, Inc., 1997. By way of background, cookies represent one possible mechanism for storing state and/or identification information on a user's local server 12. The server accessed by the user sends the cookie information to the user via a conventional command capable of transferring cookie information from the server to the user. Thereafter, whenever the user requests data from the server that set the cookie, the user request also includes the cookie previously sent by the server to the user. The command that sets the cookie causes the cookie information to correctly identify the server that executes the command. In addition, generally, a cookie is only sent to a server that set the cookie. Thus, if a particular server sets a cookie, the cookie includes information indicating that it was set by the particular server. There are mechanisms in place to prevent that cookie from being sent to any other server.

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In the exemplary embodiment, each of the local servers 15 and 17 assign their own unique persistent state information to the client 12 in form of a local ID. The enterprise server 16 assigns a secret persistent state information to the client 12 in form of a "global" ID and correlates the global ID with each of the unique local ID's assigned by each of the local servers 15 and 17. All of the ID's are made persistent using

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cookies. The local server 15 sets a cookie containing a unique local ID for the client 12 assigned by the local server 15. The client 12 subsequently provides the assigned local ID to the local server 15 each time the client 12 requests data (e.g., an HTML page) from the local server 15. Thus, the local server 15 is provided with a basis for knowing the identity of the client 12 each time the client 12 requests data from the local server 15. Similarly, the local server 17 sets a cookie containing a unique local ID for the client 12 (unrelated to the local ID assigned by the local server 15) that the client 12 subsequently provides to the local server 17 each time the client 12 requests data from the local server 17.

Information regarding the data requests and the associated local ID's are provided by the local servers 15 and 17 to the enterprise server 16. The local servers, however, do not reveal the true identity of the user to the enterprise server 16. The enterprise server 16 can map different local ID's for the same user to the single, secret, global ID. Thus, the enterprise server 16 is in a unique position to correlate cross-server information about users while the local servers 15 and 17 can not directly correlate cross-server information because neither of the local servers 15 and 17 possesses the secret global identifier assigned by the enterprise server 16.

Referring now to FIG. 2, a flow chart 30 illustrates an embodiment of the process of the invention based on software operating on the local servers 15 and 17. The process 30 begins at a test step 32 after a data request has been submitted by the client 12. At the test step 32, it is determined whether the client 12 has ever requested data from the particular local server prior to the current request. Note that, as discussed above, if the client 12 had ever accessed the particular local server, then the client 12 would have a cookie that had been set previously by the particular local server. Thus, if the client 12 does not provide a cookie with the data request, then it is determined at the test step 32 that the client 12 has never accessed the local server and control passes from step 32 to step 34, where the local server creates a unique local ID for the client 12. The local server can generate unique local ID's in a variety of conventional manners familiar to one of ordinary skill in the art, including, but not limited to, incrementing a stored value and then providing an alphanumeric version of that value as the local ID.

Following step 34 is a step 36 where the local server forces a transfer to the enterprise server 16 (i.e., the client is transferred to the enterprise server 16). Generally, a variety of conventional techniques exist for forcing a transfer to another server. For example, the local server may use conventional techniques to insert a special URL into the HTML page requested by the client 12. The special URL points to the enterprise server 16 and calls for insertion of a graphics image have zero width and height. The special URL may also contain additional information, such as information identifying the local server and information indicating the local ID of the user. The additional information may be appended to the end of the URL in the form of
http://enterprise_server_id/go?local_server_id&client_information. This process may be transparent to the user.

Alternatively, redirection may be used to transfer the user to the enterprise server. Redirection involves providing an HTTP response message to the browser which forces the browser to look for a different URL. The local server redirects the client 12 to the enterprise server 16 by, for example, returning the location of the enterprise server 16 in the form:
`location: server_url comments`
Browsers that understand the `location` field will automatically connect to the URL of the enterprise server 16.

The forced transfer serves to effectively "register" the local ID of the client 12 with the enterprise server 16. As mentioned above, the forced transfer can be transparent to the client 12. Processing at the enterprise server 16 in response to a forced call is described in more detail hereinafter. Note, however, that once the enterprise server 16 has completed the processing, the client 12 is returned to the local server. In the case of using redirection, the enterprise server 16 simply redirects the client 12 back to the local server that the client 12 was accessing prior to being transferred to the enterprise server 16. Following the step 36 is a step 38 where the local server sets a local cookie for the client 12. The steps 34, 36, 38 are executed only once, i.e., the first time the client 12 accesses the local server. After that, the client 12

will send to the local server the cookie set by the respective local server whenever the client 12 accesses the respective local server.

5 Following the step 38, or following the step 32 if the local server receives a
cookie from the client 12, is a step 42 where the local server compiles information
based, for example, on frequency and duration of page accesses by the client 12. This
information may be compiled by, for example, providing a plug-in to the local server
that includes a conventional server API call to the plug-in each time a user requests a
page. Thus, for example, the time duration that a user spends viewing page A may be
10 determined by registering the time when a user requests page A, registering the time
when the user requests a subsequent page B, and calculating the difference between the
two times to determine the duration. Following the step 42, processing is complete for
the local server handling the page request of the client 12. As discussed in more detail
below, the enterprise server 16, using a secret global ID known only to the enterprise
15 server 16, combines the information provided by the local server with information
relating to the same user from other local servers that is mapped to the various local
ID's assigned to a user by the different local servers.

 For the enterprise server 16 to be able to compile information about the users, it
20 is necessary for the local servers to periodically forward to the enterprise server 16 the
gathered information along with the local ID for each user and information identifying
the local server. This may be accomplished using any one of a variety of conventional
techniques. In a preferred embodiment, the local server formats the information as a
plurality of HTML pages that are uploaded to the enterprise server 16 in a conventional
25 manner using conventional HTTP exchange techniques. The local server initiates the
transfer either when a local buffer of the local server exceeds a predetermined size, or
after a predetermined amount of time has passed since a previous update of the
enterprise server 16 by the local server. The predetermined size and the predetermined
amount of time are chosen based on a variety of functional factors familiar to one of
30 ordinary skill in the art, including amount of storage available at the local server and hit
rate of the local server.

Referring now to FIG. 3, a flow chart 50 illustrates steps performed by the enterprise server 16 in response to a forced transfer by a local server, such as that illustrated by the step 36 of FIG. 2. Processing begins at a step 52 where the enterprise server 16 receives the new assigned local ID as well as the server identification from the calling local server. As discussed above, this information may be encoded in the special URL provided by the local server. However, other conventional techniques for conveying this information exist including, but not limited to, passed arguments, environment variables, and cookies passed between the local server and the enterprise server 16.

Following the step 52 is a test step 54 which determines if the client 12 has ever accessed the enterprise server 16 (i.e., the test step 54 determines if the client 12 has ever accessed any of the servers 15-17 of the group 22). This can be determined using cookies where the enterprise server 16 sets a cookie and provides it to the client 12. Thus, if the enterprise server 16 does not receive a cookie from the client 12, then it is determined at the test step 54 that the client 12 has never accessed the enterprise server 16 and control passes from the test step 54 to a step 56 where a new global ID is created for the client 12. Note that the system is designed so that only one global ID is created for each user. Following the step 56 is a step 58 where the global ID is forwarded to the client in the form of a cookie. The global ID may be created in any one of a variety of conventional manners familiar to one of ordinary skill in the art, including, but not limited to, incrementing a stored value and then providing an alphanumeric version of that value as the global ID.

If it is determined at the step 54 that the enterprise server 16 received a cookie from the client 12, then control passes from the test step 54 to a step 62 where the global ID, passed via the cookie, is mapped to the new local ID provided by the local server. Note that the step 62 also follows the steps 56, 58 where the global ID is created and passed to the client 12. The mapping at the step 62 can be performed in a variety of conventional manners, including using an array indexed according to the local server and local ID and containing entries corresponding to the global ID. Alternatively, the mapping may be provided using an appropriate data structure, such as a linked list

5 having nodes indicating the local server, the local ID provided by the local server, and the corresponding global ID. Alternatively still, the mapping may be stored in a database having a plurality of records, each containing the global ID, the local ID, and the site identifier for the local server that assigned the local ID. In this way, a single global ID may be mapped to multiple local ID's assigned by multiple local servers.

10 Following the step 62, processing is complete for registering the new local ID of the client 12 with the enterprise server 16. After this registration process, the local server does not force a transfer to the enterprise server 16 when the client 12 accesses the local server. Instead, as discussed above, the local server compiles data which is subsequently transferred to the enterprise server 16. It is the enterprise server 16 that combines all of the data from all of the local servers on a per user basis and makes the thus-compiled information available in a way that does not necessarily identify the client 12.

15 The process illustrated in FIGS. 2 and 3 can be used to build a global user profile that is compiled from user interaction with the local servers 15 and 17 using the local user IDs and possibly also with the enterprise server 16. Typically, the process monitors several characteristics of the user's visit, such as, for example, the subject matter of the visited web pages and the duration of these visits. This collected information can be used to characterize the user's interest in a given interest category and to determine what available content would be of interest to the user. The generated global user profile is administered by the enterprise server 16 and identified by the global ID of the user without necessarily revealing the identity of the client 12.

25 A user's interest behavior can be tracked over a history of Internet sessions, so that a composite view of the user's interests can be generated. Additionally, the described processes may take into consideration the age of the collected behavior information, so that older behavior information has less impact on an interest score than more recent behavior information. The processes may be sensitive to the duration over which each page is viewed and the generated interests scores are provided in an absolute interest scale, as opposed to a relative interest scale. This facilitates meaningful

comparisons of interest levels between different users, and offers a powerful tool for identifying related interests for users having selected demographic characteristics. The processes described herein may also be applied incrementally and reduced to a set of parallel operations to increase greatly the speed of analyzing the collected behavior information. It will be understood that the process may also operate as a stand-alone process on a single web site and, moreover, may not require the use of local and global IDs.

The process for building a user profile begins with the step of collecting useful information about the interest behavior of a user 12 looking at different content stored at an exemplary local server 15 (FIG. 1). This data collection step is shown as step 42 in FIG. 2. The process 70 depicted in FIG. 4 starts with step 72, during which the server 15 determines that a session has begun with a particular user 12. As described above, the server 15 can make this determination by identifying a cookie sent from the client 12. If the process 70 finds a cookie then the process 70 determines that the user is known to the server 15 and begins collecting data about the user's session. The process 70 then generates a local session ID which can be a simple signal that identifies one series of related interactions between the user and the server 15. For example, for the first time the user contacts the server 15, the process can set the local session ID to 000001. For subsequent visits, the process can increment the local session ID. The process keeps track of the last local session ID generated to ensure that new local session IDs are generated for each session. Other examples of methods for generating a session IDs are known in the art and any suitable method can be practiced with the process.

In a subsequent step 76, the process builds a local session record. This is typically done by analyzing the click stream generated by the user as the user looks at the content displayed on the web page or pages located on server 15. An example of one type of session record is shown in FIG. 5. Specifically, FIG. 5 shows a session record 90 that is stored in a database maintained by the server 15. The depicted session record 90 is associated with a local user ID, as the process in this example maintains a record of each of the sessions the user has had with the respective server 15 since

information about the user was last uploaded to the enterprise server 16. It will be apparent to one of ordinary skill that FIG. 5 provides an example of a session record, but that other formats can be employed with the process described herein.

5 FIG. 5 further depicts that each session record can store a list of the web pages viewed by the user while visiting the server 15 and other information about the content of these web pages. Further, for each page viewed, the process can store, for example, information of the type shown in the page block 96, which includes a list of Interest
10 categories, Int_Cat, associated with the page and a list of content interest scores, C, that represents how strongly the content of the viewed page is related to the interest categories; a date time stamp, t, which gives a statement of the time and date on which the page was accessed by the user; and d, a measure of the duration for which the page was viewed by the user. Page block 96 shows that each page can be associated with one or more interest categories, such as Int_Cat1, Int_Cat2, and Int_Cat3, etc. Moreover, a
15 different content interest score can be given for each interest category associated with the page. The process can store a page block for each page viewed during a session. Two page blocks, 96 and 98 appear in FIG. 5, however, any number of page blocks can be stored depending on the number of pages viewed by the user.

20 Although data collection has been described for a user's activities at one web site, it will be understood that the data collection process 70 can occur on a number of different web sites. This means that one web site dedicated to providing sports information can collect information about the users favorite sports and favorite teams, while another web site that offers books for sale, can collect information about the
25 user's favorite categories of books. Accordingly, a wide range of the user's interests can be captured.

 Returning to FIG. 4, the process 70 proceeds from step 76 to step 78 when an
30 "end of session" is detected. This may occur, for example, when the user 12 fails to access a page on the server 15 within a preset time, for example thirty minutes. However, it will be apparent that other techniques for determining the end of session can be used. In step 80, the process 70 stores the session record into a local database of

session records. Then, at a selected time, such as once a day, the process 70 in step 82 will upload the contents of the local database of server 15 to a global database of the enterprise server 16. This provides the enterprise server 16 with click stream information representative of the interests of the user 12 during the user's session on server 15. The information can be processed and assembled for generating a global interest profile for that user. As discussed above, the interest information can be combined with the user's demographic, geographic and other suitable information to build a user profile of the user. Likewise, this type of click stream data may also be uploaded from the other server 17 of the enterprise group 22.

Referring now to FIG. 6 and Tables 1 and 2, once the information gathered on server 15 reaches the enterprise server 16, an enterprise process 120 running on enterprise server 16 can analyze the information to generate and update interest profiles for the user. Table 1 shows the variables and the pseudo-code of the enterprise process 120; Table 2 lists the equations used in the enterprise process 120 and referenced in FIG. 6. The pseudo-code of Table 1 includes comments that describe the variables appearing in the code.

	Variables	Pseudo-code
5	<i>I</i> : interest behavior vector of four dimensions: (<i>c</i> , <i>t</i> , <i>d</i> , <i>s</i>) for a given interest category	Declare types <i>I</i> , <i>A</i> Define scaling function $f_i()$ Define raw interest function $f_r()$ Define historical interest function $f_h()$
	<i>A</i> : array of interest behavior vectors <i>I</i> for a given user	For each user
	<i>c</i> : content interest score (range 0.00 to 1.00)	For each category
10	<i>t</i> : date/time in seconds (since 1/1/96 00:00:00)	If incremental
	<i>d</i> : duration page viewed in seconds (compensated for download time)	then {compute historical interest contribution using $f_h(i_1, t_e)$ }
15	<i>s</i> : session id	Compute <i>r</i> for current period using $f_r(A)$
	<i>r</i> : raw interest score	Compute <i>i</i> using $f_i(f_r(A_2)+f_h(i_1, t_e))$
	<i>i</i> : normalized interest score (range 0.00 to 1.00)	Output interest score <i>i</i>
20	<i>t_e</i> : date/time of prior profiling algorithm execution	Save <i>t_c</i> as <i>t_e</i> for next execution
	<i>t_c</i> : current date/time	
	β : duration coefficient parameter	
	γ : age coefficient parameter (half life of interest score in seconds)	
25	<i>K</i> : exponential decay constant	

Table 1

The functions referenced above are set forth below in equations 1 through 9:

$$1. \quad f_A(A) = i$$

$$2. \quad f_i(x) = y = 1 - \frac{1}{1+x}$$

$$3. \quad f_i^{-1}(y) = x = \begin{cases} y < 1 & \frac{1}{1-y} - 1 \\ y = 1 & 200 \end{cases}$$

$$4. \quad i = f_i(f_r(A)) = 1 - \frac{1}{1+f_r(A)}$$

$$5. \quad r = f_r(A) = \sum_A \left(f_i \left(\sum_s f_i(\beta d)_c \right) e^{-\left(\frac{\ln(2)}{\gamma} (t_c - t) \right)} \right)$$

$$= \sum_A \left(f_i \left(\sum_s f_i(\beta d)_c \right) (2)^{\frac{(t - t_c)}{\gamma}} \right) = (2)^{-\frac{t_c}{\gamma}} \sum_A \left(f_i \left(\sum_s f_i(\beta d)_c \right) (2)^{\frac{t}{\gamma}} \right)$$

$$6. \quad A = A_1 \cup A_2$$

$$7. \quad f_h(i_1, t_e) = f_i^{-1}(i_1) (2)^{\frac{(t_e - t_c)}{\gamma}}$$

$$8. \quad r = f_r(A) = f_r(A_2) + f_h(i_1, t_e) = f_r(A_2) + f_i^{-1}(i_1) (2)^{\frac{(t_e - t_c)}{\gamma}}$$

$$9. \quad f_A(A) = i = f_i(f_r(A)) = f_i(f_r(A_2) + f_h(i_1, t_e))$$

Table 2

The pseudo-code listed in Table 1 can process information, in particular click stream data, collected about a plurality of users 12 having visited a plurality of web pages located on servers 15, 16, 17. In the enterprise process listed in Table 1, the process generates for each user 12 an array, A , of interest behavior vectors, I , wherein each behavior vector is associated with a given interest category. Each of the vectors I can be a multi-dimensional vector, such as the four dimensional vector (c, t, d, s) , wherein c , t , d and s are the parameters provided by the click stream data generated at a web site for a given user. As discussed with reference to FIG. 5, c is representative of the content interest score for a page stored at the server; t is representative of the date/time expressed in seconds, when the page was last viewed by the user, measured from a reference date/time, e.g., 1/1/1996; d is representative of the duration of time for which the page was viewed and is typically provided in units of seconds; and s is representative of the session ID.

Referring back to FIG. 6, the enterprise process 120 operates on an interest category-by- interest category and a user-by-user basis and, to that end, transitions a loop 122 that selects interest categories one at a time and begins to determine the user's interest profile for that interest category.

Once an interest category is selected for a specific user, e.g. "User 1" of FIG. 6, a first step 126 determines if there has been a previously determined interest score, i , for the selected interest category. If no such historical score exists for the interest category of the user, then the process 120 will compute in step 128 an initial interest score for the selected category I .

The initial interest score may be computed, for example, from information c , d , t , and s , provided by the click stream data. Equation 5 provides one technique for processing the click stream data.

Equation 5 is applied in step 128 to compute a raw interest score r by summing over all sessions s , taking into consideration the content interest score c , a duration coefficient parameter β , and the duration d during which the selected category of

content was displayed to the user during one session. The duration coefficient parameter β relates to the time of observation versus the time of the computation. β increases when less computation takes place during the observation. Equation 5 also applies a scaling function, f_i , defined in Equation 2 that scales, or normalizes, certain values in Equation 5, such as βd , to a number between zero and one. Finally, Equation 5 also sums and normalizes the user's interest over all observed sessions and multiplies the session record with an exponential function which takes into consideration the relevance of older data. The yield of Equation 5 is a measure of the user's raw interest in a selected category.

