Doc Code: TRACK1.REQ
Document Description: TrackOne Request

PTO/AIA/424 (04-14)

CERTIFICATION AND REQUEST FOR PRIORITIZED EXAMINATION UNDER 37 CFR 1.102(e) (Page 1 of 1)

First Named Inventor:	Shkedi, Roy	Nonprovisional Application Number (if known):	
Title of Invention:	Providing collected profiles to media properties having specified interests		

APPLICANT HEREBY CERTIFIES THE FOLLOWING AND REQUESTS PRIORITIZED EXAMINATION FOR THE ABOVE-IDENTIFIED APPLICATION.

1. The processing fee set forth in 37 CFR 1.17(i)(1) and the prioritized examination fee set forth in 37 CFR 1.17(c) have been filed with the request. The publication fee requirement is met because that fee, set forth in 37 CFR 1.18(d), is currently $0. The basic filing fee, search fee, and examination fee are filed with the request or have been already been paid. I understand that any required excess claims fees or application size fee must be paid for the application.

2. I understand that the application may not contain, or be amended to contain, more than four independent claims, more than thirty total claims, or any multiple dependent claims, and that any request for an extension of time will cause an outstanding Track I request to be dismissed.

3. The applicable box is checked below:

I. ☑ **Original Application (Track One) - Prioritized Examination under § 1.102(e)(1)**

i. (a) The application is an original nonprovisional utility application filed under 35 U.S.C. 111(a). This certification and request is being filed with the utility application via EFS-Web.

---OR---

(b) The application is an original nonprovisional plant application filed under 35 U.S.C. 111(a). This certification and request is being filed with the plant application in paper.

ii. An executed inventor's oath or declaration under 37 CFR 1.63 or 37 CFR 1.64 for each inventor, **or** the application data sheet meeting the conditions specified in 37 CFR 1.53(f)(3)(i) is filed with the application.

II. ☐ **Request for Continued Examination - Prioritized Examination under § 1.102(e)(2)**

i. A request for continued examination has been filed with, or prior to, this form.
ii. If the application is a utility application, this certification and request is being filed via EFS-Web.
iii. The application is an original nonprovisional utility application filed under 35 U.S.C. 111(a), or is a national stage entry under 35 U.S.C. 371.
iv. This certification and request is being filed prior to the mailing of a first Office action responsive to the request for continued examination.
v. No prior request for continued examination has been granted prioritized examination status under 37 CFR 1.102(e)(2).

Signature /Louis J. Hoffman/	Date 02/09/2018
Name (Print/Typed) Louis J. Hoffman	Practitioner Registration Number 38918

Note: *This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. Submit multiple forms if more than one signature is required.**

☐ *Total of _____ forms are submitted.

Electronic Patent Application Fee Transmittal					
Application Number:					
Filing Date:					
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-CON4				
Filed as Large Entity					
Filing Fees for	**Track I Prioritized Examination - Nonprovisional Application under 35 USC 111(a)**				
Description		**Fee Code**	**Quantity**	**Amount**	**Sub-Total in USD($)**
Basic Filing:					
UTILITY APPLICATION FILING		1011	1	300	300
UTILITY SEARCH FEE		1111	1	660	660
UTILITY EXAMINATION FEE		1311	1	760	760
REQUEST FOR PRIORITIZED EXAMINATION		1817	1	4000	4000
Pages:					
Claims:					
Miscellaneous-Filing:					
Petition:					

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
		Total in USD ($)		**5720**

Electronic Acknowledgement Receipt	
EFS ID:	31755726
Application Number:	15893354
International Application Number:	
Confirmation Number:	5057
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-CON4
Receipt Date:	09-FEB-2018
Filing Date:	
Time Stamp:	18:02:26
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$5720
RAM confirmation Number	021218INTEFSW18033600
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 of New Application	18-02-09-DAT-PP_CON4-app_trans.pdf	236499 bec7ee9d0d974ce7e0a745bc5100de79d658bb1b	no	1
Warnings:					
Information:					
2		ProvidingProfiles-Spec-FINAL.pdf	117922 cffa2df0701885ee36b8dd4961e8ca1e391da6c7	yes	29

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Specification	1	22
	Claims	23	28
	Abstract	29	29

Warnings:					
Information:					
3	Drawings-only black and white line drawings	ProvidingProfiles-drawings-FINAL.pdf	524588 415d8ef013f10777a8e3df43dd59feaab08a68f8	no	2
Warnings:					
Information:					
4	Oath or Declaration filed	13-11-13-Datonics-PP-CON3-Declaration_signed.pdf	156290 816f76bbe0b569b32483b222b45a731ae856c55a	no	1
Warnings:					
Information:					
5	Application Data Sheet	17-02-09-DAT-PP_CON4-ADS.pdf	1823581 831549e35663c4a12eb7fd2ef17c58ea23535de5	no	8

Warnings:					
Information:					
6	TrackOne Request	17-02-09-DAT-PP_CON4-Track_one_rqst.pdf	114159 59da49e630bcab3cb3833501ab16128dd1a94906	no	1
Warnings:					
Information:					
7	Fee Worksheet (SB06)	fee-info.pdf	36940 75bf9955943c29f27f0a4da7f78b7702aa0122cf	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	3009979		

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.

New Applications Under 35 U.S.C. 111

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.

National Stage of an International Application under 35 U.S.C. 371

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.

New International Application Filed with the USPTO as a Receiving Office

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.

PTO/AIA/15 (10-17)
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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	14-PP-CON4
First Named Inventor	Shkedi, Roy
Title	Providing collected profiles to media properties having specified interests
Priority Mail Express® Label No.	Filed via EFS-Web

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☐ **Fee Transmittal Form** (PTO/SB/17 or equivalent)
2. ☐ **Applicant asserts small entity status.** See 37 CFR 1.27
3. ☐ **Applicant certifies micro entity status.** See 37 CFR 1.29. Applicant must attach form PTO/SB/15A or B or equivalent.
4. ☑ **Specification** [*Total Pages* 29] Both the claims and abstract must start on a new page. *(See MPEP § 608.01(a) for information on the preferred arrangement)*
5. ☑ **Drawing(s)** (35 U.S.C. 113) [*Total Sheets* 2]
6. **Inventor's Oath or Declaration** [*Total Pages* 1] *(including substitute statements under 37 CFR 1.64 and assignments serving as an oath or declaration under 37 CFR 1.63(e))*
   a. ☐ Newly executed (original or copy)
   b. ☑ A copy from a prior application (37 CFR 1.63(d))
7. ☑ **Application Data Sheet** ** See note below.* See 37 CFR 1.76 (PTO/AIA/14 or equivalent)
8. **CD-ROM or CD-R** in duplicate, large table, or Computer Program (*Appendix*)
   ☐ Landscape Table on CD
9. **Nucleotide and/or Amino Acid Sequence Submission** (*if applicable, items a. – c. are required*)
   a. ☐ Computer Readable Form (CRF)
   b. ☐ Specification Sequence Listing on:
      i. ☐ CD-ROM or CD-R (2 copies); or
      ii. ☐ Paper
   c. ☐ Statements verifying identity of above copies

ADDRESS TO:

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

ACCOMPANYING APPLICATION PAPERS

10. ☑ **Assignment Papers** (cover sheet & document(s))
    Name of Assignee: Datonics, LLC
11. ☐ **37 CFR 3.73(c) Statement** (*when there is an assignee*) ☑ **Power of Attorney**
12. ☐ **English Translation Document** (*if applicable*)
13. ☑ **Information Disclosure Statement** (PTO/SB/08 or PTO-1449)
    ☐ Copies of citations attached
14. ☑ **Preliminary Amendment**
15. ☐ **Return Receipt Postcard** (*MPEP § 503*) (*Should be specifically itemized*)
16. ☐ **Certified Copy of Priority Document(s)** (*if foreign priority is claimed*)
17. ☐ **Nonpublication Request** Under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or equivalent.
18. ☑ **Other:** Form PTO/AIA/424 - Certification and Request for Prioritized Examination Under 37 CFR 1.102(e)(1))

***Note**: (1) Benefit claims under 37 CFR 1.78 and foreign priority claims under 1.55 **must** be included in an Application Data Sheet (ADS).
(2) For applications filed under 35 U.S.C. 111, the application must contain an ADS specifying the applicant if the applicant is an assignee, person to whom the inventor is under an obligation to assign, or person who otherwise shows sufficient proprietary interest in the matter. See 37 CFR 1.46(b).

19. CORRESPONDENCE ADDRESS

☑ The address associated with Customer Number: 26362 **OR** ☐ Correspondence address below

Name					
Address					
City		State		Zip Code	
Country		Telephone		Email	

Signature	/Louis J. Hoffman/	Date	02/09/2018
Name (Print/Type)	Louis J. Hoffman	Registration No. (Attorney/Agent)	38,918

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PROVIDING COLLECTED PROFILES TO MEDIA PROPERTIES HAVING SPECIFIED INTERESTS

CROSS REFERENCE TO RELATED APPLICATIONS

This application claims the benefit of provisional application Serial No. 60/805,114, filed June 19, 2006, which is incorporated herein by reference.

FIELD OF THE INVENTION

The present invention generally relates to profile-based behavioral targeting advertisement placement services. More specifically, the present invention relates to improving monetization of electronic advertisement placement.

BACKGROUND OF THE INVENTION

DoubleClick's "Boomerang" is a service for advertisers that places a cookie on computers of visitors to an advertiser's site for the purpose of finding those visitors on other sites where DoubleClick is the ad server ("ad" is short for advertisement). When the same visitors are found on those other sites, additional advertiser's ads are served to them by the DoubleClick ad sever or by the advertiser's ad server following a redirect from the DoubleClick ad server.

The only server that can read a cookie on a user's computer is a server operating under the same domain as the server that placed the cookie on a user's computer to begin with. In other words, a cookie placed by a server operating under one domain cannot be read by another server working under a separate domain. That is why the advertiser cannot expect to place a cookie of its own (e.g., ford.com cookie) on a visitor to its site and then later expect the DoubleClick ad server (doubleclick.com) to be able to recognize the visitor when that visitor is visiting sites where DoubleClick serves ads by reading the ford.com cookies. Only a server operating under the DoubleClick domain can read a cookie placed by a server operating under the DoubleClick domain. So, DoubleClick needs to place a doubleclick.com cookie on visitors to the ford.com site for

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DoubleClick to later find those visitors within other sites, i.e., where the DoubleClick ad server is used to serve ads.

For a site to have its ad served by an ASP-hosted ad server, such as the one operated by DoubleClick, the site needs to redirect visitors from the site to the DoubleClick ad server, to fetch the ad from the server. Following the redirect from the site, the visitor accesses the DoubleClick ad server. Because the DoubleClick server is operating under the DoubleClick domain, it can read the DoubleClick cookie or cookies and then recognize that it encountered the same visitor in the past. In this example, the DoubleClick ad server recognizes the visitor as someone who visited the ford.com site.

AlmondNet, Tacoda, RevenueScience, and other companies (herein "BT companies"; "BT" stands for behavioral targeting) specialize in targeting ads based on observed behavior of sites' visitors. To record a visitor's observed behavior, a BT company places a cookie (or cookies) on the computers of visitors to specific sections of a publisher's website or on the computers of visitors of the publisher who conducted a specific action such as search, click content, click an ad, make a phone call, request information, acquire a product, etc.

The placement of cookies allows those publishers or the BT company itself to sell ads to advertisers. Those ads will be presented to the profiled visitors when they are found later on the same site or on other sites. Such sites can be either a site where the BT company's software is used or a site where the BT company has bought media. The BT company may buy the media on behalf of itself or on behalf of the publisher, who is interested in delivering ads to its audience outside the publisher's site.

Although a BT company (AlmondNet, Tacoda, RevenueScience, etc.) acts as an agent that places cookies on the computers of publisher's visitors for the purpose of delivering targeted ads to the publisher's visitors on other sites, the publisher can work without an agent and place cookies or tags on the 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. Such a publisher, acting without an agent, is also included in the definition of a BT company.

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A publisher may also be referred to as a "profile supplier" when it transfers profile information, such as behavioral information, demographic information, etc., to a BT company. Therefore, a publisher that is a BT company may also be its own profile supplier. Furthermore, although the name "BT company" implies the targeting of ads is based on collected behavioral profiles, a BT company may also collect other kinds of profile information, such as demographic information or user-provided information, and target ads to those visitors wherever found based on the collected profile information.

Another kind of a BT company is a company that has software installed on a person's computer, such as toolbar software, desktop search software, weather software, or any kind of software that is used by the computer's user. Such software also monitors the computer user's visits to different publishers' sites and media properties and collects profile information about the computer user for the purpose of delivering ads to the user within ad space of sites and media properties that the user visits based on the collected profiles.

A BT company using software installed on a user's computer does not need the cooperation of a visited media property to collect information about the visitor's visit because that software monitors whatever the user is doing on his or her computer. A BT company that has software installed on a user's computer is therefore its own profile supplier. Such software can place a cookie or another kind of tag on the user's computer. Because the software is installed on the user's computer, it can write cookies readable by any domain. That means that the BT company can place a tag or cookie of a second media property, if the BT company would like the second media property to recognize the visitor when the visitor visits that second media property site, by simply having the software place a cookie operating under the domain of the second property on the visitor's computer. The software may also report the collected profiles to a central server of the BT company.

The central server may also tag the visitor or arrange for the visitor to be tagged by operators of other media properties. A BT company can place a cookie on a site's section when a visitor's computer visits that section, if a code of the company was

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integrated into the page of that section by the site that owns the page. The code (e.g., HTML or Java) redirects to the BT company's server all visitors to the page. Also, in the case that the BT company is the publisher itself, the publisher will simply "cookie" (by itself) all visitors that either read a specific content, search, click, ask for information, make a phone call, etc.

The BT company's server, which either gave the site a unique code for a page, received from the page its URL, or received access to the page's content that could be analyzed by the BT company's server, etc., identifies the content read by the page's visitor, the keyword searched for by the user, an ad clicked on the page, a content item clicked on the page, a phone call that was made that was initiated from the page, information that was requested, or a product was acquired, etc. The content read by the page visitor could be identified by the BT company's server whether the content was reported by the site or whether the content was identified following the analysis of the page. The server then places a cookie on the user's computer indicating what content was read by the visitor on the page, what keyword was searched for by the user, or what ad was clicked on the page, etc. The placed cookie indicates that information (1) in the cookie per se, (2) in a central database operated by the server where the cookie ID is used as a record finder, or (3) both in the cookie and in the database.

Although the above description relates to cookies, a cookie is only one example of a possible tag. A tag generally is a unique identifier used to mark a person electronically visiting a media property, such as a web site, TV channel, radio show, or the like, using a computer, a mobile device, a TV set, a TV set top box, or any other device.

The tag is used for the purpose of delivering additional ads to a visitor to one media property when that visitor is found later on other media properties, based on the visitor's profile collected on the first media property. The profile could be the observed behavior of the visitor on the media property, demographic information collected on the media property, profile information provided by the visitor to the media property, etc. The profile could be made available to the other media properties.

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Because the purpose of the tag is to enable the delivery of additional ads on other media properties visited by the visitor, and because the delivery of an ad requires only control of the ad space and not necessarily control of the entire media property visited by the visitor, a media property (in the present context) can also be defined as any equipment that controls an ad space viewed by a visitor, including a web site, an ad network's site (where the ad network represents the ad space of different sites), a TV program, some of the ad space within TV programs or TV channels (represented by a cable company), a TV network, or any ad space for which an entity is allowed to sell an advertisement and deliver it within the ad 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 can 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. An ad space can be a fixed position on a page, or the ad space can be made available by a web site to an ad network (for example) only when the web site did not sell all of the site's ad inventory and therefore wishes to make some of the inventory available to the ad network.

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. For example, in the case of the web site that did not sell all the ad impressions available to be delivered within an ad space on a page and therefore makes the unsold ad space available to the ad network to fill, the ad network will have temporary control of the ad space, i.e., when that ad space is given to it by the web site. Once the site redirects the ad space on the page to the ad network (so the ad network could fill the ad space with an ad sold by the ad network), the ad network controls the ad space and has access to the visitor viewing the ad space that was redirected to the ad network by the site, and therefore the ad network's equipment is considered a media property, as it controls an ad space viewed by a visitor.

The tag can be placed on the device used by the user to access the first media property where the user's profile was collected (in case of observed behavior, that behavior can be reading a specific content, searching, clicking an ad or content, making

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a phone call, asking for product information, acquiring a product, or taking any other kind of action). A tag placed on the device (1) could be read only by a server operating under the same domain as the server that placed the tag on the device to begin with as in the case of a cookie for example, (2) could be placed on the device when the user visited the first media property, and then the tag can be read by any second media property visited by the visitor, or (3) could be encrypted and, while accessed by any second media property visited by the visitor, the tag could be deciphered only by second media property computers that received the deciphering code from the first media property. In case of a tag placed by software installed on a user's computer, the tag could be whatever the software wants it to be, including a cookie of any domain.

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 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. In the case where the tag identifies the user, the tag might denote the username and password used to access a media property, a user's name and address, a user's e-mail, a user's social security number, or any other personal identifiable information.

As already mentioned, the observed behavior of a visitor to a first media property is referred to as profile information about a specific visitor. A visitor's profile might be enhanced by the visitors' observed behavior on other media properties or by other profile information collected on other media properties.

A visitor's profile can be represented by a unique tag, or the profile can be stored with the tag, whether the tag is placed on the device, on a central database, or both. For example, the profile can be stored within a cookie (tag) on a visitor's device, or the profile can be stored in a central database where the tag connected to the profile is used as a unique identifier of the visitor's device or of the visitor personally. The profile can also be saved on both the device and a central database.

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Some 50% to 80% of the ad space on the Internet is considered difficult to monetize, as it is located next to content that tends to be more generalized, such as general news, web based e-mails, instant messages, music or files downloading sites, and software. Advertisers are not willing to pay a high price for delivering an ad to visitors of such sites, as they do not know how many of those sites' visitors are potential clients for their products and services. By contrast, advertisers prefer the placement of ads on dedicated content sites, such as a travel site. For example, an airline is willing to pay a high price per ad on a travel site, as it knows that the ad will be delivered to people who are currently searching for flying tickets. The same is true for TV, where a significant proportion of the ad space is within TV programs where the audience is heterogeneous. It is also true for radio shows and other kind of media.

Using profiles for the delivery of targeted ads within the above-described low-value ad space can turn the low-value ad space into high-value ad space by delivering ads to users that are based on previously collected profiles of the users, rather than ads that are related to the content on the page they are viewing. For example, a "car insurance" related ad, delivered to a person who yesterday searched for "car insurance" within the ad space of a general news page the person is currently reading, will be much more relevant to the person than an ad related to the general news he or she is reading.

The BT companies are described above as collecting profiles and later delivering ads to the profiled visitors when found on other sites. The ads delivered by the BT company to the profiled visitors are either sold by the BT company, which pays royalties to the profile suppliers that provided it with profiles whenever ads presented to their audience generate revenues, or paid for by a publisher that is interested in delivering ads to its own audience outside its site and is paying the BT company to find its audience on other sites. As described, the publisher might be the BT company itself.

In addition, where the collected profiles are mainly used to deliver targeted ads within low-value ad space that is acquired from low-value ad space owners, and the ads are delivered by the BT company, there is also the opportunity to make the collected profiles available to low-value ad space owners, because, instead of selling

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their low-value ad space to the profile owners, such ad space owners would prefer to monetize their low-value ad space better by themselves, by using the collected profiles to sell targeted ads, delivered to the profiled visitors when found within such low-value ad space.

A low-value ad space owner could be any media property owner, whether it owns a web site, a TV program, a radio show, or any other media property. Also, "low-value" ad space is a relative term. Because ad space prices are usually a function of the content next to the ad space, if a profile-based ad garners a higher price for the ad space owner than an ad based on the adjacent content, then the ad space value is considered "low value" (i.e., in relative terms, relative to the price the ad space will garner if used for delivery of a profile-based ad).

As described, for example, in commonly owned U.S. Patent 6,925,440, (A) profile owners (i.e., who either own the profiles or have the right to resell the profiles on behalf of another profile owner) can provide a databank with access to visitors and their profiles, and (B) either (i) the databank enhances its existing profile on a visitor with a profile owner's profile information about the visitor or (ii) a profile owner enhances the profile it has on a visitor with the databank's profile information about the visitor, where the profile information is given in return for royalties paid for every later usage of the profile information for the delivery of targeted ads to the visitor based on the profile (for example).

Although the invention of the '440 Patent provides a media property with additional information about its visitors, several possible challenges arise:

1. If a media property (if acting as a profile owner) wants to enhance the profiles available to it about its visitors and thus contacts a databank and provides it with access to the profiles, the media property might be wasting resources: First, the databank might have no profiles about the media property's visitors. For example, if the databank has no profile about a visitor, the media property would have provided the databank access to the visitor merely to learn that fact. Second, the profiles that the databank does have might be of no use to the media property because its sales force does not sell ads in the category in which the profiles belong. For example, if the

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databank has a profile about the visitor and it is a health-related profile, but the media property's sales force does not sell ads in the health category, the profile available from the databank about that visitor is of no use to the media property.

2. The media property (if acting as a databank) may be given access by a profile owner to many visitors to that profile owner's site for whose profiles the media property has no need, because the media property has no way of monetizing profiles of those kinds. For example, if a media property's sales force specializes in selling ads in the travel and financial services categories, there is no use in providing them with health, auto, and shopping-related profiles. In cases where a large profile owner makes profiles available to a media property, unless the media property has a very large sales force that specializes in selling ads in many different advertising categories, there is a significant probability that the media property will have no use for most of the profiles received.

3. A media property that receives profiles under the system of the '440 Patent described here is committing itself to pay for every usage of a received profile. Because many of the ads (or, depending on the way the profile is transferred, all of the ads) are delivered by the media property after receipt of the profile, it is a challenge for the media property to track usage of the profiles. First, it is not clear which of the visitors (for whom the media owner received profiles) actually visited the media property later on their own accord as opposed to visiting via a redirect, for example from a databank or a profile owner to the media property without the visitor asking for such visit or being aware of it. In the case of a redirect from a databank's server or a profile owner's server, a visitor's browser would simply fetch a 1x1 transparent pixel from the media property's server following the redirect. Second, because it is not clear how many of the profiled visitors will appear later within the ad space of the media property, some tracking of the usage of the profiles by the media property must be established. The problem becomes even more complex when the media property receives the profiles from a databank, because the databank itself aggregates profiles from other profile owners and makes those profiles available to media properties, and it is not clear which of the delivered profiled visitors will visit the media property on their

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own accord (whether for the first time or not). In that circumstance, it is not clear how the databank will know which profile suppliers to compensate for usage of their profiles. The problem is especially complex when the databank has several profile suppliers providing it with profiles in the same category (for example, the databank may have 20 different travel sites, all allowing the databank to tag their visitors as "travel" visitors) and the databank gives to a media property all of the profiles from those profile suppliers within that category.

Although BT companies can collect profiles and deliver ads to the profiled visitors within low-value ad space that they buy from media properties, there remains the need, therefore, to provide collected profiles to media properties that will better monetize their low-value ad space by selling ads based on the profiles and delivering the ads within their ad space to the profiled visitors when those visitors visit the media properties and making a payment for the profiles to the profile owners who provided the profiles.

What is needed generally is a more efficient method of profile-based behavioral targeting advertisement placement services, particularly for improving monetization of electronic advertisement placement.

SUMMARY OF THE INVENTION

Generally, various aspects of the disclosed embodiments relate to systems and methods for providing collected profiles to media properties, for improved monetization of electronic advertisement placement. The methods have particular importance to media properties that have interests in specific profiles or profiles of a specified category or kind.

The disclosure more specifically relates to an automatic system operated by a profile owner company ("PO company") for identifying media properties interested in having a collected profile made available to them. The automatic system makes the identification by recognizing a collected profile as one that a media property has previously requested or one that is within a category that a media property has

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previously requested. Thereafter, the PO company arranges for the visitor to be tagged with a tag readable by the media property that requested such a profile.

Using information received from the media property, the PO company then records usage of the profile by the media property. When the PO company also acts as a databank, the PO company determines which profile supplier will be credited for the media property's usage of the profile (i.e., the one that provided the databank with the profile that was used) and records the credit.

In one implementation, when a media property uses a profile, the media property transfers the visitor, along with the profile it is using, to the PO company's system, to let the PO company know which kind of profile was used. The media property might transfer the profile along with the visitor only when the media property receives from the PO company more than one kind of profile, because it is unnecessary if the media property receives only one kind of profile.

Because BT companies collect profiles, any BT company (defined above) could act as a PO company and make profiles available to media properties, whether the PO 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 company.

The above summary does not include an exhaustive list of all aspects of the present invention. Indeed, the inventor contemplates that the invention may include all systems and methods that can be practices from all suitable combinations of the various aspects summarized above, as well as those disclosed in the detailed description below and particularly pointed out in the claims. Such combinations have particular advantages not specifically recited in the above summary.

BRIEF DESCRIPTION OF THE DRAWINGS

Figure 1 is a flow diagram of an exemplary embodiment of a method for transferring collected profiles to media properties having specified interests.

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Figure 2 is a schematic of an exemplary embodiment of entities and associated data flow useful with a method of transferring collected profiles to media properties having specified interests.

DESCRIPTION OF PREFERRED EXEMPLARY EMBODIMENTS

In disclosed embodiments, collected profiles are made available by accepting information about desired profiles or profile categories from a media property, identifying an electronic visitor as fitting into the profile category, and arranging for that visitor to be tagged. Preferred additional aspects of disclosed embodiments include automatically electronically recording electronic visits by tagged visitors to a media property, determining which profile supplier will be credited for the recorded electronic visit, and crediting that profile supplier.

The method includes the following basic steps:

1. A PO company's database 12 records (Fig. 1, 1000) the profiles, or the kind of profiles, a media property (e.g., Fig. 2, MP1) is looking for. The profile could be a behavioral profile, a demographic profile, or any other possible profile. For example, a media property (MP1) could ask for visitors who have searched for "car insurance" on a search engine, visitors who were interested in "travel" (MP1(A)), or visitors who were interested in "autos" (MP1(B)), etc. A media property can communicate to the PO company the profiles for which it is looking via e-mail, electronically, via mail, over the phone, or in any other way.

2. A profile supplier (e.g., Fig. 2, PS1) redirects (Fig. 1, 2000) a visitor 20 to a PO company 10 along with the visitor's profile (Pr1). In case the profile supplier is also the PO company (see visitor 25), this step either does not take place or takes place internally, for example via an internal redirect from one server (see 11) to another server 10 operating under the same domain that belongs to the publisher/PO Company. In case the PO company has software on a user's computer that enables it to monitor the user's visits to media properties without the cooperation of the media properties, this step either does not take place or takes place internally, e.g., by the software on the

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user's computer communicating the collected profile to the PO company's central server.

3. The PO company's server 10 recognizes (3000) the content read by the user, the category to which the content read by the user belongs, the keyword searched for by the user, an ad clicked by the user, or any other action conducted on the page/site by the user (such as click on an item of content or an ad, purchase of a product, request for more information, etc.) during the site visit. The recognizing might be as simple as pulling a keyword for which the visitor searched from a URL used by the profile supplier to redirect the visitor 10 to the PO company, for example. Alternatively, the recognizing might be as simple as recognizing the kind of content read by the visitor by recognizing the URL used by the profile supplier to redirect the visitor to the PO company because the URL is one that the PO company identified to the profile supplier for use when redirecting visitors who read a specific kind of content. Recognizing of content may also be done through a semantic analysis of content of a page read by the visitor.

4. The PO company's server 10 optionally can categorize (4000) specific content read by the user or an action conducted by a user. In some implementations, this step will not take place. An example action might be a search for a keyword. To illustrate, suppose a person searched for an airline ticket to Florida on a travel site. When the PO company receives that information, in addition to recording the search for the flight to Florida in the visitor's profile (whether the profile is stored in the cookie or tag, the PO company's central database 13, or both of those places), the PO company's server 10 may further categorize the person under the "Travel" category and in the "Search for Flights" subcategory of "Travel." In another example, a visitor would be categorized as "searching for an airline ticket" by virtue of having searched for an airline ticket at least three different times within a week, on one media property or several media properties. In that example, if the visitor were to have searched for an airline ticket fewer than three times within a week, the PO company's server 10 will not categorize the visitor as "searching for an airline ticket," because the visitor would be

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considered as less serious about the purchase according to the definition in use by the PO company.

5. The PO company's server 10 identifies (5000) the media properties (e.g., MP1 and MP2) that have asked to receive a visitor having a profile such as the one recognized in step 3 or categorized in step 4 (e.g., a profile of kind "A" in Fig. 2). Thereafter, the PO company arranges (6000) for the visitor (e.g., 20) to be tagged with a tag readable by the identified media property (e.g., MP1 or MP2), which can use the tag to recognize the visitor's profile.

6. Using information 40 received from the media property, the PO company then records (7000) usage of the profile (e.g., Pr(A)) by the media property (e.g., MP2). When the PO company also acts as a databank, the PO company determines which profile supplier (PS1, PS2, … PSn) will be credited for the media property's (e.g., MP2's) usage of the profile and records the credit (e.g., in data store 13).

The PO company's arranging placement of the tag (see step 5 above) can be achieved in different ways:

A. The PO company can redirect (e.g., Pr(X), Pr(Y) in Fig. 2, in cases where media property MPn has expressed interest in those profiles) a visitor to the identified media property with a request to have the identified media property tag the visitor with the media property's own tag, which obviously is readable by the selected media property (such a tag could be a cookie on the visitor's storage device). The tag in this case could be placed by the identified media property following a redirect by the PO company to a specific URL given to the PO company by the media property. The media property would have given the PO company, in this example, different URLs for different kind of profiles, and the PO company would choose the URL for redirecting the visitor to the media property based on the kind of profile recognized.

B. The PO company can itself place a tag (e.g., TagC denoting profile "C" in Fig. 2) that will be readable by the identified media property.

C. The PO company can place an encoded tag that, although accessible by any media property, can be read only by a selected media property to which the PO company gave a deciphering code.

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D. In cases when the PO company has software installed on a user's computer, the BT company can arrange for the software to place a tag readable by the identified media property (such a tag could be a cookie operating under the selected media property domain).

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 identifiable information).

The identified media property can use its tag to recognize the profile of the visitor either (1) by virtue of each profile having a unique tag (e.g., TagC denoting profile "C" in Fig. 2), or (2) by virtue of the profile that was received from the PO company having been stored (a) with the tag, (b) in the tag (which can occur with a cookie), (c) in a central database (where the tag is used as the link between the visitor and profile), or (d) in all of those places.

In another possible implementation (not shown), aside from the PO company arranging placement of the tag readable by the identified media property, the PO company sends the profile and a copy of the tag separately to the identified media property, which will store the tag and the profile in its central database, and when the identified media property recognizes the tag on a visitor's computer, for example, it pulls the visitor's profile from its database.

The PO company can make a profile available to a media property using the same methods that profile suppliers use to give their profiles to PO companies.

When an identified media property (e.g., MP2 in Fig. 2) recognizes (at time t2) a tagged visitor (tagged previously, at time t1) within its ad space, the media property will serve an ad 30 to the visitor (e.g., visitor 20) based on the profile provided by the PO company 10. Usually, a profile-based ad will be delivered by the media property when it will generate a higher price for the ad space than other ads available to the media property for placement within the ad space.

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The media properties (a profile supplier and an identified media property) can be of the same kind of media (e.g., two web sites on the Internet) or of different media (e.g., first media property, where the profile is collected, can be a web site on the Internet, and the second media property, to which the profile is given by the PO company, can be a TV channel on TV or a text message system on a mobile phone, etc.). In the case where the second media property operates within a different media than the first media property, the tagging of the visitor with a tag readable by the second media property (which is arranged by the PO company) might include finding the device used by the visitor to access the second media property (the identified media property) by using personal identifiable information about the visitor. As there may be no connection between the device used by the visitor to access the first media property (computer, for example) and the device used by the visitor to access the second (identified) media property (TV, for example) besides the commonality of the user (visitor), personally identifiable information about the visitor could be used to allow the second media property to learn which device the visitor uses to access the second media property and tag the visitor. The second media property could tag the device used by the visitor to access the second media property by placing a tag on the device itself or in a central database of the second media property, for example.

The process of the PO company enabling an identified media property to place a cookie on a visitor's computer for the purpose of finding the visitor later within the ad space of the identified media property is similar to the way DoubleClick's Boomerang system places cookies on visitors to an advertiser site for the purpose of finding those visitors later on other sites where Doubleclick serves ads. That process – where identified media properties place cookies on visitors' computers redirected to them by PO companies – is sometimes referred to as "cookie matching."

For example, following a redirect (not shown) from a server 10 of a PO company #1, weather.com might place a weather.com cookie on a visitor's computer 20 marking the visitor as interested in "travel" (profile category "A") and indicating that the profile originated with PO company #1. Later, if and when the weather.com ad server (MP2) recognizes that the same visitor 20 had happened to visit weather.com's site

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(weather.com can recognize the visitor by reading its own weather.com cookie), the weather.com ad server (MP2) can choose to deliver a travel-related ad 30 to the visitor 20 within the weather.com ad space. The weather.com ad server's decision whether or not to deliver the travel-related ad will usually depend on the price the ad is expected to bring when compared with the price for other ads available for weather.com to display within the same weather.com ad space.

In step 6, the information received by the PO company might be received from the media property electronically 40, via e-mail, in a file on a CD sent by mail, or in any other form. That said, because the goal is to make profiles available to media properties on a large scale, it would be beneficial to demand the least complex approach from media properties. After all, the more complex the tracking system that the media properties must implement to track their usage of profiles, the more difficult it will be for them to use profiles that they do not own.

One implementation – where the media property is required to give only minimal effort to track its usage of profiles – is merely asking a media property to provide the PO company server 10, every time that the media property (MP2) serves an ad based on a profile from the PO company, with access to the visitor 20 viewing an ad 30 based on the PO company's profile (e.g., in TagC). Such access, in that implementation, could be achieved by simply having the media property integrate into every profile-based ad it delivers a 1x1 pixel that will redirect (also denoted by 40 in Fig. 2) the visitor 20, when viewing the ad 30 (at time t2), to the PO company server 10. Such a 1x1 pixel can point to a URL given to the media property by the PO company that is unique to a certain kind or category of profiles (so the PO company could recognize not only the fact that the media property used a profile but also the kind of profile used). The advantage of this implementation is that the PO company is the one that records the profile usage, and the media property does not have to do anything further to keep or transfer records.

In the same implementation, in cases where the PO company has transferred more than one kind of profiles to a media property (for example, profiles "A" indicating interest in travel and profiles "B" indicating interest in autos), the media property can

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send the PO company, along with the access to the visitor viewing an ad, an indication of which profile the media property used to deliver the ad currently being viewed by the visitor. In that implementation, a travel profile will be indicated by the media property's use of a first URL to redirect the visitor to the PO company server, an auto profile will be indicated by the media property's use of a second URL to redirect the visitor to the PO company server, etc. (The different URLs for different kind of profiles would be ones given to the media property by the PO company.)

Because different kind of profiles might have different rates (a travel profile might fetch $2 CPM, auto profiles might fetch $5 CPM, etc.), it is important to know which of the profiles the media property used. Also, if the PO company is acting as a databank, it might have different ways in which it compensates profile suppliers for their collected profiles.

Based on its profile collection and compensation policy, the PO company can decide which profile suppliers to credit for the delivery of a profile-based ad by a media property. For example, the PO company might decide that, for behavioral profiles, time is important, so only the last profile supplier to report a behavioral profile of a visitor (before an ad based on that profile is served to the visitor) will be compensated but any other profile suppliers that provided the same kind of profile information about the same visitor earlier will not be compensated.

The following example illustrates the above-described embodiment. Suppose a visitor 20 searches for airline tickets on three different sites (PS1, PS2, and PSn), and all three sites delivered the visitor 20 to the PO company server 10 along with the information that the visitor searched for an airline ticket. Suppose further that the PO company has recognized that the Yahoo! site (MP2 is Yahoo! this time) is interested in receiving travel ("A") profiles and therefore has redirected (not shown) the visitor 20 to Yahoo! on three different occasions along with the information that the visitor searched for an airline ticket; that is, each time the PO company server 10 itself received access to the visitor 20 following a redirect from a profile supplier (PS1, PS2, or PSn), it immediately redirected the visitor to Yahoo!, because it recognized the visitor 20 as

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interested in "travel" (in this example, according to a definition that recognizes a visitor as interested in "travel" after only one search for an airline ticket).

Later (time t2), when the visitor 20 chooses to visit yahoo.com (MP2) on his or her own accord, Yahoo! recognizes the profiled visitor 20 and delivers a travel-related ad 30 to the visitor 20; however, Yahoo! has that opportunity only after Yahoo! has received the profile about the visitor 20 from the PO company three times. If Yahoo! has integrated into the travel ad 30 delivered to the visitor 20 a 1x1 pixel redirecting the visitor 20 to the PO company, the visitor's browser, when fetching the ad from the Yahoo! ad server (MP2), also approaches the PO company server 10. The PO company server 10 learns, from the URL that the visitor's browser is using to access it, that Yahoo! (MP2) has served a travel-related ad 30 to the visitor 20.

Based on that information, the PO company records (in data store 13) a charge of two tenths of a cent to Yahoo! (in this example, $2 CPM, or $2 per 1,000, is the rate the PO company charges for travel-related ("A") ads delivered based on travel profiles provided by the PO company to a media property).

The PO company stores, as part of the visitor's profile, data indicating which profile suppliers provided profiles about the visitor and the date and time the profiles were supplied. The PO company stores the profile (1) in the tag (a cookie, for example), (2) along the tag, (3) in a central database (e.g., 13), in which case the tag is used as a link between the visitor's computer and the profile information in the database, or (4) in all of those places.

Note that the PO company's tag is different from the identified media property's tag. The PO company's tag is used to uniquely identify a visitor about which the PO company has a profile, where the profile itself includes the profile suppliers that provided the profile, the dates and times they have done so, and possibly other information, all part of the visitor's profile definition. The identified media property's tag is used by the media property to recognize the profile of the visitor.

The PO company uses its own tag to access the visitor profile and learn which profile supplier (PS1, PS2, or PSn) was the last one to supply the travel-related ("A") profile (the visitor's search for airline tickets), which Yahoo! (MP2) used to deliver the

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ad. The PO company then records (also, e.g., in 13) a credit of one tenth of a cent (half of the charge to Yahoo!) to that profile supplier. In this example, a revenue share of 50%-50% between the profile supplier and the PO company is used. If the PO company had agreed with the profile supplier on a 40% revenue share, the profile supplier would have been given a credit of eight hundredths of a cent ($2/1000*40%), or if the profile supplier was promised $0.001 for every use of its profile, the PO company would have recorded a credit of $0.001 to the profile supplier.

In a second illustration, the PO company might decide that a visitor should be considered interested in "travel" only if the visitor searches for airline tickets three different times within a week, on the same site or different sites. In that case, only when the visitor is recognized as interested in "travel" according to that definition will the PO company make the visitor's "travel" profile available to media properties (MP2) interested in "travel" ("A") profiles. In this example, if a first profile supplier PS1 delivers the visitor 20 and the information (Pr1) that the visitor 20 is searching for airline tickets on Sunday, a second profile supplier PS2 delivers the visitor 20 to the PO company 10 on Monday along with the information (Pr2) that the visitor 20 is searching for airline tickets, and the first profile supplier PS1 again delivers the visitor 20 to the PO company 10 on Wednesday along with the information (not shown) that the visitor 20 is searching for airline tickets, then only at that time on Wednesday will the PO company's server 10 recognize the visitor 20 as a "travel" ("A") visitor and redirect (not shown) the visitor's computer 20 to Yahoo! (MP2).

In that second illustration, when Yahoo! (MP2) serves a travel-related ad 30 to the visitor 20 and redirects (40) the visitor 20 to the PO company 10, the PO company might credit (in 13) the first profile supplier PS1 with two thirtieths of a cent ($2/1000*50%*2/3) and the second profile supplier PS2 with one thirtieth of a cent ($2/1000*50%*1/3). In other words, in that illustration, (a) Yahoo! agreed to pay $2 for every thousand travel-related ads delivered based on profiles provided by the PO company, (b) the PO company promised to give profile suppliers half of the revenues the PO company generates from ads delivered by media properties based on the profiles it makes available to them, and (c) the visitor was recognized as interested in

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"travel" thanks to two visits (out of the three visits to travel sites that defined the visitor as interested in "travel") made to the first profile supplier's site and one visit to the second profile supplier's site. Therefore, the first profile supplier is entitled to two thirds of the amount due to the profile suppliers altogether, and the one visit made by the visitor to the second profile supplier's site entitles the second profile supplier to one third of the amount due to the profile suppliers altogether.

Alternatively, the PO company – when making a profile available to a media property by arranging for placement of a tag readable by the identified media property – can add a unique ID to the profile (or to the tag in cases where the tag is used by the media property to recognize the visitor's profile) and ask the media property to report the ID back to the PO company whenever the media property uses the transferred profile. The PO company can use the unique ID to record in its database the profile suppliers that will be entitled to a credit when the media property delivers ads based on the transferred profile. The media property could report 40 to the PO company (at the end of the month, for example) the number of ads it has served, for each unique ID. Because each unique ID represents a kind of profile, the PO company will know what rate it should charge the media property for usage of the profile, and because the unique ID also tells the PO company which profile suppliers should be entitled to a credit for the usage of a profile, the PO company can also credit the deserving profile suppliers.

The media property might pay the PO company for every ad impression delivered based on the received profile or only when an action takes place that is connected to the ad (perhaps occurring on the advertiser's site immediately following a click on the ad or perhaps occurring a few days after viewing the ad or clicking the ad), such as a click on the ad, a registration on the advertiser's site, a request for information, a product acquisition, or the making of a phone call.

Different implementations might be chosen depending on the relative sizes of a profile owner (in terms of number of profiled visitors; note that the profile owner may also be a databank) and a media property (in terms of number of visitors). In cases where the media property has many visitors and is considered to have an extensive

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reach ("reach" is a figure used to express the percentage of the population using a media that visits the media property; for example, Valueclick, a web-based ad network of sites reaches 80% of the US web population), a profile owner might transfer to the media property all visitors within the categories requested by the media property, because the probability of finding a profiled visitor within the media property's ad space is high (in the case of Valueclick, the probability is 80%).

In cases where the media property's reach is not very significant, but the profile owner has a relatively large number of profiles, the media property may choose to make its visitors accessible to the profile owner to check whether the profile owner can enhance the profiles of some of its visitors, in the ad categories of interest to the media property, instead of having the profile owner send all of its visitors in the categories of interest, because, as a result of the media property's low reach, only a small percentage of visitors sent to the media property by the profile owner will later choose to visit the low-reach media property.

PUBLIC NOTICE REGARDING THE SCOPE OF THE INVENTION AND CLAIMS

The inventor considers various elements of the aspects and methods recited in the claims filed with the application as advantageous, perhaps even critical to certain implementations of the invention. However, the inventor regards no particular element as being "essential," except as set forth expressly in any particular claim.

Although the invention has been described in terms of preferred embodiments and generally associated methods, the inventor contemplates that alterations and permutations of the preferred embodiments and methods will become apparent to those skilled in the art upon a reading of the specification and a study of the drawings.

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I claim:

1. A method for providing collected profiles comprising:

(a) responsive to receiving profile information about an electronic visitor to a profile supplier, automatically selecting a media property based on a comparison of the profile information received about the visitor with a previously received request for specific profiles or kinds of profiles of interest to the media property; and

(b) automatically arranging for electronic storage of a tag that is associated with the visitor and that is readable by the selected media property.

2. The method of claim 1 wherein part (a) comprises automatically selecting a plurality of media properties, based on a comparison of the profile information received about the visitor with each request of a set of requests, at least one of which requests was previously received from each of the media properties, each request being for specific profiles or kinds of profiles.

3. The method of claim 1 wherein performing part (a) responsive to receiving profile information about an electronic visitor to a profile supplier comprises performing part (a) responsive to receiving a redirect of a visitor along with the visitor's profile from the profile supplier.

4. The method of claim 1 wherein part (a) further comprises categorizing the profile information received about the visitor into a category of profiles.

5. The method of claim 1 further comprising recording a fee to the profile supplier in exchange for the profile information received from the profile supplier.

6. The method of claim 1 wherein the tag comprises personally identifiable information identifying the visitor.

7. The method of claim 1 wherein automatically arranging for electronic storage of the tag comprises arranging for electronic storage of the profile information in the tag.

8. The method of claim 1 wherein automatically arranging for electronic storage of the tag comprises arranging for electronic storage of the profile information in a database locatable through the tag.

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9. The method of claim 1 wherein automatically arranging for electronic storage of the tag comprises redirecting the visitor to the selected media property with a request to have the selected media property tag the visitor.

10. The method of claim 1 further comprising, after parts (a) and (b), electronically receiving a report from the selected media property containing information about usage of the profile in association with a visit by the profiled visitor to the selected media property.

11. The method of claim 10 further comprising, based on the report, recording an amount owed by the selected media property for profile usage.

12. The method of claim 11 further comprising calculating fees owed to a plurality of profile suppliers based on respective contributions of said profile suppliers to the profile identified in the report as having been used.

13. The method of claim 10 wherein the report contains information about usage of the profile in association with a profile-based advertisement delivered to the profiled visitor by the selected media property.

14. The method of claim 11 wherein the report comprises a redirection of the visitor from the selected media property when the selected media property utilizes the profile to deliver the advertisement.

15. The method of claim 14 wherein the redirection occurs by incorporating a redirection instruction into the advertisement.

16. The method of claim 1 wherein the profile supplier operates in a different media than the selected media property.

17. The method of claim 16 wherein the profile supplier operates in the Internet and the selected media property operates in a television media.