If it is determined in step 126 that an interest score already exists for the specified user, then the process 120 goes to step 130 to determine the extent to which the previously determined historical interest score should effect the new interest score. In one practice, this historical contribution i_i is determined from Equation 7. As seen from Equation 7, the historical interest score i is multiplied by the inverse interest scaling function f_i^{-1} to remove the effect of the previously applied scaling process and to remove the effect of the exponential time decay function of Equation 5 applied during the previous session. After the interest profile for the current sessions is determined using Equation 5, step 132, the historical contribution i_i determined in step 130 and the current raw interest score determined in step 132 are added (Equation 8) and normalized (Equation 9) to form a combined updated interest score i , step 134.

The new interest score can be stored for the user and the process will move to another interest category for the user, steps 136 and 142. Once the information for all requested interest categories for the users has been processed, the time of last execution, t_e , is updated to the current time, t_c , and saved, step 138. The process can then be repeated for another user, step 140.

As discussed above, each of the interest behavior vectors, I , can be associated with a given interest category. An interest category can be any subject, topic, concrete or abstract concept, e.g. sports, music, politics, general news or history. One or more categories can be associated with a page stored at a server site and made available to a

5 user. In practice, each page stored at a site can be manually, or automatically assigned a given category or a plurality of given categories each of which is associated with a page. For example an HTML page stored at a server can contain information about a movie describing the Civil War. In this example, this page can be associated with an interest category related to movies, as well as an interest category related to history, or the Civil War. The content interest score can be normalized so as to range in value between 0.00 and 1.00. The process 120 can also be used to assign a score to a page. Accordingly, a page associated with the interest category can also be associated a content interest score that represents how closely associated the selected page is for a particular category or categories.

10 In another practice, the user profile generated by the systems described herein can also include demographic or geographic information which is collected through conventional means, typically a form the user fills out when visiting the web site. The user profile comprises both demographic information and interest behavior information. It will be understood that the combination of these two types of data can allow for certain types of analysis such as the interest levels of certain demographic groups in certain subject matter to provide detailed market analysis and to identify link interest between seemingly disparate subject matters. Other advantages of the systems processes described herein will be apparent to those of ordinary skill in the art.

20 As seen from FIG. 6, the enterprise process 120 described above generates a user profile and/or updates an existing user profile for a specified interest category in a single pass. The user profile can be incremented in real time and new interest categories can be easily added. Moreover, the interest measures can be provided as absolute scores, allowing comparisons between the interest scores of different users. Additionally, the information is provided in a human readable form that allows ready access to the data derived from a user's interest behavior.

30 The invention can be implemented in digital electronic circuitry, or in computer hardware, firmware, software, or in combinations of them. Apparatus of the invention can be implemented in a computer program product tangibly embodied in a

machine-readable storage device for execution by a programmable processor; and method steps of the invention can be performed by a programmable processor executing a program of instructions to perform functions of the invention by operating on input data and generating output. The invention can advantageously be implemented in one or
5 more computer programs that are executable on a programmable system including at least one programmable processor coupled to receive data and instructions from, and to transmit data and instructions to, a data storage system, at least one input device, and at least one output device. Each computer program can be implemented in a high-level procedural or object-oriented programming language, or in assembly or machine
10 language if desired; and in any case, the language can be a compiled or interpreted language. Suitable processors include, by way of example, both general and special purpose microprocessors. Generally, a processor will receive instructions and data from a read-only memory and/or a random access memory. Storage devices suitable for tangibly embodying computer program instructions and data include all forms of non-
15 volatile memory, including by way of example semiconductor memory devices, such as EPROM, EEPROM, and flash memory devices; magnetic disks such as internal hard disks and removable disks; magneto-optical disks; and CD-ROM disks. Any of the foregoing can be supplemented by, or incorporated in, ASICs (application-specific integrated circuits).

20 To provide for interaction with a user, the invention can be implemented on a computer system having a display device such as a monitor or LCD screen for displaying information to the user and a keyboard and a pointing device such as a mouse or a trackball by which the user can provide input to the computer system. The
25 computer system can be programmed to provide a graphical user interface through which computer programs interact with users.

30 While the invention has been disclosed in connection with the preferred embodiments shown and described in detail, various modifications and improvements thereon will become readily apparent to those skilled in the art. The local user ID may, for example, be based in user input, such as a membership ID assigned by an organization, or may be selected by the user on a form submitted to the server upon

login. The enterprise server may parse the global user profile and release to an interested party, such as an advertiser, only those portions that are of interest to the advertiser and/or to which the advertiser subscribes. Accordingly, the spirit and scope of the present invention is to be limited only by the following claims.

Claims:

1. A method for monitoring interactions between a client and a plurality of servers communicating with one another in a computer network, comprising:
- 5 designating one server of the plurality of servers as an enterprise server and the remaining servers as local servers;
- a local server, upon interaction with the client, establishing a local ID for the client and communicating at least the local ID of the client to the enterprise server;
- 10 the enterprise server assigning a unique global ID to the client upon at least one of:
- (i) receiving from the local server the local ID of the client, and
- (ii) the client interacting directly with the enterprise server;
- 15 and
- the enterprise server linking the local ID with the global ID and storing the linked local ID and global ID in a database.
2. The method of claim 1, wherein the local server further communicates to
- 20 the enterprise server a local user profile based on user interaction with the local server; and wherein the enterprise server stores in the database the local user profile to form a global interest profile of the user.
3. The method of claim 1 or 2, wherein the global ID is kept secret from the
- 25 local servers.
4. The method of claim 1 or 2, wherein at least one of the local servers and the enterprise server sends state information to the client.
- 30 5. The method of claim 1 or 2, wherein the enterprise server sends state information to the local server.

6. The method of claim 1 or 2, wherein the local server communicates the local user ID to the enterprise server by transmitting a URL which is preferably transparent to the user.

5 7. The method of claim 1 or 2, wherein the local ID of the user is known only to the local server which assigned the local ID.

8. The method of claim 2, wherein the local user profile is communicated to the enterprise server at predetermined times and/or when a number of changes in the local user profile as a result of recent user interaction are greater than a predetermined number of changes.

10

9. The method of claim 2, wherein the global ID is assigned to the user when the user directly accesses the enterprise server or when the local server first communicates the local ID of the user to the enterprise server.

15

10. A method for building a current user interest profile of an interest category, comprising:

building a session record of a user;
20 computing from the session record a contents interest profile;
combining the contents interest profile with a weighted historical interest profile to form the current user interest profile.

11. The method of claim 2 or 10, wherein a global interest profile is established for each user of at least a subset of users and the global interest profiles between different users are compared.

25

12. The method of claim 11, wherein at least one score is computed for a user and the score is an absolute number score or a normalized score.

13. The method of claim 12, wherein the score of one user is compared to a corresponding score of another user.

30

14. The method of claim 2 or 10, wherein a local user profile is established incrementally by adding information about a most recent user interaction to a legacy user profile stored at the local server.

5 15. The method of claim 2 or 10, wherein the user profile is processed in real time.

16. The method of claim 2 or 10, wherein the user profile is weighted according to the recency of the user interaction.

10 17. The method of claim 2 or 10, wherein the global user profile is updated in real time and/or in a single pass.

18. The method of claim 12, wherein the current user interest score is based
15 on a weighted computing time relative to a viewing time of the interest category.

19. The method of claim 12, wherein the current user score is built incrementally from a sequence of scaled session records.

20 20. The method of claim 12, wherein the user profile and/or the user score comprise demographic and psychographic information.

21. A computer program, residing on a computer-readable medium,
comprising instructions for carrying out the method according to at least one of claims 1
25 to 20.

22. Apparatus comprising a computer-readable storage medium tangibly
embodying program instructions for carrying out the method according to at least one of
claims 1 to 20.

30

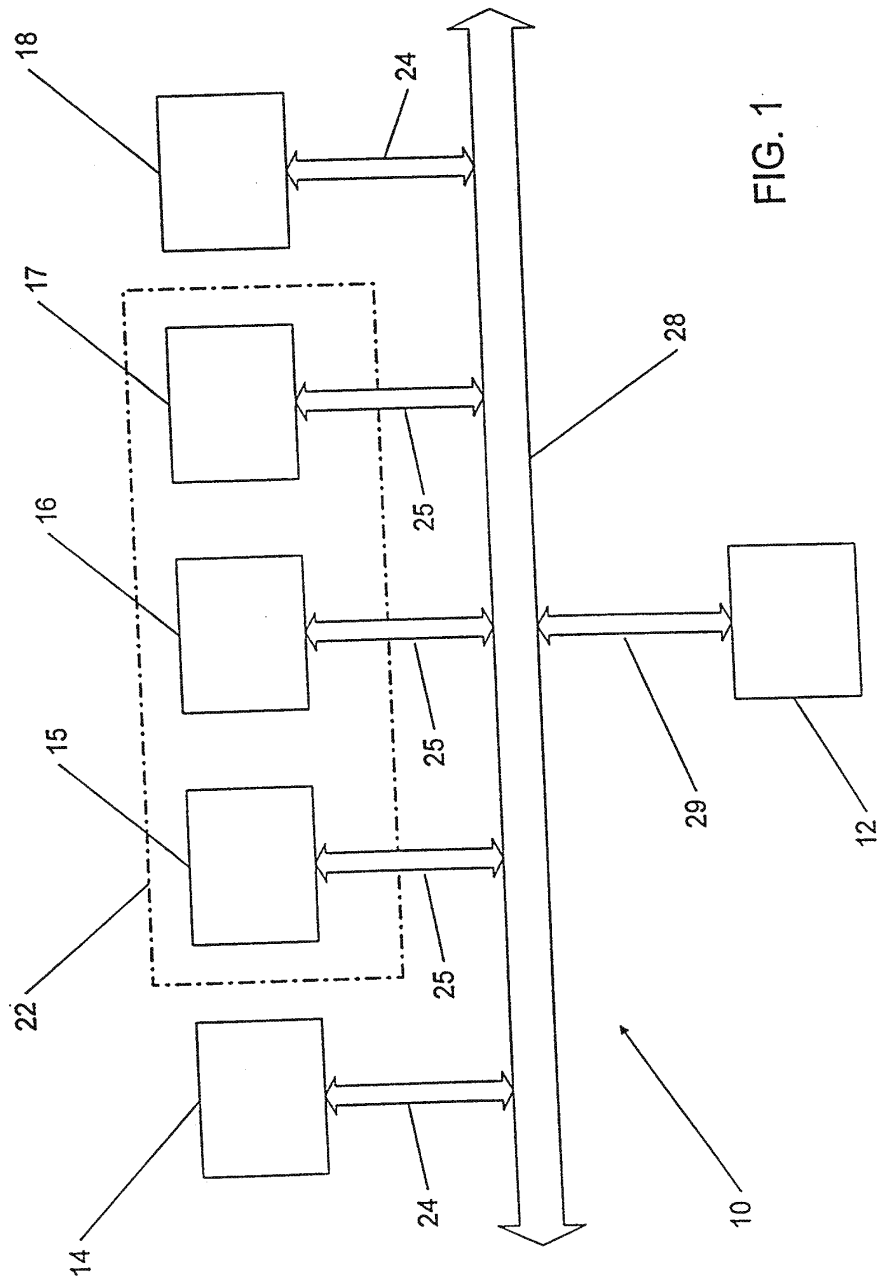


FIG. 1

SUBSTITUTE SHEET (RULE 26)

YAH00075221

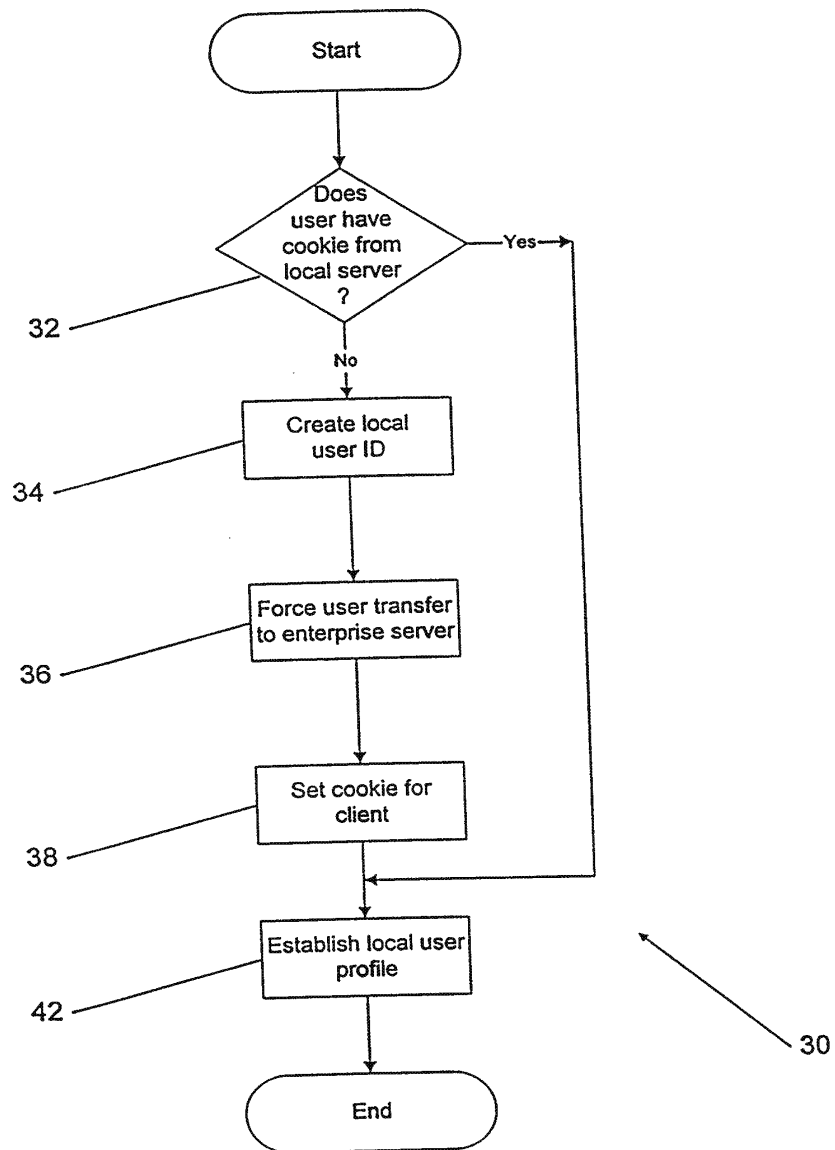


FIG. 2

SUBSTITUTE SHEET (RULE 26)

YAH00075222

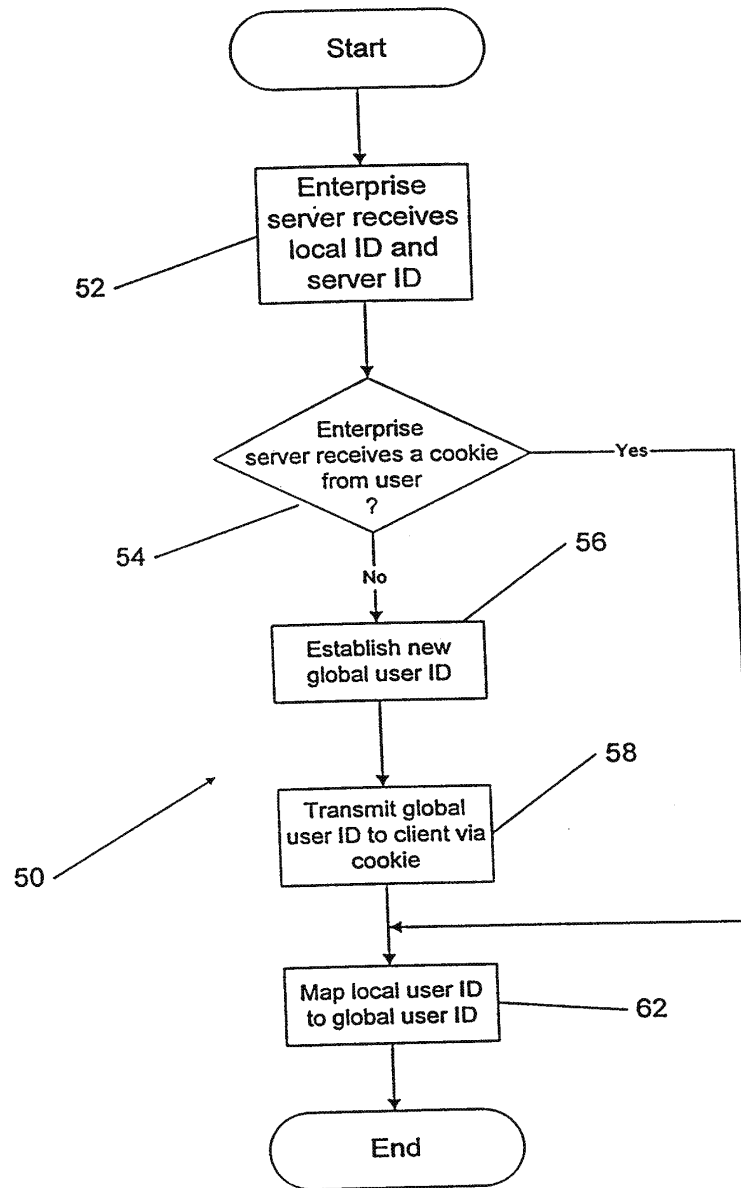


FIG. 3

SUBSTITUTE SHEET (RULE 26)

YAH00075223

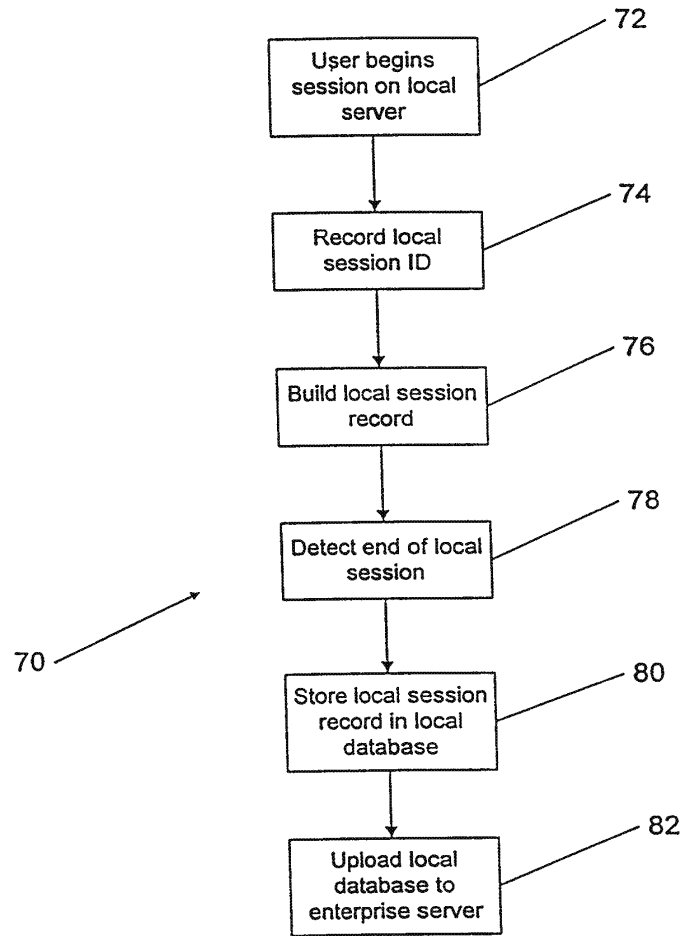


FIG. 4

SUBSTITUTE SHEET (RULE 26)

YAH00075224

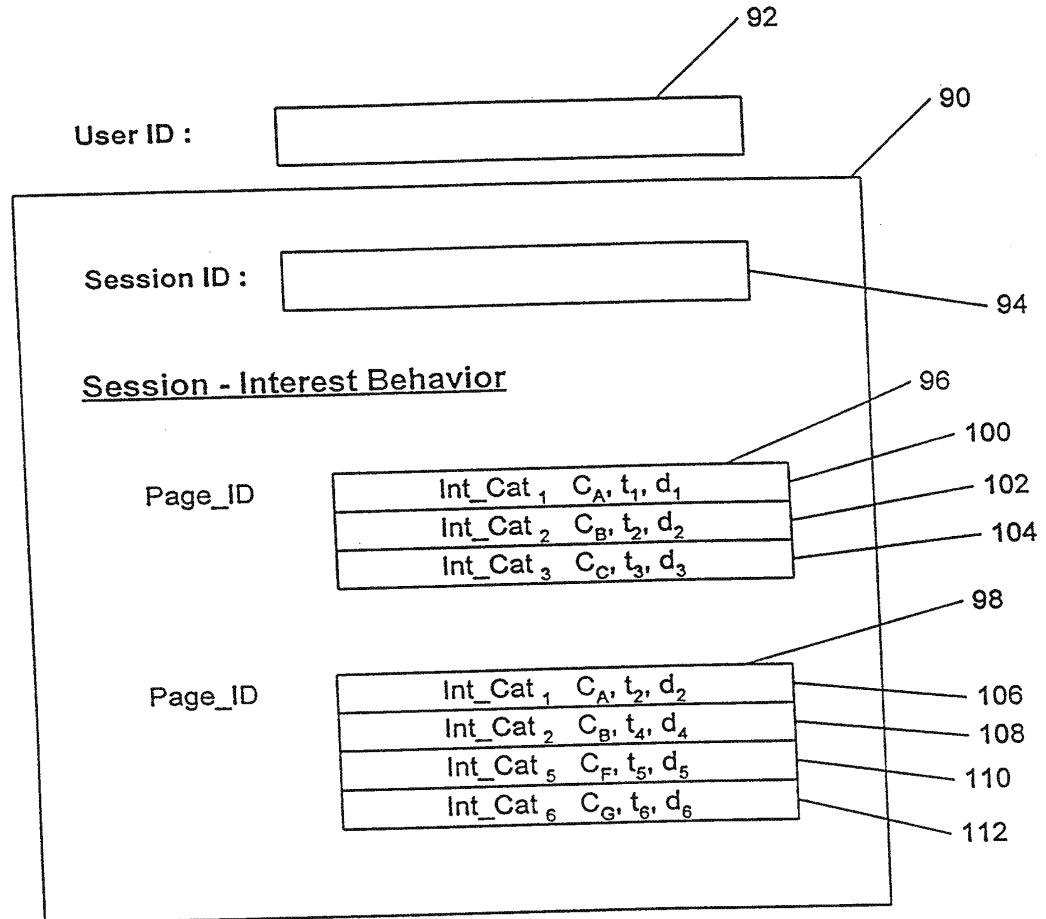
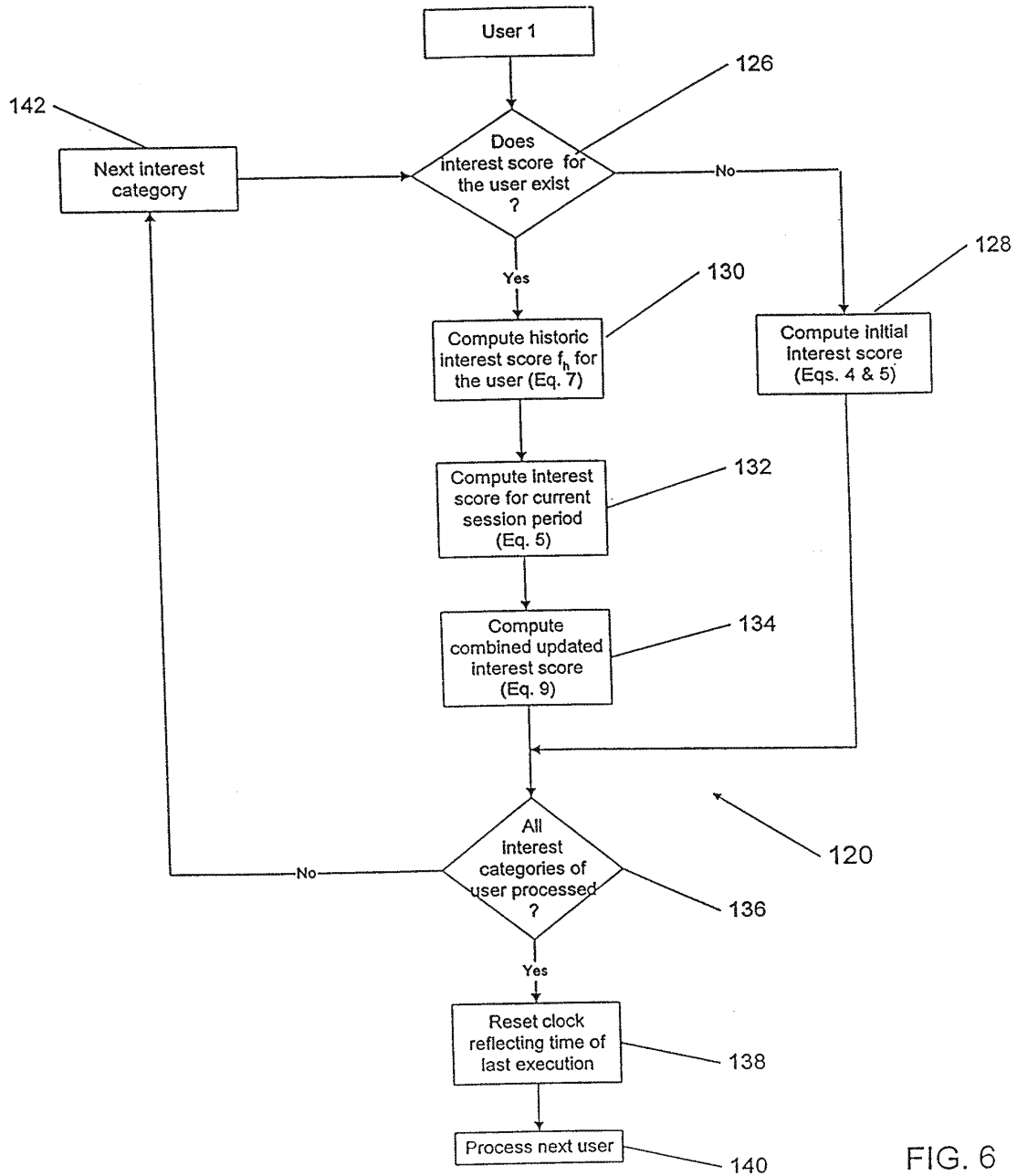


FIG. 5

SUBSTITUTE SHEET (RULE 26)

YAH00075225



SUBSTITUTE SHEET (RULE 26)

YAH00075226

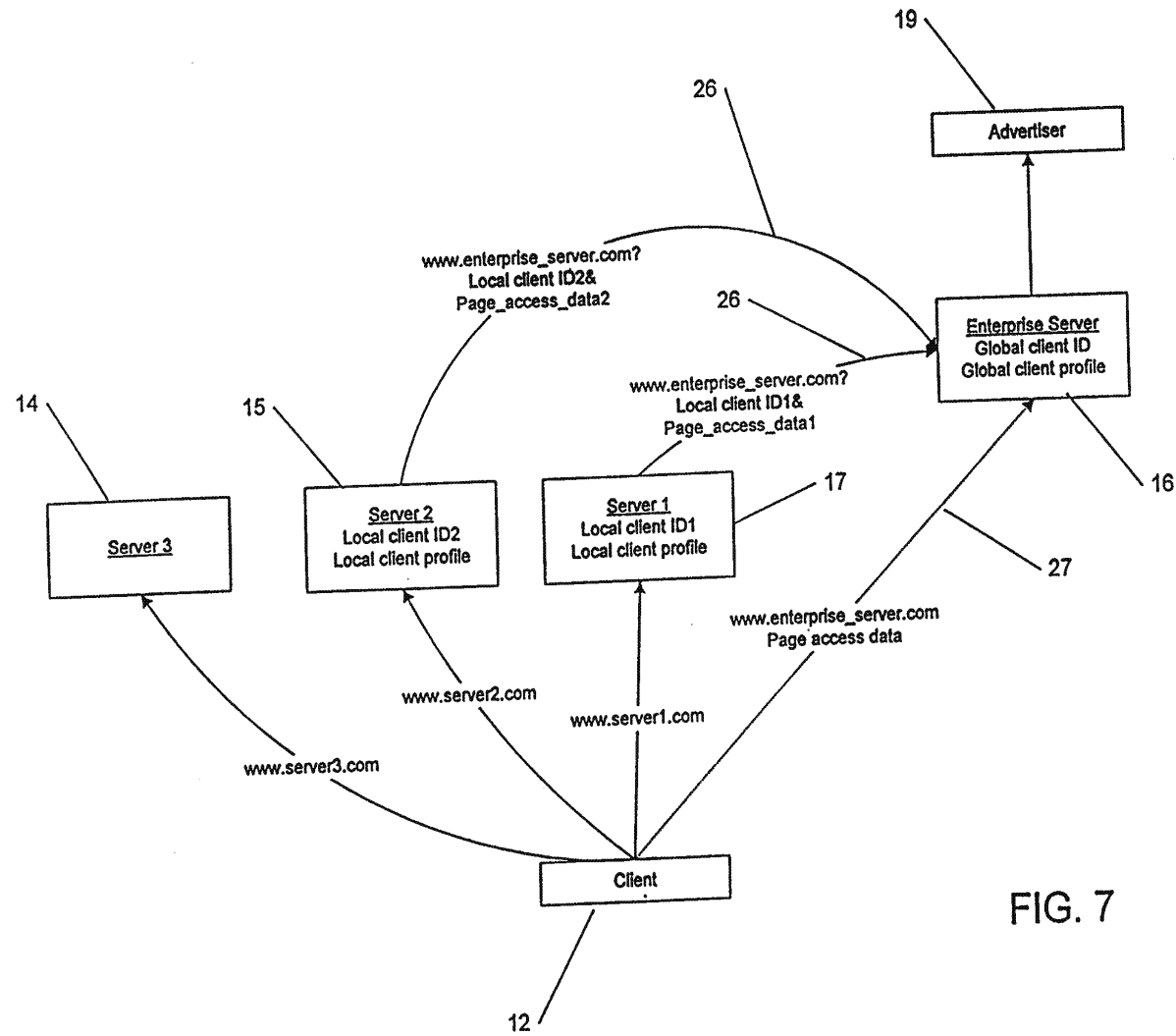


FIG. 7

INTERNATIONAL SEARCH REPORT

International Application No
PCT/US 99/04166

A. CLASSIFICATION OF SUBJECT MATTER

IPC 6 G06F17/30

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 G06F

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 5 245 656 A (LOEB SHOSHANA K ET AL) 14 September 1993 see column 1, line 14 - column 3, line 9; figure see abstract	1
A	WO 97 16796 A (HERZ FREDERICK S M ;EISNER JASON M (US); SMITH JONATHAN M (US); SA) 9 May 1997 see page 6, line 28 - page 8, line 14; figure 2 see page 42, line 10 - page 46, line 14 --- -/--	1-3



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search

23 June 1999

Date of mailing of the international search report

05/07/1999

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
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Fax: (+31-70) 340-3016

Authorized officer

Deane, E

INTERNATIONAL SEARCH REPORT

International Application No
PCT/US 99/04166

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	SCHREIBER F A ET AL: "DYNAMIC USER PROFILES AND FLEXIBLE QUERIES IN OFFICE DOCUMENT RETRIEVAL SYSTEMS" DECISION SUPPORT SYSTEMS, vol. 5, no. 1, 1 January 1989, pages 13-28, XP000569991	10-17, 19-22
Y	see page 17, left-hand column, line 1 - page 24, right-hand column, line 20; figures 3-8	18
Y	WO 97 26729 A (ROBINSON GARY B) 24 July 1997	18
A	see page 7, line 10 - page 10, line 24	1

2

Form PCT/ISA/210 (continuation of second sheet) (July 1992)

page 2 of 2

YAH00075229

INTERNATIONAL SEARCH REPORT

information on patent family members

International Application No

PCT/US 99/04166

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 5245656	A	14-09-1993	NONE	
WO 9716796	A	09-05-1997	AU 7674996 A	22-05-1997
WO 9726729	A	24-07-1997	AU 1566597 A	11-08-1997

Form PCT/ISA/210 (patent family annex) (July 1992)

YAH00075230

Form PTO-1449 (Modified)
List of Patents and Publications For
Information Disclosure Statement

Serial No.: 14/080,999
Applicant: Shkedi, Roy
Filed: 11/15/2013
Art Unit: 3622
Examiner: Sittner, Michael J.
Docket No.: 14-PP-CON3
Conf. No.: 9158

Page 1 of 3

U.S. PATENT DOCUMENTS

Examiner <u>Initials</u>	<u>Item</u>	Document <u>Number</u>	Publication Date <u>MM/DD/YYYY</u>	Name of Patentee <u>or Applicant</u>
_____	1	5754939	05/19/1998	Herz et al.
_____	2	5774670	06/30/1998	Montulli
_____	3	6289318	09/11/2001	Barber
_____	4	6415322	07/02/2002	Jaye
_____	5	7039599	05/02/2006	Merriman et al.
_____	6	7085682	08/01/2006	Heller et al.
_____	7	7299195	11/20/2007	Tawakol et al.
_____	8	7899801	03/01/2011	Bronson et al.
_____	9	8880677	11/04/2014	Julia et al.
_____	10	20010034646	10/25/2001	Hoyt et al.

FOREIGN PATENT DOCUMENTS

Examiner <u>Initials</u>	<u>Item</u>	Document <u>Number</u>	Publication Date <u>MM/DD/YYYY</u>	Name of Patentee	Translation <u>Yes / No</u>
_____	11	CA2246746	03/12/1998	Blumenau	No
_____	12	WO99/44159	09/02/1999	Jaye	No

Examiner: _____ Date Considered: _____

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance *and* not considered. Include copy of this form with next communication to applicant.

Form PTO-1449 (Modified)
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Serial No.: 14/080,999
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Docket No.: 14-PP-CON3
Conf. No.: 9158

Page 2 of 3

OTHER ART

Examiner Initials	Item	AUTHOR, Title, Date, Pertinent Pages, Etc.
	13	KRISTOL, D. & MONTULLI, L.; HTTP State Management Mechanism, Internet Engineering Task Force; available at https://tools.ietf.org/html/rfc2109 ; February 1997
	14	BERNERS-LEE, TIM; Information Management: A Proposal; CERN; available at http://www.w3.org/History/1989/proposal.html ; May 1990
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	25	GLENN, A. and MILLMAN, D.; Access Management of Web-based Services; D-Lib Magazine; September 1998
	26	New Engage ECHO Remarketing Solution Aimed at Decreasing Customer Acquisition Costs, Improving Customer Retention; BusinessWire; September 25, 2000

Examiner: _____

Date Considered: _____

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Serial No.: 14/080,999
Applicant: Shkedi, Roy
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Docket No.: 14-PP-CON3
Conf. No.: 9158

Page 3 of 3

OTHER ART

Examiner Initials	Item	AUTHOR, Title, Date, Pertinent Pages, Etc.
	27	Google Launches Self-Service Advertising Program; http://googlepress.blogspot.com/2000/10/google-launches-self-service.html ; October 23, 2000
	28	Google Introduces New Pricing For Popular Self-Service Online Advertising Program; http://googlepress.blogspot.com/2002/02/google-introduces-new-pricing-for.html ; February 20, 2002
	29	AdWords Separate Content Bidding; http://googlepress.blogspot.com/2005/11/adwords-separate-content-bidding_22.html ; November 22, 2005
	30	Ipro.com website, as it was publicly available at least by January 18, 1998; see generally https://web.archive.org/web/19980118123203fw_/http://www.ipro.com:80/index.html ; January 18, 1998
	31	BAKER, LOREN; Behavioral Targeting and Contextual Advertising; https://www.searchenginejournal.com/behavioral-targeting-and-contextual-advertising/836/ ; September 1, 2004

Examiner: _____

Date Considered: _____

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance *and* not considered. Include copy of this form with next communication to applicant.