18. The method of claim 1 wherein part (a) comprises automatically selecting a media property based on a comparison of the profile information received about the visitor with a plurality of requests, previously received from the media property, each request being for a specific profile or kind of profiles.

19. The method of claim 18 further comprising, after parts (a) and (b), electronically receiving a report from the selected media property containing

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information about usage of the profile in association with a visit by the profiled visitor to the selected media property, and wherein the report further contains information identifying which profile or kind of profiles the selected media property used in connection with usage of the profile.

20. The method of claim 19 wherein the report comprises a redirection of the visitor from the selected media property when the selected media property utilizes the profile to deliver the advertisement, and wherein the information identifying which profile or kinds of profiles the selected media property used is contained in the URL to which the visitor is redirected.

21. The method of claim 1:

(i) wherein performing part (a) responsive to receiving profile information about an electronic visitor to a profile supplier comprises performing part (a) responsive to receiving a redirect of a visitor along with the visitor's profile from the profile supplier;

(ii) wherein part (a) further comprises categorizing the profile information received about the visitor into a category of profiles;

(iii) wherein part (a) comprises automatically selecting at least one of a plurality of media properties, based on a comparison of the profile information received about the visitor with each request of a set of requests, at least one of which requests was previously received from each of the media properties, each request being for specific profiles or kinds of profiles;

(iv) wherein automatically arranging for electronic storage of the tag comprises redirecting the visitor to the selected media property with a request to have the selected media property tag the visitor.

(v) further comprising, after parts (a) and (b), electronically receiving a report from the selected media property containing information about usage of the profile in association with a visit by the profiled visitor to the selected media property;

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(vi) wherein the report contains information about usage of the profile in association with a profile-based advertisement delivered to the profiled visitor by the selected media property; and

(vii) further comprising, based on the report, recording (A) an amount owed by the selected media property for profile usage, and (B) a fee owed to the profile supplier for providing the profile information that was used by the selected media property.

22. A computer server programmed to implement a method for providing collected profiles comprising:

(a) responsive to receiving profile information about an electronic visitor to a profile supplier, automatically selecting a media property based on a comparison of the profile information received about the visitor with a previously received request for specific profiles or kinds of profiles of interest to the media property; and

(b) automatically arranging for electronic storage of a tag that is associated with the visitor and that is readable by the selected media property.

23. The computer server of claim 22 wherein the server is further programmed to implement a method for providing collected profiles:

(i) wherein performing part (a) responsive to receiving profile information about an electronic visitor to a profile supplier comprises performing part (a) responsive to receiving a redirect of a visitor along with the visitor's profile from the profile supplier;

(ii) wherein part (a) further comprises categorizing the profile information received about the visitor into a category of profiles;

(iii) wherein part (a) comprises automatically selecting at least one of a plurality of media properties, based on a comparison of the profile information received about the visitor with each request of a set of requests, at least one of which requests was previously received from each of the media properties, each request being for specific profiles or kinds of profiles;

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(iv) wherein automatically arranging for electronic storage of the tag comprises redirecting the visitor to the selected media property with a request to have the selected media property tag the visitor.

(v) further comprising, after parts (a) and (b), electronically receiving a report from the selected media property containing information about usage of the profile in association with a visit by the profiled visitor to the selected media property;

(vi) wherein the report contains information about usage of the profile in association with a profile-based advertisement delivered to the profiled visitor by the selected media property; and

(vii) further comprising, based on the report, recording (A) an amount owed by the selected media property for profile usage, and (B) a fee owed to the profile supplier for providing the profile information that was used by the selected media property.

24. A method for receiving collected profiles comprising:

(a) providing to a profile owner a request for specific profiles or kinds of profiles of interest along with a request for the profile owner to automatically arrange for electronic storage of a tag that is associated with visitors to a first media property having profile information matching the requested profiles or kinds of profiles; and

(b) later, automatically checking visitors to a second media property for the tag and, when found, automatically causing the delivery of a profile-dependent advertisement to the tagged visitors.

25. The method of claim 24 further comprising, after part (a) and before part (b), automatically tagging visitors redirected by the profile owner.

26. The method of claim 24 further comprising, after parts (a) and (b), electronically reporting to the profile owner information about delivery of the advertisement to the tagged visitors.

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27. The method of claim 26 wherein electronically reporting comprises automatically redirecting tagged visitors to the profile owner along with delivery of the advertisement.

28. The method of claim 27 wherein automatically redirecting comprises delivering an advertisement containing a redirection instruction.

29. The method of claim 26 wherein reporting further comprises automatically electronically identifying to the profile owner one of a plurality of profiles or kind of profiles used in association with delivery of the advertisement.

30. The method of claim 29 wherein electronically reporting comprises automatically redirecting tagged visitors to the profile owner along with delivery of the advertisement and identifying comprises redirecting tagged visitors to one of a plurality of URLs depending on which of the plurality of profiles or kinds of profiles was used in association with delivery of the advertisement.

31. The method of claim 24 further comprising, after parts (a) and (b), paying a fee to the profile owner as a result of delivery of the ad to the tagged visitors.

32. The method of claim 24 wherein the act of automatically causing delivery of a profile-dependent advertisement in part (b) is performed only when a price for delivery of the profile-dependent advertisement to the tagged visitor is higher than a price for delivery to the tagged visitor of an advertisement based on content adjacent to the ad space into which the advertisement is delivered.

33. The method of claim 32 further comprising:

(i) after part (a) and before part (b), automatically tagging visitors redirected by the profile owner;

(ii) after parts (a) and (b), automatically electronically reporting to the profile owner information about delivery of the advertisement to the tagged visitors, which information includes identifying to the profile owner one of a plurality of profiles or kind of profiles used in association with delivery of the advertisement; and

(iii) after parts (a) and (b), paying a fee to the profile owner as a result of delivery of the advertisement to the tagged visitors.

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ABSTRACT

To improve monetization of electronic advertisement placement, a profile owner company operates an automatic system for identifying media properties that have interests in specific profiles or profiles of a specified category or kind. The profile owner recognizes a collected visitor profile as one that a media property has previously requested or one that is within a category that a media property has previously requested and arranges for the visitor to be tagged with a tag readable by the media property that requested such a profile. The media property can use the tag in displaying customized advertising to the visitor. Using information received from the media property, the profile owner company then records usage of the profile by the media property.

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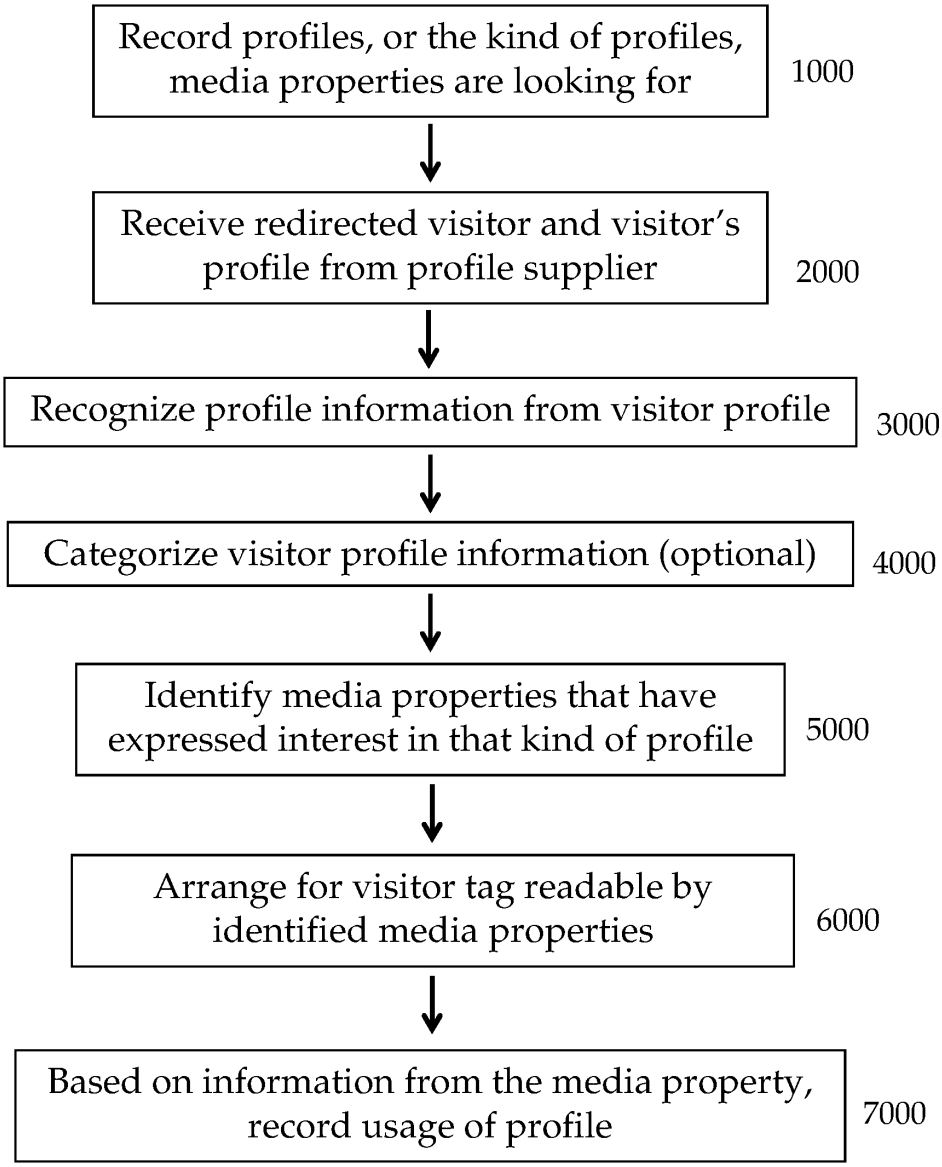
Record profiles, or the kind of profiles, media properties are looking for
1000
Receive redirected visitor and visitor's profile from profile supplier
2000
Recognize profile information from visitor profile
3000
Categorize visitor profile information (optional)
4000
Identify media properties that have expressed interest in that kind of profile
5000
Arrange for visitor tag readable by identified media properties
6000
Based on information from the media property, record usage of profile
7000

FIG. 1

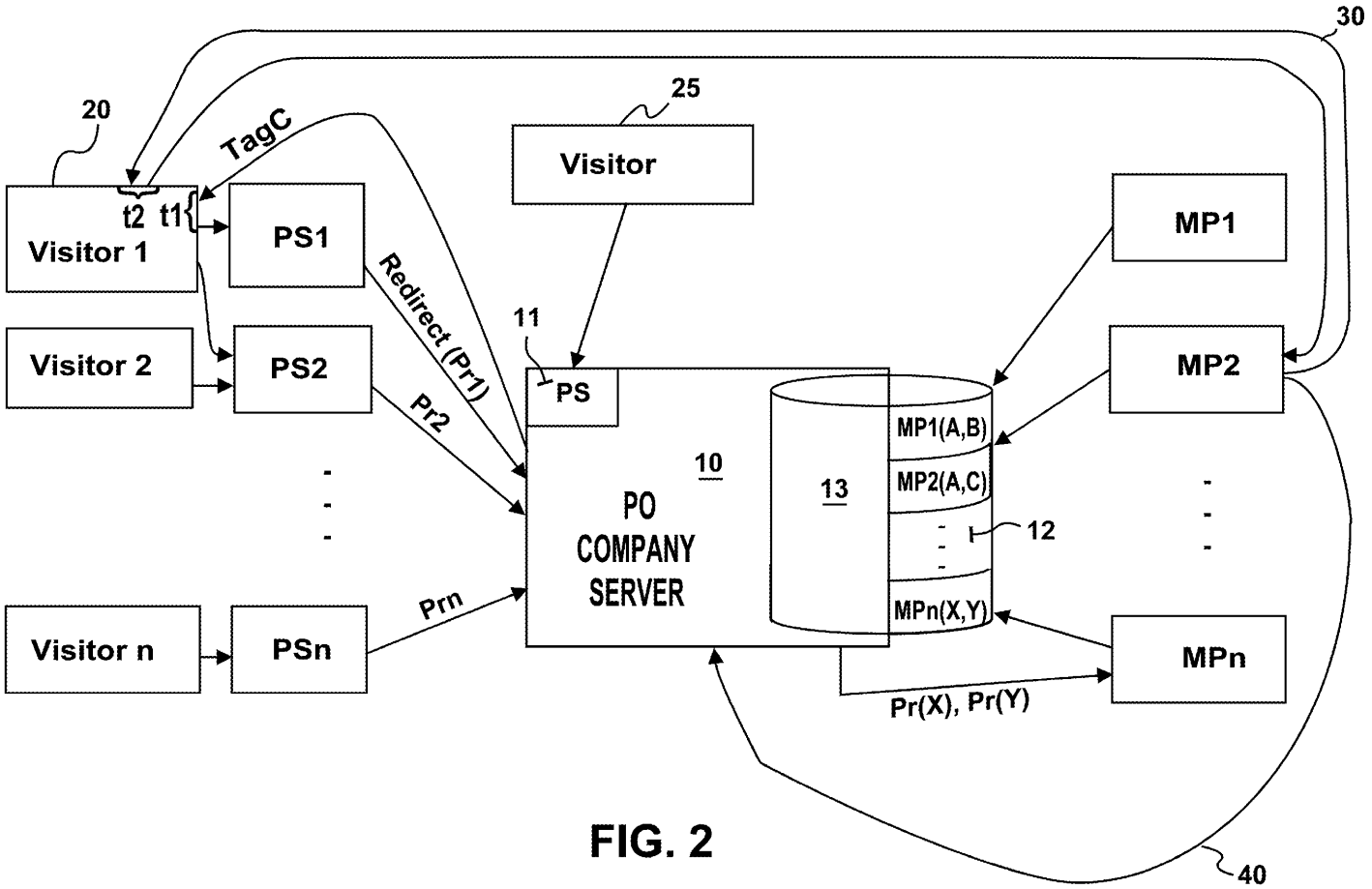
30
20
25
TagC
t2 t1
Visitor 1
PS1
Visitor
MP1
Redirect (Pr1)
11
Visitor 2
PS2
PS
MP2
Pr2
10
MP1(A,B)
MP2(A,C)
13
12
PO
COMPANY
SERVER
MPn(X,Y)
Visitor n
PSn
Prn
MPn
Pr(X), Pr(Y)
40

FIG. 2

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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	Providing collected profiles to media properties having specified interests

As the below named inventor, I hereby declare that:

This declaration is directed to:

- [■] The attached application, or
- [ ] United States application or PCT international application number _____

filed on _____.

The above-identified application was made or authorized to be made by me.

I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.

I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

LEGAL NAME OF INVENTOR

Inventor: Roy Shkedi Roy Shkedi Date (Optional): 11/13/2013

Signature: _____

Note: An application data sheet (PTO/SB/14 or equivalent), including naming the entire inventive entity, must accompany this form or must have been previously filed. Use an additional PTO/AIA/01 form for each additional inventor.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. 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 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	14-PP-CON4
	Application Number	
Title of Invention	Providing collected profiles to media properties having specified interests	

The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76.
This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.

Secrecy Order 37 CFR 5.2:

☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

Inventor Information:

Inventor 1 — Remove

Legal Name

Prefix	Given Name	Middle Name	Family Name	Suffix
Mr.	Roy		Shkedi	

Residence Information (Select One) ● US Residency Non US Residency Active US Military Service

City	Forest Hills	State/Province	NY	Country of Residence	US

Mailing Address of Inventor:

Address 1	37-18 Northern Boulevard, Suite 404		
Address 2			
City	Long Island City	State/Province	NY
Postal Code	11101	Country	US

All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the **Add** button. Add

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below.
For further information see 37 CFR 1.33(a).

☐ **An Address is being provided for the correspondence Information of this application.**

Customer Number	26362		
Email Address	louis@valuablepatents.com	Add Email	Remove Email
Email Address	donald@valuablepatents.com	Add Email	Remove Email

Application Information:

Title of the Invention	Providing collected profiles to media properties having specified interests		
Attorney Docket Number	14-PP-CON4	Small Entity Status Claimed	☐
Application Type	Nonprovisional		
Subject Matter	Utility		
Total Number of Drawing Sheets (if any)	2	Suggested Figure for Publication (if any)	

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	14-PP-CON4
	Application Number	
Title of Invention	Providing collected profiles to media properties having specified interests	

Filing By Reference:

Only complete this section when filing an application by reference under 35 U.S.C. 111(c) and 37 CFR 1.57(a). Do not complete this section if application papers including a specification and any drawings are being filed. Any domestic benefit or foreign priority information must be provided in the appropriate section(s) below (i.e., "Domestic Benefit/National Stage Information" and "Foreign Priority Information").

For the purposes of a filing date under 37 CFR 1.53(b), the description and any drawings of the present application are replaced by this reference to the previously filed application, subject to conditions and requirements of 37 CFR 1.57(a).

Application number of the previously filed application	Filing date (YYYY-MM-DD)	Intellectual Property Authority or Country

Publication Information:

☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)

☐ **Request Not to Publish.** I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32).
Either enter Customer Number or complete the Representative Name section below. If both sections are completed the customer Number will be used for the Representative Information during processing.

Please Select One:	● Customer Number	US Patent Practitioner	○ Limited Recognition (37 CFR 11.9)
Customer Number	26362		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, 365(c), or 386(c) or indicate National Stage entry from a PCT application. Providing benefit claim information in the Application Data Sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.
When referring to the current application, please leave the "Application Number" field blank.

Prior Application Status	Pending		Remove
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
	Continuation of	14080999	2013-11-15

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	14-PP-CON4
	Application Number	
Title of Invention	Providing collected profiles to media properties having specified interests	

Prior Application Status	Patented				Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
14080999	Continuation of	13631244	2012-09-28	8589210	2013-11-19
Prior Application Status	Patented				Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
13631244	Continuation of	11765433	2007-06-19	8280758	2012-10-02
Prior Application Status	Expired				Remove
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)		
11765433	Claims benefit of provisional	60805144	2006-06-19		
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button.					Add

Foreign Priority Information:

This section allows for the applicant to claim priority to a foreign application. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55. When priority is claimed to a foreign application that is eligible for retrieval under the priority document exchange program (PDX)[i] the information will be used by the Office to automatically attempt retrieval pursuant to 37 CFR 1.55(i)(1) and (2). Under the PDX program, applicant bears the ultimate responsibility for ensuring that a copy of the foreign application is received by the Office from the participating foreign intellectual property office, or a certified copy of the foreign priority application is filed, within the time period specified in 37 CFR 1.55(g)(1).

			Remove
Application Number	Country[i]	Filing Date (YYYY-MM-DD)	Access Code[i] (if applicable)
Additional Foreign Priority Data may be generated within this form by selecting the **Add** button.			Add

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications

☐ This application (1) claims priority to or the benefit of an application filed before March 16, 2013 and (2) also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013.
NOTE: By providing this statement under 37 CFR 1.55 or 1.78, this application, with a filing date on or after March 16, 2013, will be examined under the first inventor to file provisions of the AIA.

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	14-PP-CON4
	Application Number	
Title of Invention	Providing collected profiles to media properties having specified interests	

Authorization or Opt-Out of Authorization to Permit Access:

When this Application Data Sheet is properly signed and filed with the application, applicant has provided written authority to permit a participating foreign intellectual property (IP) office access to the instant application-as-filed (see paragraph A in subsection 1 below) and the European Patent Office (EPO) access to any search results from the instant application (see paragraph B in subsection 1 below).

Should applicant choose not to provide an authorization identified in subsection 1 below, applicant **must opt-out** of the authorization by checking the corresponding box A or B or both in subsection 2 below.

NOTE: This section of the Application Data Sheet is **ONLY** reviewed and processed with the **INITIAL** filing of an application. After the initial filing of an application, an Application Data Sheet cannot be used to provide or rescind authorization for access by a foreign IP office(s). Instead, Form PTO/SB/39 or PTO/SB/69 must be used as appropriate.

1. Authorization to Permit Access by a Foreign Intellectual Property Office(s)

A. Priority Document Exchange (PDX) - Unless box A in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the State Intellectual Property Office of the People's Republic of China (SIPO), the World Intellectual Property Organization (WIPO), and any other foreign intellectual property office participating with the USPTO in a bilateral or multilateral priority document exchange agreement in which a foreign application claiming priority to the instant patent application is filed, access to: (1) the instant patent application-as-filed and its related bibliographic data, (2) any foreign or domestic application to which priority or benefit is claimed by the instant application and its related bibliographic data, and (3) the date of filing of this Authorization. See 37 CFR 1.14(h)(1).

B. Search Results from U.S. Application to EPO - Unless box B in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the EPO access to the bibliographic data and search results from the instant patent application when a European patent application claiming priority to the instant patent application is filed. See 37 CFR 1.14(h)(2).

The applicant is reminded that the EPO's Rule 141(1) EPC (European Patent Convention) requires applicants to submit a copy of search results from the instant application without delay in a European patent application that claims priority to the instant application.

2. Opt-Out of Authorizations to Permit Access by a Foreign Intellectual Property Office(s)

☐ A. Applicant **DOES NOT** authorize the USPTO to permit a participating foreign IP office access to the instant application-as-filed. If this box is checked, the USPTO will not be providing a participating foreign IP office with any documents and information identified in subsection 1A above.

☐ B. Applicant **DOES NOT** authorize the USPTO to transmit to the EPO any search results from the instant patent application. If this box is checked, the USPTO will not be providing the EPO with search results from the instant application.

NOTE: Once the application has published or is otherwise publicly available, the USPTO may provide access to the application in accordance with 37 CFR 1.14.

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	14-PP-CON4
	Application Number	
Title of Invention	Providing collected profiles to media properties having specified interests	

Applicant Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

Applicant 1 Remove

If the applicant is the inventor (or the remaining joint inventor or inventors under 37 CFR 1.45), this section should not be completed. The information to be provided in this section is the name and address of the legal representative who is the applicant under 37 CFR 1.43; or the name and address of the assignee, person to whom the inventor is under an obligation to assign the invention, or person who otherwise shows sufficient proprietary interest in the matter who is the applicant under 37 CFR 1.46. If the applicant is an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest) together with one or more joint inventors, then the joint inventor or inventors who are also the applicant should be identified in this section.

Clear

● Assignee	Legal Representative under 35 U.S.C. 117	Joint Inventor
Person to whom the inventor is obligated to assign.	Person who shows sufficient proprietary interest	

If applicant is the legal representative, indicate the authority to file the patent application, the inventor is:

Name of the Deceased or Legally Incapacitated Inventor:

If the Applicant is an Organization check here. ☒

Organization Name	Datonics, LLC		
Mailing Address Information For Applicant:			
Address 1	37-18 Northern Boulevard, Suite 404		
Address 2			
City	Long Island City	**State/Province**	NY
Country	US	Postal Code	11101
Phone Number	646-867-0647	Fax Number	
Email Address			

Additional Applicant Data may be generated within this form by selecting the Add button. Add

Assignee Information including Non-Applicant Assignee Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	14-PP-CON4
	Application Number	
Title of Invention	Providing collected profiles to media properties having specified interests	

Assignee 1

Complete this section if assignee information, including non-applicant assignee information, is desired to be included on the patent application publication. An assignee-applicant identified in the "Applicant Information" section will appear on the patent application publication as an applicant. For an assignee-applicant, complete this section only if identification as an assignee is also desired on the patent application publication.

Remove

If the Assignee or Non-Applicant Assignee is an Organization check here. ☐

Prefix	**Given Name**	Middle Name	**Family Name**	Suffix

Mailing Address Information For Assignee including Non-Applicant Assignee:

Address 1			
Address 2			
City		**State/Province**	
Country i		Postal Code	
Phone Number		Fax Number	
Email Address			

Additional Assignee or Non-Applicant Assignee Data may be generated within this form by selecting the Add button. Add

Signature:

Remove

NOTE: This Application Data Sheet must be signed in accordance with 37 CFR 1.33(b). **However, if this Application Data Sheet is submitted with the INITIAL filing of the application and either box A or B is not checked in subsection 2 of the "Authorization or Opt-Out of Authorization to Permit Access" section, then this form must also be signed in accordance with 37 CFR 1.14(c).**

This Application Data Sheet **must** be signed by a patent practitioner if one or more of the applicants is a **juristic entity** (e.g., corporation or association). If the applicant is two or more joint inventors, this form must be signed by a patent practitioner, **all** joint inventors who are the applicant, or one or more joint inventor-applicants who have been given power of attorney (e.g., see USPTO Form PTO/AIA/81) on behalf of **all** joint inventor-applicants.

See 37 CFR 1.4(d) for the manner of making signatures and certifications.

Signature	/Louis J. Hoffman/			Date (YYYY-MM-DD)	2018-02-09
First Name	Louis	Last Name	Hoffman	Registration Number	38918

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	14-PP-CON4
	Application Number	
Title of Invention	Providing collected profiles to media properties having specified interests	

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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 CooperationTreaty.

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	:	____
Serial No.	:	15/893,354	Examiner	:	____
Filing Date	:	02/09/2018	Conf. No.	:	5057
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 – February 9, 2018

PRELIMINARY AMENDMENT

Dear Sir:

In connection with this continuation application, assignee requests entry of the following amendments and consideration of the following remarks.

Amendment to the specification is on page 2.

Amendments to the claims begin on page 3.

Remarks begin on page 11.

Amendments

IN THE CROSS REFERENCE TO RELATED APPLICATIONS SECTION:

Please amend the paragraph after the header as follows:

This application is a continuation of application Serial No. 14/080,999, filed November 15, 2013, which is a continuation of application Serial No. 13/631,244, filed September 28, 2012, now U.S. Patent 8,589,210, which is a continuation of application Serial No. 11/765,433, filed June 19, 2007, now U.S. Patent 8,280,758, which claims the benefit of provisional application Serial No. 60/805,114, filed June 19, 2006, which is incorporated herein by reference.

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IN THE CLAIMS:

Please amend the claims as follows:

1.-33. (Canceled)

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

(a) with a computer system automatically storing, in a central database associated with the computer system, profile information associated with a visitor, as a result of electronic receipt from a profile owner computer of indicia of the profile information, which profile information associated with the visitor matches a profile or kind of profiles requested by an entity controlling the computer system, wherein a tag associated with a visitor device 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 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 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

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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. (New) 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. (New) 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. (New) The method of claim 36 wherein the tag identifies the mobile phone.

38. (New) 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. (New) 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.

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40. (New) 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. (New) 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. (New) 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. (New) 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. (New) 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. (New) The method of claim 34 wherein the tag comprises personally identifiable information identifying the visitor.

46. (New) 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

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the computer equipment of the selected entity, of the profile information linked to the tag that is associated with the visitor device.

47. (New) The method of claim 34 wherein the 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.

48. (New) A computer system comprising one or more computers, wherein the one or more computers are programmed and connected:

(a) to automatically store, in a central database associated with the computer system, profile information associated with a visitor, as a result of electronic receipt from a profile owner computer of indicia of the profile information, which profile information associated with the visitor matches a profile or kind of profiles requested by an entity controlling the computer system, wherein a tag associated with a visitor device 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 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 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,

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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.

49. (New) The computer system of claim 48 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.

50. (New) The computer system of claim 49 wherein the first device is a computer of the visitor and the second device is a mobile phone of the visitor.

51. (New) The computer system of claim 50 wherein the tag identifies the mobile phone.

52. (New) The computer system of claim 50 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.

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53. (New) The computer system of claim 49 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.

54. (New) The computer system of claim 48 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.

55. (New) The computer system of claim 54 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.

56. (New) The computer system of claim 48 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.

57. (New) The computer system of claim 56 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.

58. (New) The computer system of claim 48 wherein the tag comprises personally identifiable information identifying the visitor.

59. (New) The computer system of claim 48 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

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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 that is associated with the visitor device.

60. (New) The computer system of claim 48 wherein the equipment of the profile supplier operates in the Internet and the apparatus of the selected entity utilizes the profile data to cause delivery of the electronic advertisements on a television of the visitor.

61. (New) 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 storing, in a central database associated with the computer system, profile information associated with a visitor, as a result of electronic receipt from a profile owner computer of indicia of the profile information, which profile information associated with the visitor matches a profile or kind of profiles requested by an entity controlling the computer system, wherein a tag associated with a visitor device 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 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

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requests includes the 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.

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Remarks

Assignee presents new claims 34-61 in this continuation application. Claims 34, 48, and 61, are independent claims.

The following remarks respond to the August 11, 2017, Office Action (made final) in parent application Serial No. 14/080,999:

1. There are no inconsistent or unclear 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.}

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"*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.

2. No Section 112(2) rejection is warranted

The Section 112(2) rejections in the final Office Action do not apply to the pending claims.

References to "the tag" 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.

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Although not the basis of any 112(2) rejection, the final Office Action 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) refers 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) clarifies 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 (c) clarifies (see #2) 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) says that receipt of profile information matching a request triggers the specific act (see "as a result of"), and the specific act is further specified as being storage of profile information in a central database (see #2); part (c) specifies that accessing the profile using the tag associated with the device triggers use of the profile information to cause delivery of the ad.

3. All claim parts limit the claimed invention

Rejections in the parent have improperly discounting certain claim elements:

- The final Office Action "notes" that the claims do not "stipulate any specific embodiment for what constitutes 'arranging' [storage] and therefore this is completely open to interpretation." The current claims "stipulate" certain specific embodiments. The term "arranging storage" no longer appears in part (a); the term "storing" is used. The term "arrang[ing] for electronic storage" appears in part (b)(ii) because the "profile owner computer" that performs part (ii) need not itself perform the storing; instead, as part (a) says, the storing occurs by the media property

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"computer system" – the "profile owner computer" *arranges* for this by the means specified in part (b)(ii).

- 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 "computer system" of 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.

4. No obviousness rejection is warranted

In the parent, the final Office Action rejected a different claim as obvious over Kublickis (U.S. Pat. Pub. 2007/0067297) in view of Jaschke (U.S. Pat. Pub. 2007/0130005). Kublickis is very long, but the Office Action refers specifically to the discrete portion at paragraphs [0423-36]. Jaschke was used as a primary reference to rejected an even earlier version of the claim.

A. *Description of applied references*

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

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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 final 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 obviousness rejection in the final 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, 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.

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In making obviousness rejections in the parent, various Office Actions considered the advertisers selected by Jaschke's broker analogous to the "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, likewise, Jaschke's broker cannot match the "profile owner" referenced in part (b) of the independent claims. The difference as to 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.

B. *Overview of novel subject matter*

The invention claimed in claim 34 refers to a selected media property – namely the "entity controlling the 'computer system'" of part (a) (*see* part (b)(ii)) – storing a profile linked to a tag (part (a)) and delivering an ad (part (c)) to a visitor. That visitor is specifically a visitor whose profile information was received from a profile owner computer. That profile owner computer is one that has selected the media property from among a plurality of media properties based on requests for profiles or types of profiles of particular kinds received from each. (*See* part (b).)

The selected media property entity's "computer system" therefore receives (part (a)) from the specially programmed profile-owner computer (part (b)) profile data matching the media property's previously request for a profile or type of profile (*see* part (b)(i)). The received profile data is stored in a central database and a visitor device's tag serves as a link to it. (*See* part (a).) This allows the media property to later cause delivery of ads connected to that profile when ad space become available for that visitor's device. (*See* part (c).)

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That specific arrangement differs from the cited prior art, which did not select media properties for a given visitor device based on stored requests from different media properties, and which did not have the selected media property store the profile data for later use when the visitor device happened to become available to serve an ad.

C. *Specific claim elements not disclosed by the cited references*

With that background and overview in mind, there are a number of clear and positively claimed 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 readable by the selected media property's equipment. Nor do either teach making such a selection based on stored requests from each entity.

The final Office Action agrees that Kublickis "may not explicitly teach the nuance of" 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. First, the differences are hardly mere "nuances." Second, Jaschke does not disclose this either.

(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 or any other media property.

(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

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profiled visitor with an ad within an available ad space if and when encountering that visitor in the future.

(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 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

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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, nor the combination discloses each aspect of the invention as now claimed. Applicant respectfully requests non-repetition of an obviousness rejection.

5. No Section 101 rejection is warranted

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

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allow the media property to later use the tag to cause delivery of ads connected to that profile when ad space become 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 a response in the parent, known prior art techniques did

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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, also as explained in a response in the parent, allow access to the desired audience, without too many too broadly targeted visitors, avoid the need for custom negotiations and technical assistance, can start timely, and can be scalable.

Assignee continues to believe that the claims – directed to having a selected media property computer system storing a profile and using a tag linked to the profile to deliver 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 that the now-pending 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 claim 34 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) claim 34 refers to an "inventive concept." Therefore claim 34, together with its counterpart 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

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[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 explained in a response in the parent application, 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.

Applicant respectfully requests non-repetition of a Section 101 rejection.

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Please feel free to telephone the undersigned if it would in any way advance prosecution of this application.

Respectfully submitted,

DATONICS, LLC

by its attorney

Dated: February 9, 2018

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_____	261	CA2246746	03/12/1998	Blumenau	No
_____	262	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.

Serial No.: 15/893,354
Applicant: Shkedi, Roy
Filed: 02/09/2018
Art Unit: ____
Examiner: ____
Docket No.: 14-PP-CON4
Conf. No.: 5057

OTHER ART

Examiner Initials	Item	AUTHOR, Title, Date, Pertinent Pages, Etc.
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Examiner Initials	Item	AUTHOR, Title, Date, Pertinent Pages, Etc.
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Serial No.: 15/893,354
Applicant: Shkedi, Roy
Filed: 02/09/2018
Art Unit: ____
Examiner: ____
Docket No.: 14-PP-CON4
Conf. No.: 5057

OTHER ART

Examiner Initials	Item	AUTHOR, Title, Date, Pertinent Pages, Etc.
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Examiner: ____
Docket No.: 14-PP-CON4
Conf. No.: 5057

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

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor	:	Shkedi, Roy	Art Unit	:	____
Serial No.	:	15/893,354	Examiner	:	____
Filing Date	:	02/09/2018	Conf. No.	:	5057
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 February 9, 2018

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Assignee discloses the reference listed on form PTO-1449 attached to this document. All foreign and non-patent references listed were previously cited in parent application Serial No. 14/080,999, therefore copies of those references are not included here.

Assignee also wishes to direct Examiner to the applications listed 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
15/429,601	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
15/803,631	11/03/2017	04/17/2007

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: February 9, 2018

/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:	31756074
Application Number:	15893354
International Application Number:	
Confirmation Number:	5057
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-CON4
Receipt Date:	09-FEB-2018
Filing Date:	
Time Stamp:	18:33:19
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	18-02-09-DAT-PP_CON4-POA.pdf	2169581 29e57a2cf283b3903c61ccb62631265916cfb9bc	no	2

Warnings:

Information:					
2	Preliminary Amendment	18-02-09-DAT-PP_CON4-Prelim_Amend.pdf	216903 8b2b7e51d85e351c3fcc92b73510479f6ad1d885	no	23
Warnings:					
Information:					
3	Information Disclosure Statement (IDS) Form (SB08)	18-02-09-Datonics-PP_CON4-IDS_1449.pdf	177016 fd5232e3aed64fac5fe1d7a274e7ee1dd1f6cf51	no	16
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
4	Transmittal Letter	18-02-09-Datonics-PP_CON4-IDS_Cover.pdf	54324 3c096b252d873a7918cb28da9b5604a01cb12823	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	2617824		

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.

New Applications Under 35 U.S.C. 111

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.

National Stage of an International Application under 35 U.S.C. 371

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.

New International Application Filed with the USPTO as a Receiving Office

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.

Doc Code: PA..
Document Description: Power of Attorney

PTO/AIA/82A (07-13)
Approved for use through 01/31/2018. OMB 0651-0035
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TRANSMITTAL FOR POWER OF ATTORNEY TO ONE OR MORE REGISTERED PRACTITIONERS

NOTE: This form is to be submitted with the Power of Attorney by Applicant form (PTO/AIA/82B) to identify the application to which the Power of Attorney is directed, in accordance with 37 CFR 1.5, unless the application number and filing date are identified in the Power of Attorney by Applicant form. If neither form PTO/AIA/82A nor form PTO/AIA82B identifies the application to which the Power of Attorney is directed, the Power of Attorney will not be recognized in the application.

Application Number	15/893,354
Filing Date	02/09/2018
First Named Inventor	Shkedi, Roy
Title	Providing collected profiles to media properties having specified interests
Art Unit	
Examiner Name	
Attorney Docket Number	14-PP-CON4

SIGNATURE of Applicant or Patent Practitioner

Signature	/Louis J. Hoffman/	Date (Optional)	02/09/2018
Name	Louis J. Hoffman	Registration Number	38918
Title (if Applicant is a juristic entity)			
Applicant Name (if Applicant is a juristic entity)			

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. If more than one applicant, use multiple forms.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.131, 1.32, and 1.33. 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 3 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.

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POWER OF ATTORNEY BY APPLICANT

I hereby revoke all previous powers of attorney given in the application identified in the attached transmittal letter.

■ I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the application referenced in the attached transmittal letter (form PTO/AIA/82A or equivalent): 26362

OR

☐ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the application referenced in the attached transmittal letter (form PTO/AIA/82A or equivalent):

Name	Registration Number	Name	Registration Number

Please recognize or change the correspondence address for the application identified in the attached transmittal letter to:

■ The address associated with the above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

☐ Firm or Individual Name					
Address					
City		State		Zip	
Country					
Telephone		Email			

I am the Applicant:

☐ Inventor or Joint Inventor

☐ Legal Representative of a Deceased or Legally Incapacitated Inventor

■ Assignee or Person to Whom the Inventor is Under an Obligation to Assign

☐ Person Who Otherwise Shows Sufficient Proprietary Interest (e.g., a petition under 37 CFR 1.46(b)(2) was granted in the application or is concurrently being filed with this document)

SIGNATURE of Applicant for Patent

Signature	/Michael Benedek/	Date	September 28, 2012
Name	Michael Benedek	Telephone	(646) 867-0647
Title and Company	CEO - Patenics, LLC		

NOTE: Signature - This form must be signed by the applicant in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms for more than one signature, see below *.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. 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 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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UNITED STATES DEPARTMENT OF COMMERCE
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Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
15/893,354	02/09/2018	Roy Shkedi	14 PP CON4

CONFIRMATION NO. 5057

26362
LOUIS J. HOFFMAN, P.C.
7689 East Paradise Lane
Suite 2
Scottsdale, AZ 85260

FORMALITIES LETTER

OC000000098049934

Date Mailed: 03/15/2018

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing.

Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- Additional claim fees of $ **800** as an undiscounted entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

The fee(s) required within **TWO MONTHS** from the date of this Notice to avoid abandonment is/are itemized below. No entity status discount is in effect. If applicant is qualified for small entity status, a written assertion of small entity status must be submitted to establish small entity status. (See 37 CFR 1.27). If applicant is qualified for micro entity status, an acceptable Certification of Micro Entity Status must be submitted to establish micro entity status. (See 37 CFR 1.29 and forms PTO/SB/15A and 15B.)

- $ **800** for **8** total claims over 20.
- $(**0**) previous unapplied payment amount.
- $ **800** TOTAL FEE BALANCE DUE.

Replies must be received in the USPTO within the set time period or must include a proper Certificate of Mailing or Transmission under 37 CFR 1.8 with a mailing or transmission date within the set time period. For more information and a suggested format, see Form PTO/SB/92 and MPEP 512.

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web, including a copy of this Notice and selecting the document description "Applicant response to Pre-Exam Formalities Notice". https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

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/thaile/

Amazon/AlmondNet
Exhibit 1007
Page 94

PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number: 15/893,354

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY FEE($)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	300
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	660
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	760
TOTAL CLAIMS (37 CFR 1.16(i))	28 minus 20 =	* 8			OR	x 100 =	800
INDEPENDENT CLAIMS (37 CFR 1.16(h))	2 minus 3 =	*				x 460 =	0.00
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).						0.00
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							0.00
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	2520

APPLICATION AS AMENDED - PART II

		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY ADDITIONAL FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE($)
AMENDMENT A	Total (37 CFR 1.16(i))	*	Minus	**	=	x =		OR	x =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY ADDITIONAL FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE($)
AMENDMENT B	Total (37 CFR 1.16(i))	*	Minus	**	=	x =		OR	x =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	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 found in the appropriate box in column 1.

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 NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
15/893,354	02/09/2018	2447	1720	14 PP CON4	28	2

CONFIRMATION NO. 5057

FILING RECEIPT

26362
LOUIS J. HOFFMAN, P.C.
7689 East Paradise Lane
Suite 2
Scottsdale, AZ 85260

OC000000098049935

Date Mailed: 03/15/2018

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Inventor(s)

Roy Shkedi, Forest Hills, NY;

Applicant(s)

Datonics, LLC, Long Island City, NY;

Assignment For Published Patent Application

Datonics, LLC

Power of Attorney: The patent practitioners associated with Customer Number 26362

Domestic Priority data as claimed by applicant

This application is a CON of 14/080,999 11/15/2013 ABN
which is a CON of 13/631,244 09/28/2012 PAT 8589210
which is a CON of 11/765,433 06/19/2007 PAT 8280758
which claims benefit of 60/805,144 06/19/2006

Foreign Applications for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.) - None.
Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

Permission to Access Application via Priority Document Exchange: Yes

Permission to Access Search Results: Yes

Applicant may provide or rescind an authorization for access using Form PTO/SB/39 or Form PTO/SB/69 as appropriate.

If Required, Foreign Filing License Granted: 03/14/2018

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 15/893,354**

Projected Publication Date: 06/21/2018

Non-Publication Request: No

Early Publication Request: No

Title

Providing collected profiles to media properties having specified interests

Preliminary Class

709

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4258).

Amazon/AlmondNet
Exhibit 1007
Page 97

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The U.S. offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to promote and facilitate business investment. SelectUSA provides information assistance to the international investor community; serves as an ombudsman for existing and potential investors; advocates on behalf of U.S. cities, states, and regions competing for global investment; and counsels U.S. economic development organizations on investment attraction best practices. To learn more about why the United States is the best country in the world to develop technology, manufacture products, deliver services, and grow your business, visit http://www.SelectUSA.gov or call +1-202-482-6800.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor	:	Shkedi, Roy	Art Unit	:	2447
Serial No.	:	15/893,354	Examiner	:	____
Filing Date	:	02/09/2018	Conf. No.	:	5057
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 March 22, 2018

RESPONSE TO FORMALITIES NOTICE

Dear Sir:

In response to the March 15, 2018, Notice of Missing Parts, applicant submits concurrently, fees in the amount of $800 for eight (8) total claims over 20.

If the Office has any questions, please feel free to contact applicant's undersigned attorney of record.

Respectfully submitted,

DATONICS, LLC

by its attorney

Dated: March 22, 2018

/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:	15893354
Filing Date:	09-Feb-2018
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 CON4

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:				
CLAIMS IN EXCESS OF 20	1202	8	100	800
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
		Total in USD ($)		**800**

Electronic Acknowledgement Receipt	
EFS ID:	32134469
Application Number:	15893354
International Application Number:	
Confirmation Number:	5057
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 CON4
Receipt Date:	22-MAR-2018
Filing Date:	09-FEB-2018
Time Stamp:	18:58:21
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Applicant Response to Pre-Exam Formalities Notice	18-03-22-Datonics-PP_CON4-Resp_Ntc_Missing_Parts.pdf	36322 a31b64643a357981278af231c33d3701be041d37	no	1

Warnings:

Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30610 612c302cef58b4f34bc844ede069203306bcfc70	no	2
Warnings:					
Information:					
			Total Files Size (in bytes):	66932	

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.

New Applications Under 35 U.S.C. 111

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.

National Stage of an International Application under 35 U.S.C. 371

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.

New International Application Filed with the USPTO as a Receiving Office

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	:	2447
Serial No.	:	15/893,354	Examiner	:	____
Filing Date	:	02/09/2018	Conf. No.	:	5057
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 March 22, 2018

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If the Office has any questions, please feel free to contact applicant's undersigned attorney of record.

Respectfully submitted,

DATONICS, LLC

by its attorney

Dated: March 22, 2018

/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:	15893354
Filing Date:	09-Feb-2018
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 CON4

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:				
CLAIMS IN EXCESS OF 20	1202	8	100	800
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
		Total in USD ($)		**800**

Electronic Acknowledgement Receipt	
EFS ID:	32135179
Application Number:	15893354
International Application Number:	
Confirmation Number:	5057
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 CON4
Receipt Date:	22-MAR-2018
Filing Date:	09-FEB-2018
Time Stamp:	20:47:33
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$800
RAM confirmation Number	032318INTEFSW20481800
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	Applicant Response to Pre-Exam Formalities Notice	18-03-22-Datonics-PP_CON4-Resp_Ntc_Missing_Parts.pdf	36322 a31b64643a357981278af231c33d3701be041d37	no	1
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30612 1e4c37a705f115bd2c392e7cf60bc9dc8b15e7ca	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	66934		

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.

New Applications Under 35 U.S.C. 111
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.
National Stage of an International Application under 35 U.S.C. 371
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.
New International Application Filed with the USPTO as a Receiving Office
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:	15893354
Filing Date:	09-Feb-2018
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 CON4

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:				
CLAIMS IN EXCESS OF 20	1202	8	100	800
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
		Total in USD ($)		**800**

Electronic Acknowledgement Receipt	
EFS ID:	32134684
Application Number:	15893354
International Application Number:	
Confirmation Number:	5057
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 CON4
Receipt Date:	22-MAR-2018
Filing Date:	09-FEB-2018
Time Stamp:	19:22:03
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Fee Worksheet (SB06)	fee-info.pdf	30632 c41f8ca13340481ceeebac53e3a86f651eb81050	no	2

Warnings:

Information:	
Total Files Size (in bytes):	30632

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.