Electronic Acknowledgement Receipt	
EFS ID:	29901873
Application Number:	14080999
International Application Number:	
Confirmation Number:	9158
Title of Invention:	Providing collected profiles to media properties having specified interests
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman/Donald Hertz
Filer Authorized By:	Louis J. Hoffman
Attorney Docket Number:	14-PP-CON3
Receipt Date:	26-JUL-2017
Filing Date:	15-NOV-2013
Time Stamp:	19:38:28
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$ 180
RAM confirmation Number	072717INTEFSW19391600
Deposit Account	
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:	

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	17-07-26-DAT-PP_CON3-Supp_IDS_Cover.pdf	37230	no	1
			376241ac094b97cc8c74bf7a5866bf2bf81b f0b5		
Warnings:					
Information:					
2	Information Disclosure Statement (IDS) Form (SB08)	17-07-26-DAT-PP_CON3-IDS_1449.pdf	100671	no	3
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Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
3	Foreign Reference	11-CA2246746-Blumenau.pdf	10752353	no	75
			69beebd1769abd08d1e521f9d7e7cd2689a 1bd07		
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Information:					
4	Foreign Reference	12-WO9944159-Jaye.pdf	1609129	no	38
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Information:					
5	Non Patent Literature	13-Ex1018-Kirstol-RFC2109.pdf	1593413	no	21
			ea6eb9743d368afab676f897ca32c93306ae 1c74		
Warnings:					
Information:					
6	Non Patent Literature	14-Ex1019-Berners-Lee-1990Proposal.pdf	6896591	no	13
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Warnings:					

Information:					
7	Non Patent Literature	15-Ex1020-Berners-Lee-URLSpecification.pdf	8873586	no	18
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Warnings:					
Information:					
8	Non Patent Literature	16-Ex1021-Berners-Lee-1991_HTTP_Specification.pdf	3557156	no	2
			e851974d65954ca828d6319ddb3bce3f9a4e8a21		
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9	Non Patent Literature	17-Ex1016-Berners-Lee-RFC1945.pdf	2145793	no	60
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10	Non Patent Literature	18-Ex1022-Leiner.pdf	3429772	no	19
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11	Non Patent Literature	19-Ex1017-Berners-Lee-RFC1866.pdf	2239939	no	77
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Warnings:					
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12	Non Patent Literature	20-Ex1023-Tungate.pdf	4449917	no	31
			38fd2d74bc60a6a0d079d311f8b0682093208f8		
Warnings:					
The page size in the PDF is too large. The pages should be 8.5 x 11 or A4. If this PDF is submitted, the pages will be resized upon entry into the Image File Wrapper and may affect subsequent processing					
Information:					
13	Non Patent Literature	21-Ex1024-Johnson.pdf	2416618	no	2
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Warnings:					

Information:					
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Warnings:					
Information:					
15	Non Patent Literature	23-Moukheiber-DoubleClick.pdf	562020	no	3
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Warnings:					
Information:					
16	Non Patent Literature	24-Fielding-Hypertext_transfer_protocol.pdf	5147565	no	189
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Warnings:					
Information:					
17	Non Patent Literature	25-Glenn-Access_Management.pdf	686114	no	14
			e7febd120376551ec22ebcd72b4227049bf309f5		
Warnings:					
Information:					
18	Non Patent Literature	26-New_Engage_ECHO_Remarketing.pdf	113168	no	2
			d96fc3d1e95dac2fd9fbd2b929fdcc58bd16348		
Warnings:					
Information:					
19	Non Patent Literature	27-Google_launches_self-service_advertising_program.pdf	48958	no	4
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Warnings:					
Information:					
20	Non Patent Literature	28-Google_Introduces_New_Pricing.pdf	44997	no	3
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Warnings:					
Information:					

21	Non Patent Literature	29-Google-AdWords_Separate_Content.pdf	31403 e01438c39360081c44a69be8fccdfef8a6dd872a	no	1
Warnings:					
Information:					
22	Non Patent Literature	30-IPRO_HomePage.pdf	33618 bd1239759a053b15c3d76b51713983da1bc1277d	no	1
Warnings:					
Information:					
23	Non Patent Literature	31-Baker-Behavioral_Targeting.pdf	414694 5db50151b8e57e32008ce0065ec8f159c5883b0a	no	12
Warnings:					
Information:					
24	Fee Worksheet (SB06)	fee-info.pdf	30460 b62b0d89e4eeca33fe848aa7f61f0a4f9b552525	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			61042709		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor	: Shkedi, Roy	Art Unit	: 3622
Serial No.	: 14/080,999	Examiner	: Sittner, Michael J.
Filing Date	: 11/15/2013	Conf. No.	: 9158
Title	: Providing collected profiles to media properties having specified interests		

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

Filed via EFS-Web on July 26, 2017

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Applicant discloses references listed on form PTO-1449 attached. The references were cited in either: 1) a CBM petition in parent U.S. Patent 8,244,574 (CBM2017-00059) or 2) received from defendant in Case No. 1:16-cv-01557-ILG-SMG (E.D.N.Y.). Applicant has not confirmed the dates nor that every cited reference qualifies as prior art, and has not concluded that each are more material to patentability than references cited earlier in this application.

The fee of \$180 set forth in 37 CFR § 1.17(p) accompanies this submission.

If there are any questions, please contact applicant's undersigned attorney.

Respectfully submitted,
DATONICS, LLC
by its attorney

Dated: July 26, 2017

/Louis J. Hoffman/
Louis J. Hoffman
Reg. No. 38,918

LOUIS J. HOFFMAN, P.C.
7689 East Paradise Lane
Suite 2
Scottsdale, Arizona 85260
(480) 948-3295

Electronic Patent Application Fee Transmittal				
Application Number:		14080999		
Filing Date:		15-Nov-2013		
Title of Invention:		Providing collected profiles to media properties having specified interests		
First Named Inventor/Applicant Name:		Roy Shkedi		
Filer:		Louis J. Hoffman/Donald Hertz		
Attorney Docket Number:		14-PP-CON3		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Submission- Information Disclosure Stmt	1806	1	180	180
Total in USD (\$)				180

Form PTO-1449 (Modified)
List of Patents and Publications For
Information Disclosure Statement

Serial No.: 14/080,999
 Applicant: Shkedi, Roy
 Filed: 11/15/2013
 Art Unit: 3622
 Examiner: Sittner, Michael J.
 Docket No.: 14-PP-CON3
 Conf. No.: 9158

Page 1 of 4

OTHER ART

Examiner Initials	Item	AUTHOR, Title, Date, Pertinent Pages, Etc.
/M. J. S./	1	24/7 RealMedia, The Science of Digital Marketing, Company Overview (2007)
	2	aaddzz.com webpages from www.archive.org, archived January 30, 1998
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	12	Bilchev et al., Personalized advertising - exploiting the distributed user profile, BT Technology Journal, Vol. 21 No. 1, January 2003
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Examiner: /MICHAEL J SITTNER/Date Considered: 06/19/2017

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449 (Modified)
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Information Disclosure Statement

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 Applicant: Shkedi, Roy
 Filed: 11/15/2013
 Art Unit: 3622
 Examiner: Sittner, Michael J.
 Docket No.: 14-PP-CON3
 Conf. No.: 9158

Page 2 of 4

OTHER ART

Examiner Initials	Item	AUTHOR, Title, Date, Pertinent Pages, Etc.
/M. J. S/	18	Williamson, Debra Aho, Web ads mark 2nd birthday with decisive issues ahead, adage.com, October 21, 1996
	19	Williamson, Debra Aho, Targeting distinguishes AdForce from the pack, adage.com, March 1, 1999
	20	Doubleclick.com webpages from www.archived.org, archived February 5, 1998
	21	Tittel et al., Foundations of World Wide Web Programming with HTML & CGI, IDG Books Worldwide (1995)
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Examiner: /MICHAEL J SITTNER/ Date Considered: 06/19/2017

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance *and* not considered. Include copy of this form with next communication to applicant.

Form PTO-1449 (Modified)
List of Patents and Publications For
Information Disclosure Statement

Serial No.: 14/080,999
 Applicant: Shkedi, Roy
 Filed: 11/15/2013
 Art Unit: 3622
 Examiner: Sittner, Michael J.
 Docket No.: 14-PP-CON3
 Conf. No.: 9158

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OTHER ART

Examiner Initials	Item	AUTHOR, Title, Date, Pertinent Pages, Etc.
/M. J. S/	36	net.Genesis & Devra Hall, Build a Website, The Programmer's Guide to Creating, Building, and Maintaining a Web Presence, Prima Publishing (1995)
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/M. J. S	55	AdManagerPro, Administration and Receivables Manual, Administrator's Manual Version 1.0.5, November 1997
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U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Publication Date MM/DD/YYYY	Name of Patentee or Applicant
/M. J. S/	1	5220655	06/15/1993	Tsutsui
	2	5359508	10/25/1994	Rossides
	3	5442633	08/15/1995	Perkins et al.
	4	5572643	11/05/1996	Judson
	5	5724424	03/03/1998	Gifford
	6	5751956	05/12/1998	Kirsch
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Examiner: /MICHAEL J SITTNER/ Date Considered: 06/19/2017

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FOREIGN PATENT DOCUMENTS

Examiner Initials	Document Number	Publication Date MM/DD/YYYY	Name of Patentee	Translation Yes / No
/M. J. S/	51 WO1997021183A1	06/12/1997	Bell Communications Research Inc.	No
↓	52 WO1999057660A1	11/11/1999	IWEB LTD.	No
↓	53 WO2001054034A1	07/26/2001	Angara E-commerce Services, Inc.	No
↓	54 WO2002050694A1	06/27/2002	Traffion Technologies Pty. Ltd.	No

OTHER ART

Examiner Initials	Item	AUTHOR, Title, Date, Pertinent Pages, Etc.
/M. J. S/	55	Baseview.com website (ClassManagerPro) from www.archive.org, archived January 16, 1997
/M. J. S/	56	S-1/A SEC Filing, filed by FlyCast Communications Corp. on April 30, 1999

Examiner: /MICHAEL J SITTNER/ Date Considered: 06/19/2017

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Receipt date: 10/19/2016

14080999 - GAU: 3622

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (03-15)

Approved for use through 07/31/2016. OMB 0651-0031

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	14080999
	Filing Date	2013-11-15
	First Named Inventor	Shkedi, Roy
	Art Unit	3622
	Examiner Name	Sittner, Michael J.
	Attorney Docket Number	14-PP-CON3

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/M. J. S./	1	20020046286	A1	2002-04-18	Caldwell et al.			
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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	14080999
Filing Date	2013-11-15
First Named Inventor	Shkedi, Roy
Art Unit	3622
Examiner Name	Sittner, Michael J.
Attorney Docket Number	14-PP-CON3

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Examiner Signature	/MICHAEL J SITTNER/
Date Considered	06/19/2017
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¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.	

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	14080999
Filing Date	2013-11-15
First Named Inventor	Shkedi, Roy
Art Unit	3622
Examiner Name	Sittner, Michael J.
Attorney Docket Number	14-PP-CON3

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☒ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Louis J. Hoffman/	Date (YYYY-MM-DD)	2016-10-19
Name/Print	Louis J. Hoffman	Registration Number	38918

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/080,999	11/15/2013	Roy Shkedi	14-PP-CON3	9158
26362	7590	08/11/2017		
LOUIS J. HOFFMAN, P.C. 7689 East Paradise Lane Suite 2 Scottsdale, AZ 85260			EXAMINER SITTNER, MICHAEL J	
			ART UNIT 3622	PAPER NUMBER
			NOTIFICATION DATE 08/11/2017	DELIVERY MODE ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Louis@valuablepatents.com
donald@valuablepatents.com

Office Action Summary	Application No. 14/080,999	Applicant(s) SHKEDI, ROY	
	Examiner Michael J. Sittner	Art Unit 3622	AIA (First Inventor to File) Status No

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

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/26/2017.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

- 5) ☒ Claim(s) 34-66 is/are pending in the application.
5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 34-66 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

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

Priority under 35 U.S.C. § 119

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

Certified copies:

- a) ☐ All b) ☐ Some** c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date 4/14/2017, 3/10/2017, and 10/19/2016.
- 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 4) ☐ Other: ____.

DETAILED ACTION

Status of Claims

1. The present application is being examined under the pre-AIA first to invent provisions.
2. This action is in reply to the Remarks and supplemental amendments filed 5/26/2017 which include amendments filed 3/15/2017.
3. Claims 1-33 have been canceled by preliminary amendment.
4. Claims 34, 35, 38, 43, 51, 52, 55, 56, 57, 58, 59, and 66 are currently amended.
5. Claims 34-66 have been examined and are pending.

Note regarding Applicant Interview

6. The Examiner would like to respectfully reiterate the request made by the Examiner, during Applicant Initiated Interview of 5/19/2017, for applicant to amend claims to remove ambiguity from the limitations. Discussion during interview included clarification of: "... (2) *what "arranging storage of [said] tag" encompasses*; (3) *who/what "entity" is being selected by the "profile owner" and what is its/their function is in relation to storage or use of "the tag"*; (4) *clarification regarding what action(s) trigger specific steps if such triggering events are important to the claimed invention, etc...*". Respectfully, the amendments to the claims have not fully addressed the above identified issues. This is discussed in more detail below under 35 USC 112.

Information Disclosure Statement (IDS)

7. Acknowledgement is hereby made of receipt of Information Disclosure Statements filed by applicant on 4/14/2017, 3/10/2017, and 10/19/2016 which is in addition to those filed 12/8/2015, 10/16/2015, 8/25/2015, 10/23/2014, and 11/15/2013.
8. MPEP 609.04(c) states: "Although a concise explanation of the relevance of the information is not required for English language information, applicants are encouraged to provide a concise explanation of why the English-language information is being submitted and how it is understood to be relevant. Concise explanations (especially those which point out the relevant pages and lines) are helpful to the Office, particularly where documents are lengthy and complex and

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applicant is aware of a section that is highly relevant to patentability or where a large number of documents are submitted and applicant is aware that one or more are highly relevant to patentability."

Interpretation of Claim Language

9. Per MPEP § 2106.II.C, unless a term is given an "explicit" and "clear" definition in the specification the examiner is obligated to give a claim term its broadest reasonable interpretation, in light of the specification as it would be interpreted by one of ordinary skilled in the art (MPEP § 2111). This means that the words of a claim must be given their "plain meaning" unless the plain meaning is inconsistent with the specification (MPEP § 2111.01.I and 2111.01.III). An explicit and clear definition must establish the metes and bounds of the terms. A clear definition must unambiguously establish what is and what is not included. An example of a term does not constitute a "clear definition" beyond the scope of the example. An applicant may define specific terms used to describe the invention, but must do so "with reasonable clarity, deliberateness, and precision" and, if done, must "set out his uncommon definition in some manner within the patent disclosure' so as to give one of ordinary skill in the art notice of the change" in meaning (see MPEP § 2111.01.IV and 2173.05(a)).
10. **A tag** is not given an "explicit" and "clear" definition in the specification. Therefore applicant's term "tag" is given the broadest reasonable interpretation, in light of the specification. Per Provisional Specification (60/805,114) at pg. 4: "cookie is only one example of a possible Tag"; Per Provisional Spec at pg. 4 and also per Specification [4:20-25], "*A tag generally is any unique identifier used to mark a person electronically visiting a media property, such as a web site, TV channel, or the like using any device...*". According to spec [6:10-11], "*the tag could be whatever the software wants it to be, including a cookie of any domain*". According to at least [6:11-15], "*A tag does not have to be placed on the user's device. A tag can also be used in a central database of a BT (Behavioral targeting) company or a central database of any second media property visited by the visitor, where the tag could be a unique identifier either of the device or of the user. In the case where the tag identifies the device, the tag might denote an IP address, a phone*

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number, a device's manufacturer serial number, etc. A cookie placed on the device can also uniquely identify the device and the cookie therefore can be used as a tag in a central database"; see also Spec [19:20-30].

11. **Profile owner** is not given an "explicit" and "clear" definition in the specification. Therefore the term "PO" or "Profile Owner" is given the broadest reasonable interpretation, in light of the specification. Spec [8:13-15] states, "...*profile owners (i.e., who either own the profiles or have the right to resell the profiles on behalf of another profile owner)...*"; and [11:15-20], "*the Profile Owner company owns profiles directly or acts as a databank representing other profile owners. Such other profile owners provide the databank with their profiles in return for (i) royalties paid to them whenever the profiles are used, or (ii) a payment. Any profile supplier (defined above) can also be a PO profile owner company.*" and [12:23-26] *A Publisher may be a Profile Owner and also be the Profile Supplier.*
12. **Profile supplier** is not given an "explicit" and "clear" definition in the specification. Therefore the term "PS" or "Profile Supplier" is given the broadest reasonable interpretation, in light of the specification. Profile supplier, as noted above at Spec [11:15-20] may be the profile owner and is interpreted as any entity that gathers and/or uses and/or transmits profile information. Note that at Spec [3:3-4] any entity (e.g. a publisher that is a BT company) may also be its own profile supplier. And [12:23-26] *A Publisher may also be a Profile Owner and also be the Profile Supplier.*
13. **Media Property** and **Media Property entity** do appear to be given an "explicit" and "clear" definition in the specification and from a reading of this definition the two terms appear to be synonymous with each other. Provisional Specification (60/805,114) at pg. 5 provides the following definition: "*...a media property for this application could also be defined as any entity that controls an ad space viewed by a visitor. This definition of a media property will therefore include a web site, an ad network of sites where the ad network represents the ad space of different sites, a TV program, a cable company that represents some of the ad space within TV programs or TV channels, a TV network, any entity allowed to sell an advertisement and deliver it*

within an advertisement space whether the ad space is owned by that entity or whether the entity pays the owner of the ad space when using its ad space to deliver an ad sold by the entity. Ad space could be on a web site, in a TV program, in a text message, in a radio show, in any broadcasted material, in any streaming video or audio etc.”

Examiner's Note

14. Adhering to the guidelines of MPEP 2173.06(II), the Examiner acknowledges that all words in a claim must be considered in judging the patentability of a claim against the prior art. *In re Wilson*, 424 F.2d 1382, 165 USPQ 494 (CCPA 1970). The fact that terms may be indefinite does not make the claim obvious over the prior art. However, when the terms of a claim are considered to be indefinite, at least two approaches to the examination of an indefinite claim relative to the prior art are possible.

First, where the degree of uncertainty is not great, and where the claim is subject to more than one interpretation and at least one interpretation would render the claim unpatentable over the prior art, an appropriate course of action would be for the examiner to enter two rejections: (A) a rejection based on indefiniteness under 35 U.S.C. 112(b) or pre-AIA 35 U.S.C. 112, second paragraph; and (B) a rejection over the prior art based on the interpretation of the claims which renders the prior art applicable. See, e.g., *Ex parte Ionescu*, 222 USPQ 537 (Bd. App. 1984). When making a rejection over prior art in these circumstances, it is important for the examiner to point out how the claim is being interpreted.

Second, where there is a great deal of confusion and uncertainty as to the proper interpretation of the limitations of a claim, it would not be proper to reject such a claim on the basis of prior art. As stated in *In re Steele*, 305 F.2d 859, 134 USPQ 292 (CCPA 1962), a rejection under 35 U.S.C. 103 should not be based on considerable speculation about the meaning of terms employed in a claim or assumptions that must be made as to the scope of the claims.

In the present set of claims (supplemental claims filed 5/26/2017), the claim is subject to

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more than one interpretation and at least one interpretation would render the claim unpatentable over the prior art. Therefore, the appropriate course of action is for the examiner to enter two rejections, as follows: (A) a rejection based on indefiniteness under pre-AIA 35 U.S.C. 112, second paragraph, as discussed in further detail below, and (B) a rejection over the prior art based on the interpretation of the claims which renders the prior art applicable; the interpretation of the claims under (A) is different than under (B).

Claim Rejections - 35 USC § 112

15. The following is a quotation of 35 U.S.C. 112(b):

(B) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:

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

16. Claims 34-66 are rejected under 35 U.S.C. 112(b) or (for pre-AIA) 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor, a joint inventor, or (for pre-AIA) the applicant regards as the invention.

Independent claims 34, 51, and 66 have each been amended to recite, in part, “...a tag associated with a visitor device...” and “...a tag associated with a visitor...” and “using the tag...” as shown in the figures below highlighting the portions of the claim in question.

34. (Currently amended) A method of causing delivery of electronic advertisements based on provided profiles comprising:

(a) with a computer system automatically arranging storage of a tag associated with a visitor device following as a result of receipt from a profile owner computer of indicia of [a] profile information associated with the visitor,

...

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- (b) wherein the profile owner computer is programmed:
- (i) to automatically select ~~an electronic advertising space~~ ~~controlling a media property~~ entity based on a comparison of (A) profile information about a visitor who electronically accessed electronic apparatus of a profile supplier with (B) a plurality of stored requests from different entities, each stored request being for requested profiles or kinds of profiles, which plurality of stored requests includes the desired profile or kind of profiles, and
 - (ii) ~~to automatically arrange for electronic storage of a tag that is associated with the visitor and that is readable by an electronic~~

...