New Applications Under 35 U.S.C. 111

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Electronic Patent Application Fee Transmittal

Application Number:	15893354
Filing Date:	09-Feb-2018
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 CON4

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:				
CLAIMS IN EXCESS OF 20	1202	8	100	800
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
		Total in USD ($)		**800**

Electronic Acknowledgement Receipt

EFS ID:	32134526
Application Number:	15893354
International Application Number:	
Confirmation Number:	5057
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 CON4
Receipt Date:	22-MAR-2018
Filing Date:	09-FEB-2018
Time Stamp:	19:03:33
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Fee Worksheet (SB06)	fee-info.pdf	30612 46707249f1276d068375172559 43b66f52806b70	no	2

Warnings:

Information:	
Total Files Size (in bytes):	30612

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.

New Applications Under 35 U.S.C. 111

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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 NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
15/893,354	02/09/2018	3622	2520	14 PP CON4	28	2

CONFIRMATION NO. 5057

UPDATED FILING RECEIPT

26362
LOUIS J. HOFFMAN, P.C.
7689 East Paradise Lane
Suite 2
Scottsdale, AZ 85260

Date Mailed: 03/28/2018

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Inventor(s)

Roy Shkedi, Forest Hills, NY;

Applicant(s)

Datonics, LLC, Long Island City, NY;

Assignment For Published Patent Application

Datonics, LLC

Power of Attorney: The patent practitioners associated with Customer Number 26362

Domestic Priority data as claimed by applicant

This application is a CON of 14/080,999 11/15/2013 ABN
which is a CON of 13/631,244 09/28/2012 PAT 8589210
which is a CON of 11/765,433 06/19/2007 PAT 8280758
which claims benefit of 60/805,144 06/19/2006

Foreign Applications for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.) - None.
Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

Permission to Access Application via Priority Document Exchange: Yes

Permission to Access Search Results: Yes

Applicant may provide or rescind an authorization for access using Form PTO/SB/39 or Form PTO/SB/69 as appropriate.

If Required, Foreign Filing License Granted: 03/14/2018

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 15/893,354**

Projected Publication Date: 07/05/2018

Non-Publication Request: No

Early Publication Request: No

Title

Providing collected profiles to media properties having specified interests

Preliminary Class

705

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4258).

Amazon/AlmondNet
Exhibit 1007
Page 118

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

SelectUSA

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The U.S. offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to promote and facilitate business investment. SelectUSA provides information assistance to the international investor community; serves as an ombudsman for existing and potential investors; advocates on behalf of U.S. cities, states, and regions competing for global investment; and counsels U.S. economic development organizations on investment attraction best practices. To learn more about why the United States is the best country in the world to develop technology, manufacture products, deliver services, and grow your business, visit http://www.SelectUSA.gov or call +1-202-482-6800.

PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number: 15/893,354

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY FEE($)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	300
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	660
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	760
TOTAL CLAIMS (37 CFR 1.16(i))	28 minus 20 =	* 8			OR	x 100 =	800
INDEPENDENT CLAIMS (37 CFR 1.16(h))	2 minus 3 =	*				x 460 =	0.00
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).						0.00
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							0.00
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	2520

APPLICATION AS AMENDED - PART II

		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY ADDITIONAL FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE($)
AMENDMENT A	Total (37 CFR 1.16(i))	*	Minus	**	=	x =		OR	x =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY ADDITIONAL FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE($)
AMENDMENT B	Total (37 CFR 1.16(i))	*	Minus	**	=	x =		OR	x =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	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 found in the appropriate box in column 1.

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.
15/893,354	02/09/2018	Roy Shkedi	14 PP CON4	5057

26362 7590 04/09/2018

LOUIS J. HOFFMAN, P.C.
7689 East Paradise Lane
Suite 2
Scottsdale, AZ 85260

EXAMINER
UBER, NATHAN C

ART UNIT	PAPER NUMBER
3622	

NOTIFICATION DATE	DELIVERY MODE
04/09/2018	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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Doc Code:
TRACK1.DENY

Decision Dismissing Request for Prioritized Examination (Track I)	Application No.: 15/893,354

1. THE REQUEST FILED February 9, 2018 IS **DISMISSED** BECAUSE:

A. ☐ The application is not a utility application under 35 U.S.C. 111(a) filed by EFS-Web or a plant application under 35 U.S.C. 111(a) filed by paper:
   i. ☐ The application is a utility application that was not filed by EFS-Web.
   ii. ☐ The application is neither a utility application nor a plant application, but rather is a _____, which is excluded from the Track I program.

B. ☐ The request was not filed with the application or on the same date the application was filed.

C. ☒ One or more of the following fees were not filed with the application or on the same date the application was filed:
   i. ☐ Basic filing fee, as set forth in 37 CFR 1.16(a), or for a plant application, 37 CFR 1.16(c).
   ii. ☐ Search fee, as set forth in 37 CFR 1.16(k), or for a plant application, 37 CFR 1.16(m).
   iii. ☐ Examination fee, as set forth in 37 CFR 1.16(o), or for a plant application, 37 CFR 1.16(q).
   iv. ☐ Publication fee, as set forth in 37 CFR 1.18(d).
   v. ☒ Track I processing fee, as set forth in 37 CFR 1.17(i).
   vi. ☐ Track I prioritized examination fee, as set forth in 37 CFR 1.17(c).

D. ☐ The executed inventor's oath or declaration, **or** an application data sheet meeting the conditions specified in 37 CFR 1.53(f)(3)(i) was not filed with the application or on the same date the application was filed.

E. ☐ The application contains or has been amended to contain:
   i. ☐ More than four independent claims.
   ii. ☐ More than thirty total claims.
   iii. ☐ One or more multiple dependent claims.

F. ☐ The Track I program has exceeded its limit of 10,000 requests for the current fiscal year.

☐ Other:

2. CONCLUSION

☐ **ALL of the above defect(s) consist only of one or more of items E (i-iii). Applicant is hereby accorded a non-extendable ONE MONTH time period from the mailing date of this Decision to (1) correct the subject defect(s) and (2) file a petition under 37 CFR 1.181 requesting reconsideration of prioritized examination. If no such petition is timely filed, the application will not undergo prioritized examination.**

-OR-

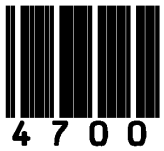
☒ **The application will not undergo prioritized examination, because the request was not accompanied by all of the required items. Appropriate action by the Examiner will be handled in the normal course of business.**

Telephone inquiries with regard to this decision should be directed to Kimberly Inabinet at 571-272-4618.

/*Kimberly Inabinet*/ Paralegal Specialist, Office of Petitions

**Amazon/AlmondNet
Exhibit 1007
Page 123**

Office of Petitions: Routing Sheet



Application No. 15893354

This application is being forwarded to your office for further processing. A decision has been rendered on a petition filed in this application, as indicated below. For details of this decision, please see the document PET.OP.DEC filed on the same date as this document.

- ☐ **GRANTED**
- ☒ **DISMISSED**
- ☐ **DENIED**

Office of Petitions: Decision Count Sheet

Mailing Month: 4

Application No.: 15893354

15893354

For US serial numbers: enter number only, no slashes or commas. Ex: 10123456
For PCT: enter "51+single digit of year of filing+last 5 numbers", Ex. for PCT/US05/12345, enter 51512345

Deciding Official: Kimberly Inabinet

Count (1) - Palm Credit 15893354

Decision: DISMISSED

FINANCE WORK NEEDED
☐ Select Check Box for YES

DISMISSED

Decision Type: 643 - Track One request

643

Notes:

Count (2)

Decision: n/a

FINANCE WORK NEEDED
☐ Select Check Box for YES

Decision Type: NONE

Notes:

Count (3)

Decision: n/a

FINANCE WORK NEEDED
☐ Select Check Box for YES

Decision Type: NONE

Notes:

Initials of Approving Official (if required)

If more than 3 decisions, attach 2nd count sheet & mark this box ☐

Printed on: 4/5/2018

Office of Petitions Internal Document - Ver. 5.0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor	:	Shkedi, Roy	Art Unit	:	3622
Serial No.	:	15/893,354	Examiner	:	Uber, Nathan C.
Filing Date	:	02/09/2018	Conf. No.	:	5057
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 27, 2018

REQUEST FOR RECONSIDERATION

Dear Sir:

Applicant requests reconsideration of the April 9, 2018, Decision dismissing applicant's Request for Prioritized Examination (Track I).

Applicant's Track 1 Request was dismissed because the processing fee under 37 C.F.R. § 1.17(i) was not paid at the time of application filing. During the application filing process, applicant encountered technical difficulties using the EFS-Web fee payment system, which appear to have caused the processing fee to not be paid. Applicant intended to pay all fees required for Track 1 at the time of filing the application; omission of the processing fee was unintentional.

Applicant submits concurrently the processing fee set forth in 37 C.F.R. § 1.17(i).

If the Office has any questions, please feel free to contact applicant's undersigned attorney of record.

Respectfully submitted,

DATONICS, LLC

by its attorney

Dated: April 27, 2018

/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:	15893354
Filing Date:	09-Feb-2018
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 CON4

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:				
PROCESSING FEE, EXCEPT PROV. APPLS.	1830	1	140	140
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
		Total in USD ($)		**140**

Electronic Acknowledgement Receipt	
EFS ID:	32475251
Application Number:	15893354
International Application Number:	
Confirmation Number:	5057
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 CON4
Receipt Date:	27-APR-2018
Filing Date:	09-FEB-2018
Time Stamp:	18:39:31
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$140
RAM confirmation Number	043018INTEFSW18402500
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	Miscellaneous Incoming Letter	18-04-27-Datonics-PP_CON4-Rqst_Reconsid_Track1Rqst.pdf	37822 4ce16111ce3af6ddaf3d7fd7e2bc41c925e4e0bc	no	1
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30655 ffd85d4bc8e31b935dd5c5c8708a2dc2c06abd4c	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	68477		

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.

New Applications Under 35 U.S.C. 111
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.
National Stage of an International Application under 35 U.S.C. 371
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.
New International Application Filed with the USPTO as a Receiving Office
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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LOUIS J. HOFFMAN, P.C.
7689 East Paradise Lane
Suite 2
Scottsdale AZ 85260

MAILED
MAY 04 2018
OFFICE OF PETITIONS

Doc Code: TRACK1.GRANT

Decision Granting Request for Prioritized Examination (Track I or After RCE)	Application No.: 15/893,354

The petition, filed April 27, 2018, requesting reconsideration of the decision, mailed April 9, 2018, which initially dismissed the Request for Prioritized Examination, Track 1, is **GRANTED**. In view of the specific circumstances surrounding this application and, in particular, the filing of the Track 1 Request requirements including irregularities with EFS-Web involving payment of the Processing Fee, the Office hereby waives, *sua sponte*, the Processing Fee date requirement of the Prioritized Examination, Track 1, program to the extent necessary to render the processing fee as timely paid and sufficient to fulfill such requirement.

1. THE REQUEST FILED February 9, 2018 IS **GRANTED.**

The above-identified application has met the requirements for prioritized examination

A. ☒ for an original nonprovisional application (Track I).
B. ☐ for an application undergoing continued examination (RCE).

2. **The above-identified application will undergo prioritized examination.** The application will be accorded special status throughout its entire course of prosecution until one of the following occurs:

A. filing a **petition for extension of time** to extend the time period for filing a reply;
B. filing an **amendment to amend the application to contain more than four independent claims, more than thirty total claims**, or a multiple dependent claim;
C. filing a **request for continued examination**;
D. filing a notice of appeal;
E. filing a request for suspension of action;
F. mailing of a notice of allowance;
G. mailing of a final Office action;
H. completion of examination as defined in 37 CFR 41.102; or
I. abandonment of the application.

Telephone inquiries with regard to this decision should be directed to Brian W. Brown at 571-272-5338.

/Brian W. Brown/
[*Signature*]

Petitions Examiner, Office of Petitions
(Title)

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

Page 1 of 1

Serial No.:	15/893,354
Inventor:	Shkedi, Roy
Filed:	02/09/2018
Art Unit:	3622
Examiner:	Sittner, Michael J.
Conf. No.:	5057

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	Document Number	Publication Date MM/DD/YYYY	Name of Patentee or Applicant of Cited Document

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.	Document Number	Publication Date MM/DD/YYYY	Name of Patentee or Inventor	Translation Yes / No

OTHER ART

Examiner Initials	Cite No.	AUTHOR, Title, Date, Pertinent Pages, Etc.
_____		Yahoo's Invalidity Contentions (pages related to parent patent in this family); AlmondNet, Inc. et al. v. Yahoo! Inc., Civil Action No. 16-cv-1557-ILG-SMG, U.S. District Court for the Eastern District of New York; June 30, 2017
_____		Exhibits D-1 through D-16 (as revised) of Yahoo's Invalidity Contentions cited above; June 30, 2017 and August 22, 2017

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:	32589399
Application Number:	15893354
International Application Number:	
Confirmation Number:	5057
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 CON4
Receipt Date:	10-MAY-2018
Filing Date:	09-FEB-2018
Time Stamp:	14:12:31
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	18-05-10-DAT-PP_CON4-Supp_IDS_cover.pdf	93792 6ffb5dfccec019e505cf938489d6edbf0053a0ed	no	3
Warnings:					

Information:					
2	Information Disclosure Statement (IDS) Form (SB08)	18-05-10-DAT-PP_CON4-FORM_1449.pdf	80379 1a4b9a5badee9a4b92a2d16159456545cca168d8	no	1
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
3	Non Patent Literature	170630-YahooInvContentions-PP.pdf	283560 d83c32b52234de17b19e83562109eda5ce505eb7	no	16
Warnings:					
Information:					
4	Non Patent Literature	Exhibits_D1-D16.pdf	7343653 1c96fa273926265db3860535fdf066b7216e83c8	no	178
Warnings:					
Information:					
		Total Files Size (in bytes):	7801384		

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.

New Applications Under 35 U.S.C. 111

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.

National Stage of an International Application under 35 U.S.C. 371

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.

New International Application Filed with the USPTO as a Receiving Office

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.	:	15/893,354	Examiner	:	Sittner, Michael J.
Filing Date	:	02/09/2018	Conf. No.	:	5057
Title	:	Providing collected profiles to media properties having specified interests			

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

Filed via EFS – May 10, 2018

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Applicant discloses "invalidity claim charts" for a parent patent, which charts were provided in the previously disclosed litigation in the Eastern District of New York (the charts were, by agreement and order, prepared using E.D. Tex. rules). Applicant earlier disclosed each of the primary references relied on by the litigation defendant, and applicant believes that the examiner has considered them.

The litigation defendant supplied a cover document and sixteen "charts," identified as items D-1 through D-16, although not said to be in any particular order. The litigation defendant had the opportunity to identify five of the "charts" to get applicant's views in response, and it identified charts D-1 ("Blumenau"), D-2 ("Goldhaber"), D-4 ("Robinson"), D-6 ("Hoyt"), and D-8 ("Beyda") for that purpose. In a later document, the same defendant listed 12 of the 16 primary references as "elected" art (to fit within a court-ordered maximum number of art references). The four references omitted from that "elected" list, were CA 2246746 ("Blumenau")(chart D-1, as to which it had obtained applicant's views), U.S. Patent 5,901,287 ("Bull")(chart D-3), U.S. Pub. No. 2005/0165643 ("Wilson")(chart D-7), and U.S. Patent 7,580,855 ("Fernandes")(chart D-10). That may provide insight into the litigation defendant's views as to which charts are closest to the claims of the parent patent: Charts D-2, D-4,

D-6, and D-8 refer to references highlighted and not omitted later. However, litigation defendant has not singled out those particular charts except through the selections identified above, so applicant cannot confirm its views except by inference. Again, applicant has cited each of the references to which those charts are directed (Goldhaber, Robinson, Hoyt, and Beyda) previously in the parent application (and again in the form PTO-1449 filed with this continuation).

In addition, applicant provides the following observations:

- Defendant's chart D-15 contains a list of four NPL references at the top of page 1. Applicant previously cited the first reference (archive of I/Pro's 1998 website). Litigation defendant did not provide applicant with copies of the other three references referenced, and chart D-15 does not refer to or quote from any of those three references. Applicant is unsure exactly what these references are (the citation form is not very clear, but they appear to be books or magazine collections) or why litigation defendant listed them. These three references have not been included in any IDS.
- In addition to the prior art listed in the charts and cover document, the litigation defendant asserted that the claims of the parent patents are invalid under Section 101 on an *Alice* theory, cross-referencing its arguments in the previously cited CBM2017-00059 petition. This assertion has been rejected by the PTO's Board of Appeals, which issued orders in that CBM deciding not to institute the proceeding. Applicant referred the examiner to the CBM proceeding in the cover letter to its July 26, 2017, IDS in parent application Serial No. 14/080,999. Petitioner (the litigation defendant) sought reconsideration, and the Board denied reconsideration by an order dated November 30, 2017.
- Also the litigation defendant asserted in the cover document that the claims (or some of them) of the parent patents were invalid under Section 112(1), alleging

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lack of enablement and written description, on account of certain terms listed in that document.

In developing and amending the claims of this application, applicant has sought to make sure that they are free from arguments made in the referenced litigation, and applicant does not believe that the charts or arguments provided by the litigation defendant have merit. However, the examiner should review them and reach his own conclusions. Applicant thanks the examiner for his time in reviewing the material.

If the examiner has any questions concerning the attached materials, distinctions from the prior art in the present claims, or applicant's views responsive to litigation defendant's positions stated in the attached materials, please feel free to contact the undersigned attorney of record.

Respectfully submitted,

DATONICS, LLC

by its attorney

Dated: May 10, 2018

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/893,354	02/09/2018	Roy Shkedi	14 PP CON4	5057

26362 7590 06/15/2018

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UNITED STATES OF AMERICA

EXAMINER
SITTNER, MICHAEL J

ART UNIT	PAPER NUMBER
3622	

NOTIFICATION DATE	DELIVERY MODE
06/15/2018	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

Office Action Summary	Application No. 15/893,354	Applicant(s) Shkedi, Roy	
	Examiner MICHAEL J SITTNER	Art Unit 3622	AIA 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 2/9/2018.

☐ 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) 34-61 is/are pending in the application.

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

6) ☐ Claim(s) _____ is/are allowed.

7) ☑ Claim(s) 34-61 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 5/10/2018.

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

4) ☐ Other: _____.

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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 Application filed 2/9/2018 preliminary amendments also filed 2/9/2018.

3. Claims 1-33 have been canceled by preliminary amendment.

4. Claims 34-61 are new.

5. Claims 34-61 have been examined and are currently pending.

Continuation

6. This application is a continuation of application Serial No. 14/080,999 ("Parent Application"), filed November 15, 2013, which is a continuation of application Serial No. 13/631,244, filed September 28, 2012, now U.S. Patent 8,589,210, which is a continuation of application Serial No. 11/765,433, filed June 19, 2007, now U.S. Patent 8,280,758, which claims the benefit of provisional application Serial No. 60/805,114, filed June 19, 2006 See MPEP §201.07. In accordance with MPEP §609.02 A.2 and MPEP §2001.06(b) (last paragraph), the Examiner has reviewed and considered the prior art cited in the Parent Application and intervening applications. Also in accordance with MPEP §2001.06(b) (last paragraph), all documents cited or considered 'of record' in the Parent Application are now considered cited or 'of record' in this application. Additionally, Applicant(s) are reminded that a listing of the information cited or 'of record' in the Parent Application need not be resubmitted in this application unless Applicants desire the information to be printed on a patent issuing from this application. See MPEP §609.02 A.2. Finally, Applicants are reminded that the prosecution history of the Parent Application is relevant in this application. See e.g., Microsoft Corp. v. Multi-Tech Sys., Inc., 357 F.3d 1340, 1350, 69 USPQ2d 1815, 1823 (Fed. Cir. 2004) (holding that statements made in prosecution of one patent are relevant to the scope of all sibling patents).

Information Disclosure Statement (IDS)

7. Acknowledgement is hereby made of receipt of Information Disclosure Statements filed by applicant on 5/10/2018.

Interpretation of Claim Language

8. 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)).

9. **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 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].

10. **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 [pg. 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 [pg. 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 [pg. 12:23-26] A *Publisher* may be a *Profile Owner* and also be the *Profile Supplier*.

11. **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 [pg. 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 [pg. 3:3-4] any entity (e.g. a publisher that is a BT company) may also be its own profile supplier. And [pg. 12:23-26] A *Publisher* may also be a *Profile Owner* and also be the *Profile Supplier*.

12. **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."

Claim Rejections - 35 USC § 112

13. 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.

14. Claim 60 is 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.

Dependent claim 60 recites, *"…**the equipment of the profile supplier … the apparatus of the selected entity**…".* However, these features lack an antecedent basis. The claims draftsman has conflated the terms used in the parent claim which describe the "profile supplier" and "selected entity". The parent claim (claim 48) describes these as: "apparatus of a profile supplier" not "equipment of profile supplier" and likewise describes the "equipment controlled by the selected media property entity" not "apparatus of the selected entity…." Because the limitations lack an antecedent basis, the claim is considered indefinite. For the purpose of compact prosecution, the features in question are interpreted to read per the independent claim as follows: "apparatus of a profile supplier" and "equipment controlled by the selected media property entity".

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

15. 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 negatived by the manner in which the invention was made.

16. 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.

17. Claims 34-37, 39, 41-43, 45, 47-51, 53-56, 58, 60-61 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, 48, 61:

Pertaining to the limitations of claims 34, 48, and 61, exemplified in the method steps of claim 34, Kublickis teaches the following:

A method of causing delivery of electronic advertisements based on provided profiles comprising:

(a) with a computer system automatically storing, in a central database associated with the computer system, profile information associated with a visitor, as a result of electronic receipt from a profile owner computer of indicia of the profile information, which profile information associated with the visitor matches a profile or kind of profiles requested by an entity controlling the computer system

(Kublickis, see at least Figs. 5C, 10B, [0132], teaching: consumers provide selective access to data within their profiles to each website [entity controlling the computer system] which they visit, including search engines, for the purposes of enabling each such website to deliver more relevant and personalized content; per [0155]-[0157] and [0205] “consumers selectively grant automated access of specific personal data [indicia of the profile information] to any third-party content provider 130A or 130B they visit

which uses a method of the invention to request it."; see at least [0454]-[0474] regarding methods of requesting such information by websites and third-party content providers; the profile data which is accessed is stored, for the purpose of targeting content, by the requesting website/third-party content provider visited by the consumer and this is as a result of receipt of selectively granted specific personal data received from marketplace servers storing consumer profile data in consumer databases 215 (e.g. see [0155]-[0157]); See also at least [0186], [0195]-[0197], and [0210]-[0211] [0283], [0325], [0397]-[0398], and [0488]), ***wherein a tag associated with a visitor device serves as a link to the profile information associated with the visitor*** (Kublickis, see at least [0423]-[0436] teaching: "… the third-party content provider 130A or 130B could request [arrange for] the custom browser [of the consumer] to construct [store] a cookie [a tag[1]] on its behalf which contains the requested data points [profile information]. 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 relevant to the context of the web pages visited…"; examiner notes applicant fails to recite or stipulate any specific embodiment for what constitutes a "tag" and therefore this is completely open to interpretation)***;***

(b) wherein the profile owner computer is programmed:

[…]

(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

---

[1] 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].

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

(Kublickis, see at least Fig. 4 and [0209]-[0220] teaching "toolset 400" which enables advertisers 110, ad agencies 115, etc to: Filter the marketplace's general consumer membership into well-defined audiences using precisely articulated data points [requested profiles] (e.g. demographic, psychographic, purchasing history data points, etc…)… as well as to conduct precision-targeted ad campaigns to audiences as defined above…"; Per at least also see at least [0436] the "…With each new web page visited within the content provider's website, a fuller 'picture' [profile] of the visiting consumer would be captured within the cookie [tag] which the billed third-party content provider alone can access [store] and exploit to customize webpage content and any embedded advertising, and to target offers and merchandise, which becomes progressively more relevant to the consumer member…"; the cookie [tag] is readable by the third-party content provider 130A or 130B who requested the custom browser [of the consumer] to construct a cookie [tag] which is sent to the third-party content provider with appended profile information of the consumer)

(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

(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 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 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 profile or kind of profiles requested by the entity controlling the computer system (Jaschke, see at least Fig. 4 – selection of an advertiser [media property entity] 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 types/kinds of desired/targeted profiles.

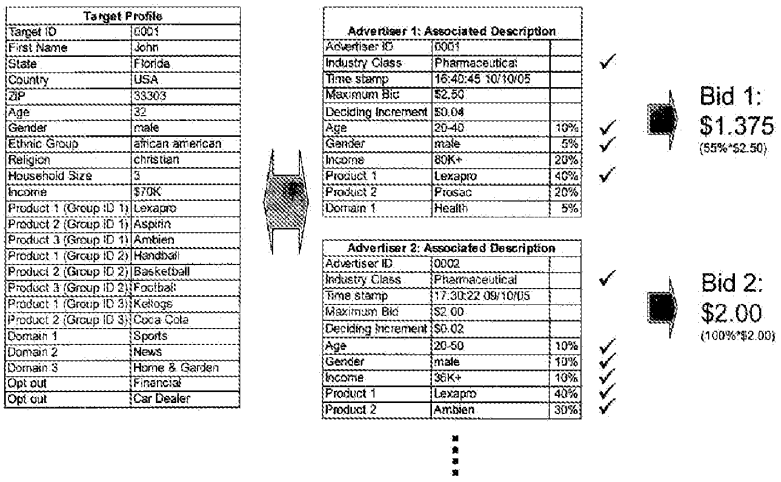

FIG 4

> Also, Jaschke see at least [0030]-[0031] and [0064]-[0073], teaching: The consumer information broker 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 [stored requests from different entities] received from advertisers 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 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 descriptions [stored requests] from the advertisers [plurality of media property entities], one of which may be an entity controlling the computer system, each description [stored request] being for requested profiles or kinds of profiles, which plurality of stored requests includes the profile or kind of profiles requested by the entity controlling the computer system* 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 via the technique 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, 49:

Although the combination Kublickis/Jaschke teaches the limitations upon which these claims depends, and (e.g. see at least [0273]) Kublickis teaches that more than one consumer may be associated with a single node [i.e. consumer device with particular IP address] and each consumer may be individually targeted as each member has a unique member serial number 505, etc… Kublickis may not explicitly teach the nuances of the below limitations directed towards deriving profile information from user activity on one device and targeted advertising to a second device of the user. However, pertaining to these features, 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 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 which uniquely targets a specific user based on unique member serial number, etc., could be leveraged to apply the technique of Jaschke for the purpose of targeting a user, who is visiting a website via use of a second device, based on profile information collected about that user, known by his unique member number, from the user's previous interaction with a website via a first device 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, 50:

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, 51:

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 and subsequently profiles of users of such devices for the purpose of targeting those users; e.g. the (IMSI) number and its related key, are used to identify and authenticate subscribers on mobile telephony devices; these may be used to identify profile of a user and target advertising.)

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, which Kublickis teaches have profile information appended thereto, could append and identify a mobile device identifier of a user, which Jaschke in turn teaches may be used to subsequently target advertising, 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, 53

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 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 (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.)

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 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, 54:

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:

… 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. (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 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, 55:

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.

Claims 43, 56:

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 a media property 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 [media property entity] 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, 58:

Although the combination Kublickis/Jaschke teaches the limitations upon which these claims depends, and Kublickis (e.g. at least at [0436]) teaches his cookie [tag] contains user profile data corresponding to third-party content provider requested data points, Kublickis may not explicitly teach the nuance of the below limitation directed towards the profile information appended to his cookie [tag] comprising personally identifiable information. 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]: cookies may contain "identifiers" which may be any means of "uniquely identifying a user"; applicant fails to stipulate what is 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, who already teaches appending user profile information to cookies [tags], 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 apply the techniques of Jaschke to 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 47, 60:

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 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. (Jashcke, 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 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.

18. Claims 38, 40, 44, 46, 52, 57, 59 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, 52:

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 [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/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 Kublickis collects and/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 market place servers which store consumer profiles [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:

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:

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 (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 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, 57:

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…")

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.

Claims 46, 59:

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 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 that is associated with the visitor device (Horowitz, see at least [0045]-[0048] specifically teaching: "…For example, in step 412, the End User 110 can be tracked by employing a cookie [tag] having information [profile information] that varies depending on the type of tracking scheme being

employed or an ID [profile information] can be passed in the redirect [automatic redirection to a URL] and the Advertiser site 106 can remember [store] the ID and return it to the exemplary performance-based online advertising system 100 either in a tracking pixel request or in a direct request from the Advertisement server 126…")

Therefore, the Examiner understands that URL redirection which may enable the advertiser to store the profile information linked to the cookie [tag] is merely applying known 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 and information [profile information] 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.

Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed Michael J. Sittner whose telephone number is 571-270-3984. The examiner can normally be reached 7:30 AM – 5:00PM (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.

20. 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.

21. 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

Notice of References Cited	Application/Control No. 15/893,354	Applicant(s)/Patent Under Reexamination Shkedi, Roy	
	Examiner MICHAEL J SITTNER	Art Unit 3622	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
	A					
	B					
*	C	US-20070067297-A1	03-2007	Kublickis; Peter Joseph	G06Q30/02	1/1
*	D	2005/0097204 A1	05-2005	Horowitz, Russell C.	G06Q30/02	705/14.69
*	E	2007/0130005 A1	06-2007	Jaschke; Michael	G06Q30/02	705/14.66
	F					
	G					
	H					
	I					
	J					
	K					
	L					
	M					

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	15/893,354	Shkedi, Roy
	Examiner	**Art Unit**
	MICHAEL J SITTNER	3622

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

CLAIMS										
☐ Claims renumbered in the same order as presented by applicant						☐ CPA	☐ T.D.		☐ R.1.47	
CLAIM		**DATE**								
Final	Original	06/11/2018								
	34	✓								
	35	✓								
	36	✓								
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	38	✓								
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	61	✓								

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Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	15/893,354	Shkedi, Roy
	Examiner	Art Unit
	MICHAEL J SITTNER	3622

CPC - Searched*		
Symbol	**Date**	**Examiner**
G06Q30/02 all with text	06/11/2018	MJS
G06F7/04 all with text	06/11/2018	MJS
H04L 9/32 all with text	06/11/2018	MJS

CPC Combination Sets - Searched*		
Symbol	**Date**	**Examiner**

US Classification - Searched*			
Class	**Subclass**	**Date**	**Examiner**
705	14 all with text	06/11/2018	MJS

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	**Date**	**Examiner**
See East Search History	06/11/2018	MJS
Assignee Search	06/11/2018	MJS
Inventor Search	06/11/2018	MJS
Review of Parent Applications and related Art	06/11/2018	MJS
PLUS Search	06/11/2018	MJS

Interference Search			
US Class/CPC Symbol	**US Subclass/CPC Group**	**Date**	**Examiner**

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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	4	(("6839680") or ("6446261")).PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/08/25 11:31
S2	36	@ad<"20060619" and (collect$6 with profil$6 with (buy$6 or purchas$6) with (sell or selling or sales or vend or vend$6))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/08/25 11:43
S3	2	("20110314092").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/08/30 16:10
S4	0	@ad<"20060619" and (tracking adj pixel) and (1x1)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/08/30 16:10
S5	137	@ad<"20060619" and (tracking adj pixel)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/08/30 16:11
S6	0	@ad<"20060619" and (tracking adj pixel) and (S3 adj x adj S3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/08/30 16:11
S7	0	@ad<"20060619" and (S3 adj x adj S3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/08/30 16:11
S8	7504	@ad<"20060619" and ("1 x 1")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/08/30 16:11
S9	0	@ad<"20060619" and (tracking adj pixel) and (URL adj redirect)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/08/30 16:31
S10	2	@ad<"20060619" and (tracking adj pixel) and (URL near4 redirect)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/08/30 16:31

S11	425010	@ad<"20060619" and ((profile adj owner) with report$6 or compensation)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/08/30 19:44
S12	13	@ad<"20060619" and ((profile adj owner) with (report$6 or compensation))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/08/30 19:45
S13	13	@ad<"20060619" and ((profile adj owner) with (report$6 or compensation))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/08/30 20:59
S14	12396	@ad<"20060619" and ((profile) with (report$6 or compensation)) not S13	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/08/30 20:59
S15	4096	@ad<"20060619" and ((profile) near3 (report$6 or compensation)) not S13	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/08/30 21:00
S17	258	@ad<"20060619" and ((profile) near3 (report$6 or compensation) with (type or category)) not S13	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/08/30 21:01
S18	0	@ad<"20060619" and (profile with report$6 with compensation with (type or category)) not S13	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/08/30 21:01
S19	165	@ad<"20060619" and (profile with compensation with (type or category)) not S13	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/08/30 21:02
S20	486	@ad<"20060619" and (profile with report with (type or category)) not S13	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/08/30 21:02
S21	65	@ad<"20060619" and (profile near3 compensation with (type or category)) not S13	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/08/30 21:02
S22	148	@ad<"20060619" and (profile near3 report with (type or category)) not S13	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/08/30 21:02
S23	71	@ad<"20060619" and (report$6 near3 profile near3 (type or category)) not S13	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/08/30 21:03

S24	106	@ad<"20060619" and (cookie near3 profile near3 information)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/08/30 22:25
S25	0	@ad<"20060619" and (cookie near3 profile near3 locat$6 near3 database)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/08/31 12:38
S26	23	@ad<"20060619" and (cookie profile locat$6 database)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	WITH	ON	2016/08/31 12:38
S27	0	@ad<"20060619" and (cookie profile locat$6 database)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	NEAR	ON	2016/08/31 12:38
S28	2	("20070130005").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/08/31 13:25
S29	8	(("20070067297") or ("20070130005") or ("20030083938")).PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/06/11 16:12
S30	3	(US-20070130005-$ or US-20070067297-$ or US-20030083938-$).did.	US-PGPUB	OR	ON	2018/06/11 16:13

EAST Search History (Interference)

< This search history is empty>

6/11/2018 4:17:50 PM
C:\Users\msittner1\Documents\EAST\Workspaces\15893354 - continuation of 14080999 - Shkedi - collection and selling of profile information.wsp

Bibliographic Data

Application No: 15/893,354

Foreign Priority claimed: ○ Yes ◉ No

35 USC 119 (a-d) conditions met: ☐ Yes ☐ No ☐ Met After Allowance

Verified and Acknowledged: /MICHAEL J SITTNER/ (Examiner's Signature) | MJS (Initials)

Title: Providing collected profiles to media properties having specified interests

FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
02/09/2018	705	3622	14 PP CON4
RULE			

APPLICANTS

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INVENTORS

Roy Shkedi Forest Hills, NY, UNITED STATES

CONTINUING DATA

This application is a CON of 14080999 11/15/2013

14080999 is a CON of 13631244 09/28/2012 PAT 8589210

13631244 is a CON of 11765433 06/19/2007 PAT 8280758

11765433 has PRO of 60805144 06/19/2006

FOREIGN APPLICATIONS

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03/14/2018

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

Page 1 of 1

Serial No.:	15/893,354
Inventor:	Shkedi, Roy
Filed:	02/09/2018
Art Unit:	3622
Examiner:	Sittner, Michael J.
Conf. No.:	5057

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	Document Number	Publication Date MM/DD/YYYY	Name of Patentee or Applicant of Cited Document

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.	Document Number	Publication Date MM/DD/YYYY	Name of Patentee or Inventor	Translation Yes / No

OTHER ART

Examiner Initials	Cite No.	AUTHOR, Title, Date, Pertinent Pages, Etc.
/M.J.S/		Yahoo's Invalidity Contentions (pages related to parent patent in this family); AlmondNet, Inc. et al. v. Yahoo! Inc., Civil Action No. 16-cv-1557-ILG-SMG, U.S. District Court for the Eastern District of New York; June 30, 2017
/M.J.S/		Exhibits D-1 through D-16 (as revised) of Yahoo's Invalidity Contentions cited above; June 30, 2017 and August 22, 2017

Examiner: /MICHAEL J SITTNER/ Date Considered: 06/11/2018

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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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
15/893,354	02/09/2018	Roy Shkedi	14 PP CON4

CONFIRMATION NO. 5057

PUBLICATION NOTICE

26362
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OC000000100756529

Title: Providing collected profiles to media properties having specified interests

Publication No.US-2018-0189833-A1
Publication Date:07/05/2018

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently http://www.uspto.gov/patft/.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Public Records Division. The Public Records Division can be reached by telephone at (571) 272-3150 or (800) 972-6382, by facsimile at (571) 273-3250, by mail addressed to the United States Patent and Trademark Office, Public Records Division, Alexandria, VA 22313-1450 or via the Internet.

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Office of Data Managment, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

Electronic Acknowledgement Receipt	
EFS ID:	33732324
Application Number:	15893354
International Application Number:	
Confirmation Number:	5057
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 CON4
Receipt Date:	14-SEP-2018
Filing Date:	09-FEB-2018
Time Stamp:	20:20:16
Application Type:	Utility under 35 USC 111(a)

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File Listing:

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	18-09-14-DAT-PP_CON4-RTOA1.pdf	177753 ed86393f8ed1e04ce25f4075701e591cba0a1a08	no	18
Warnings:					

Information:	
Total Files Size (in bytes):	177753

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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.

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New International Application Filed with the USPTO as a Receiving Office

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.	:	15/893,354	Examiner	:	Sittner, Michael J.
Filing Date	:	02/09/2018	Conf. No.	:	5057
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 – September 14, 2018

RESPONSE TO OFFICE ACTION

Dear Sir:

In response to the Office Action dated June 15, 2018, assignee requests entry of the following amendments and reconsideration in view of the following remarks.

Amendments to the claims begin on page 3.

Remarks begin on page 10.

Amendments

IN THE CLAIMS:

Please amend the claims as follows:

1.-33. (Canceled)

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

(a) with a computer system automatically storing, in a central database associated with the computer system, profile information associated with a visitor, as a result of electronic receipt from a profile owner computer of indicia of the profile information, which profile information associated with the visitor matches a profile or kind of profiles requested by an entity controlling the computer system, wherein a tag associated with a visitor device 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 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 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

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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

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

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46. (Previously presented) 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 that is associated with the visitor device.

47. (Previously presented) The method of claim 34 wherein the 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.

48. (Previously presented) A computer system comprising one or more computers, wherein the one or more computers are programmed and connected:

(a) to automatically store, in a central database associated with the computer system, profile information associated with a visitor, as a result of electronic receipt from a profile owner computer of indicia of the profile information, which profile information associated with the visitor matches a profile or kind of profiles requested by an entity controlling the computer system, wherein a tag associated with a visitor device 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 the plurality of media property entities, one of which media property

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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 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.

49. (Previously presented) The computer system of claim 48 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.

50. (Previously presented) The computer system of claim 49 wherein the first device is a computer of the visitor and the second device is a mobile phone of the visitor.

51. (Previously presented) The computer system of claim 50 wherein the tag identifies the mobile phone.

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52. (Previously presented) The computer system of claim 50 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.

53. (Previously presented) The computer system of claim 49 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.

54. (Previously presented) The computer system of claim 48 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.

55. (Previously presented) The computer system of claim 54 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.

56. (Previously presented) The computer system of claim 48 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.

57. (Previously presented) The computer system of claim 56 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.

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58. (Previously presented) The computer system of claim 48 wherein the tag comprises personally identifiable information identifying the visitor.

59. (Previously presented) The computer system of claim 48 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 that is associated with the visitor device.

60. (Currently amended) The computer system of claim 48 wherein the ~~equipment~~ apparatus of the profile supplier operates in the Internet and the ~~apparatus~~ equipment of the selected entity utilizes the profile data to cause delivery of the electronic advertisements on a television of the visitor.

61. (Previously presented) 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 storing, in a central database associated with the computer system, profile information associated with a visitor, as a result of electronic receipt from a profile owner computer of indicia of the profile information, which profile information associated with the visitor matches a profile or kind of profiles requested by an entity controlling the computer system, wherein a tag associated with a visitor device serves as a link to the profile information associated with the visitor;

(b) wherein the profile owner computer is programmed:

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(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 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 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.

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Remarks

Claims 34-61 are pending. Claims 34, 48, and 61, are independent claims. This is a "Track One" expedited application.

1. The indefiniteness rejection has been overcome and miscellaneous comments and rejections have been withdrawn

The Office Action (¶14) rejects dependent claim 60 for indefiniteness for lack of consistency with the claim on which it depends. Assignee has corrected the claim and thanks the examiner for noticing the error.

All indefiniteness rejections made in the parent application have been withdrawn, as they are not repeated in the current Office Action, apparently in view of the changes to the claims. No Section 101 (*Alice*) rejection has been repeated.

Applicant has "fully addressed certain issues" that were questioned in the parent application but not made the subject of any prior rejection (namely what arranging storing of the tag encompasses, what entity is being selected, and what actions trigger specific steps). Statements made in the parent application that certain claimed elements are conditional or do not limit the claim scope have not been repeated.

Assignee and the undersigned appreciate the significant progress. Only one rejection remains, alleged obviousness, which assignee discusses in the next section.

2. The obviousness rejection should be reconsidered and withdrawn

The Office Action (¶17 *ff.*) rejects all claims as allegedly obvious over the combination of Kublickis (U.S. Pat. Pub. 2007/0067297) in view of Jaschke (U.S. Pat. Pub. 2007/0130005). As to the independent claims, the Office Action contends that Kublickis teaches claim 34, parts (a), (b)(ii), and (c) but concedes that it does not teach part (b)(i); however, the Office Action contends that Jaschke teaches part (b)(i). The rejection asserts that it would have been obvious for one of ordinary skill in the art to have applied the known technique of Jaschke to Kublickis' custom browser, because – allegedly – Kublickis' browser already stores profile information and requests for

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profile data points and cookies, so using Jaschke's technique to automatically select between competing advertisers (which the Office Action considers "media property entities") based on the information already available to the browser would simply constitute use of a known technique to improve the known Kublickis browser (given both references are in analogous art in the same field of endeavor).

The rejection is incorrect primarily because Jaschke's advertisers are not "media property entities" construed according to the Office Action, so part (b)(i) is missing from the combined references. Also, the combined references would choose and deliver an ad while a visitor is on a given website at a given time, rather than facilitating later delivery of an ad when the visitor appears on a website after the selection is made.

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].

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 obviousness rejection analogizes the "third party content provider" (website) of Kublikis to the "media property" (entity controlling the computer system)

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performing parts (a) and (c) of the independent claims. The rejection analogizes the company operating Kublickis' "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 website on demand, at the time of a visit by the user to a given website, whereas 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 one 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.

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.

In effect, the Kublickis/Jaschke combination hypothesized in the rejection would use the Kublickis custom browser, and therefore provide data to a visited website on demand, at the time of a visit by the user to a given website, and use Jaschke's technique to evaluate advertiser bids and to deliver an ad of a selected advertiser while the visitor is on the website in question.

The invention claimed in claim 34 refers to a selected media property – namely the "entity controlling the computer system" of part (a) (*see* part (b)(ii)) – storing a profile linked to a tag (part (a)) and causing delivery of an ad (part (c)) to a visitor. That visitor is specifically a visitor whose profile information was received from a profile owner computer. That profile owner computer is one that has selected the media property from among a plurality of media properties based on requests for profiles or types of profiles of particular kinds received from each. (*See* part (b).)

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The selected media property entity's "computer system" therefore receives (part (a)) from the specially programmed profile-owner computer (part (b)) profile data matching the media property's previously request for a profile or type of profile (*see* part (b)(i)). The received profile data is stored in a central database and a visitor device's tag serves as a link to it. (*See* part (a).) This allows the media property to later cause delivery of ads connected to that profile when ad space become available for that visitor's device. (*See* part (c).)

That specific arrangement differs from the cited prior art, which did not select media properties for a given visitor device based on stored requests from different media properties, and which did not have the selected media property store the profile data for later use when the visitor device happened to become available to serve an ad.

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 readable by the selected media property's equipment. Nor do either teach making such a selection based on stored requests from each entity.

The Office Action agrees that Kublickis "may not explicitly teach the nuance of" limitation (b)(i), which specifies that the profile owner computer has selected a media property entity from among many based on stored profile requests. The differences are hardly mere "nuances":

(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 or media property among others.

(2) 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

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does not teach using any stored request to select a media property from among many based on stored requests for each.

The rejection incorrectly argues that the missing feature (part (b)(i)) is disclosed by Jaschke and specifically relies on the premise that Jaschke's selection of advertisers qualifies as selecting "media property entities." Jaschke, like Kublickis, works with respect to filling a current ad space and likewise has no need for any selection of websites or any other media property.

The obviousness rejection considers the advertiser selected by Jaschke's broker a "media property entity" as claimed. *See* Office Action, p. 9 (pointing to Jaschke's "selection of an advertiser [media property entity]"). But those advertisers (in the context of Jaschke) *do not control ad space*, and thus are not the "media property entities" as claimed.

The Office Action, ¶12, defines "media property entities." There, the Office Action refers to the provisional application, which the Office Action says, "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." A similar definition appears in the instant specification at page 5, lines 4-5: "a media property (in the present context) can also be defined as any equipment that controls an ad space viewed by a visitor …." *See also* Spec., page 5, lines 17-18 (referring to temporary control) & page 8, lines 5-6 and 23 (referring to "media property owners").

Jaschke's referenced advertisers do not each "control ad space" – and thus do not meet the Office Action's definition of "media property" entities – 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 advertiser, delivered to the user, as triggered by the broker.

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Jaschke's broker selects advertisements for a given ad space, whereas in contrast the claims of this application relate to selection of one among several "media properties" (entities that control ad space) 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. In sum, neither Kublickis nor Jaschke teach the specially and unconventionally programmed profile owner computer of part (b).

As a result of the above, neither reference discloses performing arranging storage of profile information "as a result of electronic receipt from a profile owner computer of indicia" of *matching* profile data, as specified in part (a). There is no "profile owner computer" as defined in part (b) in the Kublickis/Jaschke combination, so the combination does not meet part (a) either.

Further as to part (a), the Office Action relies on Kublickis, but 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. Indeed, 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 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*

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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.

The above differences are not mere nuances or details. Rather, the claimed invention has significant advantages by enabling a selected media property entity, which 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 later, when the visitor device becomes available to receive an advertisement, to use the tag to access the profile data and use the profile data to cause delivery of an ad to the visitor's device.

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.

Accordingly, obtaining a targeted audience was difficult technically to achieve, balancing the need for enough visitor volume against the desire to avoid excess visitors; known prior art techniques did not provide a way, technically and practically, for a

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"media property" to obtain a desired audience of both a sufficient size and a targeted type. The unconventional system described by the pending claims assists in solving those problems. It allows "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 media properties access to the desired audience, without too many too broadly targeted visitors, avoid the need for custom negotiations with and technical assistance to multiple profile suppliers, can start ad campaigns timely, and can be scalable.

The claims are directed to a selected media property computer system accessing a stored profile, using a tag linked to the profile, and using the profile to cause delivery of 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*. This is not disclosed in either Kublickis or Jaschke, or in the combination described in the Office Action of those two references. Assignee respectfully requests reconsideration and withdrawal of the obviousness rejection, and, as that is the only remaining rejection, prompt allowance.

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Please feel free to telephone the undersigned if it would in any way advance prosecution of this application.

Respectfully submitted,

DATONICS, LLC

by its attorney

Dated: September 14, 2018

/Louis J. Hoffman/
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PTO/SB/06 (09-11)
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 15/893,354	Filing Date 02/09/2018	☐ 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), (i), 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 $100 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*		x $460 =	
☐ 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	09/14/2018	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 28	Minus	** 28	= 0		x $100 =	0
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0		x $460 =	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 $0 =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=		x $0 =	
	☐ 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.	LIE
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".	Tara A Washington
*** 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.**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/893,354	02/09/2018	Roy Shkedi	14 PP CON4	5057

26362 7590 10/18/2018

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EXAMINER
SITTNER, MICHAEL J

ART UNIT	PAPER NUMBER
3622	

NOTIFICATION DATE	DELIVERY MODE
10/18/2018	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

Office Action Summary	**Application No.** 15/893,354	**Applicant(s)** Shkedi, Roy	
	Examiner MICHAEL J SITTNER	**Art Unit** 3622	**AIA 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 9/14/2018.

☐ 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) 34-61 is/are pending in the application.

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

6) ☐ Claim(s) _____ is/are allowed.

7) ☑ Claim(s) 34-61 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 _____.

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 amendments filed 9/14/2018.

3. Claims 1-33 were canceled by preliminary amendment.

4. Claims 60 is currently amended.

5. Claims 34-61 have been examined and are currently pending.

Continuation

6. This application is a continuation of application Serial No. 14/080,999 ("Parent Application"), filed November 15, 2013, which is a continuation of application Serial No. 13/631,244, filed September 28, 2012, now U.S. Patent 8,589,210, which is a continuation of application Serial No. 11/765,433, filed June 19, 2007, now U.S. Patent 8,280,758, which claims the benefit of provisional application Serial No. 60/805,114, filed June 19, 2006 See MPEP §201.07. In accordance with MPEP §609.02 A.2 and MPEP §2001.06(b) (last paragraph), the Examiner has reviewed and considered the prior art cited in the Parent Application and intervening applications. Also in accordance with MPEP §2001.06(b) (last paragraph), all documents cited or considered 'of record' in the Parent Application are now considered cited or 'of record' in this application. Additionally, Applicant(s) are reminded that a listing of the information cited or 'of record' in the Parent Application need not be resubmitted in this application unless Applicants desire the information to be printed on a patent issuing from this application. See MPEP §609.02 A.2. Finally, Applicants are reminded that the prosecution history of the Parent Application is relevant in this application. See e.g., Microsoft Corp. v. Multi-Tech Sys., Inc., 357 F.3d 1340, 1350, 69 USPQ2d 1815, 1823 (Fed. Cir. 2004) (holding that statements made in prosecution of one patent are relevant to the scope of all sibling patents).

Interpretation of Claim Language

7. 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)).

8. **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 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].

9. **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 [pg. 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 [pg. 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 [pg. 12:23-26] A *Publisher* may be a *Profile Owner* and also be the *Profile Supplier*.

10. **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 [pg. 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 [pg. 3:3-4] any entity (e.g. a publisher that is a BT company) may also be its own profile supplier. And [pg. 12:23-26] A *Publisher* may also be a *Profile Owner* and also be the *Profile Supplier*.

11. **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."*

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

12. 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 negatived by the manner in which the invention was made.

13. 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.

14. Claims 34-37, 39, 41-43, 45, 47-51, 53-56, 58, 60-61 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, 48, 61: (Previously presented)

Pertaining to the limitations of claims 34, 48, and 61, exemplified in the method steps of claim 34, Kublickis teaches the following:

> ***A method of causing delivery of electronic advertisements based on provided profiles comprising:***
>
> ***(a) with a computer system automatically storing, in a central database associated with the computer system, profile information associated with a visitor, as a result of electronic receipt from a profile owner computer of indicia of the profile information, which profile information associated with the visitor matches a profile or kind of profiles requested by an entity controlling the computer system***
>
> (Kublickis, see at least Figs. 5C, 10B, [0132], teaching: consumers provide selective access to data within their profiles to each website [entity controlling the computer

system] which they visit, including search engines, for the purposes of enabling each such website to deliver more relevant and personalized content; per [0155]-[0157] and [0205] "consumers selectively grant automated access of specific personal data [indicia of the profile information] to any third-party content provider 130A or 130B they visit which uses a method of the invention to request it."; see at least [0454]-[0474] regarding methods of requesting such information by websites and third-party content providers; the profile data which is accessed is stored, for the purpose of targeting content, by the requesting website/third-party content provider visited by the consumer and this is as a result of receipt of selectively granted specific personal data received from marketplace servers storing consumer profile data in consumer databases 215 (e.g. see [0155]-[0157]); See also at least [0186], [0195]-[0197], and [0210]-[0211] [0283], [0325], [0397]-[0398], and [0488]), ***wherein a tag associated with a visitor device serves as a link to the profile information associated with the visitor*** (Kublickis, see at least [0423]-[0436] teaching: "… the third-party content provider 130A or 130B could request [arrange for] the custom browser [of the consumer] to construct [store] a cookie [a tag[1]] on its behalf which contains the requested data points [profile information]. 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 relevant to the context of the web pages visited…"; examiner notes applicant fails to recite or stipulate any specific embodiment for what constitutes a "tag" and therefore this is completely open to interpretation)***;***

(b) wherein the profile owner computer is programmed:

---

[1] 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].

[…]

(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

(Kublickis, see at least Fig. 4 and [0209]-[0220] teaching "toolset 400" which enables advertisers 110, ad agencies 115, etc to: Filter the marketplace's general consumer membership into well-defined audiences using precisely articulated data points [requested profiles] (e.g. demographic, psychographic, purchasing history data points, etc…)… as well as to conduct precision-targeted ad campaigns to audiences as defined above…"; Per at least also see at least [0436] the "…With each new web page visited within the content provider's website, a fuller 'picture' [profile] of the visiting consumer would be captured within the cookie [tag] which the billed third-party content provider alone can access [store] and exploit to customize webpage content and any embedded advertising, and to target offers and merchandise, which becomes progressively more relevant to the consumer member…"; the cookie [tag] is readable by the third-party content provider 130A or 130B who requested the custom browser [of the consumer] to construct a cookie [tag] which is sent to the third-party content provider with appended profile information of the consumer)

(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

(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 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 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 profile or kind of profiles requested by the entity controlling the computer system (Jaschke, see at least Fig. 4 – selection of an advertiser [media property entity] 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 types/kinds of desired/targeted profiles.

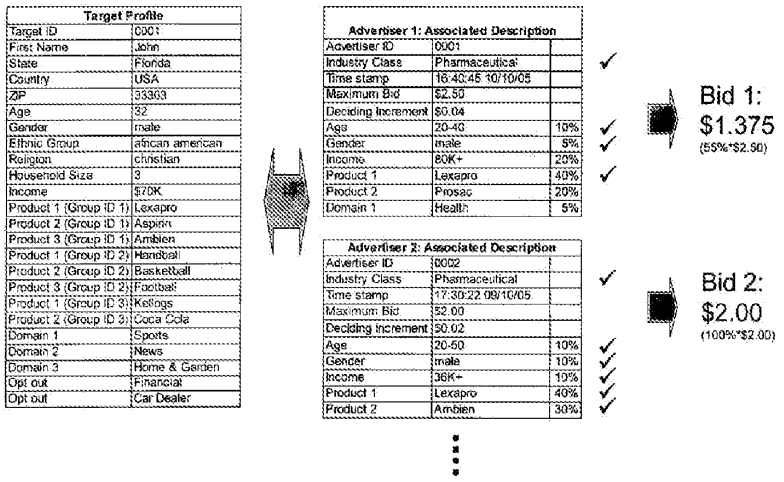

FIG 4

Also, Jaschke see at least [0030]-[0031] and [0064]-[0073], teaching: The consumer information broker 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 [stored requests from different entities] received from advertisers 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 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 descriptions [stored requests] from the advertisers [plurality of media property entities], one of which may be an entity controlling the computer system, each description [stored request]*

being for requested profiles or kinds of profiles, which plurality of stored requests includes the profile or kind of profiles requested by the entity controlling the computer system 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 via the technique 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, 49: (Previously presented)

Although the combination Kublickis/Jaschke teaches the limitations upon which these claims depends, and (e.g. see at least [0273]) Kublickis teaches that more than one consumer may be associated with a single node [i.e. consumer device with particular IP address] and each consumer may be individually targeted as each member has a unique member serial number 505, etc… Kublickis may not explicitly teach the nuances of the below limitations directed towards deriving profile information from user activity on one device and targeted advertising to a second device of the user. However, pertaining to these features, 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 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 which uniquely targets a specific user based on unique member serial number, etc., could be leveraged to apply the technique of Jaschke for the purpose of targeting a user, who is visiting a website via use of a second device, based on profile information collected about that user, known by his unique member number, from the user's previous interaction with a website via a first device 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, 50: (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 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, 51: (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 and subsequently profiles of users of such devices for the purpose of targeting those users; e.g. the (IMSI) number and its related key, are used to identify and authenticate subscribers on mobile telephony devices; these may be used to identify profile of a user and target advertising.)

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, which Kublickis teaches have profile

information appended thereto, could append and identify a mobile device identifier of a user, which Jaschke in turn teaches may be used to subsequently target advertising, 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, 53: (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 second device is a computer (Jaschke, see at least Fig. 1 and [0063], the second device may be computer PC 172) *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* (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.)

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 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, 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:

… 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. (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 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, 55: (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.

Claims 43, 56: (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 a media property 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 [media property entity] 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, 58: (Previously presented)

Although the combination Kublickis/Jaschke teaches the limitations upon which these claims depends, and Kublickis (e.g. at least at [0436]) teaches his cookie [tag] contains user profile data corresponding to third-party content provider requested data points, Kublickis may not explicitly teach the nuance of the below limitation directed towards the profile information appended to his cookie [tag] comprising personally identifiable information. 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]: cookies may contain "identifiers" which may be any means of "uniquely identifying a user"; applicant fails to stipulate what is 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, who already teaches appending user profile information to cookies [tags], 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 apply the techniques of Jaschke to 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 47, 60: (Previously presented/ 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 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. (Jashcke, 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 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.

15. Claims 38, 40, 44, 46, 52, 57, 59 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, 52: (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 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 [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/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 Kublickis collects and/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 market place servers which store consumer profiles [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:

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 (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 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, 57: (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…")

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.

Claims 46, 59: (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 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 that is associated with the visitor device (Horowitz, see at least [0045]-[0048] specifically teaching: "…For example, in step 412, the End User 110 can be tracked by employing a cookie [tag] having information [profile information] that varies depending on the type of tracking scheme being employed or an ID [profile information] can be passed in the redirect [automatic redirection to a URL] and the Advertiser site 106 can remember [store] the ID and return it to the exemplary performance-based online advertising system 100 either in a tracking pixel request or in a direct request from the Advertisement server 126…")

Therefore, the Examiner understands that URL redirection which may enable the advertiser to store the profile information linked to the cookie [tag] is merely applying known 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 and information [profile information] 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.

Response to Arguments

16. Applicant amended claims 60 on 9/14/2018. Applicant's arguments also filed 9/14/2018, have been fully considered but are respectfully not fully persuasive as outlined below.

17. Regarding the 35 USC 112, 2nd rejection of claim 60, the Examiner acknowledges the applicant's amendment corrects the previously identified issue and therefore the Examiner respectfully withdraws the rejection.

18. Regarding the 35 USC 103 prior art rejection of the claims, regarding claim 1, the Applicant argues (Remarks, pg. 11) *"…The rejection is incorrect primarily because Jaschke's advertisers are not "media property entities" construed according to the Office Action, so part (b)(i) is missing from the combined references. Also, the combined references would choose and deliver an ad while a visitor is on a given website at a given time, rather than facilitating later delivery of an ad when the visitor appears on a website after the selection is made."* And follows up this argument (Remarks, pg. 14) with a narrow characterization of what his term "media property entity" encompasses – i.e. implying that "media property entity" should be construed as "… *websites" not "advertisers".* Finally, the Applicant plainly argues (Remarks, pg. 14): *"The obviousness rejection considers the advertiser selected by Jaschke's broker a "media property entity" as claimed. See Office Action, p. 9 (pointing to Jaschke's "selection of an advertiser [media property entity]"). But those advertisers (in the context of Jaschke) do not control ad space, and thus are not the "media property entities" as claimed."*

Respectfully, the Examiner disagrees for two reasons. The first reason is that the first part of Applicant's argument sets up a red-herring type argument and the second reason is because the second part of the argument narrowly characterizes his term "media property entity" and then attempts to narrowly characterize the references and does not actually argue against the citations or grounds of rejection presented by the Office.

To the first part of applicant's argument, the Office Action has not construed "media property entities" to exclude "Advertisers". Indeed, Advertisers are simply one type of "media

property entities" as described by applicant's own specification. Note that Applicant's term "Media Property" and "Media Property entity" 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." Therefore, the Examiner has found that an Advertiser controls an ad space when the advertiser purchases the ad space.

Indeed, the Examiner has noted to counsel this same interpretation pertaining to parent application (14/080,999), of which this application is a continuation and counsel agreed that "…a media property for this application could also be defined as any entity that controls an ad space viewed by a visitor…". Therefore, an advertiser may indeed be considered a media property entity because they have purchased ad space. Furthermore, in context of Applicant's own specification, a website and content provider may also be an advertiser (e.g. Provisional Specification (60/805,114) at pgs. 16-17) note the example of "weather.com ad server" making a decision about placing its own ad in front of a user visiting the weather.com website, when the user has a weather.com cookie indicating the user is interested in 'travel', where the ad is in the weather.com ad space.

Furthermore, nothing excludes an advertiser [media property entity] from also being an entity which controls a computer system as discussed in applicant's specification – e.g. a broker, or a website/content provider, etc… – these names which describe a role which an entity may play are not mutually exclusive and say nothing about an entity's ability to perform one or more other roles (e.g. content provider may also be advertiser may also be a broker – e.g. Google creates content, hosts content which may be its own content, may advertise its own content on its own website which it hosts, and performs ad-space auctions, etc…).

Therefore, the Examiner finds that the distinctions which the applicant is attempting to draw are not technical in nature and do not distinguish physical components of his claimed system one from the other nor distinguish steps of his claimed method – i.e. it is immaterial to the system and the method which role an entity is described as playing/assuming.

In summary, the arguments do not distinguish any technical aspect of the claimed invention from the references cited and furthermore they simply misconstrue the references by overly narrowly characterizing the references away from an overly narrow characterization of his term "media property entity" and this line of arguing is simply not convincing.

For at least these reasons, the applicant's arguments and remarks are not convincing and the rejections are maintained.

Conclusion

19. **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).

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed Michael J. Sittner whose telephone number is 571-270-3984. The examiner can normally be reached 7:30 AM – 5:00PM (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.

21. 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.

22. 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

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	15/893,354	Shkedi, Roy
	Examiner	Art Unit
	MICHAEL J SITTNER	3622

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

CLAIMS										
☐ Claims renumbered in the same order as presented by applicant				☐ CPA		☐ T.D.		☐ R.1.47		
CLAIM		DATE								
Final	Original	06/11/2018	10/14/2018							
	34	✓	✓							
	35	✓	✓							
	36	✓	✓							
	37	✓	✓							
	38	✓	✓							
	39	✓	✓							
	40	✓	✓							
	41	✓	✓							
	42	✓	✓							
	43	✓	✓							
	44	✓	✓							
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	46	✓	✓							
	47	✓	✓							
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	56	✓	✓							
	57	✓	✓							
	58	✓	✓							
	59	✓	✓							
	60	✓	✓							
	61	✓	✓							

Amazon/AlmondNet
Exhibit 1007
Page 220

UNITED STATES PATENT AND TRADEMARK OFFICE

USPTO Automated Interview Request (AIR)

Feb 1 2019

This paper requesting to schedule and/or conduct an interview is appropriate because:

This submission is requested to be accepted as an authorization for this interview to communicate via the internet. Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with the undersigned concerning scheduling of the interview via video conference, instant messaging, or electronic mail, and to conduct the interview in accordance with office practice including video conferencing.

Name(s):
Louis J. Hoffman

S-signature:
/LouisHoffman/

Registration Number:
38918

U.S. Application Number:
15893354

Confirmation Number:
5057

E-mail Address:
louis@valuablepatents.com

Phone Number:
+1 4809483295

Proposed Time of Interview:
2-14-2019 12:00 PM ET

Alternative Proposed Time(s) of Interview:
2-15-2019 12:00 PM ET

Alternative Proposed Time(s) of Interview:
2-20-2019 4:00 PM ET

Prefered Interview Type:
Telephonic

I am the applicant or applicant's representative for this application.

Topic for Discussion:

uspto UNITED STATES PATENT AND TRADEMARK OFFICE

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.
15/893,354	02/09/2018	Roy Shkedi	14 PP CON4	5057

26362 7590 02/19/2019

LOUIS J. HOFFMAN, P.C.
7689 East Paradise Lane
Suite 2
Scottsdale, AZ 85260

EXAMINER	
SITTNER, MICHAEL J	

ART UNIT	PAPER NUMBER
3622	

NOTIFICATION DATE	DELIVERY MODE
02/19/2019	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

Applicant-Initiated Interview Summary	**Application No.** 15/893,354	**Applicant(s)** Shkedi, Roy	
	Examiner MICHAEL J SITTNER	**Art Unit** 3622	**AIA Status** No

All participants (applicant, applicants representative, PTO personnel):

(1) MICHAEL J. SITTNER. (3) _____.

(2) Louis Hoffman (Reg. No.: 38,918). (4) _____.

Date of Interview: 13 February 2019.

Type: ☑ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☐ No.
If Yes, brief description: _____.

Issues Discussed ☐101 ☐112 ☐102 ☑103 ☐Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: Claims 34, 48, 61.

Identification of prior art discussed: ublickiset al. (US 2007/0067297 A 1) and Jaschke et al. (U.S. 2007/0130005 A1).

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

See Continuation Sheet.

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/MICHAEL J SITTNER/ Examiner, Art Unit 3622	

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.

No agreements were reached.

Although requested, no agenda was provided prior to the interview.

Counsel orally provided agenda during call with the Examiner.

Counsel asked to discuss interpretation of "media property entity". Counsel asserts that "media property entity" must control an ad space and Jaschke's advertisers do not control an ad space at the point in the method recited in claim element "b(i)"... i.e. "(b) wherein the profile owner computer is programmed: (i) to automatically select a media property entity of a plurality of media property entities..."

Examiner pointed out that the definition supplied by counsel regarding "media property entity" is too narrow in view of the Applicant's own specification as already pointed out in the Final Office Action (pg. 4) where Examiner pointed out that Provisional Specification (60/805,114) at pg. 5 provides the following definition: " ...This definition of a media property will therefore include ...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 maintains that Jaschke's advertisers are entities which pay the owner of the ad space when using its ad space to deliver an ad sold by the entity.

Counsel asked why the Examiner is relying upon the Provisional Specification? The Examiner noted that the Provisional Specification is a part of the original disclosure.

Counsel also noted that litigation with Yahoo over a parent patent has been settled. Counsel said there is no particular pertinence to this application at hand but wished to disclose that there is no current litigation because he thought he may have mentioned the litigation before.

Examiner recommended clarifying in the recited claims what applicant means by "media property entity" perhaps by not using this terminology but instead by directly reciting a particular embodiment of "media property entity" that is being claimed in the context of this particular invention - e.g. perhaps use the term "website(s)" instead of "media property entity(ies)". For example, a website with avails (i.e. website controlling available advertising slots within its webpages) which the website owner wishes to fill with advertisements which may uniquely target each visitor to said website may be the "media property entity" which the applicant wishes to claim. Or, perhaps applicant wishes to claim an "ad broker" (e.g. an entity which has already contracted to fill avails on websites and therefore controls an ad space which will be viewed by a user), etc...

Examiner respectfully requests an agenda be sent 24hrs prior to any subsequent agreed upon interview dates.

No agreements were reached regarding specific claim language which would overcome the current rejections.

No agreements were reached regarding allowable subject matter.

PTO/AIA/31 (03-14)
Approved for use through 11/30/2020. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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.

NOTICE OF APPEAL FROM THE EXAMINER TO THE PATENT TRIAL AND APPEAL BOARD

Docket Number (Optional): 14-PP-CON4

I hereby certify that this correspondence is being facsimile transmitted to the USPTO, EFS-Web transmitted to the USPTO, or deposited with the United States Postal Service with sufficient postage in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, on Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on January 18, 2019.

Signature /Donald L. Hertz/

Typed or printed name Donald L. Hertz

In re Application of: Shkedi, Roy

Application Number	Filed
15/893,354	02/09/2018

For: Providing collected profiles to media properties having specified interests

Art Unit	Examiner
3622	Sittner, Michael J.

Applicant hereby **appeals** to the Patent Trial and Appeal Board from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) $ 800.00

☐ Applicant asserts small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by 50%, and the resulting fee is: $ _____

☐ Applicant certifies micro entity status. See 37 CFR 1.29. Therefore, the fee shown above is reduced by 75%, and the resulting fee is: $ _____
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 is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. _____.

☑ Payment made via EFS-Web.

☑ A petition for an extension of time under 37 CFR 1.136(a) (PTO/AIA/22 or equivalent) is enclosed.
For extensions of time in reexamination proceedings, see 37 CFR 1.550.

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 38918

☐ attorney or agent acting under 37 CFR 1.34
Registration number _____

Signature /Louis J. Hoffman/

Typed or printed name Louis J. Hoffman

Telephone Number (480) 948-3295

Date March 18, 2019

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 41.20(b)(1) and 41.31. 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, 1.14 and 41.6. 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.

PTO/AIA/22 (03-13)
Approved for use through 11/30/2020. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)	Docket Number (Optional) 14-PP-CON4
Application Number 15/893,354	Filed 02/09/2018
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):

		Fee	Small Entity Fee	Micro Entity Fee	
☐	One month (37 CFR 1.17(a)(1))	$200	$100	$50	$
☑	Two months (37 CFR 1.17(a)(2))	$600	$300	$150	$ 600.00
☐	Three months (37 CFR 1.17(a)(3))	$1,400	$700	$350	$
☐	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 38918.

☐ attorney or agent acting under 37 CFR 1.34. Registration number _____.

/Louis J. Hoffman/	03/18/2019
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.

Electronic Patent Application Fee Transmittal

Application Number:	15893354
Filing Date:	09-Feb-2018
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 CON4

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:				
NOTICE OF APPEAL	1401	1	800	800
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Extension - 2 months with $0 paid	1252	1	600	600
Miscellaneous:				
		Total in USD ($)		**1400**

Electronic Acknowledgement Receipt	
EFS ID:	35457248
Application Number:	15893354
International Application Number:	
Confirmation Number:	5057
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 CON4
Receipt Date:	18-MAR-2019
Filing Date:	09-FEB-2018
Time Stamp:	17:56:42
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	031919INTEFSW17575900
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	Notice of Appeal Filed	19-03-18-DAT-PP_CON4-Ntc_of_Appeal.pdf	206579 44b15ccd4c05025b4b187400dfa3ecf7c5a349b7	no	1
Warnings:					
Information:					
2	Extension of Time	19-03-18-DAT-PP_CON4-RqstExtTime.pdf	131379 941a6b14834aff0dcefaf78b156e0fec6782a653	no	1
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32390 d6765d5caa4f2ea037d17130288e566959b22efe	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	370348		

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New Applications Under 35 U.S.C. 111

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor	:	Shkedi, Roy	Art Unit	:	3622
Serial No.	:	15/893,354	Examiner	:	Sittner, Michael J.
Filing Date	:	02/09/2018	Conf. No.	:	5057
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 June 13, 2019

BRIEF ON APPEAL

Dear Sir:

Pursuant to 37 C.F.R. § 41.37, appellant submits this brief on appeal.

This application has been granted Prioritized Examination (Track I) status, therefore, appellant respectfully requests prompt processing and accelerated review.

Real parties in interest: Appellant/assignee Datonics, LLC owns this application by assignment from AlmondNet, Inc., which in turn received an assignment from the inventors. AlmondNet, Inc. also has an interest at least on account of its license back from Datonics.

Related appeals, interferences, and judicial proceedings: Nothing is pending or ongoing. In CBM2017-00059, the Board denied institution of a CBM proceeding that sought to invalidate parent U.S. Patent 8,244,574, which assignee had asserted against Yahoo! Inc. (later Oath Holdings Inc.) in a now-settled litigation, which included district court cases 16-cv-01557-ILG-SMG (E.D.N.Y.) and 18-cv-943-CFC-SRF (D. Del.).

Status of claims: Claims 34-61 are pending. Claims 34, 48, and 61 are independent claims.

Statement of post-final amendments: None.

Priority date, related patents, and applicable law: This application is a continuation of application Serial No. 14/080,999, filed November 15, 2013, which is a

continuation of application Serial No. 13/631,244, filed September 28, 2012, now U.S. Patent 8,589,210, which is a continuation of application Serial No. 11/765,433, filed June 19, 2007, now U.S. Patent 8,280,758, which claims the benefit of provisional application Serial No. 60/805,114, filed June 19, 2006.

The original regular application is a copy of the provisional application with modest changes, mostly for grammatical improvement. Appendix A shows a comparison of a particularly significant portion of the provisional application, showing how appellant modified it to produce the corresponding text of the regular application.

In view of all claims having support to the June 19, 2006, provisional and June 19, 2007, regular applications, pre-AIA law applies.

Concise summary of claimed subject matter: Appellant provides the following description (with the numbers in brackets referring to page:line(s) of the specification as originally filed or the figure:numeral of drawings as filed), but the claims themselves define the invention, and this summary is not intended to supersede claim language.

Beginning with terminology, the specification discloses two primary types of actors involved with the system, aside from the visitor: (1) "profile owners" or "PO companies"; and (2) "media property entities":

(1) "Profile owners … either own profiles or have the right to resell the profiles." 8:12-14. A profile owner may own the profile by virtue of automatically recognizing some activity of the user during the user's visit to the profile owner's own website, 3:18-21, such as a search in a search engine on the website or a click by the user in a particular location, 4:11-12, 13:3-9. A profile owner also may obtain access to the user's profile because the user accessed the website of a "profile supplier" (*see generally* 2:10-3:27), which in one embodiment may redirect the visitor to the profile owner. Fig. 1:2000; Fig. 2:11 & Pr1; 12:22-13:2. The profile owner optionally may categorize the user's action into one of a number of predefined categories. 13:16-27.

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(2) A "media property entity" is an entity that controls a computer system that includes equipment that controls an ad space viewed by a visitor, at least temporarily. 5:4-5, 17-18. Examples of "media property entities" include companies operating websites or ad network companies that have access to a website's ad space. 5:5-6. The "claim construction" section of this appeal brief contains further discussion of the specification's discussion of "media property" (entity or equipment).

In general, each independent claim refers to the following features, disclosed in the following exemplary parts of the specification.

Overall, independent method claim 34 refers to actions performed by a *selected media property entity's* computer system, *see* parts (a) and (c), in response to information received from a specially programmed PO company's computer, defined in part (b). Specifically, starting with the PO computer's programming:

In claim 34, part (b)(i)(B) refers to a PO computer system storing requests for profiles or types of profiles of particular kinds received from various entities, which the specification describes as "media property entities" (see above). The specification discloses the PO system having a database storing a set of requests from each of a plurality of media property entities; the requests are either for specific profiles or categories of profiles of interest to each media property entity. 12:14-21. For example, one media property entity may be interested in visitors who have searched for car insurance while another is looking for visitors interested in autos. 12:17-19.

In claim 34, part (b)(i) & (A) refers to the PO computer being programmed to select a media property entity from among a plurality of such entities based on comparing the above stored requests with profile information about a visitor who accessed a profile supplier website. *See* above discussion of "profile supplier." The specification discloses the profile owner computer system being programmed so that, as it gains access to each visitor, it identifies which media properties "have asked to receive a visitor having a profile such as the one recognized." 14:3-5.

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In claim 34, part (b)(i)(ii) refers to automatically arranging for storage of a requested profile linked to a tag readable by equipment controlled by the selected media property entity. The specification teaches that, once having selected one or more media properties, the profile owner "arranges for the visitor to be tagged with a tag readable by the media property that requested such a profile." 11:1-3; 14:6-6; Fig. 1:6000.

The specification further explains that the tagging can be done in a variety of ways, including by redirecting the visitor computer to the selected media property to allow the media property to place its tag, 14:16-25. The tag may be placed on the visitor computer, such as a cookie, 14:20.

As stated in claim 34, at the end of part (a), the specification confirms that the tag provides a way for the media property to access the visitor's profile. 15:11-16; 19:26-27.

In claim 34, part (a) refers to an "entity controlling the computer system." This is the *selected* media property entity. Claim 34, part (a) refers to receipt by the selected media property equipment, from the profile owner computer, of indicia of the profile information. The specification refers to one example where the tag readable by the media property entity allows the selected media property to recognize the visitor profile. 14:6-8, 16-25. Part (a) also refers to the media property entity storing the profile information as a result of receiving the indicia. The specification refers, for example, to the PO company sending the profile and the copy of the tag to the selected media property entity, which stores both in its central database. 15:17-22.

In claim 34, part (c) refers to a step performed "later, when the visitor device is available to receive an advertisement," namely the selected media property entity's computer system using the tag and profile information to cause ad delivery to the user. The specification discusses a later time called "time t2," when the media property entity may happen to encounter the tagged visitor "within its ad space." 15:25-26. (As noted above, "its ad space" refers to space within its website or space that it controls at least temporarily.) At that time, the media property entity can deliver a targeted ad to the

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user. 15:25-28. The specification gives examples of such targeted ad delivery at 16:29-17:3 and 19:3-5.

Claim 34, part (c) also refers to the ad being dependent on the profile information accessed in the central database. The specification describes the ad as being "profile-based." 15:27-30.

In sum, the selected media property entity's "computer system" therefore receives (part (a)) from the specially programmed profile-owner computer (part (b)) profile data matching the media property entity's previous request for a profile or type of profile (*see* part (b)(i)). The received profile data is stored in a central database and a visitor device's tag serves as a link to it. (*See* part (a).) This allows the media property entity to later cause delivery of ads connected to that profile when ad space become available for that visitor's device. (*See* part (c).)

Independent apparatus claim 48 refers to a "computer system" programmed to store certain information "as a result of electric receipt from a profile owner computer" of the indicia (see part (a)), and likewise specifies that the "profile owner computer" is programmed in the same fashion. Claim 48 refers in part (c) to causing the ad delivery at the "later" time also. The above specification support for claim 34 applies to corresponding elements of claim 48.

Independent claim 61, in *Beauregard* form, refers to a "medium" that encodes computer instructions that instruct a computer system to perform a method parallel to that of claim 34. The above specification support for claim 34 applies to corresponding elements of claim 61.

The above description provides a concise description of ***all independent claims***. All features in any independent claim are believed covered in this "concise summary."

Appendix B is the "claims appendix," reproducing a copy of each claim as amended as of the date of the final rejection and as of the date of this appeal brief.

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Claim grouping: All claims are argued together for purposes of simplifying this appeal. Claim 34 is representative.

Summary of rejections:

Claims 34-37, 39, 41-43, 45, 47-51, 53-56, 58, and 60-61 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. Pub. 2007/0067297A1 ("Kublickis") in view of U.S. Pat. Pub. 2007/0130005A1 ("Jaschke").

Dependent claims 38, 40, 44, 46, 52, 57, and 59 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kublickis in view of Jaschke further in view of US 2005/0097204A1 ("Horowitz"). Because dependent claims are not separately argued, appellant does not discuss Horowitz in this appeal brief.

Previous rejections based on 35 U.S.C. § 101 and § 112 have been overcome or withdrawn.

Argument:

I. Construction of claim terms related to "media properties."

Appellant proposes that the Board construe "media property equipment" as "equipment, which is part of the computer system that controls an ad space viewed by a visitor, at least temporarily" and "media property entity" as "an entity that controls media property equipment (as defined above)."

The proposed construction corresponds to what the Board already decided, in the above-referenced prior CBM proceeding, which concerned a parent patent sharing the same specification:

> In the present context, a media property is any equipment that controls an ad space viewed by a visitor (e.g., a web site, an ad network's site, a television program ("TV"), some of the ad space within TV programs or TV channels, a TV network, any ad space for which an entity is allowed to sell an advertisement and deliver it within the ad space).

Non-Institution Decision, Paper 7, at 4 (Nov. 30, 2017).

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The specification, at page 5, lines 1-27, contains the following explanation and definition, supporting the proposed definition:

> Because the purpose of the tag is to enable the delivery of additional ads on other media properties visited by the visitor, and because the delivery of an ad requires only control of the ad space and not necessarily control of the entire media property visited by the visitor, a media property (in the present context) can also be defined as any equipment that controls an ad space viewed by a visitor, including a web site, an ad network's site (where the ad network represents the ad space of different sites), a TV program, some of the ad space within TV programs or TV channels (represented by a cable company), a TV network, or any ad space for which an entity is allowed to sell an advertisement and deliver it within the ad 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 can 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. An ad space can be a fixed position on a page, or the ad space can be made available by a web site to an ad network (for example) only when the web site did not sell all of the site's ad inventory and therefore wishes to make some of the inventory available to the ad network.
>
> 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. For example, in the case of the web site that did not sell all the ad impressions available to be delivered within an ad space on a page and therefore makes the unsold ad space available to the ad network to fill, the ad network will have temporary control of the ad space, i.e., when that ad space is given to it by the web site. Once the site redirects the ad space on the page to the ad network (so

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> the ad network could fill the ad space with an ad sold by the ad network), the ad network controls the ad space and has access to the visitor viewing the ad space that was redirected to the ad network by the site, and therefore the ad network's equipment is considered a media property, as it controls an ad space viewed by a visitor.

In shorter terms, putting aside for the moment the extensive discussion in the above quotation of reasons, examples, or variations, the specification proffers this basic definition: "**a media property (in the present context) can also be defined as any equipment that controls an ad space viewed by a visitor.**" That definition forms the core of appellant's proposed claim construction. The second paragraph of the above quotation clarifies that the control can be only temporary, so appellant's proposal contains that concept explicitly.

The specification later says, on page 8, lines 5-6: "A low-value ad space owner could be any media property owner, whether it owns a web site, a TV program, a radio show, or any other media property." On line 23 of page 8, the specification similarly refers to "a media property (if acting as a profile owner) …." Those page 8 citations indicate that the specification uses the term "media property" in some contexts to refer to an "owner" (entity), whereas the above quotation on page 5 of the specification uses the term "media property" in the context of "equipment." To avoid confusion, appellant crafted the claims to distinguish between "media property *entity*" and "media property *equipment*." Which of the two is being referenced at various points in the specification is clear from context. The Final Office Action says that "media property" and "media property entity" are "two terms [that] appear to be synonymous with each other." Although that is not exactly true, the usage (owner vs. equipment) is parallel in the specification, and appellant's proposed construction defines one by reference to the other.

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The examiner seems to ignore the statements in the instant specification and prefers to refer to the provisional specification (60/805,114). At page 4, line 22 to page 5, line 21, the provisional specification contains similar content:

> It is important to note that as the purpose of the Tag is to enable the delivery of additional ads on other media properties visited by the visitor and since the delivery of an ad requires only control of the ad space and not control of the entire media property visited by the visitor, 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. An ad space could be a fixed position on a page or the ad space could be made available by a web site to an ad network for example only when the web site did not sell all of the site's ad inventory and therefore makes some of the inventory available to the ad network. Therefore, in a media property's definition of an entity that controls an ad space viewed by a visitor, a specific ad space on a page might be controlled by the entity only temporarily as in the example of the web site that did not sell all the ad impressions available to be delivered within an ad space on a page and therefore makes the unsold ad space available to the ad network to fill and the ad network has temporary control of the ad space when that ad space is given to it by the site. Once the site redirects the ad space on the page to the ad network so

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> the ad network could fill the ad space with an ad sold by the ad network, the ad network controls the ad space, has access to the visitor viewing the ad space that was redirected to the ad network by the site and therefore the ad network is considered a media property as it controls an ad space viewed by a visitor.

A redline comparison, showing how appellant made grammatical or stylistic changes to the above-quoted section of the provisional application to create the parallel paragraphs of the regular application, is provided as Appendix A to this Appeal Brief. In effect, the original application began with the provisional application but "cleaned up" the language to clarify the meaning, avoid ambiguities, and improve grammar and style (the inventor who wrote the provisional is not a native English speaker).

Appellant does not understand why the examiner seems fixated on the provisional application, as opposed to the instant application. *See Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 979 (Fed. Cir. 1995) (en banc) ("claims 'must be read in view of the *specification, of which they are a part*.'") (emphasis added). On the other hand, although perhaps less relevant than the regular application, appellant does not contend that the examiner erred in considering the provisional *at all*. The wording of a provisional can conceivably influence claim interpretation, where relevant, as it is intrinsic evidence, but it should not control the claim construction to the exclusion of the wording of the instant specification. *E.I du Pont de Nemours & Co. v. Unifrax I LLC*, No. 2017-2575, slip op. at 12-16 (Fed. Cir. Apr. 17, 2019) (compare with dissent at 7-10).

Most significantly, the provisional and regular applications are consonant in the material portions. As the Board can see, the provisional and instant specifications contain substantively identical definitions of "media property." Upon filing the regular application, appellant inserted the word "equipment" for clarity in view of the context, and that should not be ignored. But, *both the provisional and the regular application* define "a media property" using the phrase "defined as" and using the words, immediately afterwards, "that controls an ad space viewed by a visitor." Thus, both specifications (1)

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signal the existence of an express definition and (2) use the test of ad-space control in that definition.

In an interview report following the final rejection, the examiner indicated that the rejection is premised on the notion that appellant's proposed definition, relying on control of ad space, is "too narrow" in view of the provisional application's statement (at page 5): "This definition of a media property will therefore include … 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."

With all due respect to the examiner, this statement does not *expand* appellant's proposed definition. The sentence quoted by the examiner begins, "This definition of a media property will therefore include," which makes clear that what follows is an example within the scope of the previously stated definition, not *itself* a definition, as the examiner pretends.

To put a more sharp point on the issue, imagine a hypothetical candidate for a "media property" that (1) is allowed to deliver an ad within an advertising space, but (2) does not control the ad space. Would such an entity be within the scope of the claim term "media property entity," properly construed? No, because the second quoted sentence does not expand the definition but merely elucidates it.

More importantly, though, appellant submits that such a hypothetical case is impossible. Any "entity allowed to sell an advertisement and deliver it within an advertisement space" is in fact an entity that "controls [that] ad space," at least temporarily. In other words, the second statement (on which the examiner focuses) merely contains further explanation of what is meant by "control": Namely, if an entity is "allowed" to deliver an ad in a particular ad space, then such entity is then considered to have "control" of that ad space.

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Finally, the above-quoted explanation of "media property," in *both* the regular and provisional applications, concludes with detailed discussion of an example of an ad network controlling ad space temporarily, and that portion of the discussion repeats the test for whether the "ad network … is considered a media property," by saying that it qualifies "as it controls an ad space viewed by the visitor." The use of the word "as" (as a synonym for "because") circles back to the key point that control of ad space forms a touchstone for qualification as a "media property."

The examiner's statement that the proposed definition is "too narrow" in view of the second sentence (from the provisional), therefore, is shown as incorrect. The specification contains an explicit definition that the Board should adopt, and the second sentence simply adds clarity to the meaning of that definition; it does not expand it. So far as appellant knows, the definition provided in the specification is, in addition, consonant with ordinary meaning of the term "media property" as used in the industry.

The law clearly allows an applicant to define a term in the specification, and that choice should not be ignored. *See, e.g.*, MPEP 2111.01(IV) (even under BRI rule, "when the applicant acts as their own lexicographer … 'the inventor's intention, as expressed in the specification, is regarded as dispositive.'") (citing *Phillips v. AWH Corp.,* 415 F.3d 1303, 1316 (Fed. Cir. 2005) (en banc)); *id.* at (IV)(A) ("Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim."); *see also* MPEP 2173.01 & (I), 2173.03.

The extensive discussion in the specification (as originally written in the provisional application and carried forward with grammatical and other minor improvements in the regular application) define the terms "media property" with "reasonable clarity, deliberateness, and precision" and provide adequate public notice of the meaning of the term. MPEP 2111.01(IV).

As seen below, the problem is that, in deciding the relevance of the prior art, the examiner did not credit appellant's explicit definitions related to "media property." The

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examiner suggested in the interview that appellant put too much stock in (1) the main definition, present in both the regular and provisional applications, that a "media property" must "control ad space," and (2) the word "allowed" in the "including" discussion following the main definition. To the contrary, the examiner has entirely ignored the main definition's reference to "control" and failed to credit the word "allowed," which word signals that the "control" applies to the included examples too.

For those reasons, the Board should construe "media property equipment" as "equipment, which is part of the computer system that controls an ad space viewed by a visitor, at least temporarily" and "media property entity" as "an entity that controls media property equipment (as defined above)."

II. Jaschke does not disclose the element of "automatically select[ing]" one of several "media properties."

Independent method claim 34 requires receipt of certain indicia "from a profile owner computer," *see* part (a), and further specifies that the "profile owner computer is programmed to automatically select a media property entity of a plurality of media property entities" based on certain stated criteria, *see* part (b) & (b)(i). All pending claims include the requirement that a "profile owner computer" be "programmed to automatically select a media property entity of a plurality of media property entities."

The examiner explicitly concedes that the primary reference, Kublickis, does not teach part (b)(i) but contends that it is taught by secondary reference, Jaschke. FOA, pp. 7, 8 (ellipsis at top of p. 7 showing feature missing from Kublickis and admission "he may not explicitly teach" on page 8). In particular, the examiner argues that Jaschke teaches automatically selecting between competing advertisers and that the advertisers qualify as "media property entities." *See* FOA, p. 8 (pointing to Jaschke Fig. 4 and describing it as "selection of an advertiser [media property entity]") (brackets in FOA).

Jaschke discloses a "consumer information broker" that accepts advertiser bids and chooses one of several advertisers automatically. Various advertisers bid for

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delivery of their ads to a "target" or user, and one of the advertisers is selected based on a calculation of which matches. *See* Jaschke's abstract, [0016], [0019], [0031-33], [0061], [0073-74].

The examiner "maintains that Jaschke's advertisers are entities which pay the owner of the ad space when using its ad space to deliver an ad sold by the entity" and thus the advertisers qualify as "media property entities" as defined in the specification, according to the "including" sentence of the provisional application on which the examiner focuses. *See* Post-final Interview Report. The examiner writes that he "has found that an Advertiser controls an ad space when the advertiser purchases the ad space" and for that reason, "Advertisers are simply one type of 'media property entities' as described by applicant's own specification." FOA, pp. 23-24.

Appellant disagrees. Appellant does not contend that media property entities can *never* be advertisers—that would be incorrect. Rather, the point is that *Jaschke's* advertisers, among which the Jaschke system chooses, do not each "control ad space"—and thus do not meet the definition of "media property" entities—because the point of Jaschke is that the advertisers are competing (bidding) for permission to place an ad in a given ad space *that Jaschke's "broker"* controls. Thus, Jaschke's computer system does not disclose that the described broker computer is "programmed to automatically select a media property entity of a plurality of media property entities" and thus does not correspond to the claim element.

Only when Jaschke's broker makes the selection is an advertisement of *one* of the advertisers, the selected advertiser, delivered to the user, as decided by the broker's computer algorithm. Arguably at least, one might characterize the *selected* advertiser as a "media property entity" *after* the broker selects that advertiser, because, at *that time*, the selected advertiser may be given the right to control the ad space and to place the advertiser's ad in the ad space. But the same cannot be said for the advertisers whose bids are not accepted. Thus, Jaschke does not teach selection *among* media property

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entities, thus, Jaschke does not teach the claim element of "automatically select[ing] a media property entity of a plurality of media property entities."

As indicated in the claim-construction section, the instant specification provides a fulsome definition of "media property" with clarity, deliberateness, and precision. It is therefore helpful to step through the full discussion of "media property" again, comparing the specification's discussion with Jaschke's advertisers. Given the law that the regular application is considered primary to claim construction, and given the fact that the regular application's discussion was edited for added clarity, first considering the wording in the edited discussion seems to make the most sense. But applying the earlier language from the provisional does not change the result, as also shown below.