- (c) later, when the visitor device is available to receive an advertisement, with the computer system using the tag to automatically cause delivery of an electronic advertisement to the visitor device, wherein the electronic advertisement is dependent on the profile information associated with the visitor;

Each of the two recitations of “a tag” are recited as being *automatically arrang[ed] [for] storage* by distinct computer systems (i.e. “a computer system [where] the selected media property entity is the entity controlling the computer system” and also by “the profile owner computer system”); the claims then proceed to recite “*using the tag...*”; this raises multiple questions regarding indefiniteness and ambiguity.

First, because there are 2 x previous references to “a tag” it is now not clear to which tag the “*using the tag to automatically cause delivery of an electronic advertisement to the visitor device*” now refers. That is, which tag is used? Is it the “*tag associated with visitor device*” which is arranged for storage by the computer system, which is distinct from the profile owner computer system? Or, is it the “*tag associated with visitor*” which is arranged for storage by the profile owner computer? Therefore, it is clear the claim is ambiguous.

Second, even after a thorough reading of the Specification, it not possible to decipher which of the two tags are intended to be referenced by the limitation in question (i.e. which tag is used) because the Specification does not actually discuss a method in which two different tags

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are automatically arranged for storage. That is, the Specification does not discuss both: (1) a "Media Property" computer system and (2) a "Profile Owner" computer system, which may each *automatically arrange storage of a tag associated with a visitor* (or visitor device) with the result being two different tags.

See at least Specification [pg. 14:15 - pg. 15:22] discussing 6 x mutually exclusive "ways" by which a "Profile Owner" computer system may arrange storage of "a tag" (without distinguishing a "tag" association with a user as different from a user's device). Notice that the specification does not discuss both (1) a "Media Property" computer system and (2) a "Profile Owner" computer system each arranging storage of different tags nor that a tag distinguishes a user from the user's device.

Examiner acknowledges that Specification at pgs. 14-15 discusses that the Profile Owner system arranges for the Media Property to store a tag but there is still only 1 x tag that is stored and it is the profile owner system which performs the automatic arrangement for storage of such tag. Examiner acknowledges that mutually exclusive embodiment "E" (Spec [15:5-10]) states:

"E. The PO company can arrange for the identified media property to place a tag in the identified media property's central database, in which case the tag can uniquely identify (1) the device that the visitor will use to access the identified media (IP address, set-top box ID, mobile phone number, manufacturer serial number, cookie readable by the identified media property, etc.), or (2) the user as a person (personal 10 identifiable information)."

However, this passage makes clear that there is still only 1 x tag and it either identifies the user device or the user but not both and again there are not 2x tags, only 1 x tag.

Therefore, due to the amendments, it is no longer clear (1) which "tag" is being "used" nor (2) which of the mechanisms (as discussed in the Specification at pgs. 14-15) are being invoked either by the PO computer system or the Media Property computer system for *automatically arrange storage of a tag associated with a visitor/visitor device*.

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Claims 37, 46, 47, 48, 54, 62, 63, and 64 each have a similar problem as described above, and are indefinite for the same reasons, as they also each recite “the tag” but as described above it is not clear to which tag the limitations refer.

Dependent claims 35-50 and 52-65 inherit the deficiencies of their parent claim and are also rejected under 35 U.S.C. 112(b) or (for pre-AIA) 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor, a joint inventor, or (for pre-AIA) the applicant regards as the invention.

For the purpose of compact prosecution, the examiner interprets claim to read as follows:
“...(b) wherein the profile owner computer is programmed: [...] (ii) to automatically arrange for electronic storage of [the] tag...”

Claim Rejections - 35 USC § 101

17. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

18. Claims 34-66 are rejected under 35 U.S.C. 101 as the claimed invention is directed to a judicial exception (i.e., a law of nature, a natural phenomenon, or an abstract idea) without significantly more.

Claims 34-66 is/are directed to a combination of ideas, which are similar to judicially recognized abstract ideas, as exemplified in the following limitations: *select an electronic-advertising-space controlling-entity based on a comparison of (A) profile information with (B) a plurality of stored requests from different entities; using a tag to automatically cause delivery of an electronic advertisement.*

That is, the claims describe the concept of *comparing new information [profile information] and stored information [stored requests from different entities] and using rules [undisclosed algorithms] to identify options [select an electronic-advertising-space controlling-entity] which may be a contractual relationship (i.e. “controlling” meaning*

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contractually/legally/ownership, etc...); and using a tag, which may take any form per the specification, in an undisclosed manner for the purpose of human activity relating to commercial practices [cause delivery of an electronic advertisement].

These concepts are similar to the following concepts: *comparing new and stored information and using rules to identify options* (SmartGene¹: see Section IV.B.4.) *to create a contractual relationship* (buySAFE²: see Section IV.C.3.); for the purpose of *human activity relating to commercial practices* (e.g., hedging in Bilski³) which have all been found by the courts to be abstract ideas.

The claim(s) do not include additional elements that are sufficient to amount to significantly more than the judicial exception because these elements (such as: *automatically arranging storage of a tag, etc...* without reciting nor claiming any specific method for automating such routine activities such as storage; descriptions of the visitor profile associated with the visitor being "derived", but without disclosing any method of derivation from the visitor's activity, which may include any activity; description that the activity may occur through use of a first generic device; and reciting the intended use is to target advertisements to a second generic device of the visitor, etc...), all either further describe the abstract idea but do not make it less abstract or are merely insignificant extra-solution activity because such activity is necessary and routine in implementing the aforementioned abstract concepts.

If allowed, the claims seek to monopolize all implementations of the aforementioned abstract concepts.

In viewing the claims as a whole, including the limitations of the dependent claims, the claims simply instruct the practitioner to implement the abstract concepts through the use of routine and conventional activity only disclosed at a high level of generality and with no specific examples of the algorithms themselves which achieve the functionalities claimed. Therefore,

¹ SmartGene, Inc. v. Advanced Biological Labs., SA, 555 Fed. Appx. 950 (Fed. Cir. 2014) (nonprecedential).

² buySAFE, Inc. v. Google, Inc., ___ F.3d ___, 112 USPQ2d 1093 (Fed. Cir. 2014).

³ Bilski v. Kappos, 561 U.S. 593 (2010)

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when viewed either as individual limitations or as an ordered combination, the claim(s) as a whole do not add significantly more to the abstract idea(s).

Please see the 2014 Interim Guidance on Patent Subject Matter Eligibility (79 FR 74618) in view of the Supreme Court Decision in Alice Corporation Pty. Ltd. V. CLS Bank International, et. al. (found at <http://www.uspto.gov/patent/laws-and-regulations/examination-policy/examination-guidance-and-training-materials>).

Claim Rejections - 35 USC § 103 (pre-AIA)

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

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

21. Claims 34-37, 39, 41-43, 45-46, 50, 51-54, 56-58, 59, 61-62, and 65-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kublickis** et al. (US 2007/0067297 A1; hereinafter, "Kublickis") in view of **Jaschke** et al. (U.S. 2007/0130005 A1; hereinafter, "Jaschke")

Claims 34, 51, 66: (Currently Amended)

Pertaining to the below limitations, Kublickis teaches the following:

(a) with a computer system automatically arranging storage of a tag associated

with a visitor device as a result of receipt from a profile owner computer of indicia of profile information associated with the visitor, for a profile of the visitor matching a profile or kind of profiles desired by an entity controlling the computer system, wherein the tag represents the profile information associated with the

visitor (Kublickis, see at least [0423]-[0436] teaching: a the third-party content provider 130A or 130B [media property entity; the entity controlling the “computer system”] could request [arrange for] the custom browser to construct [store] a cookie [a tag⁴] on its behalf which contains the requested data points [indicia of profile information, received from a profile owner computer, associated with the visitor]. As the consumer navigates across successive web pages in the third-party content provider's website, similar requests embedded in each of the pages could direct the custom browser to append the cookie [tag] with additional consumer profile data [therefore, the tag represents the profile information associated with the visitor] relevant to the context of the web pages visited...”; examiner notes applicant fails to recite or stipulate any specific embodiment for what constitutes “arranging” and therefore this is completely open to interpretation);

(b) wherein the profile owner computer is programmed:

[...]

(ii) to automatically arrange for electronic storage of [the] tag that is associated with the visitor and that is readable by equipment controlled by the selected media property entity, which equipment is part of the computer system of part (a) when the selected media property entity is the entity controlling the computer system

(Kublickis, see at least [0423]-[0436] teaching: the consumer's computer may download a

⁴ Per Provisional Specification (60/805,114) at pg. 4: “cookie is only one example of a possible Tag”; Per Provisional Spec at pg. 4 and also per Specification [4:20-25], “A tag generally is any unique identifier used to mark a person electronically visiting a media property, such as a web site, TV channel, or the like using any device...”. According to spec [6:10-11], “the tag could be whatever the software wants it to be, including a cookie of any domain”. According to at least [6:11-15], “A tag does not have to be placed on the user's device. A tag can also be used in a central database of a BT (Behavioral targeting) company or a central database of any second media property visited by the visitor, where the tag could be a unique identifier either of the device or of the user. In the case where the tag identifies the device, the tag might denote an IP address, a phone number, a device's manufacturer serial number, etc. A cookie placed on the device can also uniquely identify the device and the cookie therefore can be used as a tag in a central database”; see also Spec [19:20-30].

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toolbar or a custom browser [this custom browser is a part of the profile owner computer system] which constructs and stores [stores] a cookie [a tag] at the request of the third-party content provider 130A or 130B [the selected media property entity]; per at least [0436] this “cookie” is accessible [readable by equipment controlled by the selected media property entity] by the “third party content provider” [the selected media property entity]; Also note the 112, 2nd rejection guiding claim interpretation – “*storage of [the] tag*” not “*storage of a tag*”. Also, although prior art is shown for the purpose of compact prosecution, under a broadest reasonable interpretation in view of the applicant’s spec, this step is not performed because it is conditional and only occurs if the condition is met which is not true for various embodiments presented in the applicant’s specification.)

(c) later, when the visitor device is available to receive an advertisement, with the computer system, using the tag to automatically cause delivery of an electronic advertisement to the visitor device, wherein the electronic advertisement is dependent on the profile information associated with the visitor (Kublickis, see at least [0436] the “cookie” [tag], which is accessible [readable] by the “third-party content provider”, is used to exploit or customize webpage content and embed advertising and to target offers and merchandise progressively more relevant to the consumer member.)

Although Kublickis teaches the above limitations and teaches (e.g. [0430]) his custom browser stores, for each third-party [advertiser/media property], requested profile information of the user which the user has agreed to share during a previous visit to that third-party and (e.g. [0433]) teaches the custom browser stores new requested data points of profile information as well as (e.g. [0436]) cookies appended with the profile data points which the user allows a third-party to collect, he may not explicitly teach the nuance of the below limitation. However, regarding this feature, Jaschke teaches the following:

[(b) wherein the profile owner computer is programmed:]

(i) to automatically select a media property entity based on a comparison of (A) profile information about a visitor who electronically accessed electronic

apparatus of a profile supplier with (B) a plurality of stored requests from different entities, each stored request being for requested profiles or kinds of profiles, which plurality of stored requests includes the desired profile or kind of profiles

(Jaschke, see at least Fig. 4 – selection of an advertiser based on comparison of a target profile about a visitor with a plurality of stored Advertiser Descriptions which are requests from different advertisers, each request being for kinds of desired profiles.

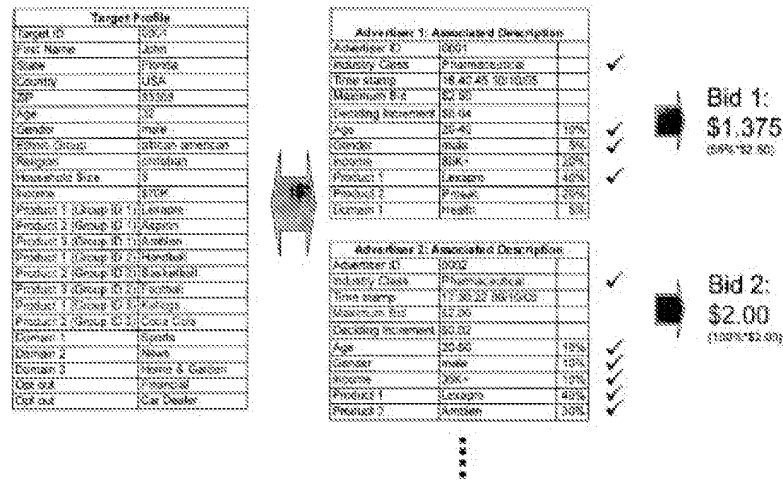


FIG 4

Also, Jaschke see at least [0030]-[0031] and [0064]-[0073], teaching: The consumer information broker [profile owner] determines which advertiser [media property] will be permitted to utilize the advertisement opportunity by using various mathematical calculations; the consumer information broker selects an advertiser [media property entity] to whom the control of advertising opportunity will be transferred. This occurs after receiving notification of targeted profile of a visiting user representing an advertising opportunity. After receiving such notification, the consumer information broker requests the target profile [profile info of visitor] from one or more target profile processor(s) [profile suppliers] and correlates [compares] the target profile to the associated descriptions received from advertisers [stored requests from different entities] of each advertiser

[media property entity] participating in the bidding process; the bidding is dynamically calculated based on a correlation between the associated description defined by the advertiser and the target profile)

Therefore, the Examiner understands that automatically selecting an advertiser [media property entity] based on a comparison of (A) profile information about a visitor with (B) a plurality of stored requests from different advertisers [entities], each stored request being for requested profiles or kinds of profiles, which plurality of stored requests includes the desired profile or kind of profiles is merely applying a known technique of Jaschke to a known base device and method of Kublickis to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Jaschke with the base device/method of Kublickis to realize that Kublickis' custom browser, which already stores for each third-party various requested profile information of the user which the user has agreed to share with each particular third-party and which stores additional request for profile data points as the user navigates websites, and also stores cookies appended with the profile data points which the user allows a third-party to collect, may also be used in the manner as taught by Jaschke to automatically select between competing advertisers [media property entity] based on this information already available to the browser (i.e. (A) profile information about a visitor, and (B) plurality of stored requests from different advertisers [entities]) because both Kublickis and Jaschke are analogous art in the same field of endeavor (at least G06Q30/02) and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products (i.e. Kublickis' browser tool) in the same way (or which is ready for improvement) is obvious.

Claims 35, 52: (Currently Amended)

Although the combination Kublickis/Jaschke teaches the limitations upon which these claims depends, Kublickis may not explicitly teach the below limitation. However, pertaining to this feature, Jaschke teaches the following:

wherein the profile information associated with the visitor is derived from the visitor's activity using a first device, (Jaschke, see at least Fig. 1, the user may use various devices to interact with the system - i.e. visitor activity. These interactions are captured as profile information. See at least [0052], [0064]-[0065] and [0074]-[0075], teaching a profiler 100 collects target user profiles by tracking user usage behavior on various devices and per [0064] the profiled information may be via "cookies" or memory based identifiers (e.g. SIM cards, smart cards, computer memory, etc.), calling number identifiers, fixed IP addresses, cable or satellite TV identifiers, etc...) ***and wherein the visitor device that is available to receive an advertisement is a second device of the visitor*** (Jaschke, per at least [0074], teaching targeted advertisements may be delivered and customized to the technical capabilities of the particular customer premise equipment; i.e. current device on which there is an opportunity to target an advertisement. The device from which profile information was collected may be a different device than particular customer premise equipment which is targeted for advertising.)

Therefore, the Examiner understands that deriving profile information from user activity via one device and targeted advertising to a second device of the user is merely applying a known technique of Jaschke to a known base device/method Kublickis to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Jaschke with the base device/method of Kublickis in order to realize that the ad targeting done by Kublickis could be to a second device of a user based on profile information collected from a user's interaction with a first device as taught by Jaschke because both Jaschke and Kublickis are analogous art in the same field of endeavor and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claims 36, 53: (Previously Presented)

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Although the combination Kublickis/Jaschke teaches the limitations upon which these claims depends, Kublickis may not explicitly teach the nuance of the below limitation. However, pertaining to the below limitations, Jaschke teaches the following:

wherein the first device is a computer of the visitor and the second device is a

mobile phone of the visitor (Jaschke, see at least Fig. 1 and [0063], the first device may be computer PC 172 and the second device may be mobile telephone 170.)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Jaschke with the base device/method of Kublickis in order to realize that the ad targeting done by Kublickis could be to a mobile device of a user based on profile information collected from a user's interaction with a computer device as taught by Jaschke because both Jaschke and Kublickis are analogous art in the same field of endeavor and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claims 37, 54: (Previously Presented)

Although the combination Kublickis/Jaschke teaches the limitations upon which these claims depends, Kublickis may not explicitly teach the nuance of the below limitation. However, pertaining to the below limitations, Jaschke teaches the following:

wherein the tag identifies the mobile phone (Jaschke, see at least [0029]-[030],

[0064], and [0076]: cookies and memory based identifiers (e.g. Subscriber Identity Module) are used to identify devices; e.g. the (IMSI) number and its related key, which are used to identify and authenticate subscribers on mobile telephony devices, is implied to be an identifier which Jaschke sends and receives as an identifier and these are identifiers of a mobile phone and user of the phone.)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Jaschke with the base device/method of Kublickis in order to realize

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that the cookie identifiers [tag] of Kublickis could identify a mobile device of a user as taught by Jaschke because both Jaschke and Kublickis are analogous art in the same field of endeavor and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claims 39 (Previously Presented) 56 (Currently Amedned):

Although the combination Kublickis/Jaschke teaches the limitations upon which these claims depends, Kublickis may not explicitly teach the nuance of the below limitation. However, pertaining to the below limitations, Jaschke teaches the following:

wherein the second device is a computer (Jaschke, see at least Fig. 1 and [0063], the second device may be computer PC 172) ***and wherein the computer system is further programmed to, after parts (a) and (c), electronically report, to a profile owner controlling the profile owner computer, information about delivery of the advertisement to the second device*** (Jaschke, see at least [0059]-[0060], teaching:

The consumer information broker 130 may send or make accessible a report to advertisers as well as convey the selected marketing materials to the target 190, charge the advertiser's account and credit the accounts of the target 190, the advertisement platform provider 120 and/or the profiler 100; Examiner notes: as applicant fails to stipulate what "information" is reported "about"/concerning delivery of ads, this is open to interpretation and at least a "credit" [information] which is provided to the profiler [a profile owner] which supplied the profile used in the transaction is information about such ad delivery. Also, the information broker who is also a profile owner inherently has the information and therefore this has been made available [reported] in some manner to the broker.)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Jaschke with the base device/method of Kublickis in order to realize

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that information regarding the targeted advertising of Kublickis could be electronically reported and could include information regarding delivery of the advertisement to the targeted device, as taught by Jaschke, because both Jaschke and Kublickis are analogous art in the same field of endeavor and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claims 41, 57: (Previously Presented)

Although the combination Kublickis/Jaschke teaches the limitations upon which these claims depends, Kublickis may not explicitly teach the nuance of the below limitation. However, pertaining to the below limitations, Jaschke teaches the following:

... wherein the computer system is further programmed to, after parts (a) and (c), electronically report, to the profile owner company, information about (i.e. concerning) delivery of the advertisement to the visitor device (Jaschke, see at least [0060], teaching: The consumer information broker 130 [one type of profile owner] may send or make accessible a report to advertisers as well as convey the selected marketing materials to the target 190, charge the advertiser's account and credit the accounts of the target 190, the advertisement platform provider 120 [yet another type of profile owner] and/or the profiler 100 [another type of profile owner]; Examiner notes: as applicant fails to stipulate what "information" is reported "about"/concerning delivery of ads, this is open to interpretation and at least a "credit" [information] which is provided by and to a type of profile owner concerning the profile information used in the transaction of the advertisement is information about delivery of the advertisement. Also, the information broker who is a profile owner inherently has the information and therefore this has been made available [reported] in some manner.)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Jaschke with the base device/method of Kublickis in order to realize

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that information regarding the targeted advertising of Kublickis could be electronically reported and could include information regarding delivery of the advertisement to the targeted device [i.e. visitor device], as taught by Jaschke, because both Jaschke and Kublickis are analogous art in the same field of endeavor and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claims 42, 58: (Previously Presented)

Although the combination Kublickis/Jaschke teaches the limitations upon which these claims depends, Kublickis may not explicitly teach the nuance of the below limitation. However, pertaining to the below limitations, Jaschke teaches the following:

... wherein reporting further comprises automatically electronically identifying to the profile owner company one of a plurality of profiles or kind of profiles used in association with delivery of the advertisement (Jaschke, see at least [0099] providing [identifying] profiles, used in association with delivering ads, to profilers, information brokers, and advertisers.)

Therefore, the Examiner understands automatically providing [identifying] profiles, used in association with delivering ads, to profilers, information brokers, and advertisers is merely a known technique of Jaschke which may be applied to a known base device/method of Kublickis to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Jaschke with the base device/method of Kublickis, who already collects profile information, in order to realize that Kublickis could implement the technique as taught by Jaschke because both Jaschke and Kublickis are analogous art in the same field of endeavor and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

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Claims 43, 59: (Previously Presented)

Although the combination Kublickis/Jaschke teaches the limitations upon which these claims depends, Kublickis may not explicitly teach the nuance of the below limitation. However, pertaining to the below limitations, Jaschke teaches the following:

... wherein the profile owner computer is programmed to automatically select an electronic-advertising-space-controlling entity using profile information about the visitor that was derived from the visitor's activity using the visitor device (Jaschke, see at least [0063]-[0073] and [0077] the advertiser is selected using profile information; the profile information may have been derived from visitor's activity using a device such as a mobile phone.)

Therefore, the Examiner understands automatically selecting an advertiser using user profile information is merely a known technique of Jaschke which may be applied to a known base device/method of Kublickis to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Jaschke with the base device/method of Kublickis, who already collects profile information, in order to realize that Kublickis could implement the technique as taught by Jaschke because both Jaschke and Kublickis are analogous art in the same field of endeavor and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claims 45, 61: (Previously Presented)

Although the combination Kublickis/Jaschke teaches the limitations upon which these claims depends, Kublickis may not explicitly teach the nuance of the below limitation. However, pertaining to the below limitations, Jaschke teaches the following:

... the computer system automatically creating electronic data used to identify a payment amount due to the profile owner company as a result of delivery of the

electronic advertisement to the visitor device that is available to receive an advertisement (Jaschke, see at [0037], [0059], and [0095] The consumer information broker utilizes the winning bid to credit the account(s) of the target, the advertisement platform provider and/or the profiler. The consumer information broker may keep a percentage of the bid as a brokerage fee or charge a fixed amount to the advertisement platform provider, the target and/or the advertiser; accounts of targets 190 and/or profilers 100 and/or platform providers may be credited as a result of delivery of the electronic ad to a visitor device which is able to receive such an ad.)

Therefore, the Examiner understands automatically creating electronic data, such as a bid, used to identify an amount of payment due is merely a known technique of Jaschke which may be applied to a known base device/method of Kublickis to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Jaschke with the base device/method of Kublickis in order to realize that Kublickis could implement the technique as taught by Jaschke because both Jaschke and Kublickis are analogous art in the same field of endeavor and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claims 46, 62: (Previously Presented)

Although the combination Kublickis/Jaschke teaches the limitations upon which these claims depends, Kublickis may not explicitly teach the nuance of the below limitation. However, pertaining to the below limitations, Jaschke teaches the following:

... wherein the tag comprises personally identifiable information identifying the visitor (Jashcke, see at least [0029]-[0030], [0064], and [0076]: "identifiers" which may be any means of "uniquely identifying a user"; applicant fails to stipulate what is

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encompassed by “personally identifiable information” and therefore this is open to interpretation)

Therefore, the Examiner understands that a tag, such as a cookie, may comprises identifiers which “uniquely identify a user” [*personally identifiable information identifying the visitor*] and this is merely a known technique of Jaschke which may be applied to a known base device/method of Kublickis to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Jaschke with the base device/method of Kublickis in order to realize that the cookie of Kublickis could comprises identifiers which “uniquely identify a user” [*personally identifiable information identifying the visitor*] as taught by Jaschke because both Jaschke and Kublickis are analogous art in the same field of endeavor and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claims 50, 65: (Previously Presented)

Although the combination Kublickis/Jaschke teaches the limitations upon which these claims depends, Kublickis may not explicitly teach the below limitation. However, pertaining to this feature, Jaschke teaches the following:

... wherein the equipment of the profile supplier operates in the Internet and the equipment of the selected entity utilizes the profile data to cause delivery of the electronic advertisements on a television of the visitor (Jaschke, see at least [0063]-[0064] and Fig. 1 Public Internet 142, TV 176 which may receive electronic ads, Profile Processor 131, Advertiser 110, Platform Provider 120, Consumer Information Broker 130 all operate through the Public Internet 142 to reach Satellite Network 158 and Cable Network 156 to send ads to TV 176).

Therefore, the Examiner understands that equipment of a profile supplier may operate via the Internet and the equipment of a selected entity may utilize profile data to cause delivery of an

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electronic advertisements to a television of a targeted user/visitor and these are merely known techniques of Jaschke applied to a known base device/method of Kublickis to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Jaschke with the base device/method of Kublickis in order to realize that the ad targeting done by Kublickis could be to a TV device of a user based on profile information collected from a user as taught by Jaschke because both Jaschke and Kublickis are analogous art in the same field of endeavor and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

22. Claims 38, 40, 44, 49, 55, 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kublickis** et al. (US 2007/0067297 A1; hereinafter, "Kublickis") in view of **Jaschke** et al. (U.S. 2007/0130005 A1; hereinafter, "Jaschke") further in view of **Horowitz** (U.S. 2005/0097204 A1; hereinafter, "Horowitz").

Claims 38, 55: (Currently amended)

Although the combination Kublickis/Jaschke teaches the limitations upon which these claims depends, Kublickis may not explicitly teach the nuance of the below limitation. However, pertaining to the below limitations, Jaschke teaches the following:

wherein the profile owner computer is programmed to automatically select an a media property entity using profile information about the visitor that was derived from the visitor's activity using the computer of the visitor (Jaschke, see at least [0030]-[0031], teaching: "The consumer information broker determines which advertiser will be permitted to utilize the advertisement opportunity by using a mathematical calculation..."; the consumer information broker selects an advertiser [entity to control ad space] to whom control of advertising opportunity will be transferred; see also at least

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[0065]-[0069]),

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Jaschke with the base device/method of Kublickis in order to realize that the cookie identifiers [tag] of Kublickis could identify a mobile device of a user as taught by Jaschke because both Jaschke and Kublickis are analogous art in the same field of endeavor and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious

Although Kublickis/Jaschke teaches the above limitations, neither may not explicitly teach the nuance of the below limitation directed towards collection of such profile information is as a result of a URL redirect. However, pertaining to this technique for collection, Horowitz does teach the following:

which profile information was received by the profile owner computer as a result of URL redirection from a website that is served by the electronic apparatus of the profile supplier, which website is accessed by the computer of the visitor.

(Horowitz, see at least Fig. 4 - #412, and [0045]-[0048] and [0061] teaching URL redirection; for example, "...the system can use a cookie-based tracking system and can include all features included in the tracking system, including (1) a cookie that can be dropped on a user's browser before redirecting to the user's destination; and (2) a pixel image on the destination site's acquisition page that can register a conversion for the system... the system also can be configured to utilize a back channel, and the like, for the advertiser to share information and to maintain security of purchasing and other information for the advertiser...")

Therefore, the Examiner understands that URL redirection and sharing user information such as profile information as a result of URL redirection is merely applying a known technique (techniques of Horowitz) to a known device/method of Kublickis to yield predictable results.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention

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to combine the techniques of Horowitz with the device/method of Kublickis/Jaschke to realize that the profile information which Kublickis collects or which Jaschke collects and compiles by target profile processor 131 and brokered by consumer information broker 130, could have been the result a *URL redirection from a website that is served by the electronic apparatus of the profile supplier*, because Kublickis, Jaschke, and Horowitz are analogous art in the same field of endeavor (at least G06Q30/02) and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claim 40: (Previously Presented)

Although Kublickis/Jaschke teaches the above limitations, neither Kublickis nor Jaschke may explicitly teach a technique of URL redirection although each of their systems utilizes a cookie for the purpose of delivering targeted advertising. However, pertaining to this technique, Horowitz does teach the following:

...automatically placing the second device in communication with computer equipment controlled by the profile owner, via URL redirection from the computer system, when the computer system utilizes the tag to cause delivery of the advertisement (Horowitz, see at least Fig. 4 - #412, and [0045]-[0048] and [0061] teaching URL redirection; for example, "...the system can use a cookie-based tracking system and can include all features included in the tracking system, including (1) a cookie that can be dropped on a user's browser before redirecting to the user's destination [cause delivery of the advertisement]; and (2) a pixel image on the destination site's acquisition page that can register a conversion for the system... the system also can be configured to utilize a back channel, and the like, for the advertiser to share information and to maintain security of purchasing and other information for the advertiser...")

Therefore, the Examiner understands that URL redirection and sharing and/or reporting information as a result of URL redirection is merely applying a known technique (techniques of

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Horowitz) to a known base device/method of Kublickis/Jaschke to yield predictable results.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Horowitz with the device/method of Kublickis/Jaschke to realize that the profile information which Jaschke teaches is collected and compiled by target profile processor 131 and brokered by consumer information broker 130, could have been reported as the result a URL redirection from the computer system, when Jaschke's computer system utilizes the cookie to cause delivery of the advertisement, because Kublickis, Jaschke, and Horowitz are analogous art in the same field of endeavor (at least G06Q30/02) and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claims 44, 60: (Previously Presented)

Although the combination Kublickis/Jaschke teaches the above limitations, neither Kublickis nor Jaschke may not explicitly teach a technique of URL redirection to a website where user profile information is gathered. However, pertaining to this technique, Horowitz does teach the following:

... wherein the profile information was received by the profile-owner computer as a result of URL redirection from a website that is served by the electronic apparatus of the profile supplier, which website is accessed by the visitor device (Horowitz, see at least Fig. 4 - #412, and [0045]-[0048] and [0061] teaching URL redirection; for example, "...the system can use a cookie-based tracking system and can include all features included in the tracking system, including (1) a cookie that can be dropped on a user's browser before redirecting to the user's destination [*cause delivery of the advertisement*]; and (2) a pixel image on the destination site's acquisition page that can register a conversion for the system... the system also can be configured to utilize a back channel, and the like, for the advertiser to share information and to maintain security of purchasing and other information for the advertiser...")

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Therefore, the Examiner understands that URL redirection and sharing and/or reporting information as a result of URL redirection is merely applying a known technique (techniques of Horowitz) to a known base device/method of Kublickis/Jaschke to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Horowitz with the device/method of Kublickis/Jaschke to realize that the profile information which Jaschke teaches is collected and compiled by target profile processor 131 and brokered by consumer information broker 130, could have been reported or gathered as the result a URL redirection from the computer system, when Jaschke's computer system utilizes the cookie to cause delivery of the advertisement, because Kublickis, Jaschke, and Horowitz are analogous art in the same field of endeavor (at least G06Q30/02) and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claim 49: (Previously Presented)

Although the combination Kublickis/Jaschke teaches the above limitations, neither Kublickis nor Jaschke may explicitly teach a technique of URL redirection to a website which subsequently enables the advertiser to store the cookie [tag] which may be contained in the redirect URL.

However, pertaining to this technique, Horowitz does teach the following:

... wherein automatically arranging storage of the tag comprises automatic redirection to the URL provided by the selected entity to place the visitor device in communication with computer equipment controlled by the selected entity to

enable storage of the tag in association with the visitor device (Horowitz, see at least [0045]-[0048] specifically [0046] teaching: At step 416, tracking of the End User 110 can be performed. The Production Site 104, and/or the Advertiser 102 perform tracking of the End User 100 by assigning a unique identifier [tag] (e.g. a cookie) to the End User 110 and identifying actions performed by the End User 110. In an exemplary embodiment, if the End User 110 is a new user on the Advertiser Site 106, then when the

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Advertiser 102 assigns the End User 110 the unique identifier, the Web browser of the End User 110 can be redirected to the Advertisement Server 126 of the Production Site 104. The Advertiser Site 106 can submit a request to the Advertisement Server 126 of the Production Site 104. The redirect or request can include the unique identifier [tag] (e.g. cookie) of the End User 110 for the Advertiser Site 106, an originating advertisement query, click information, and the like.)

Therefore, the Examiner understands that URL redirection which may enable the advertiser to store the cookie is merely applying a known technique (techniques of Horowitz) to a known base device/method of Kublickis/Jaschke to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Horowitz with the device/method of Kublickis/Jaschke to realize the well-known technique of a URL redirection, as taught by Horowitz, to cause delivery of the advertisement by redirecting the user to the advertiser's URL along with a cookie in the URL redirect, would be useful to the base device/method of Kublickis/Jaschke which already tracks delivery of targeted advertisement because Kublickis, Jaschke and Horowitz are analogous art in the same field of endeavor (at least G06Q30/02) and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

23. Claims 47 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kublickis** et al. (US 2007/0067297 A1; hereinafter, "Kublickis") in view of **Jaschke** et al. (U.S. 2007/0130005 A1; hereinafter, "Jaschke") further in view of **Calinov** (US 7,356,711 B1; hereinafter, "Calinov").

Claims 47, 63: (Previously Presented)

Although the combination Kublickis/Jaschke teach the limitations upon which these claims depend, neither may explicitly teach that profile information may be stored in a cookie [tag]. However, Pertaining to the below limitations, Calinov teaches the following:

... *arranging for electronic storage of the profile information in the tag* (Calinov, see at least [7:1-17], teaching: "The authentication server 24 uses this information to create encrypted cookies... The cookies may include a Ticket cookie (including the PUID and a time stamp), a Profile cookie (storing the profile information), and a Visited Sites cookie (storing a list of sites where the user has signed in). After authentication server 24 creates the cookies, it uses the encryption key and site ID to encrypt the ticket and profile data. This encrypted data is then added as query string parameters to the return URL provided in the authentication request and authentication server 24 presents this URL to the user's browser. The user's browser then creates the cookies in the authsite.com domain on the user's client computer 12.")

Therefore, the Examiner understands that storing profile information in a cookie is merely applying a known technique (techniques of Calinov) to a known device/method of Kublickis who stores cookies and profile information to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Calinov with the device/method of Kublickis to realize that Kublickis who stores cookies and profile information may store his profile information in a cookie as taught by Calinov for the reasons taught by Calinov because Kublickis and Calinov are analogous art in the same field of endeavor and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

24. Claims 48 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kublickis** et al. (US 2007/0067297 A1; hereinafter, "Kublickis") in view of **Jaschke** et al. (U.S. 2007/0130005 A1; hereinafter, "Jaschke") further in view of **Smith** (U.S. 2003/0083938 A1; hereinafter, "Smith").

Claims 48, 64: (Previously Presented)

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Although the combination Kublickis/Jaschke teach the limitations upon which these claims depend, neither may explicitly teach that profile information is locatable through a cookie [tag]. However, Pertaining to the below limitations, Smith teaches the following:

... arranging for electronic storage of the profile information in a database

locatable through the tag (Smith, see at least [0038], teaching that a computer identifier such as cookie data or an IP address are used to locate various user profiles).

Therefore, the Examiner understands that using a cookie to locate profile information stored in a database is merely applying a known technique (techniques of Smith) to a known base device/method of Kublickis to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Smith with the device/method of Kublickis to realize that Kublickis who stores cookies and profile information may use the cookie to locate the stored profile information as taught by Smith for the reasons taught by Smith and because Kublickis and Smith are analogous art in the same field of endeavor and according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Response to Arguments

25. Applicant amended claims on 3/15/2017 and again on 5/26/2017. Applicant's arguments, also filed 3/15/2017 and 5/26/2017, have been fully considered but are moot in view of the new grounds of rejection necessitated by applicant's amendments. Note the new 35 USC 112, 2nd rejection of the claims, 35 USC 101 rejection of the claims, as well as the new 35 USC 103 rejection with **Kublickis** in view of **Jaschke** for independent claims 34, 57, and 66.
- 26.

Conclusion

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Sittner whose telephone number is (571) 270-3984. The examiner can normally be reached 7:30 AM - 5:00 PM (Mon. -Thur.), and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan C Uber can be reached at (571) 270-3923.
29. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.
30. Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>
/Michael J Sittner/

Examiner, Art Unit 3622

/ARTHUR DURAN/

Primary Examiner, Art Unit 3622

<i>Index of Claims</i> 	Application/Control No. 14080999	Applicant(s)/Patent Under Reexamination SHKEDI, ROY
	Examiner MICHAEL J SITTNER	Art Unit 3622

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant		☐ CPA		☐ T.D.		☐ R.1.47			
CLAIM		DATE							
Final	Original	08/31/2016	06/19/2017						
	34	✓	✓						
	35	✓	✓						
	36	✓	✓						
	37	✓	✓						
	38	✓	✓						
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	62	✓	✓						
	63	✓	✓						
	64	✓	✓						
	65	✓	✓						
	66	✓	✓						

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	14080999
	Filing Date	2013-11-15
	First Named Inventor	SHKEDI, Roy
	Art Unit	3622
	Examiner Name	Sittner, Michael J.
	Attorney Docket Number	14-PP-CON3

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	14080999
	Filing Date	2013-11-15
	First Named Inventor	SHKEDI, Roy
	Art Unit	3622
	Examiner Name	Sittner, Michael J.
Attorney Docket Number		14-PP-CON3

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EXAMINER SIGNATURE

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	14080999
	Filing Date	2013-11-15
	First Named Inventor	SHKEDI, Roy
	Art Unit	3622
	Examiner Name	Sittner, Michael J.
	Attorney Docket Number	14-PP-CON3

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☒ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

☒ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Louis J. Hoffman/	Date (YYYY-MM-DD)	2017-10-24
Name/Print	Louis J. Hoffman	Registration Number	38918

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor : Shkedi, Roy Art Unit : 3622
Serial No. : 14/080,999 Examiner : Sittner, Michael J.
Filing Date : 11/15/2013 Conf. No. : 9158
Title Providing collected profiles to media properties having specified interests

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

Filed via EFS-Web - October 24, 2017

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Applicant discloses the references listed on form PTO/SB/08a attached to this document and also wishes to direct Examiner to the applications in the table below, which share the same first inventor, as well as the references cited therein:

Serial No.	Filing Date	Earliest Parent Filing Date
12/536,451	08/05/2009	
12/912,726	10/26/2010	12/28/1999
14/089,645	11/25/2013	12/31/2007
14/091,285	11/26/2013	11/28/2000
15/179,356	06/10/2016	04/17/2007
15/360,762	11/23/2016	06/16/2006 (prov.)
15/429,601	02/10/2017	01/30/2013
15/450,361	03/06/2017	06/19/2006 (prov.)
15/690,214	08/29/2017	06/02/2008
15/789,354	10/20/2017	06/02/2008

If the Office has any questions, please feel free to contact assignee's undersigned attorney of record.