First, the core definition states, "a media property (in the present context) can also be defined as any equipment that controls an ad space viewed by a visitor …." Does Jaschke disclose selecting between plural entities that each have equipment that control the ad space? Clearly not. At the time of the selection, as explained above, Jaschke's advertisers are bidding for the same ad space, so their equipment does not meet that definition. The examiner does not express any disagreement with this conclusion: If appellant's construction of "media property" is accepted, the examiner seems to understand that Jaschke's advertisers would not qualify.

Using the provisional's language corresponding to the core definition does not change the conclusion. The provisional version says that "a media property for this application could also be defined as any entity that controls an ad space viewed by a visitor." Jaschke's advertisers are not such entities. The change from "entity" to "equipment" when editing the language for the regular application does not make a difference as to whether Jaschke's advertisers qualify. The examiner, again, does not express any disagreement.

Second, consider the portion of the discussion giving an example said to be within the scope of the definition. The regular application defines "media property" as

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"any equipment that controls an ad space viewed by a visitor, *including … any ad space for which an entity is allowed to sell an advertisement and deliver it within the ad 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." Jaschke's advertisers do not meet the highlighted "including" language either. In Jaschke, only the advertiser that wins the bidding process is "allowed to sell an advertisement and deliver it within the ad space." The losers are not allowed to deliver the ads within the ad space. Again, it is clear that Jaschke does not disclose "select[ing] a media property entity of a plurality of media property entities," each of which are "allowed to sell an advertisement and deliver it within the ad space." Again, the examiner does not express disagreement.

Using the provisional's version of the "including" part of the discussion does not change the conclusion, again. The provisional says, "This definition of a media property will therefore *include … 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." This is the sentence on which the examiner focuses, but again, it is clear that Jaschke does not select among advertisers each of which are "allowed" to deliver an advertisement within the ad space.

Third, the specification continues with the following explanation: "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. For example, in the case of the web site that did not sell all the ad impressions available to be delivered within an ad space on a page and therefore makes the unsold ad space available to the ad network to fill, the ad network will have temporary control of the ad space, i.e., when that ad space is given to it by the web site. Once the site redirects the ad space on the page to the ad network (so the ad network could fill the ad space with an ad sold by the ad network), the ad

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network controls the ad space and has access to the visitor viewing the ad space that was redirected to the ad network by the site, and therefore the ad network's equipment is considered a media property, as it controls an ad space viewed by a visitor."

Jaschke teaches that a web site can release an ad space to the "broker" to fill, and the broker then controls that specific ad space temporarily. The "broker" then has "temporary control of the ad space," just like the "ad network" described in the instant specification. But Jaschke does not teach selecting between or among multiple *brokers*, each of which control ad spaces. The examiner does not deny this either.

The wording of the provisional is immaterially different: "Therefore, in a media property's definition of an entity that controls an ad space viewed by a visitor, a specific ad space on a page might be controlled by the entity only temporarily as in the example of the web site that did not sell all the ad impressions available to be delivered within an ad space on a page and therefore makes the unsold ad space available to the ad network to fill and the ad network has temporary control of the ad space when that ad space is given to it by the site. Once the site redirects the ad space on the page to the ad network so the ad network could fill the ad space with an ad sold by the ad network, the ad network controls the ad space, has access to the visitor viewing the ad space that was redirected to the ad network by the site and therefore the ad network is considered a media property as it controls an ad space viewed by a visitor."

In sum, Jaschke's broker selects advertisements for a given ad space, whereas in contrast the claims of this application relate to selection of one among several "media property entities" (entities that control ad space) with the goal of enabling the selected media property entity to target the profiled visitor with an ad within an available ad space if and when encountering that visitor in the future. Jaschke therefore does not teach the specially and unconventionally programmed profile owner computer of part (b) or receiving information from such a computer.

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Consequently, the combination of Jaschke and Kublickis does not teach the element of part (a) either. The rejection agrees that Kublickis does not teach part (b), so clearly Kublickis cannot teach receiving indicia from a computer programmed as in part (b), which is required for part (a). As a result of the explanation in this section, Jaschke does not teach the computer of part (b) either, so again Jaschke does not disclose receiving indicia from the computer programmed as in part (b). The FOA does not provide any explanation or argument as to how a system of Kublickis modified according to the alleged teachings of Jaschke might somehow synergistically receive indicia from a computer like that of part (b) despite neither reference having such a computer. Accordingly, the combination does not teach part (a) either.

III. The hypothesized combination does not disclose the element in part (c), facilitating delivery of an ad when the visitor *later* appears on a website.

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].

The obviousness rejection analogizes the "third party content provider" (website) of Kublikis to the "media property" performing parts (a) and (c) of the independent claims. FOA, p. 6 (top) & p. 8 (lines 1-3). The rejection analogizes the company operating

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Kublickis' "custom browser" as the "profile owner" of part (b) of the independent claim. FOA, p. 8 (lines 4-8).

The rejection asserts that it would have been obvious for one of ordinary skill in the art to have applied the known technique of Jaschke to Kublickis' custom browser. FOA, p. 10 (top). The theory of the rejection is that such an artisan would have modified Kublickis's browser by using Jaschke's technique of automatically selecting among competing advertisers based on the information already available to the Kublickis browser. *Id.*

Part (c) of independent claim 34 specifies that the computer system that receives the indicia, *see* part (a), "us[es] the tag of part (a) that is associated with the visitor device"—and that "serves as a link to the [visitor] profile information," *see* part (a)—"to access the profile information," *see* part (c)(i), and "us[es] the profile information linked to the tag of part (a) to automatically cause delivery of an electronic advertisement to the visitor device," *see* part (c)(ii). Importantly, the claim specifies that the above-described acts of part (c) are done "later, when the visitor device is available to receive an advertisement," *see* part (c). Parallel language appears in the other independent claims also.

Assuming *arguendo* that such a combination is well-motivated (which it is not, as explained in the next section), and assuming further that the examiner's reading of Kublickis is correct about that reference's browser being able to deliver an ad based on profile information derived from a tag, the combination nevertheless would not meet part (c) as claimed. In such a proposed combination, the system would choose and deliver an ad while a visitor is on a given website at a given time, rather than facilitating *later* delivery of an ad when the visitor appears on a website after the selection is made.

In connection with part (c), Kublickis suggests that a given website may encounter the same user multiple times. [0422, 0433] If that happens, previous user *permissions* may be saved as data associated with the particular website, but the website

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makes a separate "request" for profile data each time, which may be duplicative of an earlier request. *Id.* Kublickis does not store *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. *See* [0416, 0418, 0420] (referring to "request 1120" embedded in website code triggering "profile extraction"). There are no stored requests, even for a given website. Indeed, Kublickis teaches that profile data is dumped as soon as the user navigates to a different website between two visits to a common website. [0436 ("When the consumer visits a different website, the customer browser erases the cookie" that has been used to store data gathered when visiting different pages of a given website)].

The rejection refers to the above-described disclosure in Kublickis of saving permissions from a user's previous visit to the same website. FOA, p. 8 (lines 4-8). As explained above, 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 a profile supplier 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 for certain types of visitors.

Jaschke, too, discloses having the winning advertiser present the ad to the website visitor during the *current* visit of the visitor to the website containing the ad space to be filled. [0028-29], [0031], [0064], [0074-75], [0088].

In effect, therefore, the Kublickis/Jaschke combination hypothesized in the rejection would use the Kublickis custom browser, and therefore provide data to a visited website on demand, *at the time of a visit by the user to a given website*, and use Jaschke's technique to evaluate advertiser bids and to deliver an ad of a selected advertiser *while the visitor is on the website in question*.

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In contrast, appellant's disclosed technique generally involves providing desired profile data to a media property entity *at the time profile data is collected*, which media property entity is selected based on stored requests from multiple media property entities, with the *hope* that the selected media property entity 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.

IV. The hypothesized combination is not well-motivated.

The rejection asserts that it would have been obvious for one of ordinary skill in the art to have applied the known technique of Jaschke to Kublickis' custom browser, because—allegedly—Kublickis' browser already stores profile information and requests for profile data points and cookies, so using Jaschke's technique to automatically select between competing advertisers (which the Office Action considers "media property entities") based on the information already available to the browser would simply constitute use of a known technique to improve the known Kublickis browser (given both references are in analogous art in the same field of endeavor). FOA, p. 10 (top).

First, the premise is incorrect: 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. Indeed, Kublickis suggests to the contrary by speaking about the content provider repeating the same request, as explained in the previous section. 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.

Also, it does not make logical sense that an ordinary artisan would have modified Kublickis to utilize Jaschke's technique. Kublickis works only with respect to a given website in current contact with a user's customized browser, so Kublickis has no

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need to *select* any website or media property among others (even assuming *arguendo* that Jaschke disclosed such).

The Office Action (p. 8, line 9) agrees that Kublickis "may not explicitly teach the nuance of" limitation (b)(i), which specifies that the profile owner computer has selected a media property entity from among many based on stored profile requests, and uses Jaschke in combination. The differences are hardly mere nuances or details. Rather, the claimed invention generates significant advantages by enabling a selected media property entity, which 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 entity later, when the visitor device becomes available to receive an advertisement, to use the tag to access the profile data and use the profile data to cause delivery of an ad to the visitor's device.

As explained in appellant's specification, *see, e.g.*, pages 7-10, previous systems created difficulties, solved by the current invention, including the problem of media property entities 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 entity wished to target, and as a result the media property entity would end up delivering the ad to some "unwanted" visitors as a result of broader audience than desired being tagged.

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Accordingly, obtaining a targeted audience was difficult technically to achieve, balancing the need for enough visitor volume against the desire to avoid excess visitors; known prior art techniques did not provide a way, technically or practically, for a "media property entity" to obtain a desired audience of both a sufficient size and a targeted type.

The unconventional system described by the pending claims assists in solving those problems. It allows "media property entities" to specify desired audiences to a "profile owner" that has access to users on account of their visits to a "profile supplier," and each media property entity can cooperate with the "profile owner" to identify a subset making up its desired audience by arranging for storage of a requested profile linked to a visitor device tag. Such techniques allow media property entities access to the desired audience, without too many, too broadly targeted visitors, avoid the need for custom negotiations with and technical assistance to multiple profile suppliers, can start ad campaigns timely, and can be scalable.

The claims are directed to a selected media property computer system accessing a stored profile, using a tag linked to the profile, and using the profile to cause delivery of 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*. This is not disclosed in either Kublickis or Jaschke, or in the combination described in the Final Office Action of those two references.

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Appellant respectfully requests reversal of the obviousness rejection, and, as that is the only remaining rejection, prompt allowance.

Respectfully submitted,

DATONICS, LLC

by its attorney

Dated: June 13, 2019

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Appendix A – Comparison showing how a part of the provisional application was edited to produce the original regular application

~~It is important to note that as~~Because the purpose of the ~~Tag~~tag is to enable the delivery of additional ads on other media properties visited by the visitor, and ~~since~~because the delivery of an ad requires only control of the ad space and not necessarily control of the entire media property visited by the visitor, a media property ~~for this application could~~(in the present context) can also be defined as any ~~entity~~equipment that controls an ad space viewed by a visitor. ~~This definition of a media property will therefore include~~, including a web site, an ad ~~network of sites~~ network's site (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~~,~~ (represented by a cable company), a TV network, or any ad space for which an entity is allowed to sell an advertisement and deliver it within ~~an advertisement~~the ad 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~~can 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. An ad space ~~could~~can be a fixed position on a page, or the ad space ~~could~~can be made available by a web site to an ad network (for example) only when the web site did not sell all of the site's ad inventory and therefore ~~makes~~wishes to make some of the inventory available to the ad network. ~~Therefore, in~~ In the case of a media ~~property's definition of an entity that controls~~property controlling an ad space viewed by a visitor, a specific ad space on a page might be controlled ~~by the entity~~ only temporarily ~~as in the~~. For example, in the case of the web

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site that did not sell all the ad impressions available to be delivered within an ad space on a page and therefore makes the unsold ad space available to the ad network to fill ~~and~~, the ad network ~~has~~will have temporary control of the ad space, i.e., when that ad space is given to it by the web site. Once the site redirects the ad space on the page to the ad network (so the ad network could fill the ad space with an ad sold by the ad network~~,~~), the ad network controls the ad space~~,~~ and has access to the visitor viewing the ad space that was redirected to the ad network by the site, and therefore the ad ~~network~~network's equipment is considered a media property, as it controls an ad space viewed by a visitor.

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Appendix B – Pending Claims on Appeal

1.-33. (Canceled)

34. A method of causing delivery of electronic advertisements based on provided profiles comprising:

(a) with a computer system automatically storing, in a central database associated with the computer system, profile information associated with a visitor, as a result of electronic receipt from a profile owner computer of indicia of the profile information, which profile information associated with the visitor matches a profile or kind of profiles requested by an entity controlling the computer system, wherein a tag associated with a visitor device 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 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 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

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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. 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. 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. The method of claim 36 wherein the tag identifies the mobile phone.

38. 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. 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. The method of claim 39 wherein electronically reporting comprises automatically placing the second device in communication with computer equipment controlled by

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

41. 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. 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. 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. 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. The method of claim 34 wherein the tag comprises personally identifiable information identifying the visitor.

46. 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 that is associated with the visitor device.

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47. The method of claim 34 wherein the 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.

48. A computer system comprising one or more computers, wherein the one or more computers are programmed and connected:

(a) to automatically store, in a central database associated with the computer system, profile information associated with a visitor, as a result of electronic receipt from a profile owner computer of indicia of the profile information, which profile information associated with the visitor matches a profile or kind of profiles requested by an entity controlling the computer system, wherein a tag associated with a visitor device 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 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 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

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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.

49. The computer system of claim 48 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.

50. The computer system of claim 49 wherein the first device is a computer of the visitor and the second device is a mobile phone of the visitor.

51. The computer system of claim 50 wherein the tag identifies the mobile phone.

52. The computer system of claim 50 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.

53. The computer system of claim 49 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.

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54. The computer system of claim 48 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.

55. The computer system of claim 54 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.

56. The computer system of claim 48 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.

57. The computer system of claim 56 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.

58. The computer system of claim 48 wherein the tag comprises personally identifiable information identifying the visitor.

59. The computer system of claim 48 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 that is associated with the visitor device.

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60. The computer system of claim 48 wherein the 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.

61. 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 storing, in a central database associated with the computer system, profile information associated with a visitor, as a result of electronic receipt from a profile owner computer of indicia of the profile information, which profile information associated with the visitor matches a profile or kind of profiles requested by an entity controlling the computer system, wherein a tag associated with a visitor device 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 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 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

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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.

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)	Docket Number (Optional) 14-PP-CON4
Application Number 15/893,354	Filed 02/09/2018
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):

		Fee	Small Entity Fee	Micro Entity Fee	
☑	One month (37 CFR 1.17(a)(1))	$200	$100	$50	$ 200.00
☐	Two months (37 CFR 1.17(a)(2))	$600	$300	$150	$
☐	Three months (37 CFR 1.17(a)(3))	$1,400	$700	$350	$
☐	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 38918.

☐ attorney or agent acting under 37 CFR 1.34. Registration number _____.

/Louis J. Hoffman/ — Signature

06/13/2019 — Date

Louis J. Hoffman — Typed or printed name

(480) 948-3295 — 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.

Electronic Patent Application Fee Transmittal

Application Number:	15893354
Filing Date:	09-Feb-2018
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 CON4

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 - 1 month with $0 paid	1251	1	200	200
Miscellaneous:				
			Total in USD ($)	**200**

Electronic Acknowledgement Receipt	
EFS ID:	36297356
Application Number:	15893354
International Application Number:	
Confirmation Number:	5057
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
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2	Extension of Time	19-06-13-DAT-PP_CON4-RqstExtTime.pdf	129918 5c21c230935af300545f4f5923ede0836d8956f8	no	1
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3	Fee Worksheet (SB06)	fee-info.pdf	30616 661d76ac31d15e556bd53292749baca47f9912fa	no	2
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (**Not for submission under 37 CFR 1.99)**		
	Application Number	15893354
	Filing Date	2018-02-09
	First Named Inventor	Shkedi, Roy
	Art Unit	3622
	Examiner Name	Sittner, Michael J.
	Attorney Docket Number	14-PP-CON4

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	Art Unit	3622
	Examiner Name	Sittner, Michael J.
	Attorney Docket Number	14-PP-CON4

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Name/Print	Louis J. Hoffman	Registration Number	38,918

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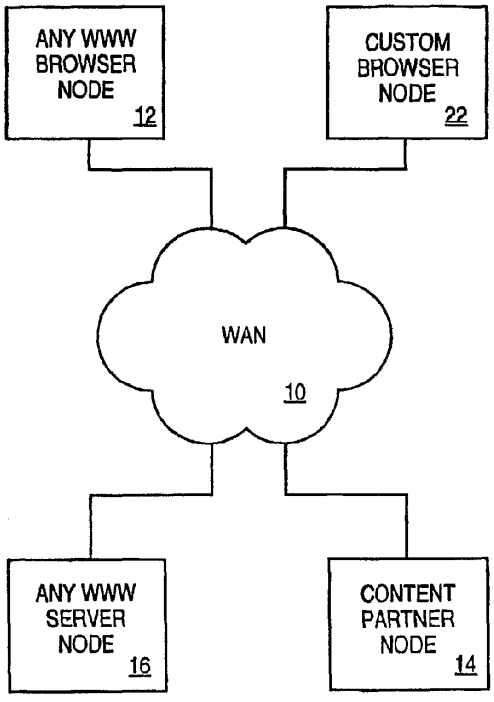
(54) Title: METHOD TO GENERATE ADVERTISING REVENUE BASED ON TIME AND LOCATION



(57) Abstract: A method and apparatus to facilitate targeted advertisement and listing services to customers using a shopping system. The shopping system may be an interactive television system. The targeted advertising allows for improved targeting by allowing advertisers to bid on advertising space based on the time a user is shopping and the location of the user.

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METHOD TO GENERATE ADVERTISING REVENUE BASED ON TIME AND LOCATION

BACKGROUND

Cross-Reference to Related Application

The application is a second Continuation-In-Part of co-pending application Serial No. 09/518,015, filed March 3, 2000 by applicant, Elliot A. Gottfurcht, et al. entitled "AN APPARATUS AND METHOD FOR SIMPLE WIDE-AREA NETWORK NAVIGATION."

Field

The invention relates to electronic information services and electronic commerce services. More specifically, the invention relates to providing targeted advertising and listing services based on time and location of customers.

Description of the Related Art

The importance of the Internet as a tool of electronic commerce can not be overstated. The ability of consumers to buy products, obtain information from the comfort of their own home is revolutionizing the way business is done. Increasingly, there is a push to provide access to the Internet on standard television monitors through the use of set top boxes. Over time, much like cable-ready televisions, it is expected that Internet-ready televisions will proliferate. Unfortunately, even on large screen televisions the web surfing experience is poor, inasmuch as the web content is illegible and/or unnegotiable, unless you happen to be sitting very close to the television. Generally, this makes web surfing impractical in more traditional television environments. As the television web access systems proliferate, improved navigation and content access on the television is likely to become a necessity.

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BRIEF SUMMARY OF THE INVENTION

A method and apparatus to facilitate targeted advertisement and listing services to customers using a shopping system. The shopping system may be an interactive television system. The targeted advertising allows for improved targeting by allowing advertisers to bid on advertising space based on the time a user is shopping and the location of the user.

BRIEF DESCRIPTION OF THE DRAWINGS

Figure 1 is a block diagram of a system employing one embodiment of the invention.

Figure 2a is an exemplary web page having a sister site link.

Figure 2b is an exemplary first matrix page of a sister site for the web page of Figure 2a.

Figure 2c is a web page having irregular segmentation.

Figure 3 is a flow diagram of conversion of standard HTML pages to a sister site format in one embodiment of the invention.

Figure 4 is a block diagram of a client hardware architecture of one embodiment of the invention.

Figure 5a is a flow diagram of server side segmentation in one embodiment of the invention.

Figure 5b is a flow diagram of client side manipulation of a segmented page in one embodiment of the invention.

Figure 5c is a diagram showing a system implementing the tab, scroll, and zoom features of one embodiment of the invention.

Figure 6 is a flow chart of operations of the navigation system of one embodiment of the invention in a custom terminal custom browser node.

Figure 7 is a flow diagram of operation of the sister site server of one embodiment of the invention.

Figure 8 is a diagram of the display of a graphical user interface of one embodiment of the invention.

Figures 9a-d are examples of sister site matrix pages.

Figures 10a-g are a series of matrix layers displayed during an exemplary navigation using one embodiment of the invention.

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Figure 11 shows a history window overlying a navigation matrix layer.

Figures 12a and b are an example of a matrix layer of one embodiment of the invention.

Figure 13 is an e-mail composition matrix layer for one embodiment of the invention.

Figure 14 shows an alternative matrix of one embodiment of the invention.

Figure 15 is a diagram of a top level of a navigation hierarchy interface for one embodiment of the invention.

Figure 16 is diagram of an intermediate level of a navigation hierarchy interface for one embodiment of the invention.

Figure 17 is diagram of a second intermediate level of a navigation hierarchy interface for one embodiment of the invention.

Figure 18 is diagram of a lower level of a navigation hierarchy interface for one embodiment of the invention.

Figure 19 is a diagram of a second lower level of a navigation hierarchy for one embodiment of the invention.

Figure 20 is a flowchart of a process for providing shopping services via interactive television in one embodiment of the invention.

Figure 21 is a diagram of an interface for managing an account for an advertiser for interactive television in one embodiment of the invention.

Figure 22 is a diagram of peripheral input device for use with the simplified navigation system.

DETAILED DESCRIPTION

A simplified system for navigation of the Internet or other content source allows access to the content and services available thereon with greater ease, on, for example, a display more remote from a user than in the use of the "traditional" personal computer (PC) two foot paradigm.

Figure 1 is a block diagram of a system employing one embodiment of the invention. A wide-area networks (WAN) 10, such as the Internet, couple together a plurality of communication nodes. Some nodes, such as node 12, may be a standard prior art PC executing any conventional web

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browser. Alternatively, node 12 might be a set top box and television, or an Internet appliance, or a wireless device, such as a web-enabled cell phone. Additionally, there are server nodes connected to WAN 10, such as server node 16, which may be any conventional web server. Also coupled to WAN 10 are browser nodes 22 running a custom browser that facilitate access to information and services provided to the custom browser node 22. The custom browser node 22 as well as any browser nodes 12 are collectively referred to as client nodes. In another embodiment, the WAN may be a closed network that is not accessible via the Internet in order to maintain an increased level of control on content and usage to minimize security and stability problems. In addition, a closed network allows for the control of content to exclude hate speech, pornography, violent images and similar content. In a further embodiment, the simplified system may be used on a local area network, or other type of network.

Content partners, such as content partner node 14 provide content in a specified format that facilitates its use by the client nodes 12, 22. In one embodiment, when a user accesses a content partner home page, they have the option of linking to a sister site. As used herein, "sister site" is deemed to mean a site that provides for navigation of the site using a simplified navigation system, such as matrix navigation described in more detail below. In one embodiment, the sister site is traditional HTML pages converted to a matrix format to permit matrix navigation. This conversion may be done using an XML transcoding or any other suitable language.

Content partners may maintain a database of sister site web pages corresponding to the pages in the general use site. Alternatively, content partners may provide a facility for converting web pages on the fly to the sister site format. Content partners may also provide for segmentation of the base HTML web pages and/or the matrix pages. A segmentation may be performed in a number of ways. The page may be divided up based on content or area. The net result, in any case, is that the web page is divided into regions which are not necessarily, but may be, of equal size. The

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individual regions may be brought into focus independently. By "brought into focus," the concept of focus in this context is analogous to the front window in a windowing system. The focus region is deemed active and subject to client manipulation. In the context of a matrix page, one suitable segmentation is by cell, e.g., each cell corresponds to a region that may be independently brought into focus. The borders of the regions may or may not be visible on the web pages displayed. This segmentation facilitates tab, scroll, and zoom features described in more detail below. Alternatively, segmentation may be performed as part of a custom browser on custom browser nodes or may be instantiated as a hardware or firmware solution within, for example, the set top box.

In another embodiment, a content partner or set of content partners may produce the content of their websites or new content in a format for use with the simplified navigation system. This content may be generated in the form of HTML, XML or similar scripting of description language based documents. This content may closely mirror data from a sister site, it may contain additional material, it may contain less material or the content may be specifically for use with the simplified navigation system. Content prepared for use with the simplified navigation system may be used in any situation where content produced by the conversion process is used. Content may be derived from any source for display on a television, personal computer, wireless or cellular device or similar device. Content may be prepared according to a template format by a content provider. Content may reside in a central server or be distributed across a network of computers. In one embodiment, the navigation system provider may also provide a template to be accessed by content providers for providing the content to the navigation system provider. The template may be downloadable or accessible through a browser or through the simplified navigation system.

Figure 2a is an exemplary web page having a sister site link. By actuating the link, the client begins receiving matrix pages as described in

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more detail below. **Figure 2b** shows an example first matrix page reached by activating the sister site link in Figure 2a. **Figure 2c** is a web page having irregular segmentation. Through segmentation, the page is divided into regions. Individual regions may then be brought into focus permitting simplified navigation, viewing, and manipulation of the data within that region.

Figure 3 is a flow diagram of conversion of standard HTML pages to a sister site format in one embodiment of the invention. A hypertext markup language (HTML) page 40 is transcoded by a transcoder 30 to yield, for example, an XML page 42 to which a document type definition (DTD) 38 is applied. The DTD 38 specifies the rules for the structure of the resulting XML document. The XML page is then reformatted using extensible style language (XSL) 34 to corresponding format data 32. XSL is not currently supported by all standard browsers. Thus, after formatting, the XML document is translated to an extensible hypertext markup language (XHTML) document for subsequent display by a client side browser on display 52. Alternatively, the XML page may have a cascading style sheet (CSS) applied to achieve the desired format. One advantage of the CSS is that it is supported by standard browsers. After application of the CSS, the resulting formatted page can be displayed by the client browser on display 52.

The above-described conversion may be done by a content partner in advance of request for pages or may be done on the fly responsive to requests for pages. The determination of which to do involves a trade off between latency in providing requested pages and storage space required to store the additional pages. Some on the fly conversion is desirable in the event that a user attempts to access a web site that has not previously been converted. It is also within the scope and contemplation of providing for conversion on the client side.

Figure 4 is a block diagram of a client hardware architecture of one embodiment of the invention. A processor 100 is coupled to various

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memory units and an I/O bus bridge 110 by a local bus 102. Among the expected memory units are random access memory (RAM) 106, which may be any standard RAM, including standard dynamic random access memory (DRAM), and may be symmetric or asymmetric. Also coupled to bus 102 is a read-only memory (ROM) unit 108. The ROM will typically include the boot code for the processor 100. A non-volatile RAM (NVRAM) unit 104 is also coupled to the bus.

The I/O bus bridge 110 is coupled to the local bus 102 and bridges to the I/O bus 112. A number of units may reside on the I/O bus, including a graphics module 114 that couples to a display (not shown), a universal serial bus (USB) controller that may couple the system to any number of additional USB devices. Common USB devices include keyboards, mice, cameras, scanners, printers, and other peripheral components and input/output devices. Also coupled to the I/O bus may be power management module 118, which may be coupled to the power switch and may include conventional power conservation protocols, ensuring the processor 100 is permitted to orderly conclude its current operation before changing power states.

An infrared data association (IrDA) interface 120 permits the terminal to be coupled to hand-held devices, if desired. In some embodiments, a keyboard may be coupled by an Ir link. Storage unit 122, which may, for example, be a flash memory unit, is used for long-term storage of data or files. A transceiver 124 is used to permit the processor to communicate with the hub, whether it be a point-to-point link or across a network. The transceiver 124 may be, but is not limited to, an ethernet transceiver, a modem, digital subscriber line (DSL) or cable modem. It is expected that the processor 100 will communicate through the transceiver 124 to the server using transmission control protocol/internet protocol (TCP/IP). Encryption and compression within the terminal may be handled by conventional hardware or software solutions.

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Audio I/O interface 126 may include an internal microphone and speaker which permits audio input and output. This is particularly useful in the context of voice e-mail or voice over IP communications. Additionally, some embodiments of the invention will include speech to text (STT) capability 130 and speech recognition (SR) capability 136. Various embodiments may implement these capabilities as hardware or software or a combination of both. In embodiments having SR capability, for simplicity of use, it is desirable to use one of the multiple user SR packages available today and expected to improve in the future, as these packages avoid the necessity of "training" the system. This permits recognition of content of speech and conversion to text.

For purposes of reduced cost, it may be desirable to use a particularly simple speech recognition package, recognizing only, for example, numbers and letters. A suitable speech recognition package will permit a user to navigate the network as subsequently described using voice commands and composed e-mails in a hands-free manner. Such an embodiment has the additional advantage that it enables Internet access to the physically challenged. In some embodiments, SR 136 is present, but STT 130 is not. This may permit the processor to respond to voice commands but would not permit composition of e-mail, for example.

In one embodiment of the invention, the terminal has a notebook form factor with an integrated LCD display. In an alternative embodiment, the form factor is a set-top box, which relies on an external display, such as a television or external monitor. In either case, a standard QWERTY keyboard could be used. In the set top box embodiment, a wireless keyboard or remote is desirable.

Figure 5a is a flow diagram of server side segmentation in one embodiment of the invention. A request for a page is received at functional block 400. A determination is made at decision block 402 whether the requested page has been segmented. If the page has not been segmented, a determination is made at decision block 404 whether the requested page is a

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matrix page. If the requested page is a matrix page, at functional block 406, the cells of the matrix are each defined to be a region, thereby completing the segmentation. If the page is not a matrix page, the page is segmented either based on area or content. By "segmentation," it is meant that the page is divided into a plurality of regions. The regions may contain one or more links and/or some amount of content. This segmentation facilitates usability as discussed in more detail below. Once segmentation is complete, at functional block 408, a determination is made if the boundaries of the regions should be shown on the displayed page at decision block 410. If the boundaries are to be shown, the boundaries are overlayed on the page at functional block 412 after the overlay, or if no boundaries are to be shown, the page is sent to the client node at functional block 414.

Figure 5b is a flow diagram of client side manipulation of a segmented page in one embodiment of the invention. At functional block 450, a segmented page is received at a client node. A determination is made at decision block 452 if a tab input has been received. As used herein, a tab input is any input which brings about the functionality of moving the focus from one region to another adjacent region. If no tab input has been received, a determination is made at decision block 454 if the regions have identifying symbols associated therewith. Particularly in the case of matrix pages, the different cells typically have associated therewith either an alphanumeric character or some symbol such as an asterisk or other punctuation mark to identify the cell. If there are identifications associated with the regions, a determination is made at decision block 456 if such an identification has been received as an input on the client node. If the identification has been received, the corresponding region is brought into focus. The focus region is active, and in some embodiments, the corresponding region is zoomed to increase its size relative to the inactive regions at functional block 460. If no identifications are associated with the region or no identification is received, the client waits for a tab input at decision block 452.

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If a tab input is received, the next region is brought into focus. If no region is currently in focus, a first region, e.g., the uppermost leftmost region, will be brought into focus at functional block 458. At functional block 462, the regions are scaled so that the in focus region is enlarged relative to the regions which are not in focus. This is particularly desirable for web browsing in a television context where distance from the set may make reading the unscaled page difficult or impossible. Thus, by scaling region by region, readability within the region can be enhanced to permit use and browsing from a distance.

At functional block 464, a first link in the focus region is highlighted. As used herein, "highlighted" means made active such that a subsequent input, such as a predefined key press activates the link. Highlighting in the link context is analogous to focus in the region context. Highlighting may, but need not include, changing the link's appearance in any manner on the display such as, for example, changing size, color, shading, etc. A determination is made at decision block 466 if an enter signal has been received. However, if no enter signal has been received, a determination is made at decision block 468 if a scroll signal has been input at the client node. If a scroll signal has been input, a next link is highlighted at functional block 472. If an enter signal is received at functional block 466, a then highlighted link is activated at functional block 474 and a next segmented page is received, and the process begins again. Alternatively, if no scroll signal input is received at decision block 468, a determination is made at decision block 470 whether a tab or identification input has occurred. If it has, the system continues processing at blocks 458 or 460, respectively.

Figure 5c is a diagram showing a system implementing the tab, scroll, and zoom features of one embodiment of the invention. A set top box 500 is coupled to a television monitor 502 and is responsive to remote control 504. Remote control 504 may be a custom remote control, a wireless keyboard, or even a standard universal remote control. Remote control 504 may be equipped with a microphone for accepting voice commands or may

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merely provide push button inputs. In frame one, television 502 is displaying a web page 510 that has been segmented into eight equally dimensioned regions A-H. Remote control 504 includes a tab function 520, a scroll function 522, and an enter function 524. Responsive to actuation of the tab function, region A is brought into focus, as shown in the second frame. Link one is highlighted and A is enlarged, while the remaining regions are scaled so that A is much larger relative to the other regions, thereby accomplishing a zoom function and improving readability of the information contained in region A. This is shown as web page 512. If, when A is in focus, the user actuates scroll function 522, a second link in region A is highlighted as shown on page 514. In one embodiment, scrolling within the focus region does not effect the size or representation of the non-focus regions. In the event that, at web page 512 or web page 514, the enter function 524 is actuated, $link_1$ or $link_2$ would be traversed, respectively. If the segments are actually associated with their alphanumeric designator, and that remote control 504 has alphanumeric keys, for example, letter key F 526, web page 516 shows a web page that would be reached from web page 510, 512, or 514 responsive to actuation of the F key. In web page 516, the F region is in focus, and the remaining regions are scaled to be much smaller than the F region.

These are merely illustrative examples of the tab, scroll, and zoom features of one embodiment of the invention. While the shown embodiment tiles the regions, it is within the scope and contemplation of the invention to overlay the focus region on one or more of the other regions. It is also within the scope of the invention to permit a user to increase the zoom of the focus region to exceed the physical space. In such case, scrolling within the region may be required to view the entire contents of the region. Such scrolling need not effect the display of the non-focused regions.

Figure 6 is a flow chart of operations of the navigation system of one embodiment of the invention in a custom terminal custom browser node.

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Upon power-up at functional block 602, a content partners home page is accessed. In some embodiments, it may be possible to bypass access of the home page and go directly to the sister site home page. At functional block 604, a node establishes communication with a sister site server (SSS). At functional block 605, a first matrix layer is received from the SSS. At decision block 606, the node waits for a keypress. If at decision block 606, a determination is made that a key has been pressed, a determination is made at decision block 607 whether the keypress corresponds to a composition cell. A composition cell is deemed to be a cell in the navigation matrix which permits a user to enter additional data. For example, a search cell or e.g., a purchase order form or an e-mail may have one or more composition cells. If the cell is a composition cell, the system enters composition mode at functional block 632. In composition mode, the digits of the keypad represent the digits themselves, rather than navigation options. The cursor will also appear in the composition field of the composition cell. At decision block 634, a determination is made if the enter key has been pressed. The enter key is defined in one embodiment of the invention to signify the end of a composition. Thus, if the enter key has not been pressed, the system remains in composition mode. However, if at decision block 634, the enter key has been pressed, the system returns to navigation mode at functional block 636. It is also within the scope and contemplation to define other keys to instigate return to the navigation mode.

If a keypress is received and not found to correspond to a composition cell at decision block 607, a determination is made at decision block 608 whether the matrix layer corresponding to the keypress exists within the cache. In this connection, it is determined whether a representation of that matrix layer, even if in the cache, is stale and therefore needs to be freshly downloaded. If the data is stale or not present in the cache at all, the keypress event is sent to the SSS. In one embodiment, the entire navigation path, including the keypress event, is sent with each keypress. When the navigation path is sent with each

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keypress event, the SSS is able to identify the requested matrix layer rapidly on the fly.

Subsequently, at functional block 612, the client node receives the updated matrix layer corresponding to the keypress event. That matrix layer is loaded to the memory at functional block 614 and the cache is time-stamped at functional block 616. At functional block 618, new ads may be received from the SSS. Notably, the receipt of the ads is asynchronous with the matrix layer receipt and may occur at any time without being prompted by a keypress event. At functional block 620, the incoming matrix layer is rendered to a temporary buffer by using a double-buffering technique. The actual rendering is transparent to the user. At functional block 622, the status bar for the load is updated to indicate the percent complete of the matrix layer rendering. At functional block 624, a determination is made if the rendering is complete. If it is not, the buffer continues to render and the status bar continues to update. By regularly updating the status bar, the user is not left wondering if the device is working. This is expected to limit the frustration experienced by many new users during the wait while matrix layers are rendered. If the rendering is complete, the temporary buffer is swapped with the frame buffer and the new matrix layer is displayed at functional block 626. Then at functional block 628, the history of the navigation path is updated to reflect the new matrix layer. The system then returns to await a next keypress to indicate further navigation. By iteratively pressing appropriate keys, a user may navigate to any desired depth up to a maximum depth along any navigation path and obtain content relevant to the path navigated. If instead, the matrix layer was validly in the cache at decision block 608, the matrix layer is rendered from the cache at functional block 630 and the system awaits the next keypress.

"Maximum depth" as used herein applies on a cell by cell basis for primary navigation options. A maximum depth is reached for a cell in a navigation path when pressing a corresponding key will not take a user to a deeper matrix layer in the matrix. While content, as distinguished from the

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matrix layer and their cell headings, will be displayed once a maximum depth is reached, it is within the scope and contemplation of the invention to display some content in cells of an intermediate matrix layer, i.e. one that is not at the maximum depth.

"Primary navigation options" as used herein are those navigation options that necessarily change between successive matrix layers, changing from general to more specific with increases in depth in the matrix.

Figure 7 is a flow diagram of operation of the sister site server of one embodiment of the invention. A determination is made if the keypress event has been received at decision block 702. If the keypress event has been received, a determination is made if the matrix has reached maximum depth at decision block 704. If the matrix has not reached the maximum depth, a matrix layer corresponding to the keypress is sent at functional block 706. Such matrix layers may or may not include content in cells with navigation choices. If the matrix has reached maximum depth for that navigation path, a content layer corresponding to the keypress event is sent to the client node at functional block 708. A content layer may or may not include matrix cells in addition to the content. New ads are sent to the client node at functional block 710. The system then awaits the next keypress event from a client node.

Figure 8 is a diagram of the display of a graphical user interface of one embodiment of the invention. The screen is divided into a plurality of cells. In this embodiment, there are fifteen cells that represent navigation options and one messaging cell for displaying messages from the server, the progress or status bar, and a title block. The cells can further be subdivided between the digit keys 1-9 keys which, in this embodiment, represent the primary set of navigation options and the keys designated by letters A-C which represent secondary navigation options and *, 0, and # keys that may be additional navigation options or provide specialized functions. For example, the * key may return the user to the server home site, thereby leaving matrix navigation. The ABC cells will typically hold advertising,

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and selecting one of those cells will generate a matrix layer with primary navigation cells directed to that advertiser or the product line being advertised. While the interface is designed to be fully accessible with minimal key strokes from a key pad, it is also within the scope and contemplation of the invention to permit selection with a mouse or other pointer device.

Figures 9a-d are example sister site matrix pages. In **Figure 9a**, an advertising cell 900 is the focus region of the displayed image. Ten advertisements are displayed within the regions. The first advertisement 902 is highlighted. From this matrix page, the * returns a user to the amazon.com home page. The # reveals the contents of a user's shopping cart. In **Figure 9b**, the contents of the focus window have been enlarged (zoomed) such that only four advertisements are displayed in ad cell 900. The no links/advertisements are highlighted. In **Figure 9c**, advertisement 902 is again highlighted. This may occur, for example, by a user pressing a scroll key from Figure 9b. In **Figure 9d**, a user has pressed a scroll key several times from Figure 9c. Thus, advertisement 902 has scrolled out of view and advertisement 904 is highlighted. While in this example, ten advertisements were present, the number of links within such a cell may be arbitrarily large. In the shown embodiment, scrolling through the links in the focus cell and scaling the focus cell content does not effect the user's view of the remaining cells.

Figures 10a-g are a series of matrix layers displayed during an exemplary navigation using one embodiment of the invention. In this example, navigation begins at the Shopping and Products matrix layer and shown in Figure 10a. A selection of 5 on the 10a matrix layer yields an Electronics matrix layer shown in Figure 10b.

Selecting 1 on the keypad when the matrix layer of 10b is displayed yields the Audio matrix layer of Figure 10c. By selecting an 8 on the keypad when 10c is displayed, the system displays a Receivers matrix layer of Figure 10d, which breaks down receivers into price categories and also provides the

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option of navigating, in this embodiment, into Consumer Reports industry reports related to receivers. Notably, in Figure 10d, the number of primary navigation options is reduced to 4. Thus, it is not necessary that all layers of the matrix have the same number of cells, nor is it required that all cells have the same size. A user can select Stereo Only by pressing 1 on the keypad, which yields a stereo only matrix layer shown in Figure 10e.

In one embodiment of the invention, the products are ordered based on some ranking system, such as Consumer Reports. Thus, for example, in Figure 10e, Technics received the highest ranking of receivers in the selected category from Consumer Reports. It is expected that for any particular product class, potential purchasers are likely to only be interested in the top several products within that class, not for example, the 15th best receiver in the $150-$290 range. However, it is within the scope and contemplation of the invention to permit a "more" option which allows a user to get a set of the next most highly ranked products and possibly unranked products as well. It is expected that supplying product options in a user-friendly ranked order will encourage users to be more willing to conduct e-commerce.

By selecting a 1 on the keypad when matrix layer 10e is displayed, a user reaches the matrix layer of Figure 10f, as well as reaching the maximum depth for that navigation path. Thus, pressing 1 on the keypad in response to matrix layer 10f does not move the user deeper into the multi-dimensional matrix, and content is displayed in cell 1 indicating the model, price, picture, and possibly other information about the Technics product. Cell 1 is also larger than the other cells.

Other navigation options are provided in additional matrix cells surrounding cell 1 and its content. The additional cells represent navigation paths that have not reached their maximum depth. For example, by pressing a 3, one would get to a features of the Technics product content layer. Such screen would display features of the Technics system. The various navigation paths typically have a maximum depth at which

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content is displayed. However, reaching the maximum depth of a particular navigation path does not indicate that another navigation path may not have yet a deeper matrix layer. For example, while the maximum depth of the navigation path corresponded to cell 1 has been reach in Figure 10f, selecting a 9 on the keypad will move a user to a Technics purchase matrix layer, shown in Figure 10g. By selecting digits on the keypad, a user can move between fields to fill out a purchase form which, as discussed above, is one example of a matrix layer including composition cells. In some embodiments, the form can be filled in using keyboard input. In other embodiments, the speech to text capabilities of the terminal will permit the user to fill out the electronic purchase form orally.

Figure 11 shows a history window overlying a navigation matrix. The history window would appear if the history button on the keypad were actuated. By using the up/down arrow key on the keypad, the user may then select a prior matrix to jump to directly without moving backwards or forwards iteratively.

Figures 12a and b are an example matrix after a selection of 0 from the main menu screen, which allows one to conduct a search through cell 1. On this figure, advertisements for Jaguar appear in the ABC cells. In one embodiment of the invention, the ABC designation appears initially (as shown in Figure 12a) when the screen is first refreshed and then fades away to reveal solely the advertisement in each of those cells (as shown in Figure 12b). In this example, pressing an A on the keypad would take the user to a matrix reflecting company information about Jaguar. Pressing B would take the user to a matrix for the virtual showroom, and C would take the user to a purchase screen for the advertised item.

In some cases, the advertising cells are merged as a single cell showing a single advertisement and permitting navigation to only a single matrix layer therefrom. In one embodiment, the background can be an advertisement. This is also shown in Figures 12a and b. Significantly, the advertisement can be targeted by modifying the ad responsive to the

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apparent navigation path of the user. This leaves the potential of showing the user an advertisement for a product or service more likely to be of interest. For example, when a user selects Electronics in the example of Figures 10a-g, the next screen may have as background an advertisement, e.g. for Circuit City.

Figure 13 shows the e-mail creation screen for one embodiment of the invention. This would be reached by pressing 3 on the keypad when the matrix layer of Figure 9d is displayed. Again, all e-mail functions other than actually entering the text and the address can be performed using the simple interface with numerical digits and the letters ABC corresponding to inbox, the outbox, and the sent features of standard e-mail, respectively.

Figure 14 shows an alternative matrix page of one embodiment of the invention. In this embodiment, the matrix occupies only a portion of the screen real estate. The remaining real estate may be occupied by content, a zoom of the focus cell, or advertising.

The simplified navigation system may be used for specific applications and systems. In one embodiment, the simplified navigation system is used as an interface for an interactive television shopping system. In this embodiment, the content from multiple providers may be interleaved to form a hierarchy of content. This interleaving of content organizes the shopping experience such that a user can easily browse the shopping system using the simplified navigation interface. Products and services may be grouped by sellers and categories in order to assist the user in finding a desired product or service. This system may utilize primary navigation options and allows a user to select categories, products, services, and sellers using a unique input. A primary navigation option in this context may be an option that is correlated with a specific category, seller, product or similar content. In another embodiment, the system uses scrolling mechanisms, pulldown menus, rolling displays, pointing mechanisms, hot keys, enter commands or similar interfaces or navigation options. Navigation options that the alternative interface mechanisms may

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be applied to include ordinary navigation options and navigation options related to advertisements. Advertisements may be navigable content. The content of advertisements may be web based, specialized format or similar content. A navigation option related to an advertisement may be selected by a user in order to obtain a further matrix level containing further information or navigation options related to the advertisement. In a further embodiment, combinations of these interfaces or navigation options may be utilized. The simplified matrix navigation system is used herein with the exemplary interactive television shopping mechanism. Other interface and navigation options may be used in combination with or in place of the simplified matrix navigation system. The interfaces may be used with the email and search systems of the simplified navigation interface.