Respectfully submitted,
DATONICS, LLC
by its attorney

Dated: October 24, 2017

/Louis J. Hoffman/
Louis J. Hoffman
Reg. No. 38,918

LOUIS J. HOFFMAN, P.C.
7689 East Paradise Lane
Suite 2
Scottsdale, Arizona 85260
(480) 948-3295

Electronic Acknowledgement Receipt	
EFS ID:	30744977
Application Number:	14080999
International Application Number:	
Confirmation Number:	9158
Title of Invention:	Providing collected profiles to media properties having specified interests
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman/Donald Hertz
Filer Authorized By:	Louis J. Hoffman
Attorney Docket Number:	14-PP-CON3
Receipt Date:	24-OCT-2017
Filing Date:	15-NOV-2013
Time Stamp:	15:15:37
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$ 180
RAM confirmation Number	102517INTEFSW15170001
Deposit Account	
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:	

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	17-10-24-Datonics-PP-CON3-Supp_IDS_Cover.pdf	53614	no	2
			7ebdb25ecb94cc126167894c2251718d98944f00		
Warnings:					
Information:					
2	Information Disclosure Statement (IDS) Form (SB08)	17-10-24-IIQ-PP_CON3-SupplDS.pdf	1035171	no	4
			cec893650c1b5a65d9c1861ef8fb04305d81b606		
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	30458	no	2
			1400b9c4ce080d71c6adf949b4919ce103e76939		
Warnings:					
Information:					
Total Files Size (in bytes):			1119243		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

Electronic Patent Application Fee Transmittal				
Application Number:		14080999		
Filing Date:		15-Nov-2013		
Title of Invention:		Providing collected profiles to media properties having specified interests		
First Named Inventor/Applicant Name:		Roy Shkedi		
Filer:		Louis J. Hoffman/Donald Hertz		
Attorney Docket Number:		14-PP-CON3		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Submission- Information Disclosure Stmt	1806	1	180	180
Total in USD (\$)				180

Electronic Acknowledgement Receipt	
EFS ID:	31755542
Application Number:	14080999
International Application Number:	
Confirmation Number:	9158
Title of Invention:	Providing collected profiles to media properties having specified interests
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman/Donald Hertz
Filer Authorized By:	Louis J. Hoffman
Attorney Docket Number:	14-PP-CON3
Receipt Date:	09-FEB-2018
Filing Date:	15-NOV-2013
Time Stamp:	17:48:51
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$ 1400
RAM confirmation Number	021218INTEFSW17493300
Deposit Account	
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:	

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Extension of Time	18-02-09-IIQ-PP_CON3-Pet_ext_time.pdf	142563	no	1
			03e4e869c618b00302819a5a7869b77adb49e639		
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30512	no	2
			2ac01b6a9ab61d74b08b7d4a255340e712319e6e		
Warnings:					
Information:					
Total Files Size (in bytes):			173075		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

Electronic Patent Application Fee Transmittal				
Application Number:		14080999		
Filing Date:		15-Nov-2013		
Title of Invention:		Providing collected profiles to media properties having specified interests		
First Named Inventor/Applicant Name:		Roy Shkedi		
Filer:		Louis J. Hoffman/Donald Hertz		
Attorney Docket Number:		14-PP-CON3		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 3 months with \$0 paid	1253	1	1400	1400
Miscellaneous:				
Total in USD (\$)				1400

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) 14-PP-CON3
Application Number 14/080,999	Filed 11/15/2013	
For Providing collected profiles to media properties having specified interests		
Art Unit 3622	Examiner Sittner, Michael J.	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	<u>Fee</u>	<u>Small Entity Fee</u>	<u>Micro Entity Fee</u>	
☐ One month (37 CFR 1.17(a)(1))	\$200	\$100	\$50	\$ _____
☐ Two months (37 CFR 1.17(a)(2))	\$600	\$300	\$150	\$ _____
☒ Three months (37 CFR 1.17(a)(3))	\$1,400	\$700	\$350	\$ 1400
☐ Four months (37 CFR 1.17(a)(4))	\$2,200	\$1,100	\$550	\$ _____
☐ Five months (37 CFR 1.17(a)(5))	\$3,000	\$1,500	\$750	\$ _____

☐ Applicant asserts small entity status. See 37 CFR 1.27.

☐ Applicant certifies micro entity status. See 37 CFR 1.29.
Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to
Deposit Account Number _____.

☒ Payment made via EFS-Web.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant.

☒ attorney or agent of record. Registration number **38,918**

☐ attorney or agent acting under 37 CFR 1.34. Registration number _____.

/Louis J. Hoffman/ 02/09/2018

Signature Date

Louis J. Hoffman (480) 948-3295

Typed or printed name Telephone Number

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.

☐ * Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/080,999	11/15/2013	Roy Shkedi	14-PP-CON3	9158
26362	7590	02/13/2018	EXAMINER	
LOUIS J. HOFFMAN, P.C.			SITTNER, MICHAEL J	
7689 East Paradise Lane				
Suite 2				
Scottsdale, ARIZONA 85260				
			ART UNIT	PAPER NUMBER
			3622	
			NOTIFICATION DATE	DELIVERY MODE
			02/13/2018	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Louis@valuablepatents.com
donald@valuablepatents.com

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiners responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicants correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,-
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicants record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiners version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, Interview Record OK on the paper recording the substance of the interview along with the date and the examiners initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

No agreements were reached.

Applicant's counsel provided an interview summary and agenda with proposed amendments (see attached)

Counsel reviewed the invention and acknowledged that no new or novel tag, linking, or storing technology has been invented. Instead, the invention makes use of conventional tagging technology (e.g. cookies as one example) and conventional linking and storing technologies for linking and storing information as necessary for the unconventional steps of the claimed invention.

Counsel asserted that the prior art did not teach a method of selecting a media property entity based on a comparison of (A) profile information about a visitor who electronically accessed electronic apparatus of a profile supplier with (B) a plurality of stored requests from different entities.

Respectfully the Examiner disagrees and pointed to Jaschke in view of Kublickis. See Jaschke at least Fig. 4, [0030]-[0031] and [0064]-[0073] The consumer information broker [profile owner] determines which advertiser [media property] will be permitted to utilize the advertisement opportunity by using various mathematical calculations; the consumer information broker selects an advertiser [media property entity] to whom the control of advertising opportunity will be transferred. This occurs after receiving notification of targeted profile of a visiting user representing an advertising opportunity. See note in Final Office action pgs. 14-15.

The Examiner understands that automatically selecting an advertiser [media property entity] based on a comparison of (A) profile information about a visitor with (B) a plurality of stored requests from different advertisers [entities], each stored request being for requested profiles or kinds of profiles, which plurality of stored requests includes the desired profile or kind of profiles is merely applying a known technique of Jaschke to a known base device and method of Kublickis to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Jaschke with the base device/method of Kublickis to realize that Kublickis' custom browser, which already stores for each third-party various requested profile information of the user which the user has agreed to share with each particular third-party and which stores additional request for profile data points as the user navigates websites (and also stores cookies [tags] appended with the profile data points which the user allows a third-party to collect), may also be used in the manner as taught by Jaschke to automatically select between competing advertisers [media property entity] based on this information already available to the browser (i.e. (A) profile information about a visitor, and (B) plurality of stored requests from different advertisers [entities]) because both Kublickis and Jaschke are analogous art in the same field of endeavor (at least G06Q30/02) and because according to MPEP 2143(1) (C) and/or (D), the use of known technique to improve a known device, methods, or products (i.e. Kublickis' browser tool) in the same way (or which is ready for improvement) is obvious.

Counsel asked whether an AFCP 2.0 request would be appropriate. Examiner deferred to Counsel's judgment as to whether applicant deemed necessary but noted that if amendments were commensurate with those presented as proposed for this interview that the request would not be able to handled under the guidelines of the AFCP 2.0 program and would be handled as an Advisory Action. Additionally, if the proposed amendments were submitted as After Final Amendments, they would not be entered as they would not simplify the subject matter for purpose of appeal and appear to raise issues under 35 USC 112, 1st and/or 2nd paragraphs.

No agreements were reached.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor	:	Shkedi, Roy	Art Unit	:	3622
Serial No.	:	14/080,999	Examiner	:	Sittner, Michael J.
Filing Date	:	11/15/2013	Conf. No.	:	9158
Title	:	Providing collected profiles to media properties having specified interests			

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

NOT Filed via EFS-Web – February 6, 2018

INTERVIEW DISCUSSION DOCUMENT

Dear Sir:

In connection with the interview after the Final Office Action dated August 11, 2017, assignee requests consideration of the below.

Possible amendments to the claims begin on page 2.

Remarks begin on page 11.

Amendments

IN THE CLAIMS:

Please amend the claims as follows:

1.-33. (Canceled)

34. (Currently amended) A method of causing delivery of electronic advertisements based on provided profiles comprising:

(a) with a computer system automatically ~~arranging storage of~~ storing, in a central database associated with the computer system, profile information associated with a visitor, which profile information is linked to a tag associated with a visitor device, as a result of electronic receipt from a profile owner computer of indicia of the profile information associated with the visitor, [[for a]] which profile information of the visitor match[[ing]]es a profile or kind of profiles desired requested by an entity controlling the computer system, wherein the tag represents serves as a link to the profile information associated with the visitor;

(b) wherein the profile owner computer is programmed:

(i) to automatically select a media property entity of a plurality of media property entities based on a comparison of (A) profile information about a visitor who electronically accessed electronic apparatus of a profile supplier with (B) a plurality of stored requests from ~~different the plurality of media property entities, one of which media property entities is the entity controlling the computer system,~~ each stored request being for requested profiles or kinds of profiles, which plurality of stored requests includes the ~~desired~~ profile or kind of profiles requested by the entity controlling the computer system, and

(ii) to automatically arrange for electronic storage of a requested profile linked to a tag that is associated with the visitor device and that is

readable by equipment controlled by the selected media property entity, which equipment is part of the computer system of part (a) when the selected media property entity is the entity controlling the computer system, and which tag is the tag of part (a) when the selected media property entity is the entity controlling the computer system; and

(c) later, when the visitor device is available to receive an advertisement, with the computer system, (i) using the tag of part (a) that is associated with the visitor device to access the profile information stored in the central database, and (ii) using the profile information linked to the tag of part (a) to automatically cause delivery of an electronic advertisement to the visitor device, wherein the electronic advertisement is dependent on the profile information associated with the visitor.

35. (Previously presented) The method of claim 34 wherein the profile information associated with the visitor is derived from the visitor's activity using a first device, and wherein the visitor device that is available to receive an advertisement is a second device of the visitor.

36. (Previously presented) The method of claim 35 wherein the first device is a computer of the visitor and the second device is a mobile phone of the visitor.

37. (Previously presented) The method of claim 36 wherein the tag identifies the mobile phone.

38. (Previously presented) The method of claim 36 wherein the profile owner computer is programmed to automatically select a media property entity using profile information about the visitor that was derived from the visitor's activity using the computer of the visitor, which profile information was received by the profile-owner computer as a result of URL redirection from a website that is served by the electronic apparatus of the profile supplier, which website is accessed by the computer of the visitor.

39. (Previously presented) The method of claim 35 wherein the second device is a computer and further comprising, after parts (a) and (c), with the computer system electronically reporting information about delivery of the advertisement to the second device, which report is provided to a profile owner controlling the profile owner computer.

40. (Previously presented) The method of claim 39 wherein electronically reporting comprises automatically placing the second device in communication with computer equipment controlled by the profile owner, via URL redirection from the computer system, when the computer system utilizes the tag to cause delivery of the advertisement.

41. (Previously presented) The method of claim 34 further comprising, after parts (a) and (c), with the computer system electronically reporting information about delivery of the advertisement to the visitor device that is available to receive an advertisement, which report is provided to a profile owner company controlling the profile owner computer.

42. (Previously presented) The method of claim 41 wherein reporting further comprises automatically electronically identifying to the profile owner company one of a plurality of profiles or kind of profiles used in association with delivery of the advertisement.

43. (Previously presented) The method of claim 34 wherein the profile owner computer is programmed to automatically select a media property entity using profile information about the visitor that was derived from the visitor's activity using the visitor device.

44. (Previously presented) The method of claim 43 wherein the profile information was received by the profile-owner computer as a result of URL redirection from a website that is served by the electronic apparatus of the profile supplier, which website is accessed by the visitor device.

45. (Canceled)
46. (Previously presented) The method of claim 34 wherein the tag comprises personally identifiable information identifying the visitor.
47. (Canceled)
48. (Canceled)
49. (Currently amended) The method of claim 34 wherein the profile owner computer being programmed to automatically arrange for electronic storage of the profile information linked to the tag associated with a visitor device comprises the profile owner computer being programmed to perform automatic redirection to a URL provided by the selected entity to place the visitor device in communication with computer equipment controlled by the selected entity to enable storage, in a central database associated with the computer equipment of the selected entity, of the profile information linked to the tag in association that is associated with the visitor device.
50. (Currently amended) The method of claim 34 wherein the ~~equipment~~ apparatus of the profile supplier operates in the Internet and the equipment of the selected entity utilizes the profile data to cause delivery of the electronic advertisements on a television of the visitor.
51. (Currently amended) A computer system comprising one or more computers, wherein the one or more computers are programmed and connected:
- (a) to automatically ~~arrange storage of~~ store, in a central database associated with the computer system, profile information associated with a visitor, which profile information is linked to a tag associated with a visitor device, as a result of electronic receipt from a profile owner computer of indicia of ~~the profile information associated with the visitor, [[for a]]~~ which profile information of the visitor match~~es~~ [[ing]]es a profile or kind of profiles ~~desired~~ requested by an entity controlling the computer system, wherein the tag ~~represents~~ serves as a link to the profile information associated with the visitor;

- (b) wherein the profile owner computer is programmed:
- (i) to automatically select a media property entity of a plurality of media property entities based on a comparison of (A) profile information about a visitor who electronically accessed electronic apparatus of a profile supplier with (B) a plurality of stored requests from ~~different~~ the plurality of media property entities, one of which media property entities is the entity controlling the computer system, each stored request being for requested profiles or kinds of profiles, which plurality of stored requests includes the ~~desired~~ profile or kind of profiles requested by the entity controlling the computer system, and
- (ii) to automatically arrange for electronic storage of a requested profile linked to a tag that is associated with the visitor device and that is readable by equipment controlled by the selected media property entity, which equipment is part of the computer system of part (a) when the selected media property entity is the entity controlling the computer system, and which tag is the tag of part (a) when the selected media property entity is the entity controlling the computer system; and
- (c) later, when the visitor device is available to receive an advertisement, with the computer system, (i) to use the tag of part (a) that is associated with the visitor device to access the profile information stored in the central database, and (ii) to use the profile information linked to the tag of part (a) to automatically cause delivery of an electronic advertisement to the visitor device, wherein the electronic advertisement is dependent on the profile information associated with the visitor.

52. (Previously presented) The computer system of claim 51 wherein the profile information associated with the visitor is derived from the visitor's activity using a first

device, and wherein the visitor device that is available to receive an advertisement is a second device of the visitor.

53. (Previously presented) The computer system of claim 52 wherein the first device is a computer of the visitor and the second device is a mobile phone of the visitor.

54. (Previously presented) The computer system of claim 53 wherein the tag identifies the mobile phone.

55. (Previously presented) The computer system of claim 53 wherein the profile owner computer is programmed to automatically select a media property entity using profile information about the visitor that was derived from the visitor's activity using the computer of the visitor, which profile information was received by the profile-owner computer as a result of URL redirection from a website that is served by the electronic apparatus of the profile supplier, which website is accessed by the computer of the visitor.

56. (Previously presented) The computer system of claim 52 wherein the second device is a computer and wherein the computer system is further programmed to, after parts (a) and (c), electronically report, to a profile owner controlling the profile owner computer, information about delivery of the advertisement to the second device.

57. (Previously presented) The computer system of claim 51 wherein the one or more computers are further programmed to, after parts (a) and (c), electronically report, to a profile owner controlling the profile owner computer, information about delivery of the advertisement to the visitor device that is available to receive an advertisement.

58. (Previously presented) The computer system of claim 57 wherein the one or more computers are programmed to electronically report by further automatically electronically identifying to the profile owner company one of a plurality of profiles or kind of profiles used in association with delivery of the advertisement.

59. (Previously presented) The computer system of claim 51 wherein the profile owner computer is programmed to automatically select a media property entity using profile information about the visitor that was derived from the visitor's activity using the visitor device.
60. (Previously presented) The computer system of claim 59 wherein the profile information was received by the profile-owner computer as a result of URL redirection from a website that is served by the electronic apparatus of the profile supplier, which website is accessed by the visitor device.
61. (Canceled)
62. (Previously presented) The computer system of claim 51 wherein the tag comprises personally identifiable information identifying the visitor.
63. (Canceled)
64. (Currently amended) The computer system of claim 51 wherein the ~~one or more~~ profile owner computer[[s are]] being programmed to automatically arrange for electronic storage of the profile information linked to the tag by arranging for electronic storage of the profile information in a associated with a visitor device comprises the profile owner computer being programmed to perform automatic redirection to a URL provided by the selected entity to place the visitor device in communication with computer equipment controlled by the selected entity to enable storage, in a central database locatable through associated with the computer equipment of the selected entity, of the profile information linked to the tag that is associated with the visitor device.
65. (Currently amended) The computer system of claim 51 wherein the equipment of the profile supplier operates in the Internet and the ~~equipment~~ apparatus of the selected entity utilizes the profile data to cause delivery of the electronic advertisements on a television of the visitor.