The interactive television shopping system utilizes the physical system of servers and clients described in regard to the simplified navigation system. The interactive television shopping system is not limited to use with televisions. The system may also be used with web devices, console systems (e.g., gaming systems, set top boxes, and similar systems) and similar devices. The communication data including matrix layer content, user data and similar information relevant to the system may be transmitted and received over a network as described in the previous exemplary embodiments. In another embodiment, other communication methods may be used to transmit at least a portion of the data related to the system. In one embodiment cable systems, telephone systems, cellular or wireless systems including wireless fidelity (WIFI) systems and similar communication systems may be used to deliver a navigation interface to a user, obtain data (e.g., purchase information) from a user, or compile user data from a set top box, television service providers or similar source.

Figure 15 is an illustration of a simplified navigation interface to be displayed on a television or similar display device. Matrix layer 1511 includes a set of navigation options intended to allow a simple search or

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browsing of products and services offered by a single or multiple manufacturers, retailers or distributors. Exemplary initial matrix layer 1511 may be a starting or top level matrix layer. In this embodiment, a user starts at this layer of the navigation hierarchy when shopping. Matrix layer 1511 includes a set of options that are each related to a unique input. The unique input may be received from a remote control, peripheral device or similar input mechanism. Each option corresponds to a broad classification of goods or services. For example, option '1' 1501 is related to 'Apparel & Accessories.' Other options presented to a user include access to a search page 1503, access to reports and reviews 1509, access to a displayed advertisement 1507 and similar options. Each interface screen may include a limited set of options in order to maintain the overall simplicity of the navigation. A user selects an option presented at the top level matrix 1511, which results in a new matrix layer being generated based on that selection. In one embodiment, each matrix layer may present an option to display additional options at the same level of the navigation hierarchy. In a further embodiment, multiple top level or start matrices may be supported by the interactive television shopping network. Separate top level matrices may be related to separate television or sponsor channels and represent separate or interleaving navigable hierarchies of products.

Figure 16 is an illustration of an intermediate level of a navigation hierarchy. In one embodiment, matrix layer 1611 may be generated when a user selects a top level category. In another embodiment, matrix layer 1611 may be generated as a result of a search. Matrix layer 1611 includes a set of options corresponding to a set of sellers of products related to the category chosen from matrix layer 1511 or related to a keyword or other search indicator input into a search page. As used in the context of the interactive television shopping system a product may be a service offered by a seller or an item offered for sale by the seller. Sellers in this context may be retailers, distributors, manufacturers, processing centers or fulfillment houses offering products or service for sale. Matrix layer 1611 may present a set of sellers of electronics as options, option '9' from top matrix layer 1511.

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Intermediate level matrix layer 1611 may include options offering a search page 1603, reports and review of material present in the matrix (e.g., stores, retailers and other sellers of merchandise), additional options and similar options. Matrix layer 1611 may also display advertisements 1609. Selecting an option from intermediate level matrix 1611, such as Best Buy 1601, may result in the generation of an additional intermediate level matrix with information that presents options with greater specificity. The navigation system may include any number of levels in its hierarchy. In another embodiment, the intermediate levels of matrices may include additional subcategories of products and services. In a further embodiment, sellers may be options in a top level matrix of a navigation hierarchy and the intermediate level matrices may include categories of products offered by the seller. Similar combinations of categories and seller options within the hierarchy may also be used.

Figure 17 is a diagram of an intermediate level of a simplified navigation interface for use in shopping in an interactive television system. In this embodiment, of the invention, sellers of products are presented that are related to the category of products selected from a top level matrix. In this embodiment, sellers are selected and displayed based on the location of a user. Sellers may be presented as options in a matrix layer if they are within a specified geographic distance from the location of a user. For example, in one exemplary embodiment, sellers sharing a zip code with the residence of a user are presented as options in the matrix layer. Matrix layer 1711 presents an exemplary embodiment of the invention, where a set of local electronics sellers are listed after the 'Electronics' option is selected at a top or higher level in the hierarchy than the current matrix layer 1711. In one embodiment, advertisement 1709 is present in matrix layer 1711. This advertisement may also be selected based on geographical proximity of the advertiser to the residence of the user. Additional sellers may be accessed by selecting an option 1705 that alters the geographical location or distance utilized by the system to find sellers local to the user. In one embodiment, the location of a user is obtained via a cable or set top box provider,

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subscription service provider or similar intermediary service provider. A user may call the interactive television shopping service provider to indicate the location of a user. In a further embodiment, the user may alter or set the location data including residence address, base search address for proximity determinations, proximity range and similar data through a settings screen or matrix layer accessible as an option from a layer of the hierarchical navigation system or through a set top box or similar physical device related to the interactive television system. In one embodiment, the user may switch between a local and national or regional presentation of content. The navigation interface may include an option that switches between a local and regional display.

Figure 18 is a diagram of an intermediate level of a hierarchical navigation interface for use in shopping in an interactive television system. Matrix layer 1811 is an exemplary embodiment of the invention where an intermediate level of the navigation hierarchy displays categories of goods and services offered by a seller. An option 1801 may be selected by a user to display a lower level matrix layer of the navigation hierarchy that lists the goods and services in that category offered by the seller. In one embodiment, the seller is a local seller and the categories, goods and services displayed as options for a user are available at the local seller's store or establishment. In one embodiment, each seller provides the interactive television shopping provider with inventories, lists and similar data detailing the goods and services available at each location of the seller. For example, matrix layer 1811 may be the matrix layer 'below' matrix layer 1711 where the 'Best Buy' option has been selected. Matrix layer 1811 includes a set of options 1801 related to the types of goods sold by Best Buy at its Culver City store which in this example is the closest store to a user having a zip code of 90066.

Figure 19 is a diagram of a low level matrix of a hierarchical navigation interface for use in shopping in an interactive television system. Matrix layer 1911 includes a display section 1901 where details including price, product information, images, usage information and similar

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information regarding the product may be displayed. In one embodiment, the display section or other section of a matrix display, including an advertising option, may include audio or video content. The video or audio content may be played when a matrix layer is accessed. The video or audio may be replayed by selecting an option. Additional options such as an option 1921 to provide additional details regarding the product may be presented as well. Additional options may include but are not limited to availability of the product at a location or set of locations, a presentation of additional product information, a presentation of similar products, price comparisons at a set of stores and similar information. In one embodiment, the low level matrix 1911 includes an option 1903 to enable a user to initiate the purchase of the displayed item. In one embodiment, the navigation system tracks the items that a user has indicated an interest in purchasing. The navigation system may display an interface for inputting purchase information. In one embodiment, low level matrix layer 1911, or higher level matrix layers display contact information such as a telephone number for initiating a purchase of the products displayed via the navigation system.

In another embodiment, the content accessible in the interactive television shopping system may be accessible through other interfaces, including web browsers, specialized applications and similar interfaces. The content may be accessible through a personal computer, web appliance, hand held device or similar system. The content accessible through these systems may be filtered based on the location of a user. The location of the user may be input into the interface. This embodiment allows for the same access to searches, email, purchasing and other features of the matrix simplified navigation system.

Figure 20 is a flowchart depicting a system for enabling a user to purchase items using an interactive television shopping system, including enabling the purchase of multiple products from different sellers. In one embodiment of the invention, a simplified navigation system including a

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hierarchy of categorization for sellers and products is made available via a television, web appliance or similar display mechanism (block 2001). A user indicates the products that are desired to be purchased by selecting an option related to the product (block 2003). A user may indicate products to be purchased by selecting a corresponding option displayed in relation to the product to be purchased. In one embodiment, the user may select multiple products to be purchased, which are tracked by the navigation system provider. Navigation system provider may include options and displays that allow a user to manage the set of products that are to be purchased by a user. In one embodiment, the navigation system may display a list of products selected and allow a user to remove a product or modify the number of products to be purchased. Navigation system may maintain a shopping cart for each user.

When a user is prepared to complete a purchase of products that have been selected the user may select a method of purchasing the products (block 2005). The user may choose to utilize a displayed phone number to call a call center provided by navigation system provider (block 2007). A user may indicate the products to be purchased by informing a call center operator of a unique identifier for each product to be purchased. The navigation system assigns a unique identifier to each product in the hierarchy. In one embodiment, navigation system unique identifiers may indicate the product type, seller and similar information related to the product. The identifier may encode these details about a product. A call center operator records the unique identifiers for the products to be purchased by the user (block 2009).

In one embodiment, during the process of obtaining purchase data from the user the call center operator enters the data into the navigation and shopping system to generate a display screen sent to a user that displays the information provided by the user including the list of products selected by the user (block 2011). In one embodiment, the information obtained by the call center operator is by verbal communication. In another

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embodiment, information may be gathered with the assistance of electrical devices such as electronic card readers (e.g. credit card readers), facsimile devices or similar input or communication devices. The call center operator also obtains information needed to complete the purchase including but not limited to: credit card information, shipping address, quantity, warranty options, delivery options and similar purchasing information (block 2013). When a user calls a call center, data related to the user may be retrieved based on a matching of the user's telephone number with the data stored regarding that user. In another embodiment, the user may be identified by a personal identification number, through a system provider back channel, or similar system for associating a user with the navigation feed sent to the user. In an further embodiment, a telephone or voice communication system may be integrated with a console or similar system supporting the interactive television shopping service. The console includes identification information in the voice communications with the call center.

The purchase information given by the user, including payment information, product information and delivery information may also be displayed via the interactive television shopping system (block 2011). The user may be asked to confirm the purchase by reviewing the purchase information displayed through the interactive television system (block 2015). In another embodiment, the information is not displayed via the interactive television system.

A user may choose to complete a purchase using an online method. In this scenario the selected products are displayed via the interactive television system (block 2011). A user may confirm or edit the list of displayed products by removing or altering the amount of the products to be purchased. In one embodiment, the user may adjust the seller of a product to choose another seller that also provides the product. Alternate sellers may be available by selecting an option associated with a listed product. A user may confirm the purchase list provided by the interactive television system by selecting a confirmation option. Payment information may then

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be obtained though forms or similar interactive input mechanisms (block 2013). A user confirms the input information and the purchase is completed (block 2015).

In another embodiment, purchase information including payment information such as credit card numbers as well as shipping addresses and similar data is obtained through a cable or set top box service provider, subscription service provider or similar source. This information is stored by the interactive television shopping system provider and displayed when a user calls a call center or confirms a product list to be purchased. The user then confirms and may modify any of the data displayed by the system. When the user is satisfied that the information is correct the user may confirm the purchase information and the purchase will then be processed.

In a further embodiment, the call center may be automated using recorded voice messages and options that allow a user to enter personal and purchase information through a touch tone phone or similar mechanism. Products to be purchases may be identified by entering in the unique identifier associated with the product. The user may be presented with a series of options allowing them to choose between services offered by the automated call center including product purchasing, order status information, customer service and similar options. A user may elect to bypass the automated system by selecting to speak with a human operator. In one embodiment, the call center or automated call center may utilize a videophone, computer based phone or similar apparatus. In this embodiment, the call center operator or system present options for the user visually to be selected verbally by the user or through an input system such as a keypad.

Finalized purchases may cause interactive shopping television provider to forward the purchase information to the sellers of the products purchased by the user. Sellers may then fulfill the orders made by the user by reserving the items purchased at a designated store or by shipping the item to the user dependent on the delivery options selected by the user.

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Similarly, the system provider may handle billing of the purchases in a centralized manner or may distribute the purchases to the sellers and allow the sellers to separately bill a user for the products purchased. Billing may be coordinated through a call center, network server, local store, seller service center or similar establishment. Interactive television shopping system provider may have an established relationship with the seller such that the system provider may coordinate the shipping of the items and handle customer service including order returns, modifications, exchanges, shipping questions and similar matters.

Figure 21 is a diagram of an interface for the management of advertising and seller client accounts with the interactive television shopping system. In one embodiment, interactive television shopping network bases the order and level of sellers and advertisers in the navigation hierarchy on a set of factors including the bid by an advertiser or seller for a category, search keyword, location, time of day, date and similar factors. An advertiser may be a client that pays for the display of ads or listings in the navigation system. A seller may be a retailer, vendor, distributor, manufacturer, fulfillment house or similar entity that seeks to have its products and services listed in the navigation hierarchy.

In one embodiment, advertisers and sellers manage their accounts with the interactive television shopping system using interface 2111. An advertiser or seller may select a set of search keywords or hierarchy categories that a product is to be listed under or an advertisement to be displayed in connection with that keyword or category when it is input or selected by a user 2101. The advertiser or seller may place a bid for the use of the keyword or category 2103. This system may be a keyword auction system where keywords and categories are given to a highest bidder. Interactive television shopping provider may determine the order or frequency in which an advertisement, seller or product is displayed based on ranking the bids amongst the clients (i.e., advertisers and sellers) of the interactive television shopping provider 2105. The system of ranking or ordering the

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categories, sellers, products or similar content may be a bid for placement system where the placement of the content is determined by the bidding of the clients though the auction keyword system. In addition, an advertiser or seller may designate a geographic location to which an advertisement or product is tied 2109. Also, the product or advertisement display may further be dependent on a time frame designated by the advertiser or seller 2107. The bidding system may utilize any time frame for categorizing advertisements and listings. The time criteria may include date, day of the week, year, week, month, time of day, hour or similar unit of time or combinations thereof.

In this manner the advertiser or seller may closely target an intended audience or users that have known locations, shopping times or similar patterns of behavior. Other criteria that may be used to target advertising and product listings include, dates, shopper profile information, shopping cart information, related search or category designations and similar factors useful in targeting products and advertisements at a desired user group. For example, an ice cream store advertising using the interactive television shopping network may designate summer months, afternoon times, and locations within a seven mile radius of its store. An advertiser or seller may set separate bids for each permutation of the targeting criteria in order to set their bids in order to reach their target audience at a cost commensurate with expected returns. In one embodiment, bids are the rates for fees that are charged to clients of the interactive television shopping system provider based on the number of clicks, purchases, or similar performance indicators that result from the display of the seller or its products via the system. This system may be used for a pay for performance system where fees and billing to a client is based on the tracking of the performance data.

In another embodiment, flat fees for advertising related to keywords, categories, dates, times or other targeting criteria may be charged to a client. In one embodiment, a client may have a national or international account

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with the interactive television shopping provider. A national or international account places listings and advertisements on keyword search result pages, navigation matrix layers and similar displays of the system for user's in most or all locations that the service is provided. Advertisements and listings may be designated for any location type including countries, states, provinces, regions and similar locations. A client may also have a local account that allows a designation of advertisement or listings for a small regions such as a city, postal code area or similar region. A combination of local and national or international advertising and listings is also allowed by the system.

In one embodiment, account management interface 2111 includes an input and modification form or similar updating or modifying mechanism in order to add, cancel or modify the set of bids established by the client. In a further embodiment, the account management interface 2111 allows the monitoring and production of reports based on profiling information collected by the interactive television shopping system provider. In this embodiment, the system provider tracks the individual information of user including personal information such as age, gender, income and similar factors and correlates the information with the browsing pattern of the user and the purchases of the user. Additional information collected by the system includes but is not limited to times of shopping by users, locations of users, locations of purchases, related purchases of a user and similar information about a user and the user shopping patterns. This information may be used to allow advertisers and sellers to tailor their advertisements and product placement in the navigation systems in order to correlate their display with the browsing and purchase patterns of the users.

In a further embodiment, the navigation system and content of the interactive television shopping system may be utilized and displayed as a directory lookup service. The sellers are categorized by their service and goods. When a seller is selected, contact information including telephone, address and website information may be displayed. This system may be

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integrated with the interactive television shopping system or accessible as a separate system. The directory look up service may also have listings ordered according to a keyword auction system and utilizing a pay for performance system.

In a further embodiment, the interactive television shopping system may be used in conjunction with a auctioning system, reverse auctioning system or similar system for bidding on goods and services. The interactive television shopping system may also support providing a simplified navigation and interactive display for use with gaming systems including gaming systems that allow for gambling on events such as horse races, games such as blackjack, the lottery and similar services. The interactive television shopping and navigation system may also be used as an interface for providing access to online video games and similar services.

Figure 22 is a diagram of input device 2200 for use with the simplified navigation system. Device 2200 may be a wireless device, utilizing IR communication, RF communication, wireless fidelity or similar modes of communication with a television set top device, console device, web appliance or similar system. Device 2200 includes a set of keys or buttons 2201 for generating unique inputs that correlate with displayed options of a navigation system. Device 2200 may have any number of keys 2201 including digit keys, alphanumeric keys, symbol keys or similar keys. Device 2200 may include specialized navigation keys 2205 such as a 'back' key, 'forward' key or similar key. In one embodiment, device 2200 may include a pointer device such as a roller ball 2203. Pointer device 2203 may be used to move a cursor over the navigation matrix layer in order to select an option. Device 2200 may include an enter key to confirm selections. In another embodiment, depressing pointer device 2203 functions as an enter key. In one embodiment, as the cursor moves over a navigation option the navigation option is highlighted by changing the color of the option, the color or contrast of the boarder of the option or through similar visual cues.

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In another embodiment, a voice recognition or activation system may be used with the interactive television shopping system. A user may select a navigation option by audibly reciting the option. The option is recognized by the set top box, console, web appliance or similar device that displays the system over a television, liquid crystal display or similar display device.

In the foregoing specification, the invention has been described with reference to specific embodiments thereof. It will, however, be evident that various modifications and changes can be made thereto without departing from the broader spirit and scope of the invention as set forth in the appended claims. The specification and drawings are, accordingly, to be regarded in an illustrative rather than a restrictive sense. Therefore, the scope of the invention should be limited only by the appended claims.

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CLAIMS

What is claimed is:

1. A method comprising:

receiving a request for content;

determining content to be displayed based on a set of factors including a time and a location;

ranking the content based on a bid amount, the bid amount correlated to the time and the location; and

displaying the content in a rank pattern determined according to rank of the content.

2. The method of claim 1, wherein the content is a set of products.

3. The method of claim 1, wherein the content is a set of sellers.

4. The method of claim 1, wherein time is one of a date, hour of day, and day of week.

5. The method of claim 1, further comprising:

determining an advertisement to be displayed based on the set of factors; and

displaying the advertisement with the content.

6. The method of claim 1, further comprising:

obtaining a bid from a client through a web based interface.

7. The method of claim 1, further comprising:

displaying content that has a correlated location, the correlated location within a defined distance from a customer.

8. The method of claim 1, further comprising:

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displaying content that has a correlated location that is a geographic region which a customer is within.

9. The method of claim 1, wherein the displaying of the content is through one of an interactive television system, web appliance, computer system and wireless device.

10. The method of claim 9, wherein the interactive television system utilizes a simplified navigation system.

11. A machine-readable medium that provides instructions, which when executed by a machine cause the machine to perform operations comprising:

receiving a request for content;

determining content to be displayed based on a set of factors including a time and a location;

ranking the content based on a bid amount, the bid amount correlated to the time and the location; and

displaying the content in a rank pattern determined according to rank of the content.

12. The machine-readable medium of claim 11, wherein the content is a set of products.

13. The machine-readable medium of claim 11, wherein the content is a set of sellers.

14. The machine-readable medium of claim 11, wherein time is one of a date, hour of day, and day of week.

15. The machine-readable medium of claim 11, which provides further instructions which when executed cause the machine to perform operations further comprising:

determining an advertisement to be displayed based on the set of factors; and

displaying the advertisement with the content.

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16. The machine-readable medium of claim 11, which provides further instructions which when executed cause the machine to perform operations further comprising, further comprising:

obtaining a bid from a client through a web based interface.

17. The machine-readable medium of claim 11, which provides further instructions which when executed cause the machine to perform operations further comprising, further comprising:

displaying content that has a correlated location, the correlated location within a defined distance from a customer.

18. The machine-readable medium of claim 11, which provides further instructions which when executed cause the machine to perform operations further comprising, further comprising:

displaying content that has a correlated location that is a geographic region which a customer is within.

19. The machine-readable medium of claim 11, wherein the displaying of the content is through one of a web appliance, computer system, wireless device and interactive television system.

20. The machine-readable medium of claim 19, wherein the interactive television system utilizes a simplified navigation system.

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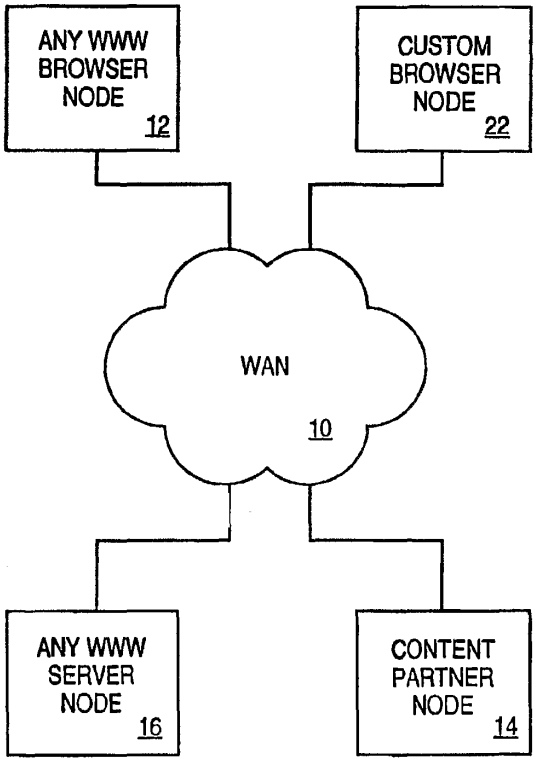

FIG. 1

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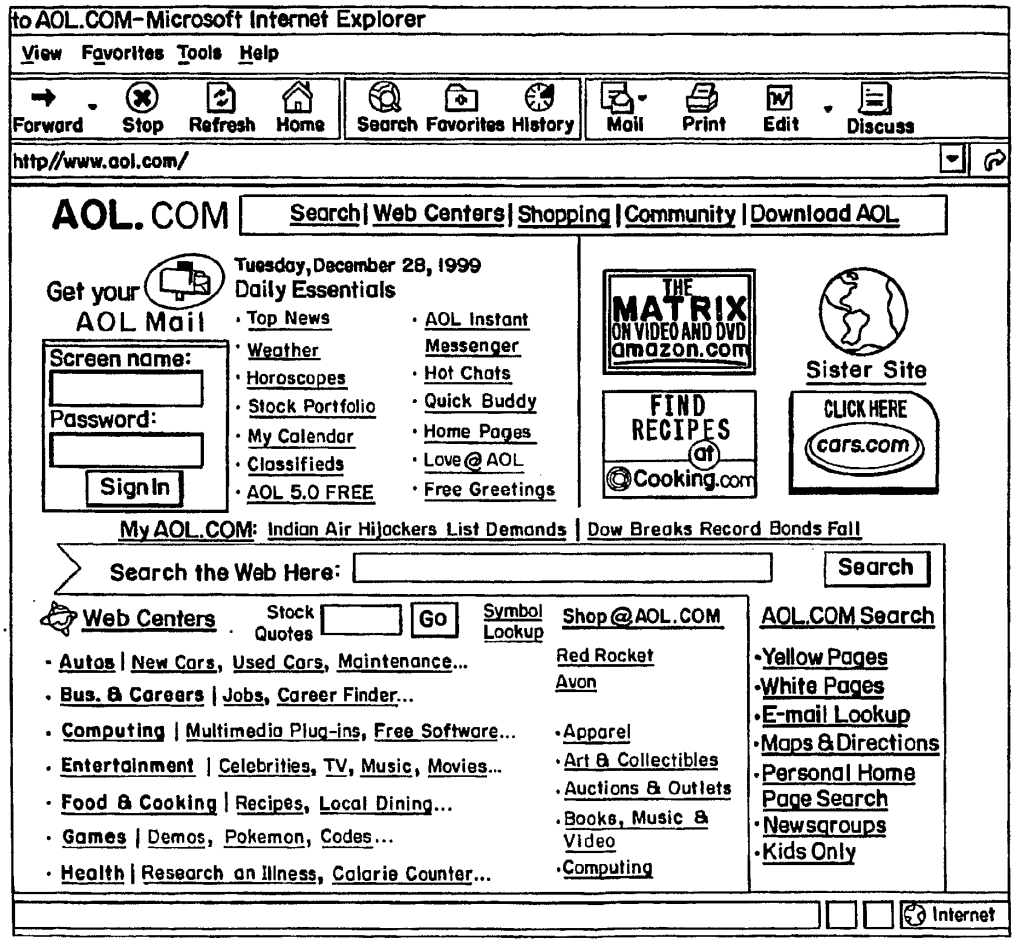

FIG. 2A

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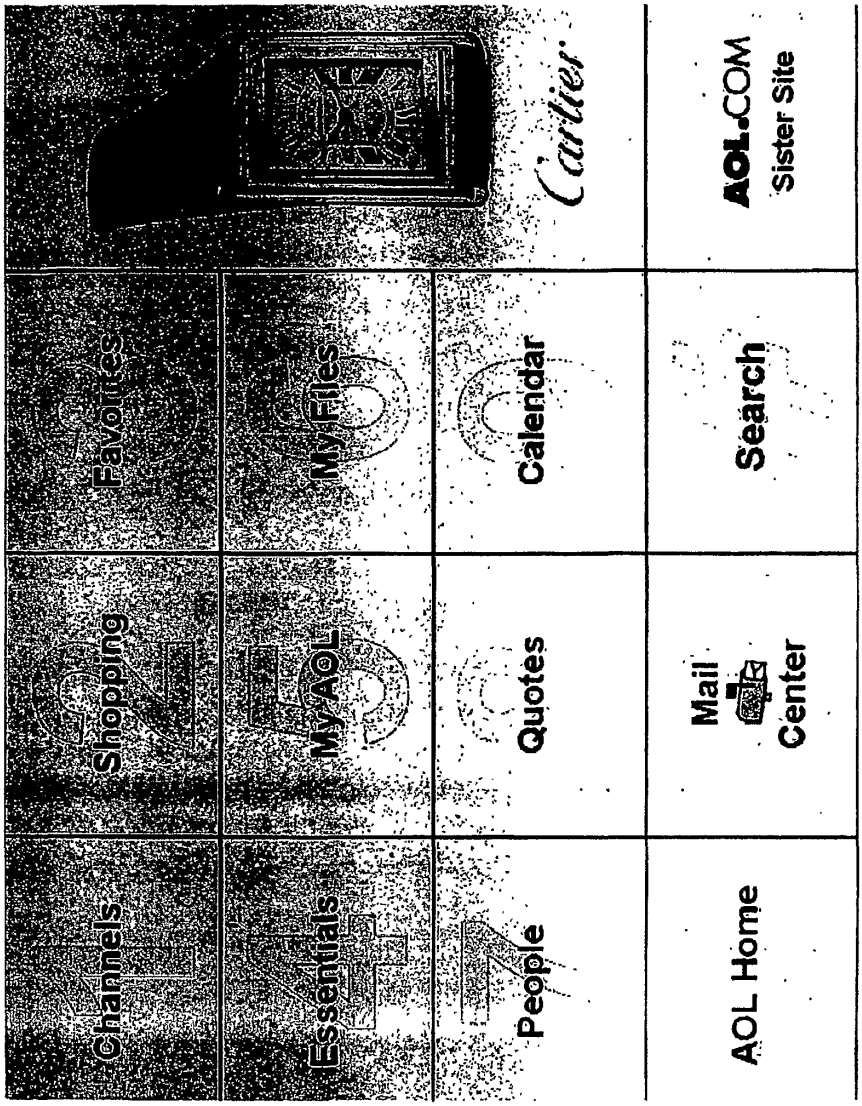

FIG. 2B

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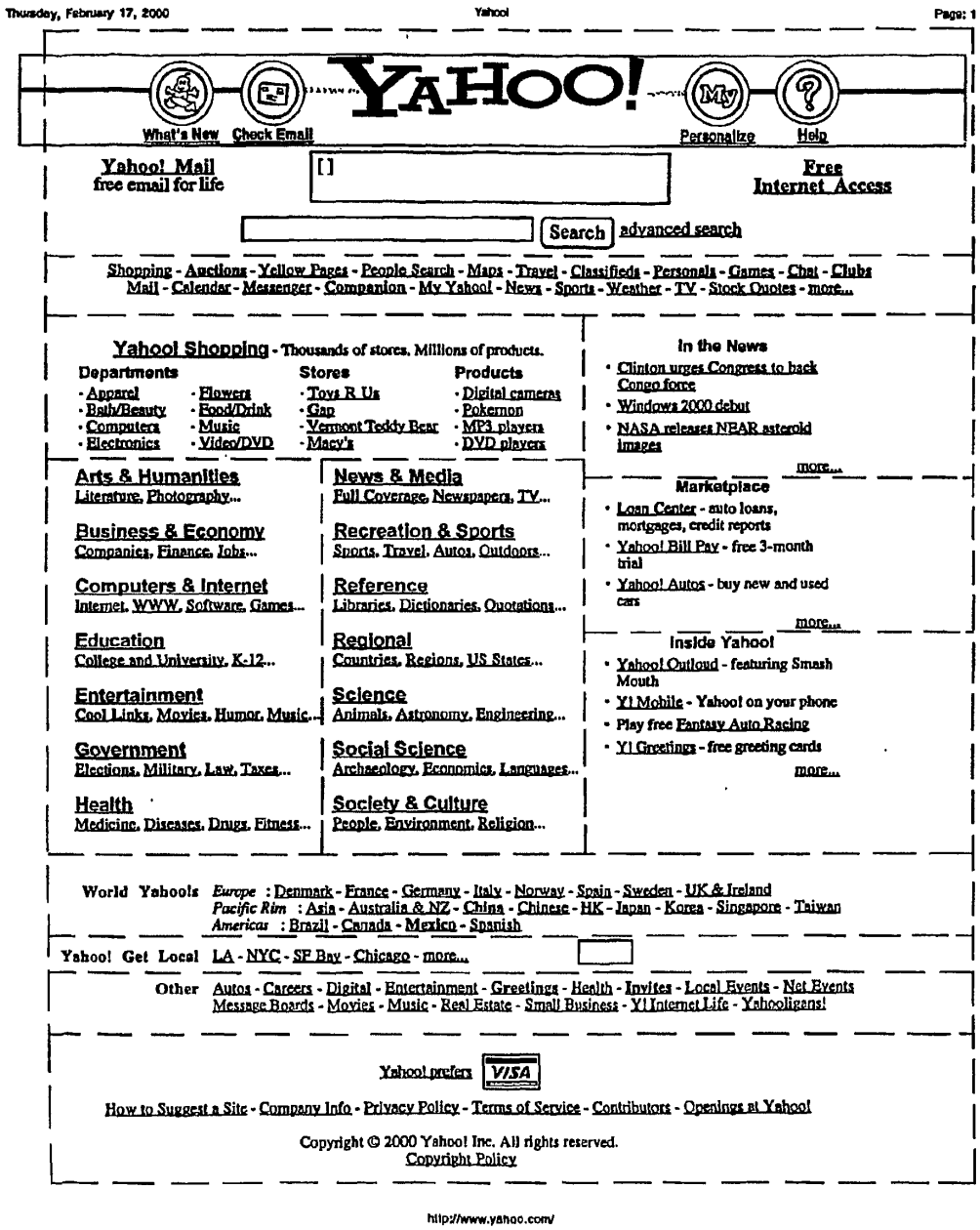

FIG. 2C

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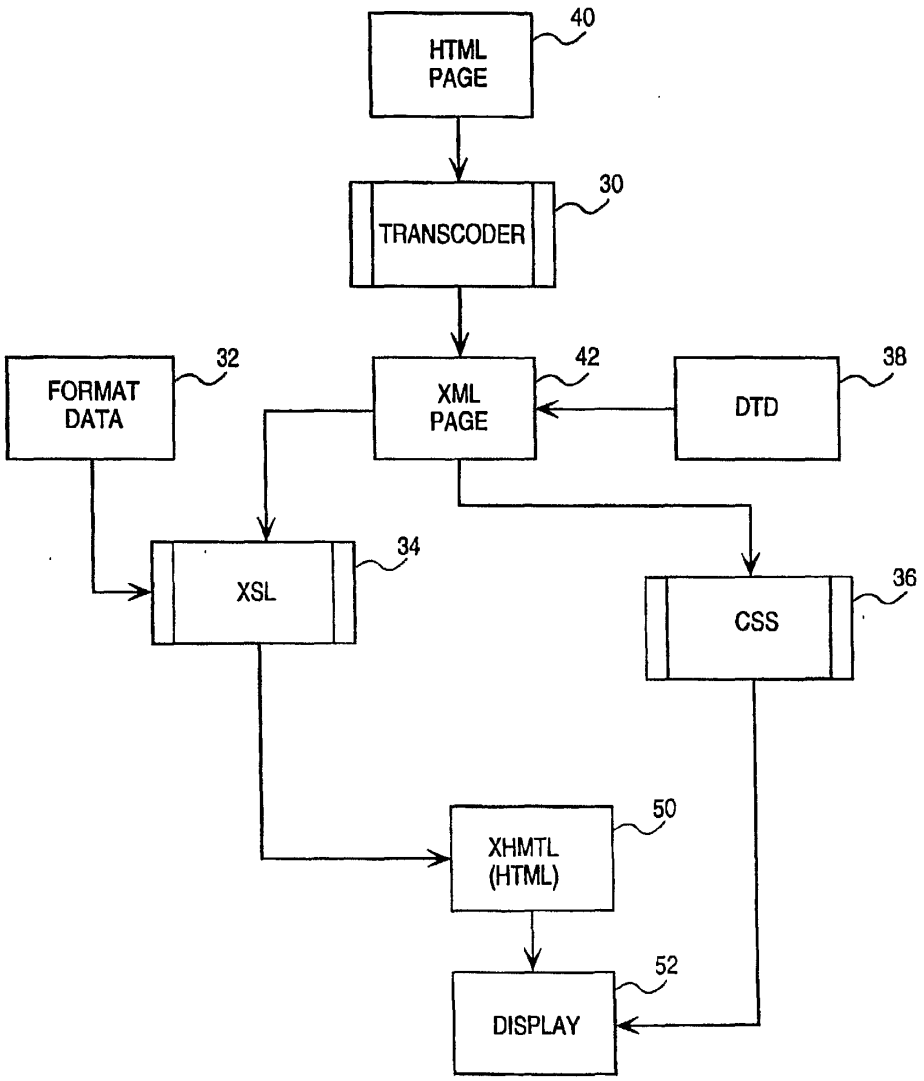

FIG. 3

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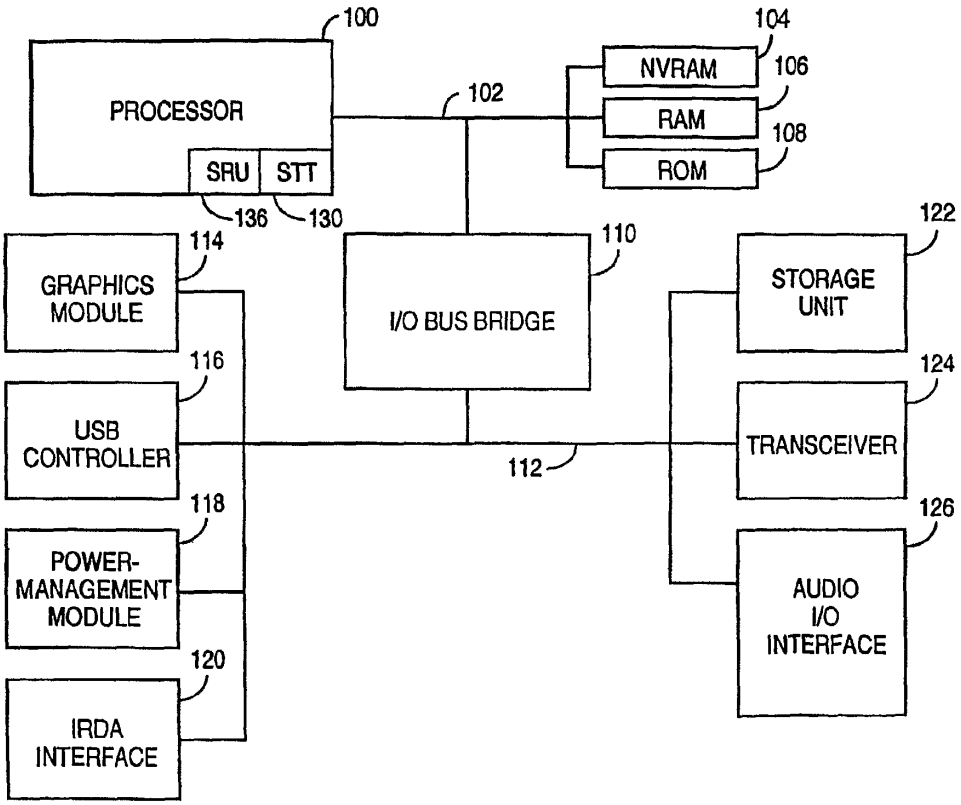

FIG. 4

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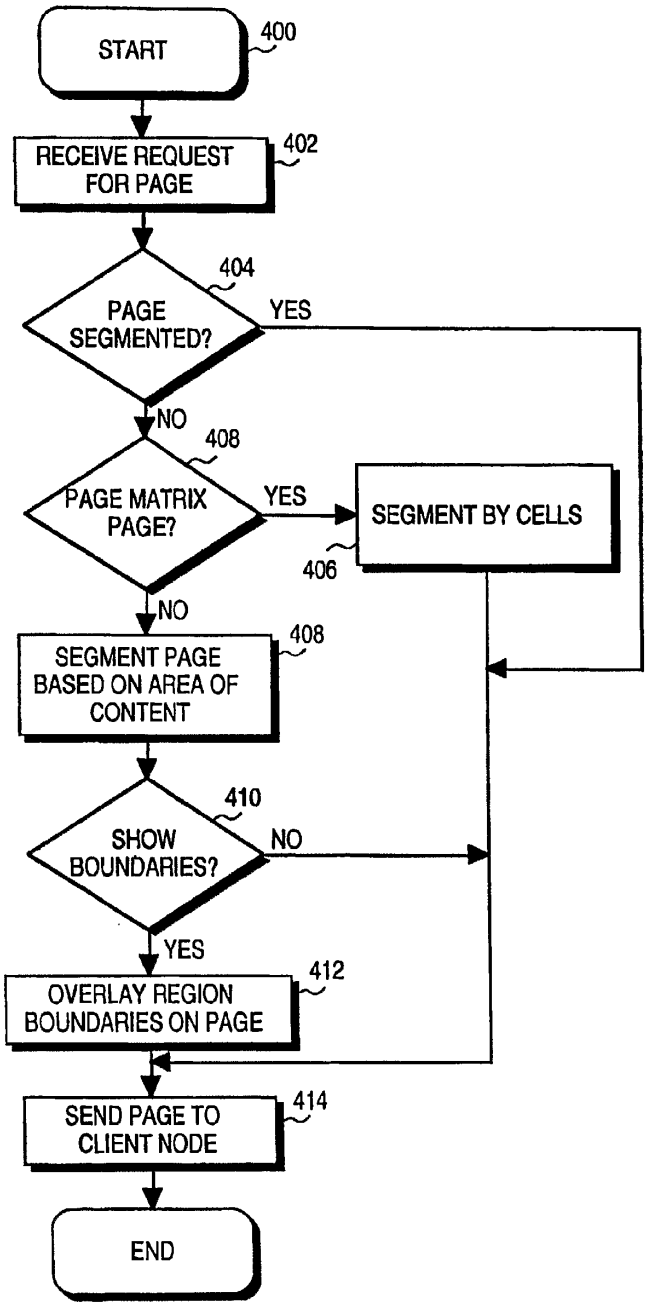

FIG. 5A

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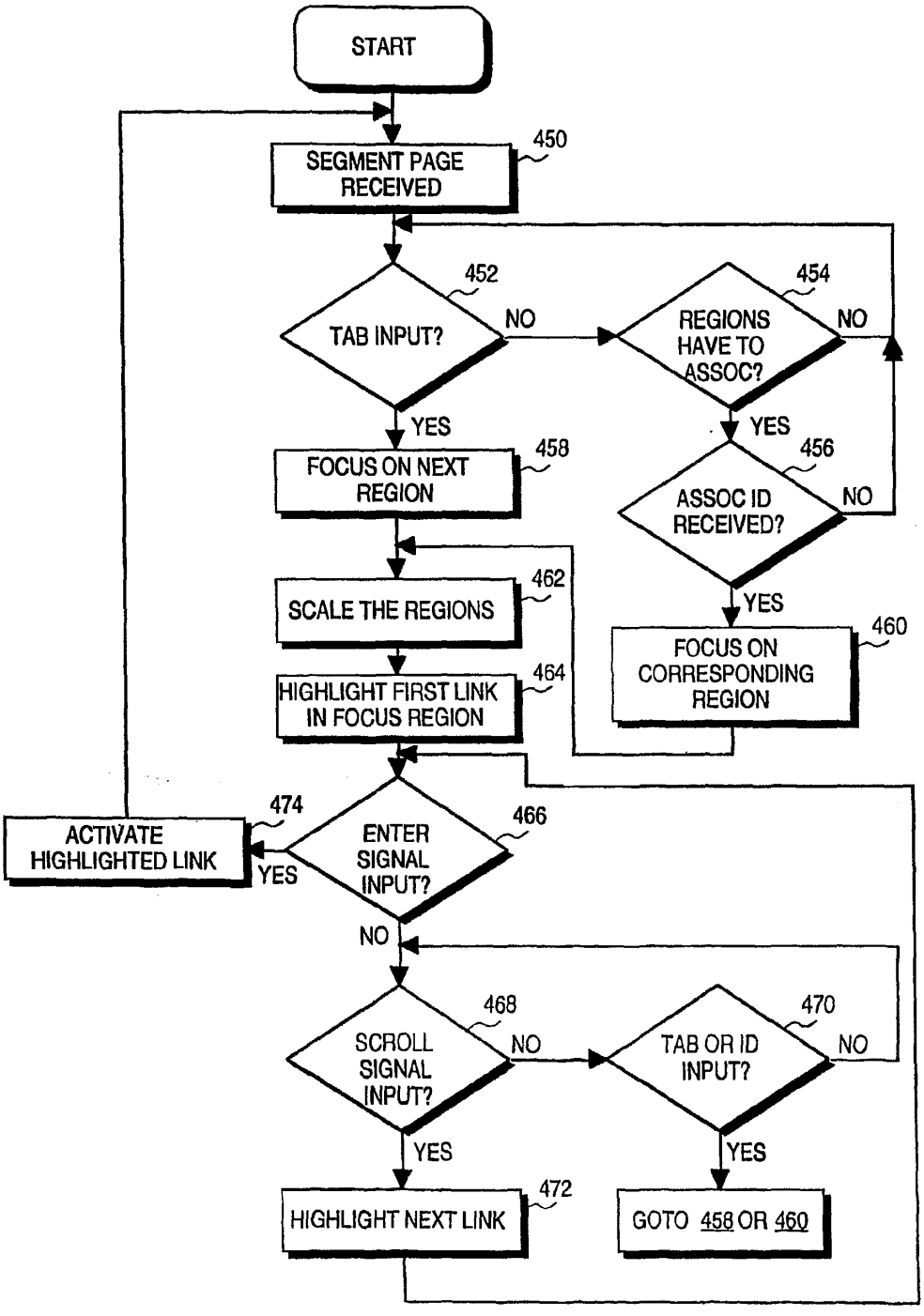

FIG. 5B

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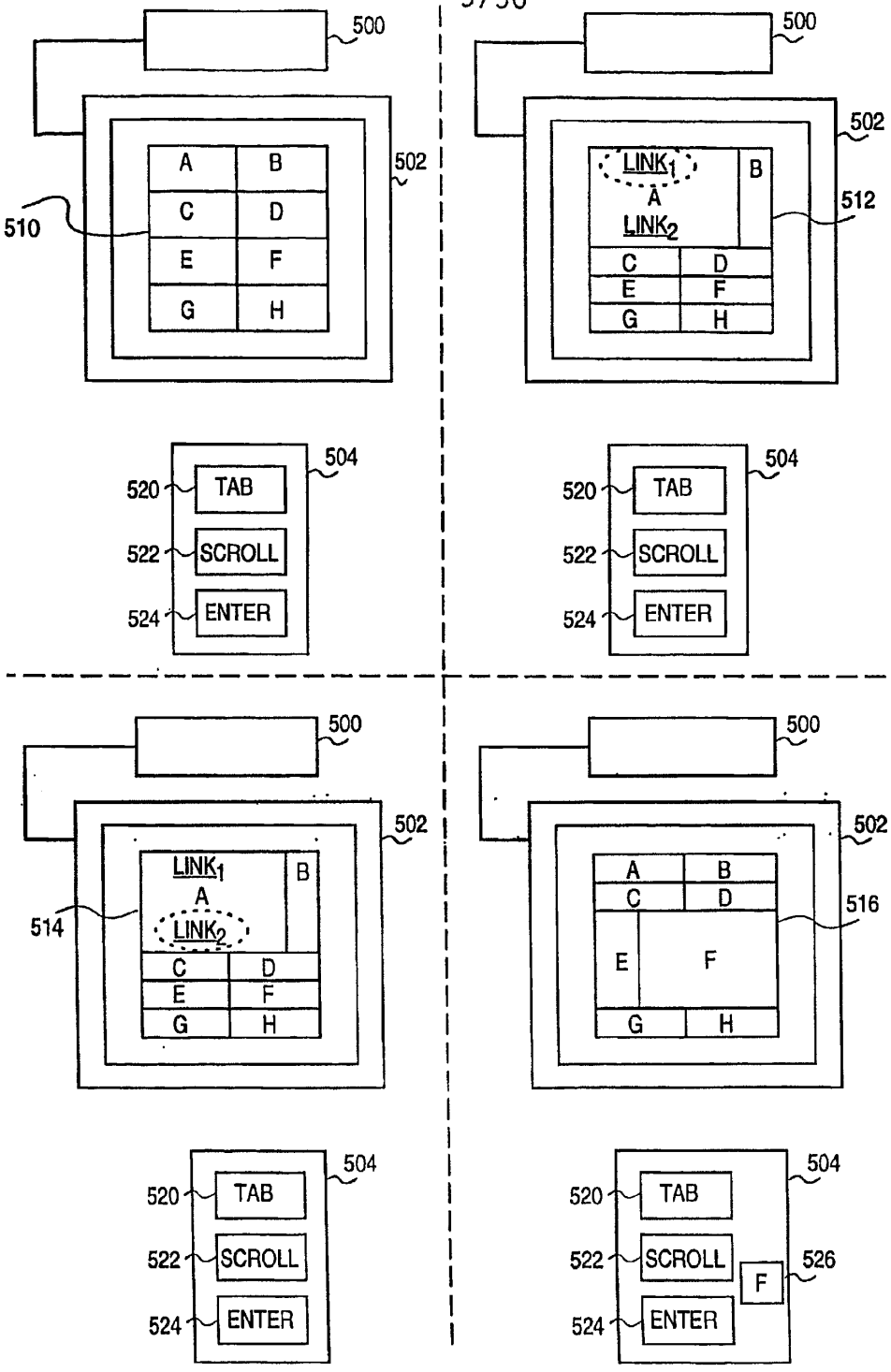

FIG. 5C

SUBSTITUTE SHEET (RULE 26)

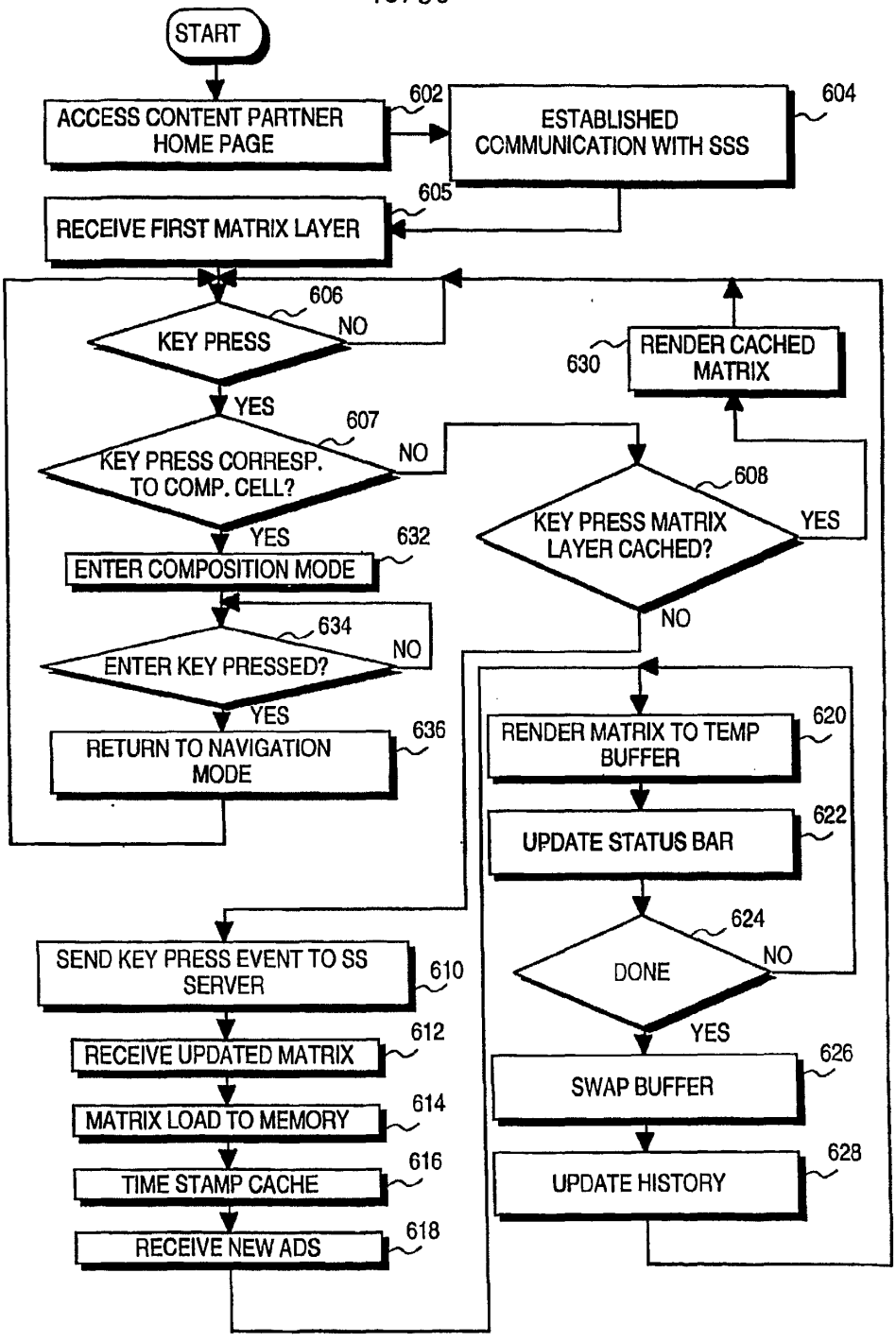

FIG. 6

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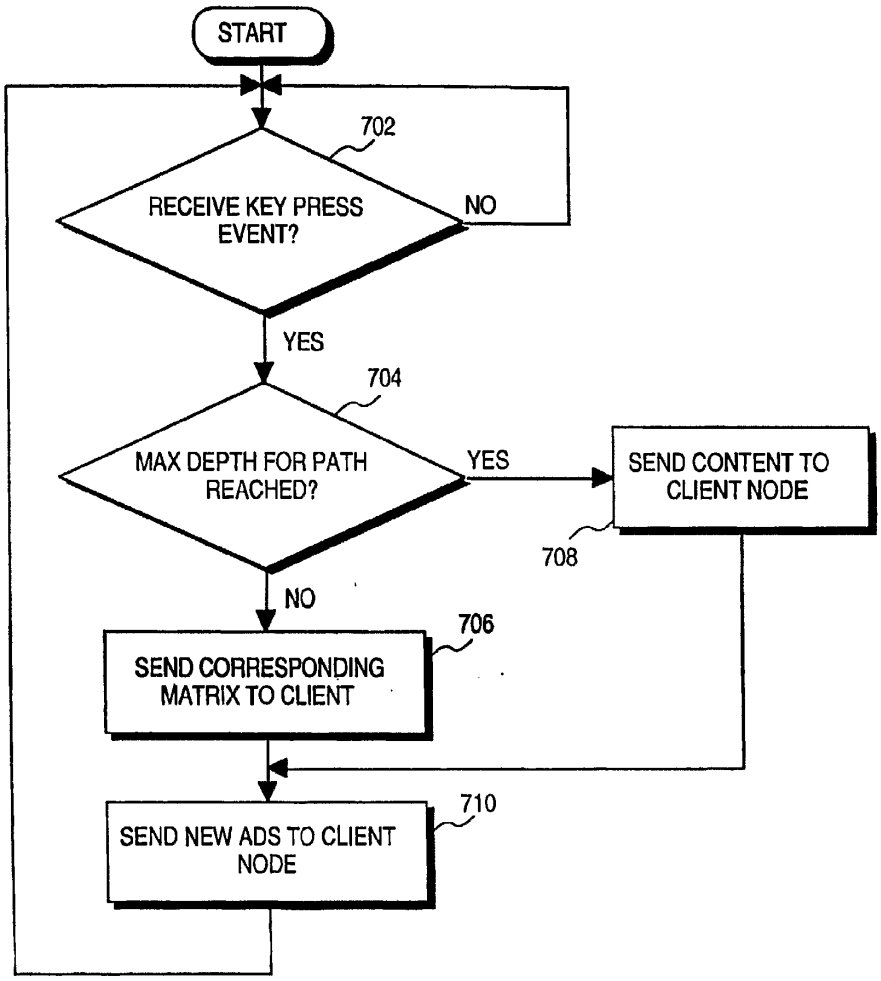

FIG. 7

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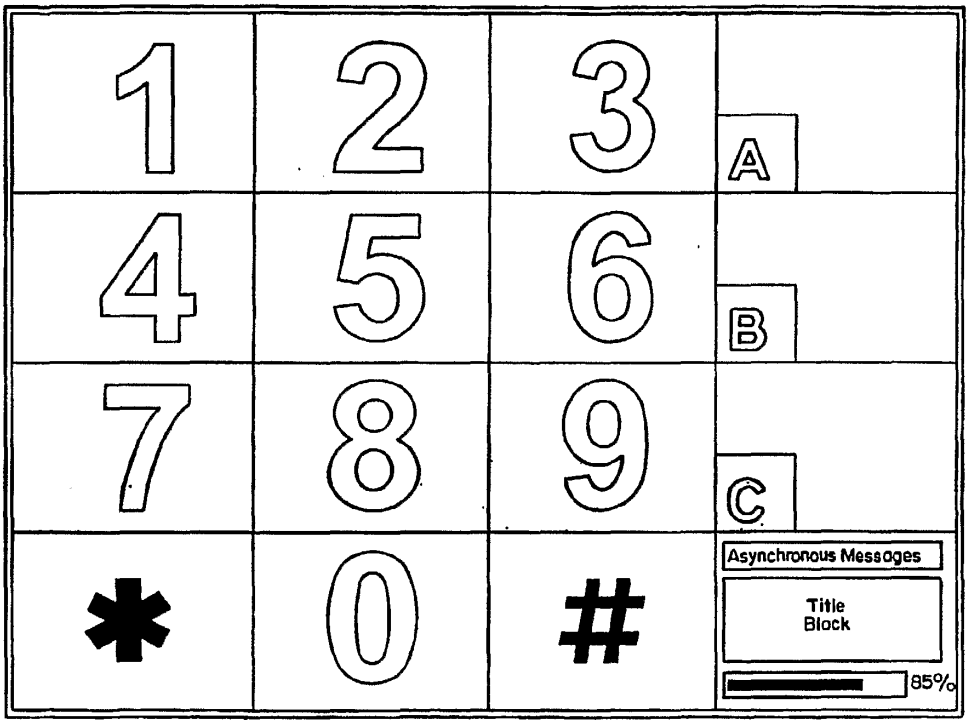

FIG. 8

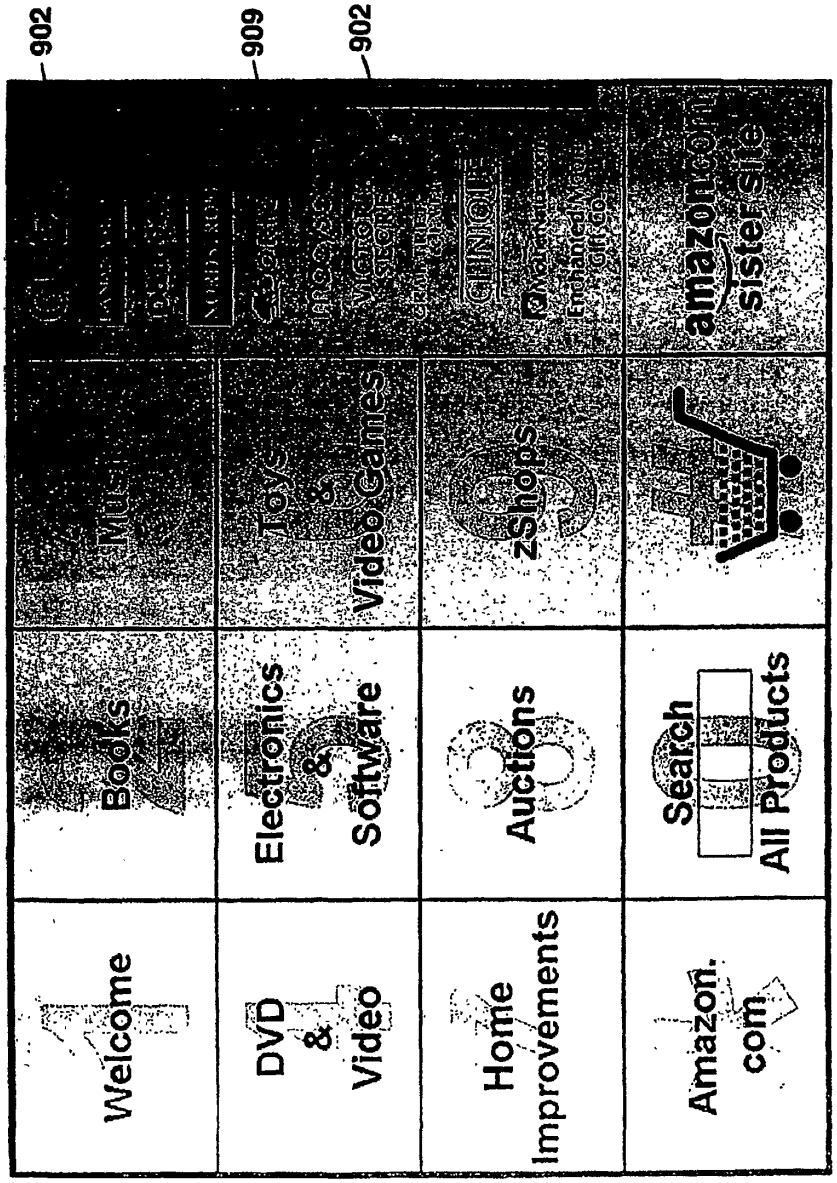
902
909
902
Welcome
Books
Toys & Video Games
zShops
amazon.com sister site
DVD & Video
Electronics & Software
Auctions
Search All Products
Home Improvements
Amazon.com

FIG. 9A

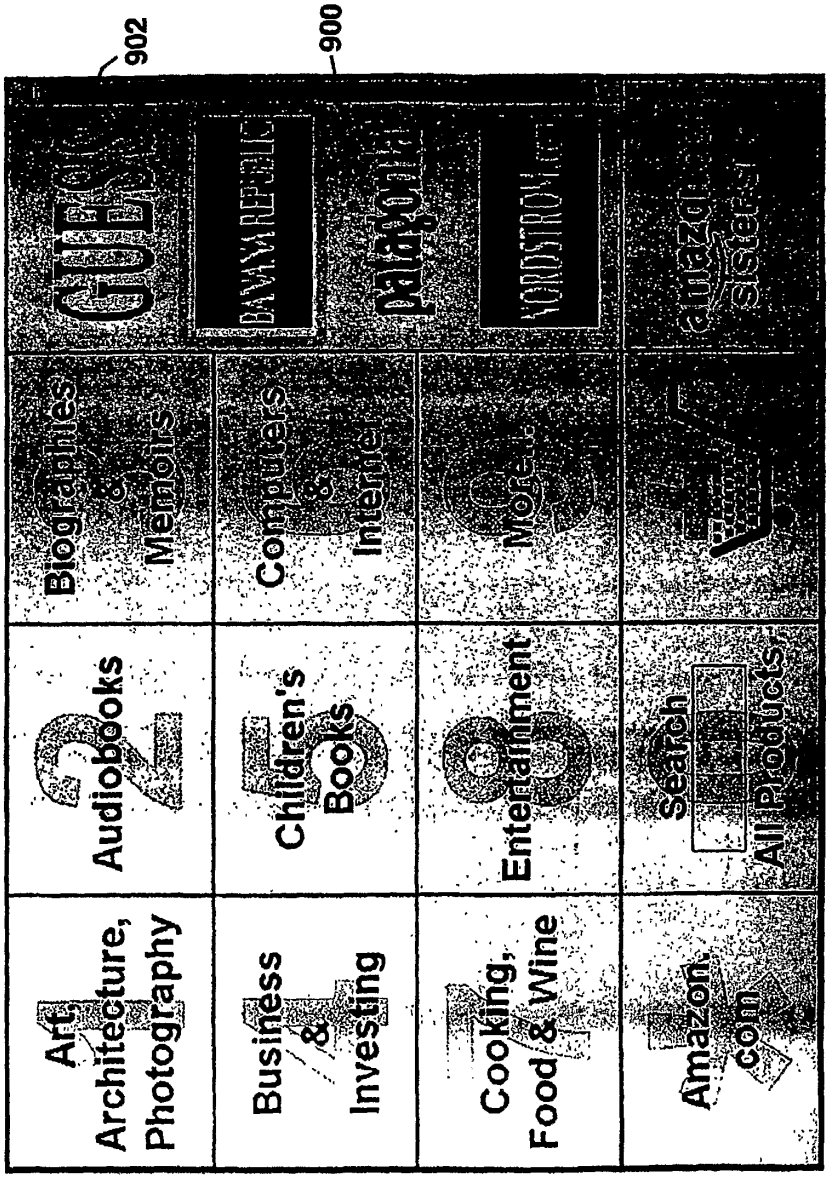
902
900
Biographies & Memoirs
Audiobooks
Computers & Internet
Children's Books
Movies
Entertainment
Search
All Products
Art, Architecture, Photography
Business & Investing
Cooking, Food & Wine
Amazon.com

FIG. 9B

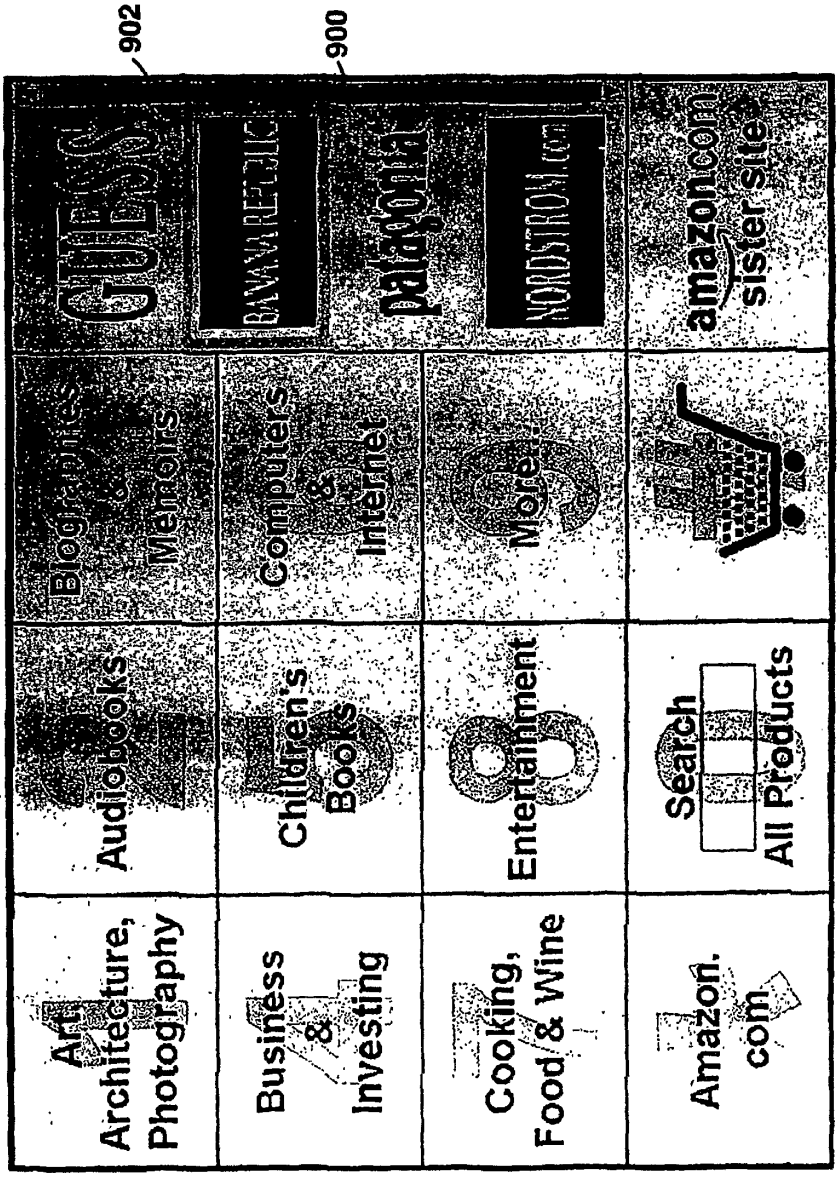
902
900
Art, Architecture, Photography
Audiobooks
Biographies & Memoirs
Business & Investing
Children's Books
Computers & Internet
Cooking, Food & Wine
Entertainment
More...
Amazon.com
Search All Products
amazon.com sister site
BARNES & NOBLE
NORDSTROM.com

FIG. 9C

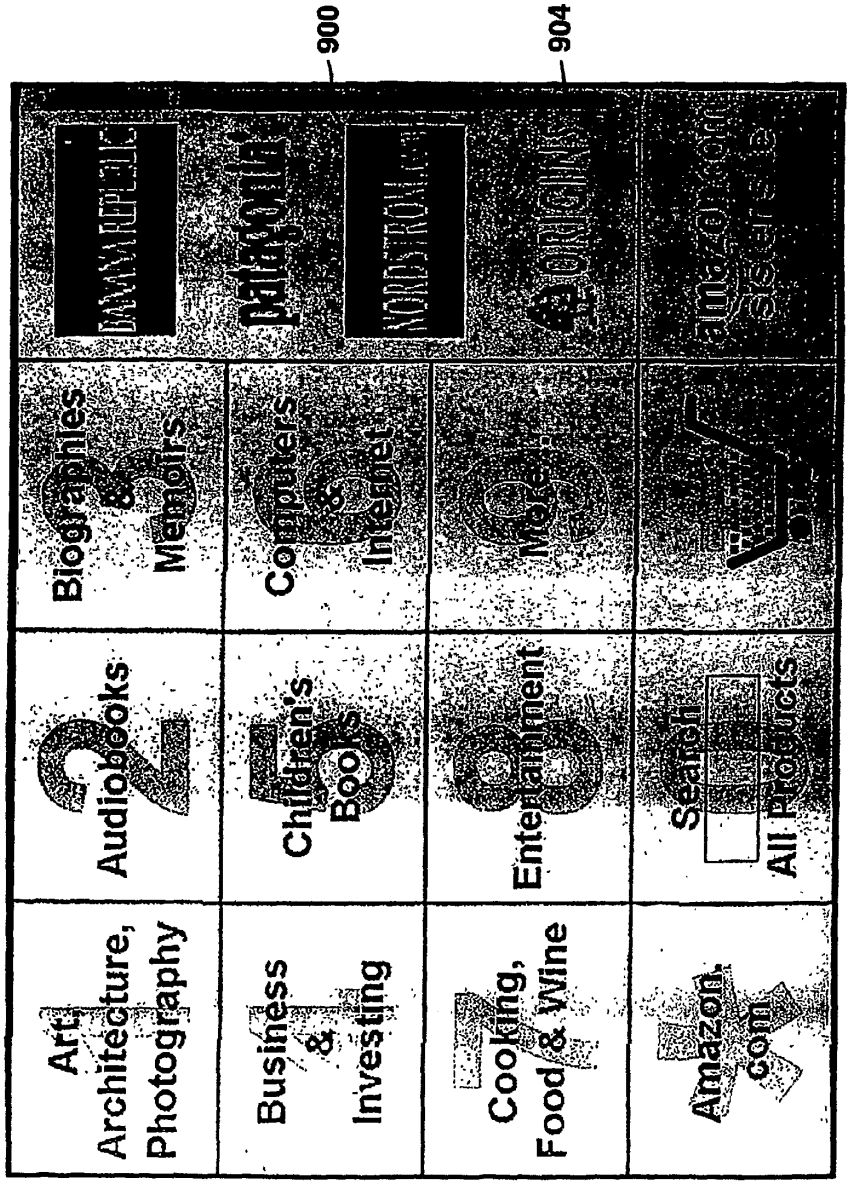
900
904
Art, Architecture, Photography
Audiobooks
Biographies & Memoirs
Business & Investing
Children's Books
Computers & Internet
Cooking, Food & Wine
Entertainment
Amazon.com
Search
All Products

FIG. 9D

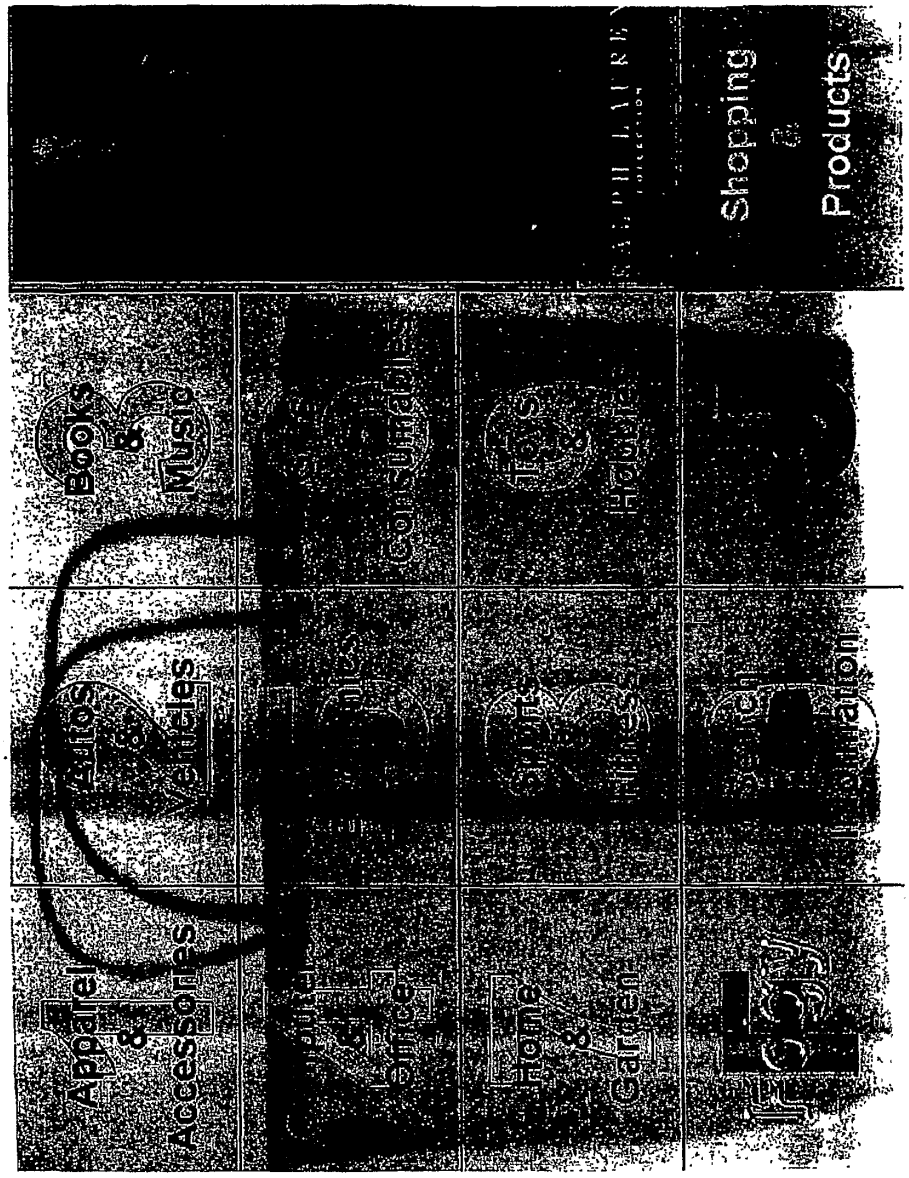

FIG. 10A

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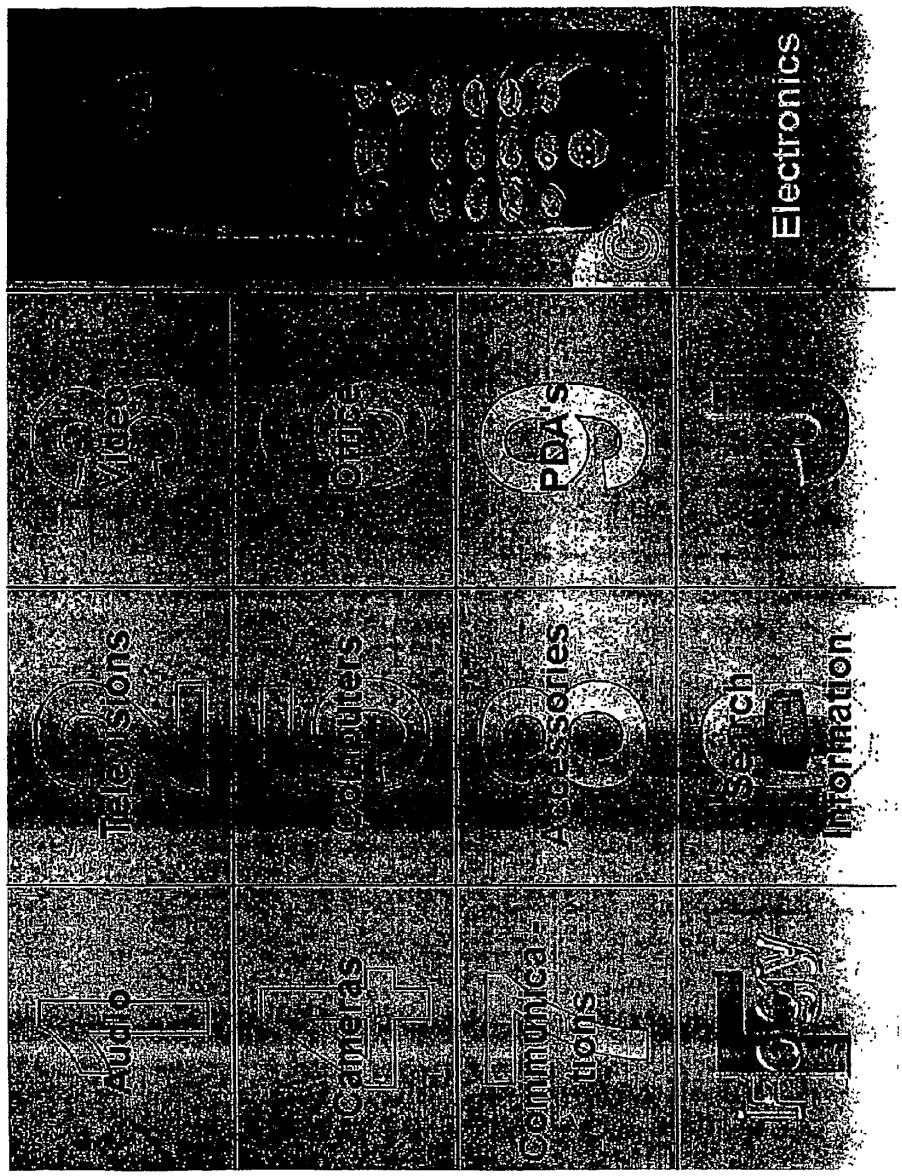

FIG. 10B

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FIG. 10C

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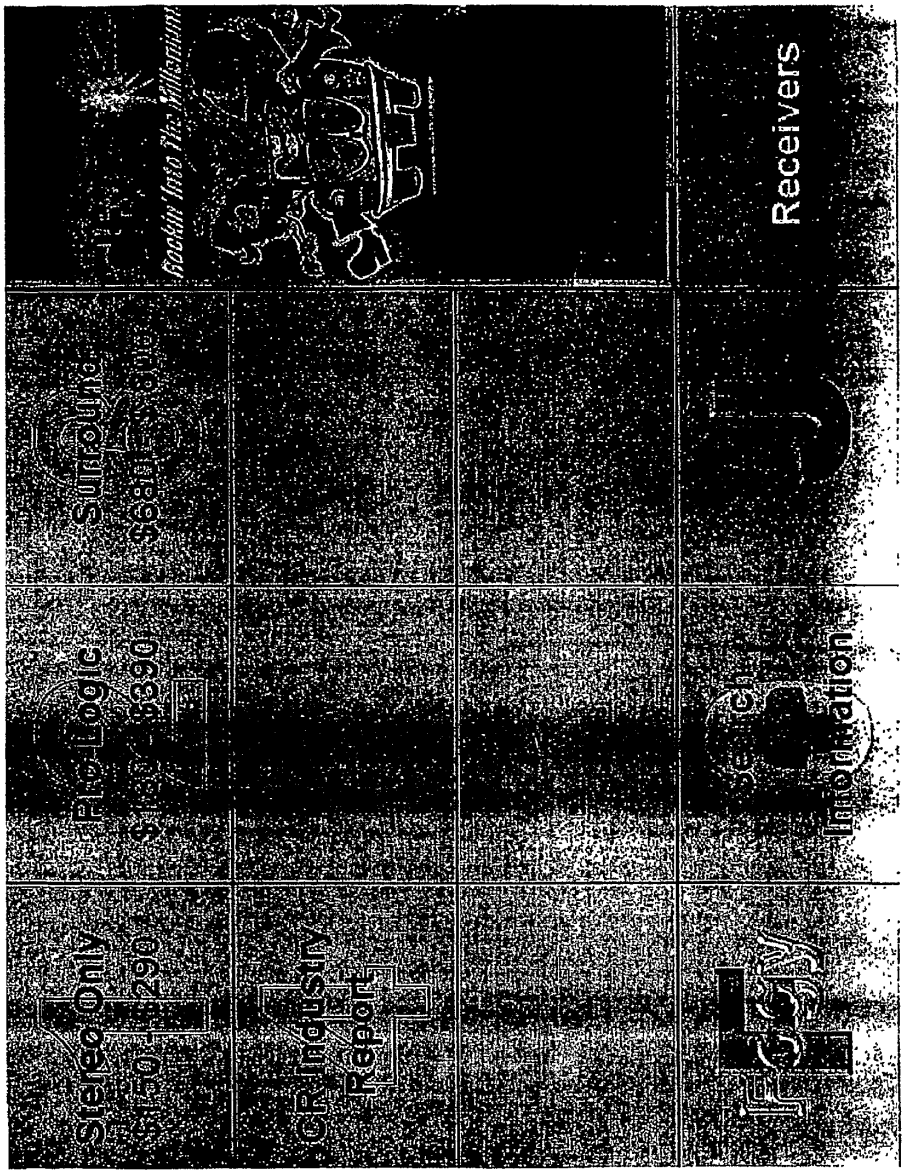
Stereo Only
Pro Logic
Surround
CR Industry Report
Receivers
Information

FIG. 10D

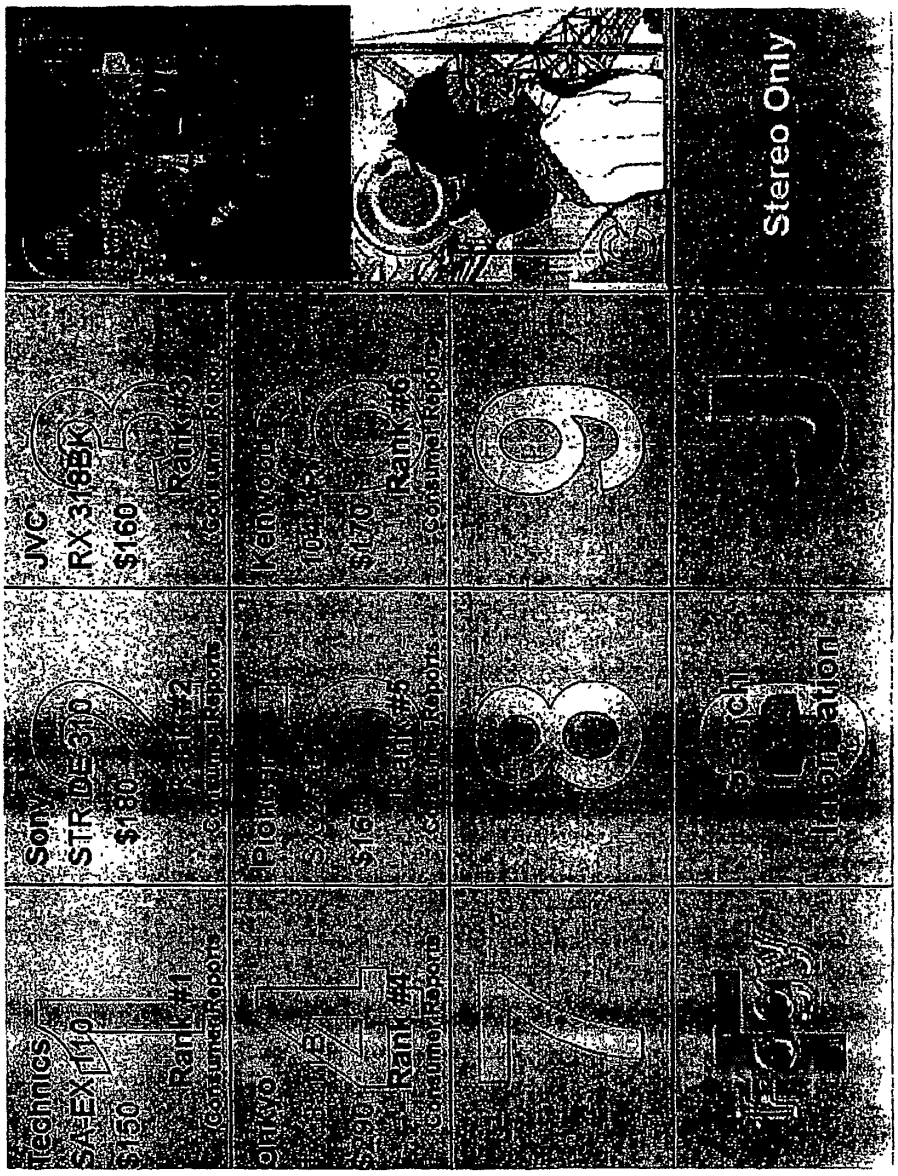

FIG. 10E

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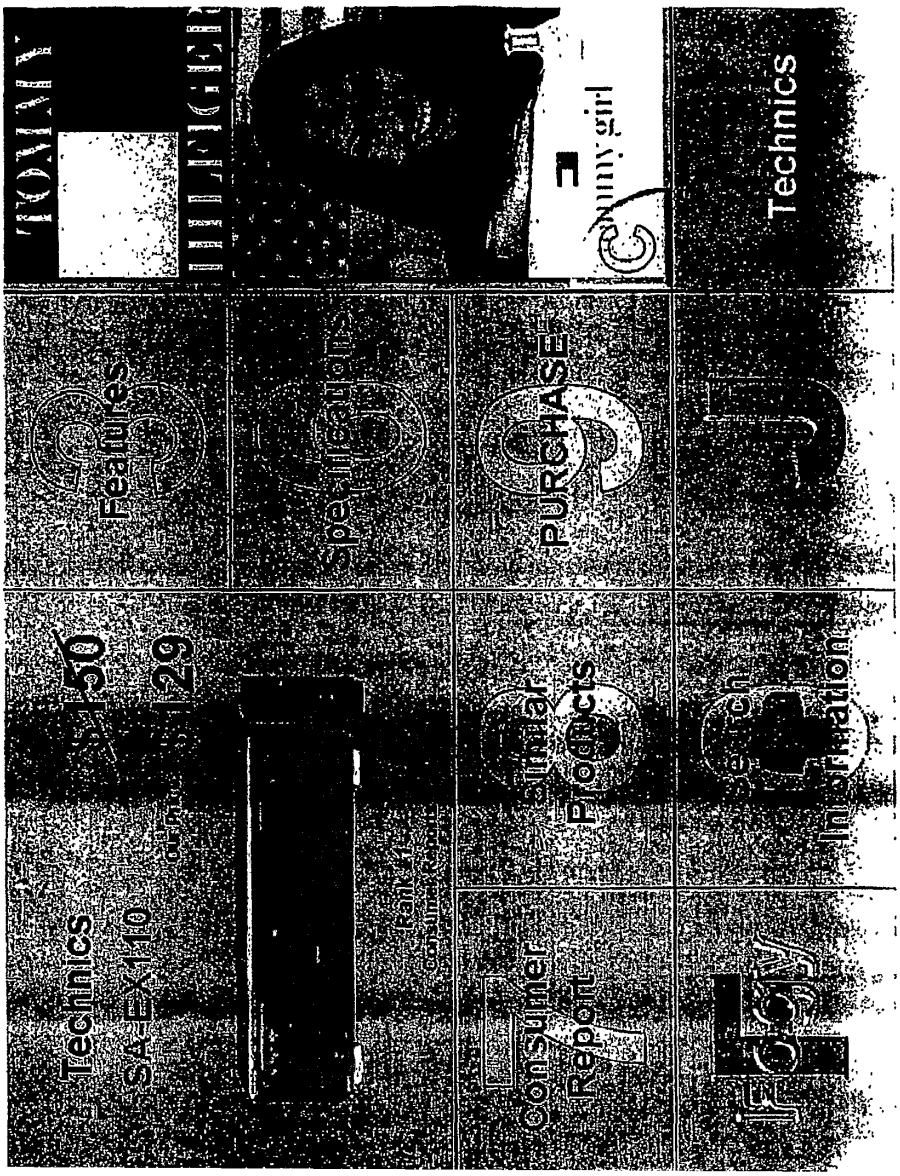

FIG. 10F

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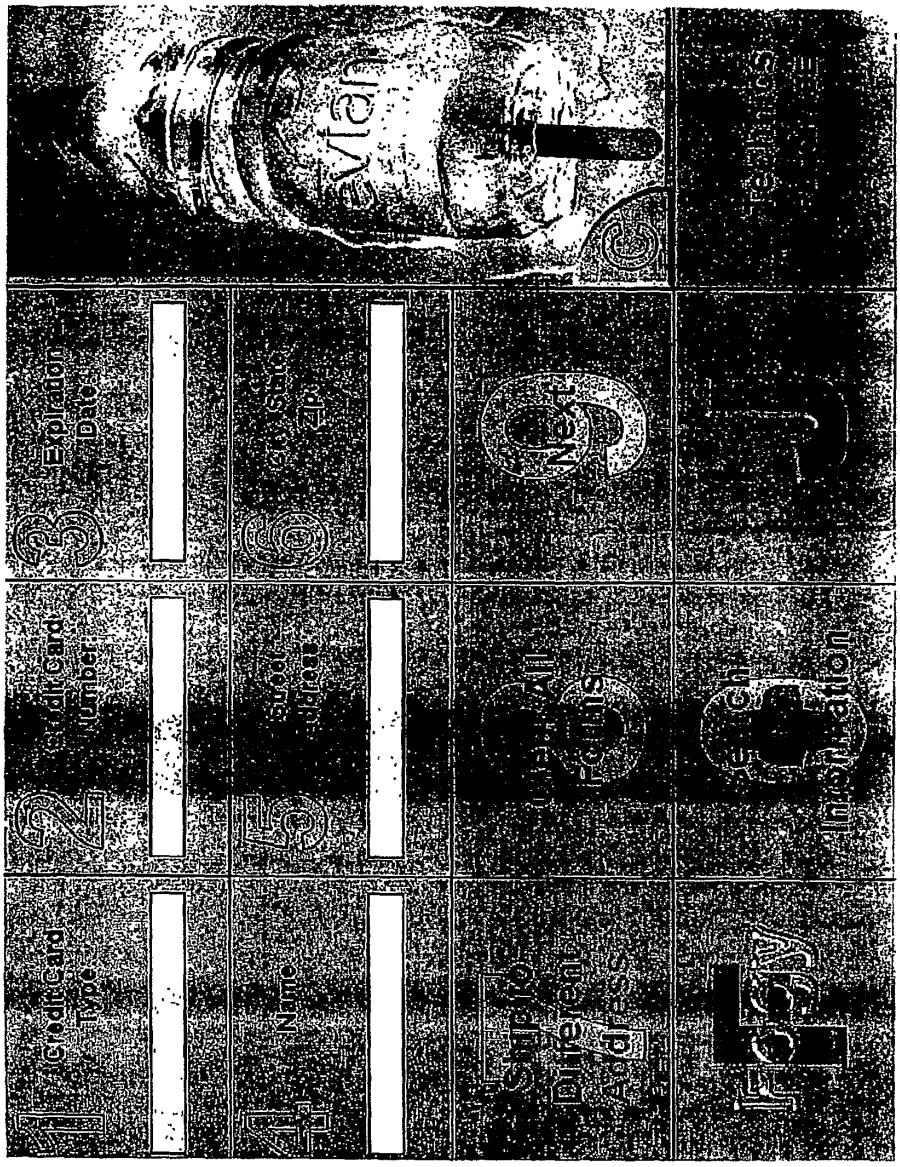

FIG. 10G

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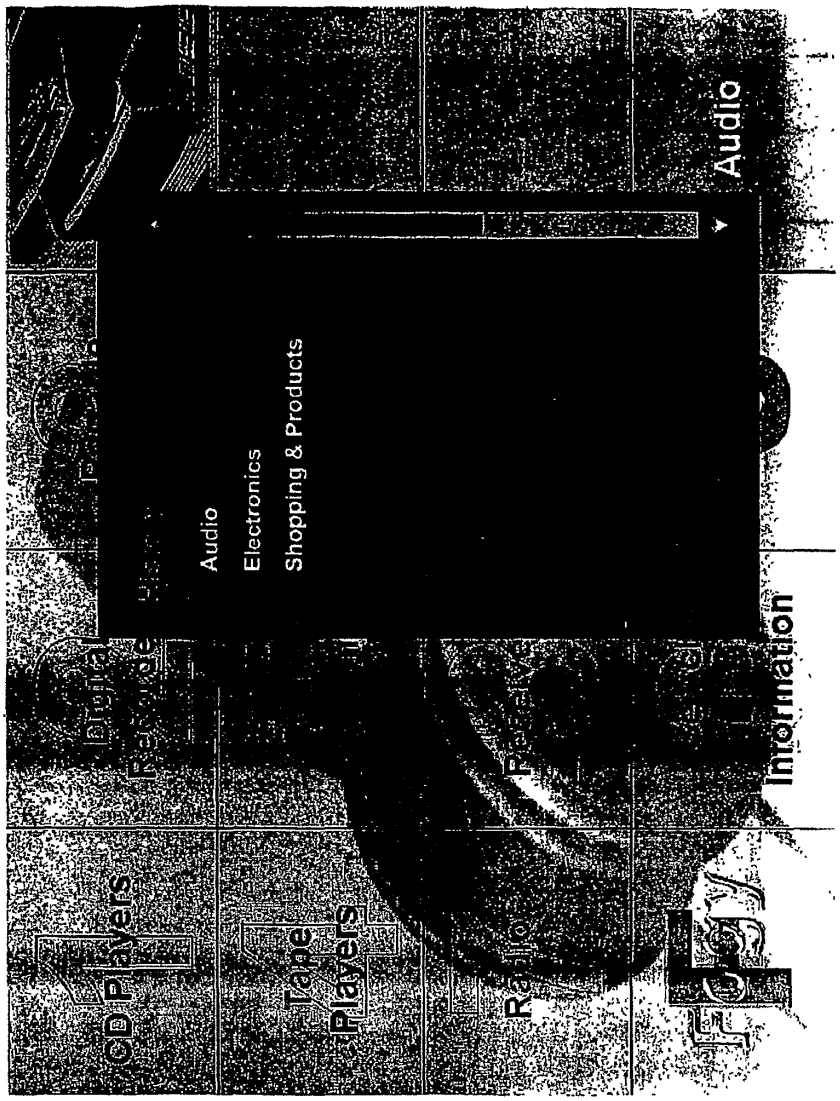