66. (Currently amended) An article comprising a tangible medium that is not a transitory propagating signal encoding computer-readable instructions that, when applied to a computer system comprising one or more computers, instruct the computer system to perform a method of causing delivery of electronic advertisements based on provided profiles comprising:

(a) automatically ~~arranging storage of~~ storing, in a central database associated with the computer system, profile information associated with a visitor, which profile information is linked to a tag associated with a visitor device, as a result of electronic receipt from a profile owner computer of indicia of the profile information ~~associated with the visitor~~, [[for a]] which profile information of the visitor match[[ing]]es a profile or kind of profiles ~~desired~~ requested by an entity controlling the computer system, wherein the tag ~~represents~~ serves as a link to the profile information associated with the visitor;

(b) wherein the profile owner computer is programmed:

(i) to automatically select a media property entity of a plurality of media property entities based on a comparison of (A) profile information about a visitor who electronically accessed electronic apparatus of a profile supplier with (B) a plurality of stored requests from ~~different~~ the plurality of media property entities, one of which media property entities is the entity controlling the computer system, each stored request being for requested profiles or kinds of profiles, which plurality of stored requests includes the ~~desired~~ profile or kind of profiles requested by the entity controlling the computer system, and

(ii) to automatically arrange for electronic storage of a requested profile linked to a tag that is associated with the visitor device and that is readable by equipment controlled by the selected media property entity, which equipment is part of the computer system of part (a) when the

selected media property entity is the entity controlling the computer system, and which tag is the tag of part (a) when the selected media property entity is the entity controlling the computer system; and

(c) later, when the visitor device is available to receive an advertisement, (i) using the tag of part (a) that is associated with the visitor device to access the profile information stored in the central database, and (ii) using the profile information linked to the tag of part (a) to automatically cause delivery of an electronic advertisement to the visitor device, wherein the electronic advertisement is dependent on the profile information associated with the visitor.

Remarks

Definitions

The examiner has offered definitions of some terms and indicated concern about consistency with definitions of other terms. A list of pertinent terms follows, collecting the definitions, for ease of reference. No inconsistencies are considered present.

“Media property equipment” – equipment, which is part of the computer system that controls an ad space viewed by a visitor, at least temporarily. *See Spec.*, p. 5, lines 4-9, 17-18.

“Media property entity” – an entity that controls media property equipment (as defined above). *See Spec.*, p. 5, lines 6-11; p. 8, lines 5-6, 23; *see also* provisional spec. (60/805,114), p. 5.

“Profile information” – any information characterizing a visitor/user (demographic), or describing what a visitor/user did (behavioral). *See Spec.*, p. 3, line 2. (Profile information can be stored in a tag or in a central database or both. *See Spec.*, p. 6, lines 25-30.) {However, for the claims as amended, we propose to limit the coverage to profile information stored in a central database.}

“Tag” – any unique identifier (*e.g.*, a cookie) used to mark a person electronically visiting a media property (such as a web site, TV channel, or the like) using any device. *See Spec.*, p. 4, lines 19-23. (A tag can identify either a person or a person’s device; a tag may be placed on a user device or in a central database. *See Spec.*, p. 6, lines 11-17. A tag may represent or be connected to the profile. *See Spec.*, p. 6, lines 25, 28.) {However, for the claims as amended, we propose to limit the coverage to tags identifying a user device.}

“Profile owner” – an entity that either owns profiles or has the right to resell profiles on behalf of another profile owner. *See Spec.*, p. 8, lines 13-14.

“Profile supplier” – an entity that provides profiles or a publisher that transfers profile information to a behavioral targeting (BT) company. *See Spec.*, p. 3, lines 1-3; p. 7, line 23. (A profile supplier can also be a profile owner. *See Spec.*, p. 11, lines 18-19.)

“BT company” – an entity that acts as an agent to tag computers of a publisher’s visitors for the purpose of delivering targeted ads to the publisher’s visitors on other sites, or a publisher working without an agent to tag computers of the publisher’s own visitors for the purpose of delivering ads to those visitors on other sites where the publisher buys ad space. *See Spec.*, p. 2, lines 23-29.

Section 112(2)

Applicant’s amendments ensure that no Section 112(2) rejections apply.

References to “the tag” are clarified to refer consistently to tags associated with a visitor *device*.

Profile information linked to the tag is associated with the visitor that uses the device.

The claimed method of claim 34 is performed by a computer system controlled by a media property entity. *See claim 34*, parts (a) and (c). The profile owner computer referenced in part (b) is one that automatically chooses a media property entity from several such entities and arranges for the selected media property entity controlled computer system to automatically arrange for electronic storage of a profile requested by the selected media property that is linked to a readable tag. In situations where the media property entity selected is the media property controlling the computer system performing the claimed method, the tag is readable by the computer system performing parts (a) and (c), and thus the tag is the same tag as mentioned in part (a). There are not “two tags” with distinct purposes.

Although not the basis of any 112(2) rejection, the rejection indicates that prior “amendments to the claims have not fully addressed certain issues,” listed as points (2), (3), and (4) – these are addressed as follows:

(2) *“what ‘arranging storage of [said] tag’ encompasses”* – part (a) is amended to refer specifically to a particular species of tagging, namely that the profile information is stored in the media property controlled computer system’s central database and the tag serves as a link to that profile information. *See Spec.*, p. 15, lines 15-16 (case (2)(c)).

(3) *“who/what ‘entity’ is being selected by the ‘profile owner’”* – part (b)(i) is amended to clarify that the profile owner selects one of a plurality of media properties – and *“what is its/their function is in relation to storage or use of ‘the tag’”* – part (a) is amended (see #2) to clarify how the media property controlled computer system uses the tag.

(4) *“clarification regarding what action(s) trigger specific steps if such triggering events are important to the claimed invention, etc ...”* – part (a) was already amended to say that receipt of profile information matching a request triggers the specific act (see “as a result of” language), and the specific act is further clarified as being storage of profile information in a central database (see #2); part (c) is now clarified to specify that accessing the profile using the tag associated with the device triggers use of the profile information to cause delivery of the ad.

Section 103

The previous primary reference, Jaschke (U.S. Pat. Pub. 2007/0130005), has become the secondary reference used in the rejection in the final Office Action. The primary reference is now Kublickis (U.S. Pat. Pub. 2007/0067297). Kublickis is very long, but the Office Action refers specifically to the discrete portion at paragraphs [0423-36].

In context, Kublickis discloses a “custom browser” (which may be installed in as a tool bar in a conventional browser). [0206, 0290] When the visitor uses the browser to visit a website, the “third-party content provider” controlling the website automatically requests profile data from the custom browser by embedding the request in the body of the visited web page’s HTML code. [0406-07, 0416-22] The system of Kublickis checks for user permission allowing delivery of the type of profile data and, assuming it is

granted, provides the data to the website, either by direct transfer (to the web address specified by the website in the web page HTML code), *see* [0419, 0424], or by using the custom browser software on the user computer to write the data directly to a cookie associated with the website, which is stored on the user computer and reported by the browser to the visited website, *see* [0210, 0283, 0410, 0436]. As the Office Action notes, a given website may encounter the same user multiple times. [0422, 0433] In that instance, previous user *permissions* may be saved as data associated with the particular website, but the website makes a separate “request” for profile data each time, which may be duplicative of an earlier request. *Id.* The rejection in the Office Action analogizes the “third party content provider” of Kublikis to the “media property” performing parts (a) and (c) of the independent claim and analogizes the company operating the “custom browser” as the “profile owner” of part (b) of the independent claim.

In general, Kublickis differs from the current specification-disclosed technique (among other reasons) because Kublickis discloses providing data to a visited media property on demand, at the time of a visit by the user to a given website, while in contrast applicant’s disclosed technique generally involves providing desired profile data to a media property *at the time profile data is collected*, which media property is selected based on stored requests from multiple media properties, with the *hope* that the selected media property will encounter the tagged browsers *later* and then have the opportunity to target an ad to the browser based on the *previously* received profile information.

As for the secondary reference, as previously explained at some length, Jaschke discloses a “consumer information broker” that accepts advertiser bids and chooses one of several *advertisers* automatically; various advertisers bid for delivery of their ads to a “target” or user, and an advertiser is selected based on a calculation of which matches.

Turning to the claims, first the rejection contains general comments discounting certain claim elements:

- The rejection “notes” that the claims do not “stipulate any specific embodiment for what constitutes ‘arranging’ [storage] and therefore this is completely open to interpretation.” As result of the amendments, the claim now stipulates certain specific embodiments.
- The rejection says, “step [(b)] is not performed because it is conditional and only occurs if the condition is met which is not true for various embodiments presented in the applicant's specification.” This is not right. Step (a) explicitly says that the action in step (a) is performed as a result of electronic receipt from a profile owner computer, and part (b) stipulates that the profile owner computer in question *must be* a computer programmed as defined in part (b).
- Part (b) is not “conditional” – the only “condition” in part (b) refers to the possibility that the profile owner computer may select the media property that performs the method or another media property. But the profile owner computer selecting the instant media property is the only relevant case. Reference to “various embodiments presented in the applicant’s *specification*” is not understood, as the *claim* limitations are what matter.

With that background in mind, there are a number of differences between the references and various aspects of the claim:

First, neither Kublickis nor Jaschke teach a “profile owner computer” programmed as specified in part (b) to select a media property entity out of a plurality based on stored requests and arrange for storage of a requested profile linked to a tag readable by the selected media property’s equipment. Nor do either teach making such a selection based on stored requests from each entity.

The rejection agrees that Kublickis “may not explicitly teach the nuance of” the limitation (b)(i), which specifies that the profile owner computer has selected a media property entity from among many based on stored profile requests, but the rejection argues that this is disclosed by Jaschke. These differences are hardly a mere “nuance”:

(1) Kublickis works only with respect to a given website in current contact with a user's customized browser, so Kublickis has no need to select any website among others. Jaschke, also, works with respect to filling a current ad space and likewise has no need for any selection of websites.

(2) Limitation (b)(i) refers to a *selected* media property from among many. The rejection concedes that Kublickis contains no selection. Jaschke does not teach selecting media property entities either. Jaschke's broker selects advertisements for a given ad space, whereas the claims of this application relate to selection of one among several "media properties" with the goal of enabling the selected media property to target the profiled visitor with an ad within an available ad space if and when encountering that visitor in the future.¹

(3) Kublickis does not store the profile requests; it stores permissions granted by the visitor. Each time the visitor encounters the website, the request is repeated or a new request made. There are no stored requests, even for the one website. Even if a request is stored for purpose of noting the previously granted permission, Kublickis does not teach using any stored request to select a media property from among many based on stored requests for each.

In sum, neither Kublickis nor Jaschke teach the specially and unconventionally programmed profile owner computer of part (b).

Second, as a result of the first point, it follows that neither reference discloses performing part (a), and thus the combination of the two references would not perform

¹ Moreover, the rejection considers the advertisers selected by Jaschke's broker as "media properties" as claimed, but those advertisers (in the context of Jaschke) *do not control ad space*, and thus are not "media properties" as claimed. Jaschke's referenced advertisers do not each control ad space because the point of Jaschke is that the advertisers are competing (bidding) for permission to place their ads in a given ad space *that Jaschke's "broker" controls*. Only when Jaschke's broker makes the selection is the advertisement of *one* of the advertisers, the selected one, delivered to the user, as triggered by the broker. Thus, Jaschke's broker cannot match the "profile owner" referenced in part (b) of the independent claims. The problem with Jaschke is not that Jaschke chooses among advertisers *per se* but that the advertisers in Jaschke do not control ad space at the time of the choice.

part (a) either. Part (a) calls for arranging storage of profile information “as a result of electronic receipt from a profile owner computer of indicia” of *matching* profile data. Therefore, part (a) calls for receipt not just from any profile owner computer, but from a profile owner computer programmed as in part (b), which is a computer that has selected the media property computer system performing part (a) out of a plurality of possible media properties based on the profile having matched that media property’s request, which is stored in that profile owner computer.

Further as to part (a), the claim now calls for the selected media property controlled computer system to store profile information in a central database associated with the selected media property controlled computer system. Kublickis contains no indication that the referenced “third-party content provider” stores profile information in a central database associated with that content provider’s computer, and Kublickis suggests to the contrary by speaking about the content provider repeating the same request (and indeed the data is dumped as soon as the user navigates to a different website between the two visits). Kublickis offers no motivation or rationale for using a media property database, because – as noted above – Kublickis’ “content provider” receives information via the special browser during the visitor’s visit to the website and uses the data to serve an ad *now*; there is no logical reason to store the data for later use.

As to part (c), the rejection doesn’t mention Jaschke but says that Kublickis discloses the cookie being used to target offers and ads and refers to the above-described disclosure in Kublickis of saving permissions from a user’s previous visit to the same website. Again, though, Kublickis works by transferring profile data (if authorized) each time the user visits a particular website – whether directly or through the cookie; hence Kublickis doesn’t meet the “later” limitation of part (c), because there is no disclosure of choosing the ad using profile data stored in the central database that was transferred during an earlier visit by the user to the website, which profile data was

received from a profile owner as a result of the media property being selected because such information matches a previously stored request of the media property.

In short, neither Kublickis, Jaschke, or the combination of the two references discloses each aspect of the invention as now claimed. Applicant respectfully requests withdrawal of the obviousness rejection.

Section 101

The claims capture distinctions over the art and thus contain *unconventional* method steps (or parallel claim elements for the apparatus claims). The Section 101 rejection should be overcome, at a minimum because of the presence of a combination of unconventional elements explicitly recited in the claims related to computer systems that are in communication with one another.

The claimed invention has significant advantages by enabling a selected media property entity that has expressed interest in a profile or type of profile, to receive profile data, specifically from the specially programmed profile-owner computer, which profile data is stored in a central database and linked to a visitor device's tag, and to allow the media property to later cause delivery of ads connected to that profile when ad space becomes available for that visitor's device.

As noted above in the Section 112(2) section, the claim is specific and addresses the points previously questioned, which also suggests the contrary of abstraction.

Even if there were any basis to hold that claim 34, as construed, is directed to an "abstract idea," the claimed invention is clearly patent-eligible under the Office's *Alice* test, Step 2B, because the claims clearly include "additional elements" that amount to "significantly more" than the abstract idea, regardless of how one defines the allegedly "abstract" idea, and because, when "viewing the claims as a whole," the claims do not "implement" the idea (however defined) only "through the use of routine and conventional activity," nor at "a high level of generality," but rather expresses a specific technical solution that describes an "inventive concept."

As explained in applicant's specification, *see, e.g.*, pages 7-10, previous systems created difficulties, solved by the current invention, including the problem of media properties monetizing general-content ad space when receiving categories of profiles that they could not use. Previous techniques would require specific negotiations with a number of different referring websites, exchange of technical information to make any tagging possible, and constant updating as a media property instituted new ad campaigns or finished running a campaign. Such a cumbersome contracting and technical-updating process prevented referring websites from being positioned to cause media property tags to be added timely. Also as the specification explains, worse, the prior art did not seem to allow such referring websites to deliver specifically a *subset* of users that the media property wished to target, and as a result the media property would end up delivering the ad to some "unwanted" visitors as a result of broader audience than desired being tagged. Obtaining a targeted audience was difficult technically to balance the need for enough visitor volume against the desire to avoid excess visitors; as explained in the last response, known prior art techniques did not provide a way, technically and practically, for a "media property" to obtain a desired audience of both a sufficient size and a targeted type. The unconventional elements of the pending claims allow "media properties" to specify a desired audience to a "profile owner" that has access to users on account of their visit to "profile supplier," and the media properties can cooperate with the "profile owner" to identify a subset making up their desired audience by arranging for storage of a requested profile linked to a visitor device tag. Such techniques allow access to the desired audience, without too many too broadly targeted visitors, avoids the need for custom negotiations and technical assistance, can start timely, and can be scalable, also as explained in the last response.

Assignee continues to believe that the claims – directed as amended to having a selected media property arranging for storage of a profile linked to a tag and delivering an ad to a visitor *whose profile information was received from a profile owner that has selected*

the media property from among others based on requests for profiles or types of profiles of particular kinds – define a specific and concrete, and thus not an abstract, invention (or idea) and thus that the claims qualify as patent-eligible under Step 2A. Regardless, it appears clear from the examiner’s suggestion in the previous interview and taking the amendments here into account that the claims qualify as patent-eligible under Step 2B because, viewing any of the claims as a whole: (i) there is no manual action nor even pre-Internet analog, as the claim is directed to an Internet-centric problem, so the claim is not directed simply to performing known techniques on a computer or on the Internet; (ii) claim 34 directed to an unconventional and non-generic combination of elements; (iii) the idea is confined to a particular, practical application of how to handle Internet advertising; (iv) the combination is not well-understood, routine, or conventional activity; and (v) the claims refer to an “inventive concept.” Therefore claim 34, together with all of the claims, is patent-eligible under the Office’s policy statements and the *Bascom* and *DDR* cases, *i.e.*, *BASCOM Global Internet Services, Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1349 (Fed. Cir. 2016) (“step two [involves] the search for an ‘inventive concept’ [which] may arise in one or more of the individual claim limitations or in the ordered combination of the limitations”); *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245, 1259 (Fed. Cir. 2014) (“When the limitations of the ... asserted claims are taken together as an ordered combination, the claims recite an invention that is not merely the routine or conventional use of the Internet”). As assignee previously noted, like in *DDR*, *Bascom*, and certain USPTO teaching examples, the interaction between the two computer systems defined in the claims facilitates the purpose of the claim (here advertisement delivery) in a specific and non-conventional way, generating useful results that have the above-described advantages.

The *Bascom* case is particularly worth studying. In *Bascom*, the Court found that “the limitations of the claims, taken individually, recite generic computer, network and Internet components, none of which is inventive by itself.” 827 F.3d at 1349.

Nevertheless, the Court found the claim patent-eligible because “an inventive concept can be found in the non-conventional and non-generic arrangement of known, conventional pieces” *Id.* at 1350. Indeed, “The inventive concept described and claimed” in Bascom’s patent was just “the installation of a filtering tool at a specific location, remote from the end-users [*i.e.*, an ISP], with customizable filtering features specific to each end user,” as opposed to “a filter on a local computer.” *Id.* Like in *Bascom*, the particularly claimed method here, even if considered to employ only “generic ... components, none of which is inventive by itself,” defines an arrangement of components to facilitate interactions between computer systems in a non-conventional fashion, generating specific advantages from the claim-defined technique.



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	14/080,999	Shkedi, Roy
	Examiner	Art Unit
	MICHAEL J SITTNER	3622

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

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 11 August 2017.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) if this is utility or plant application, a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. Note that RCEs are not permitted in design applications.)
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee required by 37CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d), is \$ _____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record or other party authorized under 37 CFR 1.33 (b). See 37 CFR 1.138(b).

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☐ The reason(s) below:

/MICHAEL J SITTNER/ Examiner, Art Unit 3622	/ARTHUR DURAN/ Primary Examiner, Art Unit 3622
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Petitions to revive under 37 CFR 1.137, or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.