FIG. 11

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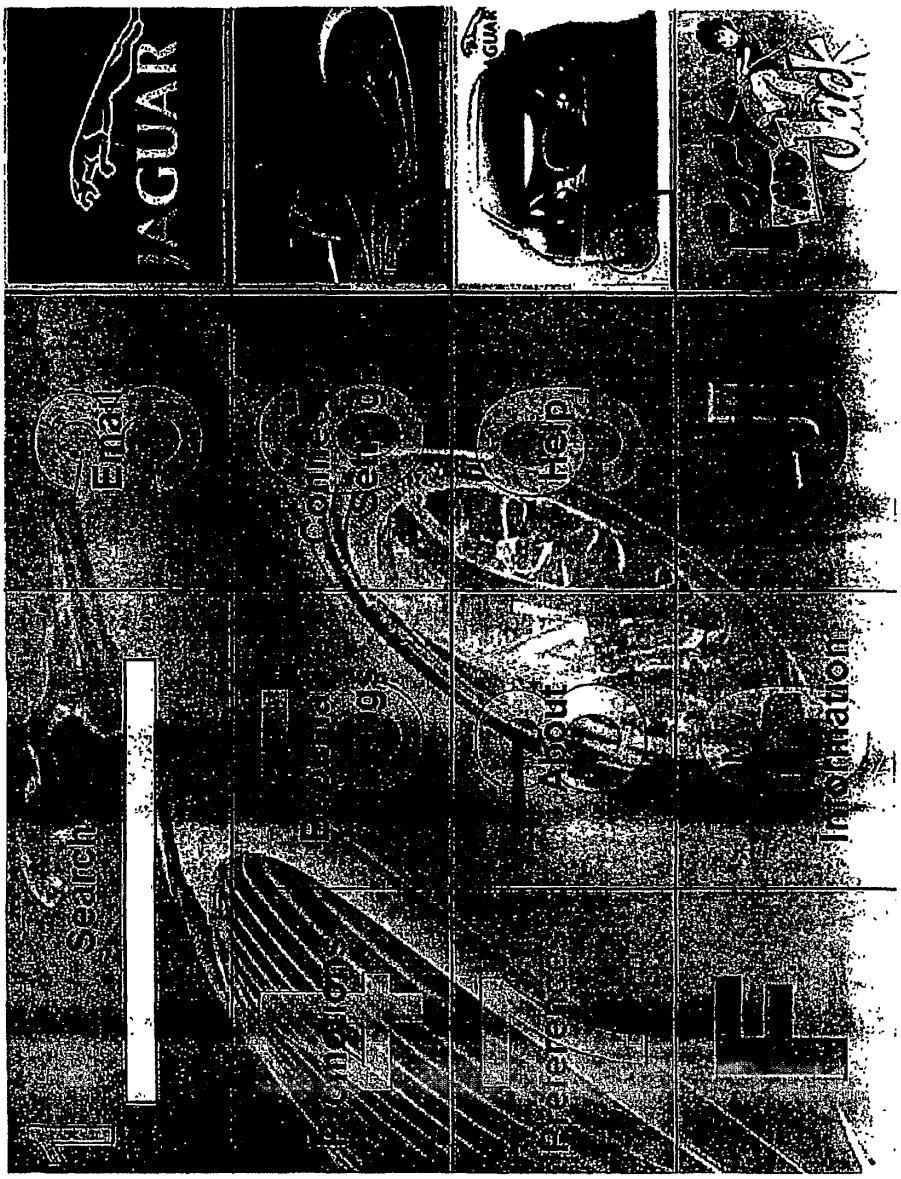

FIG. 12A

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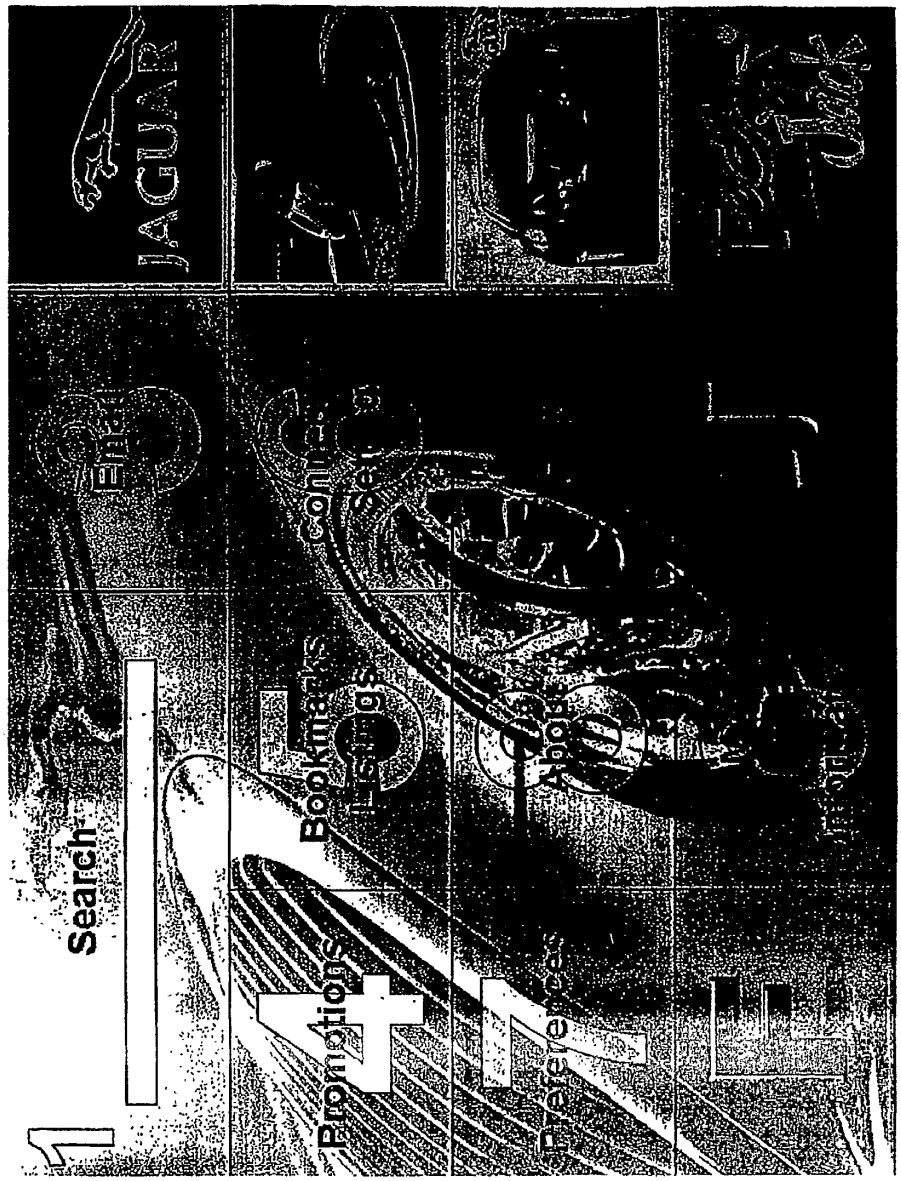

FIG. 12B

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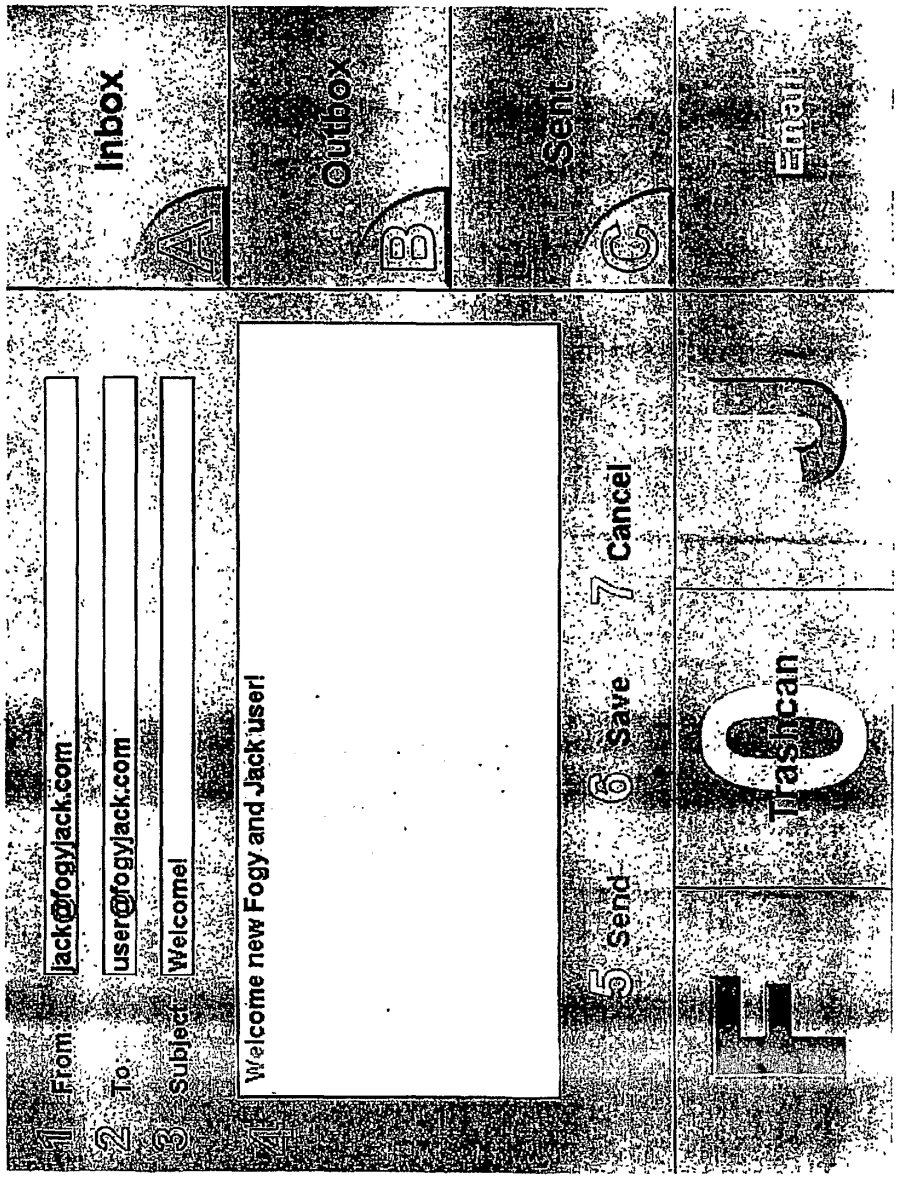

FIG. 13

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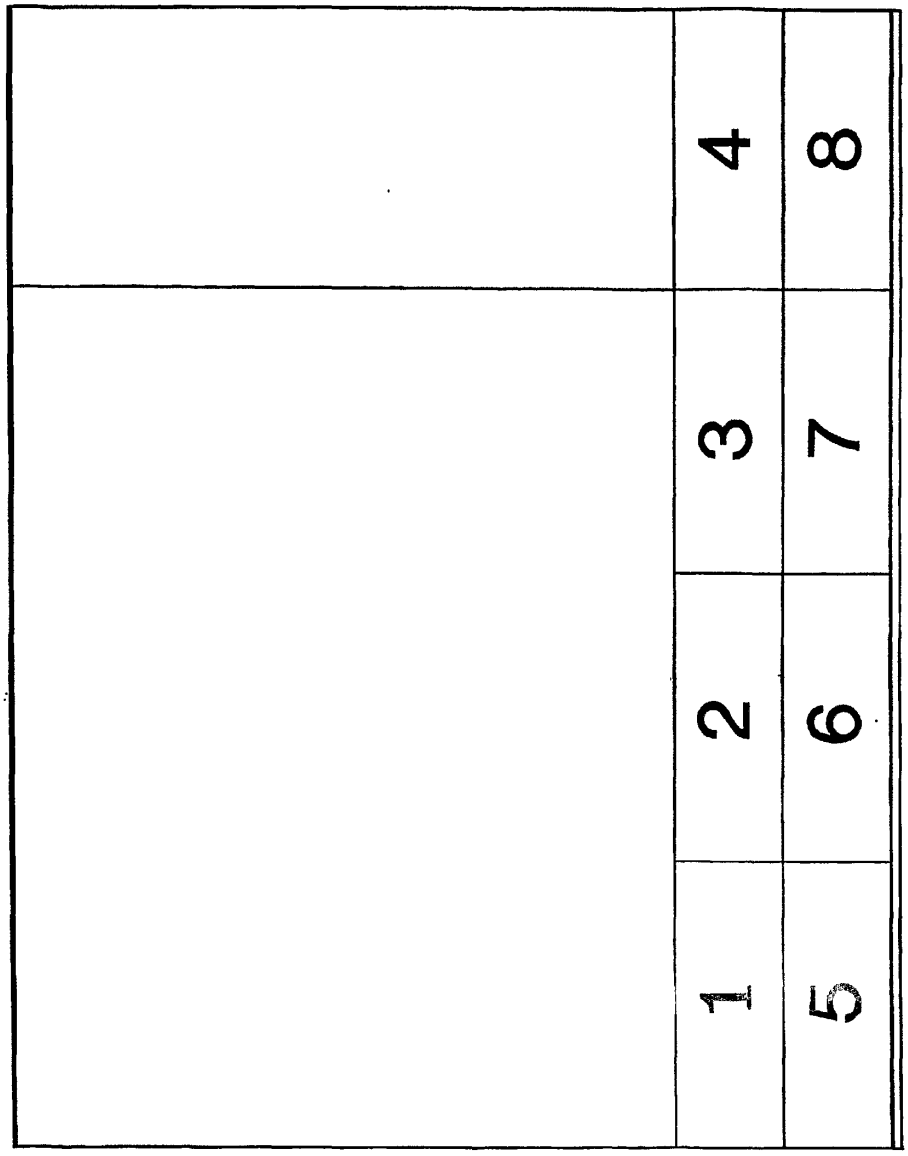

FIG. 14

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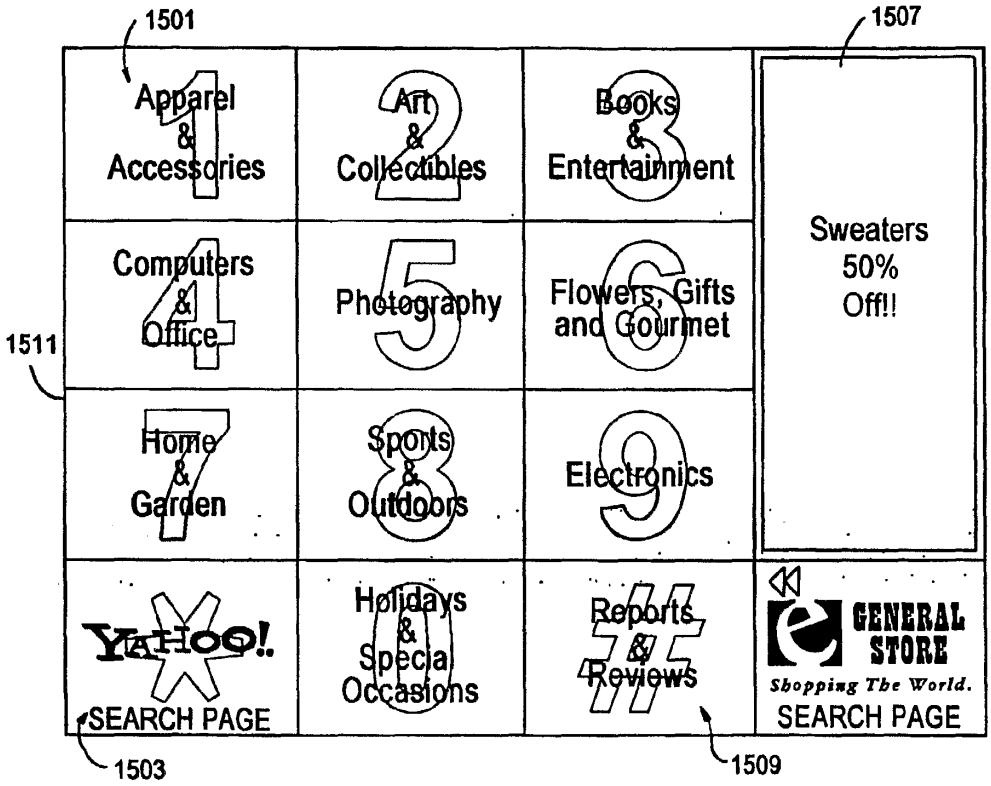

Yahoo! E-Commerce Channel

FIG. 15

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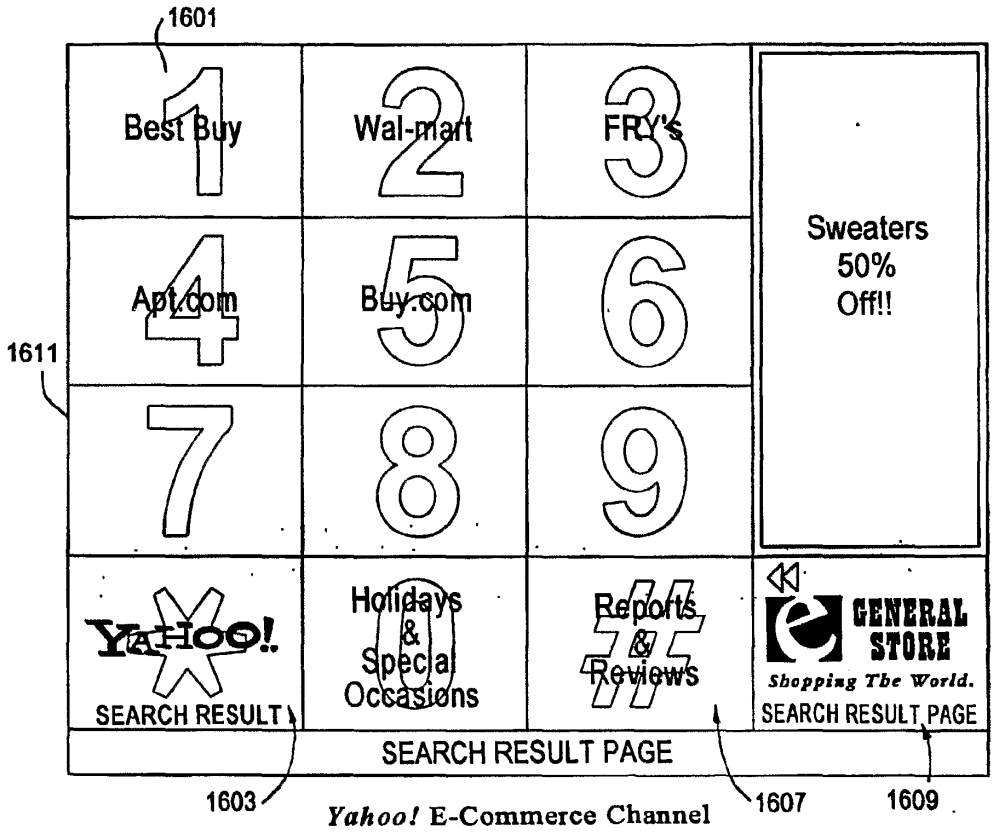

FIG. 16

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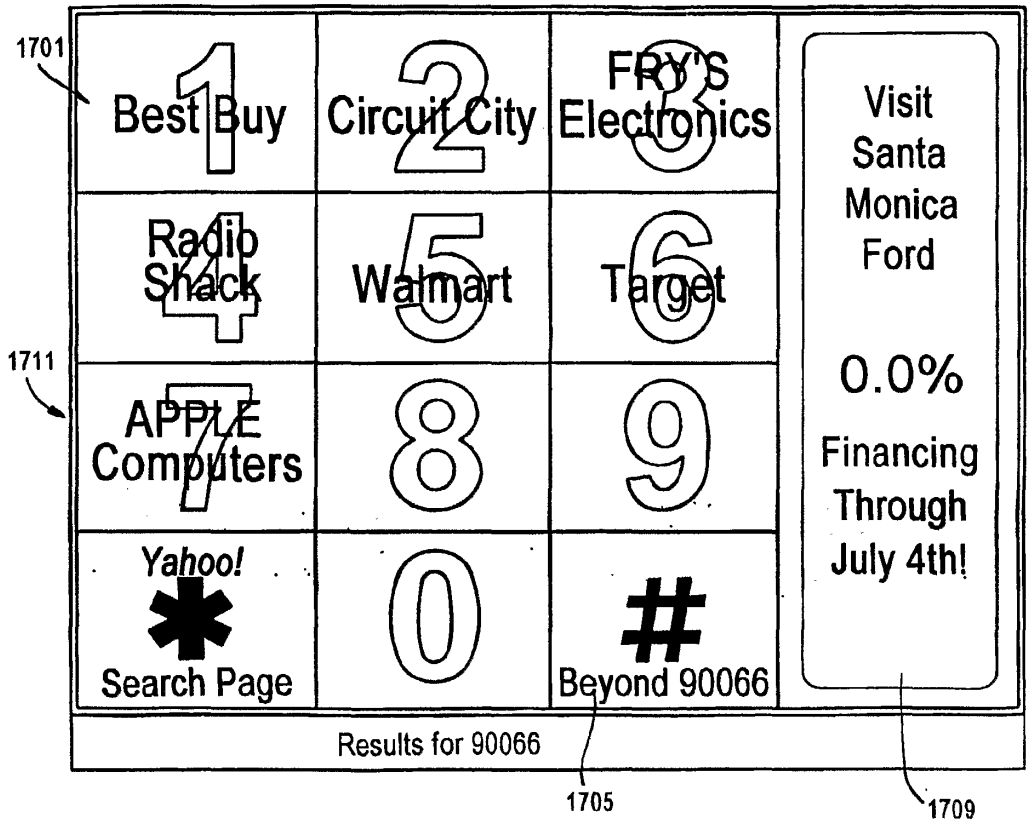

FIG. 17

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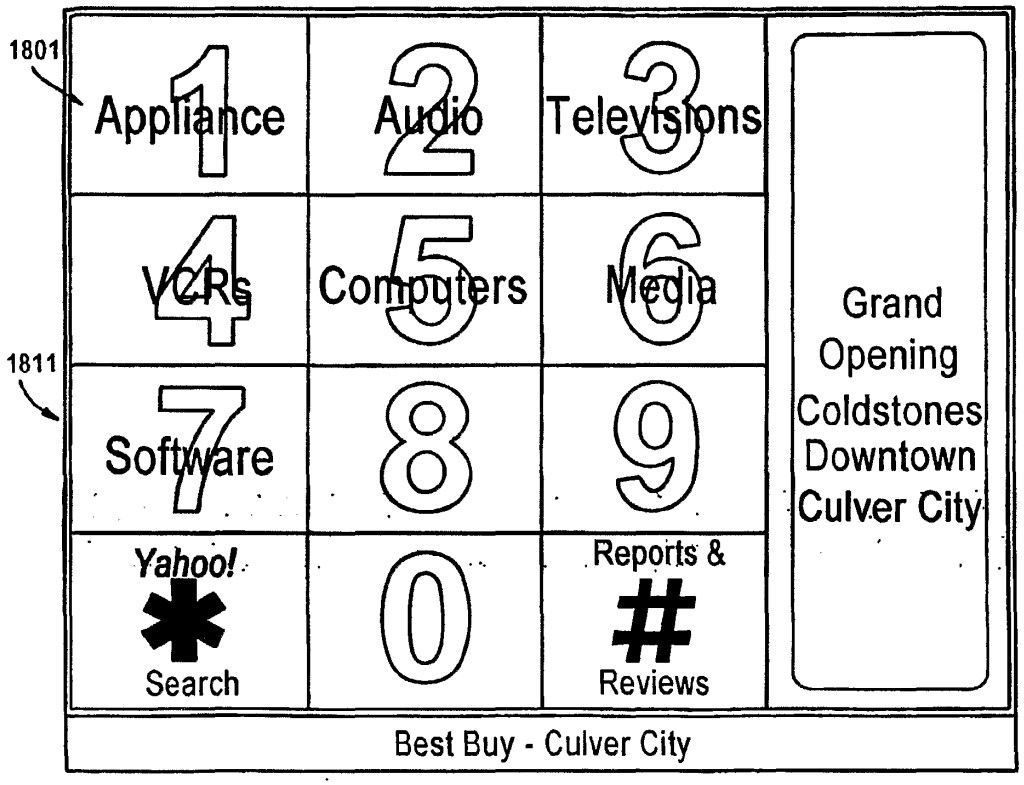
1801
1811
1 Appliance
2 Audio
3 Televisions
4 VCRs
5 Computers
6 Media
7 Software
8
9
Yahoo!
*
Search
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Reports &
#
Reviews
Grand Opening Coldstones Downtown Culver City
Best Buy - Culver City

FIG. 18

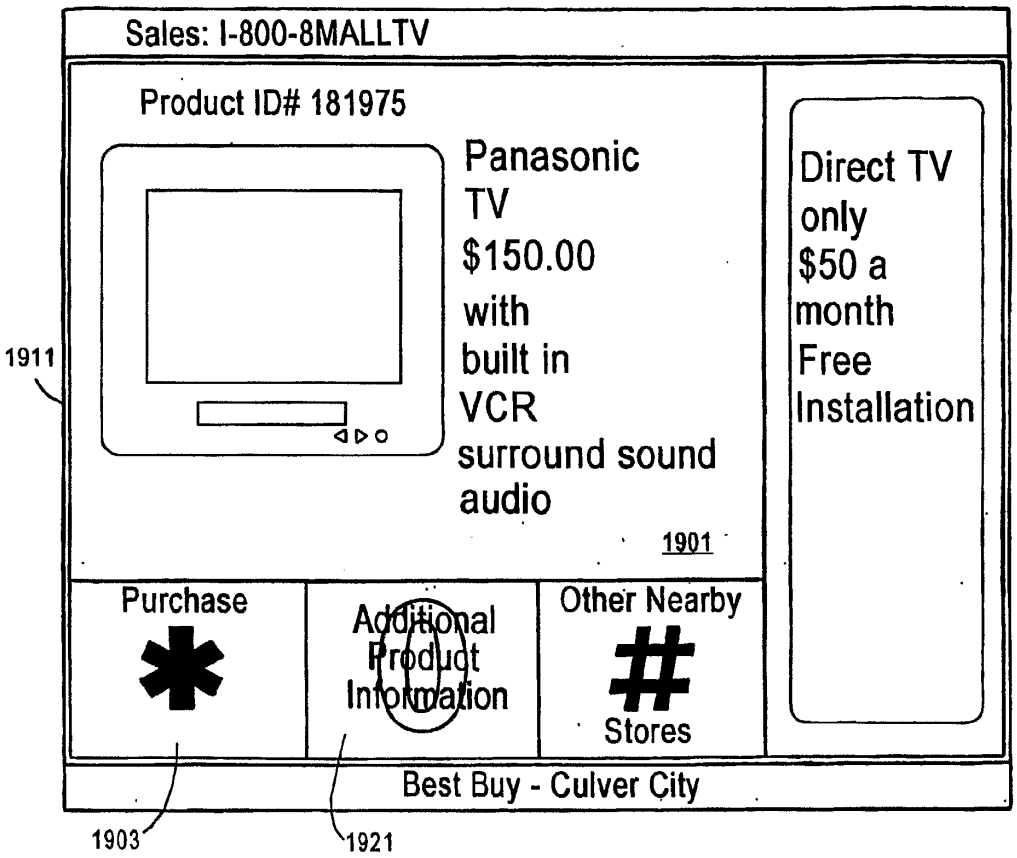

FIG. 19

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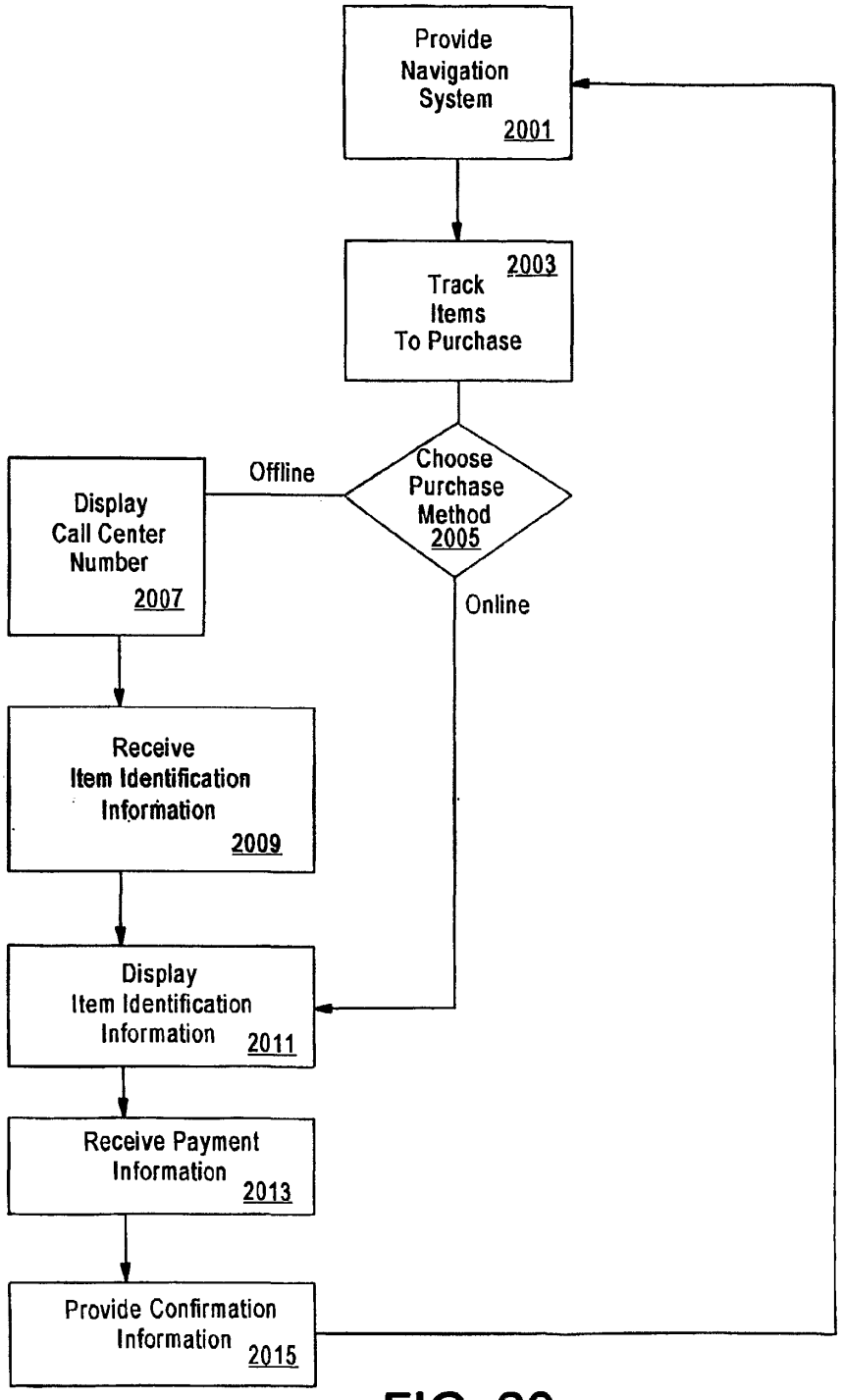

FIG. 20

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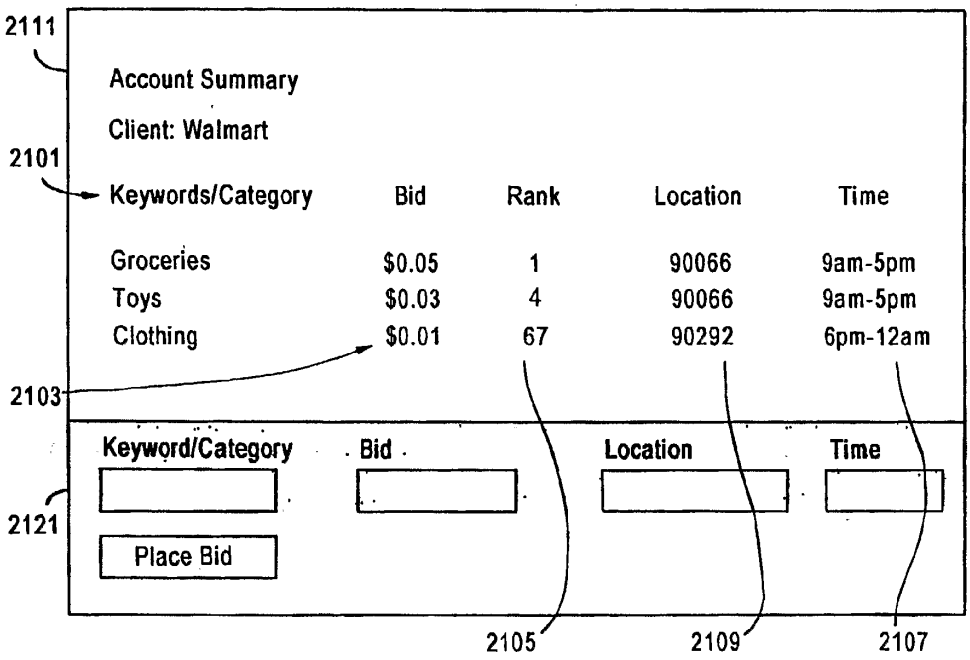

FIG. 21

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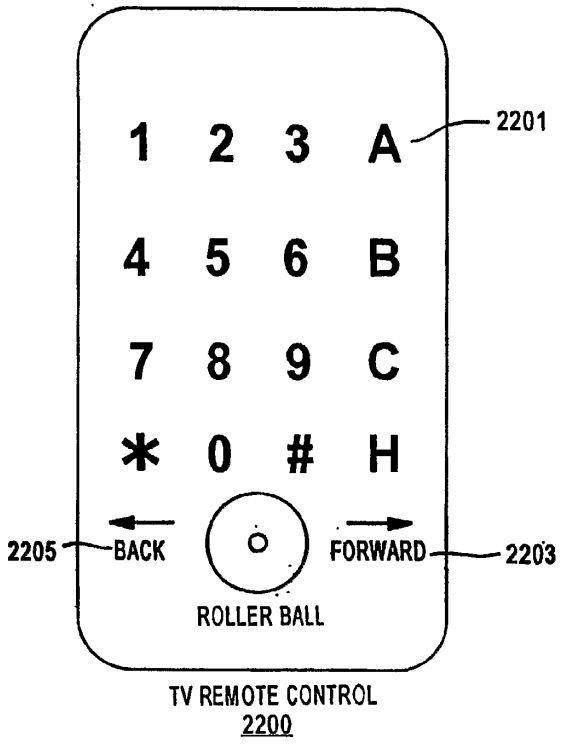

FIG. 22

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Electronic Patent Application Fee Transmittal

Application Number:	15893354
Filing Date:	09-Feb-2018
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 CON4

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($)
Miscellaneous:				
SUBMISSION- INFORMATION DISCLOSURE STMT	1806	1	240	240
		Total in USD ($)		**240**

Electronic Acknowledgement Receipt	
EFS ID:	36570818
Application Number:	15893354
International Application Number:	
Confirmation Number:	5057
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 CON4
Receipt Date:	12-JUL-2019
Filing Date:	09-FEB-2018
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Application Type:	Utility under 35 USC 111(a)

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2	Foreign Reference	WO2005-022887_Gottfurcht.pdf	2296695 10d40a05793b35ab71ebb76a3092e91ec94378a6	no	72
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3	Fee Worksheet (SB06)	fee-info.pdf	30837 3691689ca8823e0c829a338de2f948fd8be495d0	no	2
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National Stage of an International Application under 35 U.S.C. 371

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.

New International Application Filed with the USPTO as a Receiving Office

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26362 7590 10/01/2019

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EXAMINER	
SITTNER, MICHAEL J	

ART UNIT	PAPER NUMBER
3622	

NOTIFICATION DATE	DELIVERY MODE
10/01/2019	ELECTRONIC

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

Application Number: 15/893,354
Filing Date: 02/09/2018
Appellant(s): Shkedi, Roy

_____
Louis J. Hoffman, Reg. No. 38,918
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/13/2019.

(1) Grounds of Rejection to be Reviewed on Appeal

Every ground of rejection set forth in the Office action dated 10/18/2018 from which the appeal is taken is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

NEW GROUNDS OF REJECTION

(2) Response to Argument

1. Appellant's arguments filed 6/13/2019 in Appeal Brief, (hereinafter referred to as "Brief") have been fully considered but they are not persuasive as detailed below.

Appellant's arguments are split into four parts: argument I (Brief, pgs. 6-13), argument II (Brief, pgs. 13-18), argument III (Brief, pgs. 18-21), and argument IV (Brief, pgs. 21-24). Examiner addresses each of these arguments in turn, as shown below.

Regarding argument I (Brief, pgs. 6-13), Examiner notes the argument attempts to introduce an impermissibly narrow definition of the claim term "Media Property entity". As shown below, the Examiner demonstrates that Appellant's proposed narrow definition of "Media Property entity" is impermissible and unreasonable.

Appellant argues (Brief, pg. 6) the following: *"Appellant proposes that the Board construe "media property equipment" as "equipment, which is part of the computer system that controls an ad space viewed by a visitor, at least temporarily" and "media property entity" as "an entity that controls media property equipment (as defined above)." The proposed construction corresponds to what the Board already decided, in the above-referenced prior CBM[1] proceeding, which concerned a parent patent*

[1] Per Brief, pg. 1: "In CBM2017-00059, the Board denied institution of a CBM proceeding that sought to invalidate parent U.S. Patent 8,244,574, which assignee had asserted against Yahoo! Inc. (later Oath Holdings Inc.) in a now-settled litigation, which included district court cases 16-cv-01557-ILG-SMG (E.D.N.Y.) and 18-cv-943-CFC-SRF (D. Del.)."

sharing the same specification…" and (Brief, pg. 8): *"…putting aside for the moment the extensive discussion in the above quotation of reasons, examples, or variations, the specification proffers this basic definition: "a media property (in the present context) can also be defined as any equipment that controls an ad space viewed by a visitor." That definition forms the core of appellant's proposed claim construction… On line 23 of page 8, the specification similarly refers to "a media property (if acting as a profile owner) .... " Those page 8 citations indicate that the specification uses the term "media property" in some contexts to refer to an "owner" (entity), whereas the above quotation on page 5 of the specification uses the term "media property" in the context of "equipment." To avoid confusion, appellant crafted the claims to distinguish between "media property entity" and "media property equipment." Which of the two is being referenced at various points in the specification is clear from context…"*

Respectfully, the Examiner finds that Appellant's proposed narrow definition of "Media Property entity" is unreasonable for the following reasons:

First, the Examiner notes that, as acknowledged by the Appellant himself in the citations provided *supra*, "Media Property entity", although recited in the preliminary amendment (filed 2/9/2018), was not actually recited in the original claims nor is it a term actually explicitly recited anywhere in either the non-provisional specification nor in the provisional[2] specification. Therefore, the Examiner must interpret this new term as broadly as reasonably possible in view of the Specification. Similarly, the term "Media Property equipment" is not actually a term recited in any of the original claims, the non-provisional specification, or in the provisional specification. Instead, as noted *supra* by Appellant himself, these two ideas ("Media Property entity" and "Media Property equipment") are conflated in the specification into a single term called "Media Property" – i.e. at various portions of the specification, the term "Media property" is used to refer to the idea of an "owner" (entity) and at other portions the specification uses "Media property" to refer to the idea of "equipment", but also, as shown below, the specification also uses "Media property" to refer to "ad space" as well as other alternatives.

Therefore, the Examiner finds that Appellant's proposed definition of "Media Property entity" is predicated upon an unreasonably narrow reading of select portions of his specification (none of which

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[2] *provisional application Serial No. 60/805,114, filed June 19, 2006*

actually explicitly uses either the term "Media Property equipment" or "Media Property entity") in an attempt to carve out a definition of his new term "Media Property entity" to overcome the prior art of record. Furthermore, the Examiner does not find the Board decision of a case of a completely different application (i.e. Appellant's referenced prior CBM proceeding) to be informative regarding interpretation of the instant claims as the referenced Board decision is in regards to a separate application with a different set of claims the interpretation of which turn on a completely different set of facts compared to the interpretation of the instant claims.

Second, Appellant's narrow definition of "Media Property entity" as an "entity" who *controls equipment which is part of the computer system that controls an ad space viewed by a visitor, at least temporarily* is unreasonable in view of the breadth of teachings in Appellant's own Specification. The Appellant's narrow definition implies the term "Media Property" cannot be an "ad space" because the proposed narrow definition draws a distinction between *equipment* and *ad space*. However, the Specification is not so limited and the context of the claims themselves do not warrant such a narrow definition.

For example, as alluded to *supra,* the non-provisional specification[3] teaches many uses of the term "Media Property" which are alternatives to Appellant's narrow characterization of "Media Property" and the non-provisional specification teaches explicitly that "Media Property" may also include "ad space" itself – i.e. *"…a media property (in the present context) can also be defined as … any ad space for which an entity is allowed to sell an advertisement and deliver it within the ad 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…"* Therefore, it is unreasonable for Appellant to narrowly define "Media Property entity" in a way which only relates to "equipment" but excludes "ad space" when the claims do not require such exclusion and the Specification itself includes "ad space" within the breadth and scope of the definition of "Media Property". Therefore, "Media Property" may indeed include "ad space" and by extension, "Media Property entity" is not limited to Appellant's proposed narrow definition of *"an entity that controls media property equipment (as defined above)."*

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[3] Per non-provisional specification as filed (pg. 5, lines 8-11)

In view of these findings regarding “Media Property”, Appellant’s proposed narrow definition of his new term “Media Property entity” is unreasonable. Appellant’s argument for his narrow interpretation of “Media Property entity” is predicated upon a contrived term “Media property equipment” which he argues is inferred from various context of the term “Media Property” which, as noted *supra*, he implies should be narrowly defined as *"equipment, which is part of the computer system that controls an ad space viewed by a visitor, at least temporarily"*. However, as shown *supra*, the Specification clearly teaches that “Media Property” may also be the “ad space” itself and therefore a “Media Property entity” need not be limited to Appellant’s proposed definition of *"an entity that controls media property equipment (as defined above)."* For at least these reasons, the Appellant’s argument for his narrow definition of “Media Property entity” is not convincing.

Lastly, the Examiner notes that the Office’s interpretation[4] of this new term “Media Property entity” is reasonable and conforms to the Broadest Reasonable Interpretation standard which requires interpretation of the claim term as broadly as reasonably possible in view of the specification. To this end, the Examiner has already noted the basis for the Examiner’s interpretation per the Provisional[5] Specification (pg. 5) which teaches the following: *“This definition of a media property will therefore include… 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…”* – i.e. per Appellant’s own argument[6] provided *supra*, the context of the specification here appears to use “Media Property” in context to refer to an “entity”; hence, the new term

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[4] Interview Summary, mailed 2/19/2019: “…Examiner pointed out that the definition supplied by counsel regarding "media property entity" is too narrow in view of the Applicant's own specification as already pointed out in the Final Office Action (pg. 4) where Examiner pointed out that Provisional Specification (60/805, 114) at pg. 5 provides the following definition: " ... This definition of a media property will therefore include ... 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."

[5] *provisional application Serial No. 60/805,114, filed June 19, 2006, pg. 5*

[6] Brief, pg. 8: Appellant notes *“…the specification uses the term "media property" in some contexts to refer to an "owner" (entity), whereas the above quotation on page 5 of the specification uses the term "media property" in the context of "equipment." To avoid confusion, appellant crafted the claims to distinguish between "media property entity" and "media property equipment." Which of the two is being referenced at various points in the specification is clear from context…”*

"Media Property entity" may be interpreted in view of this portion of the specification as: "*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…"* For at least these reasons, the Appellant's argument I is not convincing.

Regarding Appellant's argument II (Brief, pgs. 13-18), Appellant's essential argument (Brief, pg. 14) regarding the teachings of the prior art of Jaschke, is as follows: *"…Arguably at least, one might characterize the selected advertiser as a "media property entity" after the broker selects that advertiser, because, at that time, the selected advertiser may be given the right to control the ad space and to place the advertiser's ad in the ad space. But the same cannot be said for the advertisers whose bids are not accepted. Thus, Jaschke does not teach selection among media property entities, thus, Jaschke does not teach the claim element of "automatically select[ing] a media property entity of a plurality of media property entities.""*

Respectfully, this argument is not convincing because it is predicated upon Appellant's unreasonably narrow interpretation of "Media Property entity" as noted *supra – i.e.* Appellant's argument is that an entity must be presently "control[ing]" *equipment* to be considered a "Media Property entity" and Jaschke's advertiser does not "control" *equipment* [which controls ad space] until after the broker selects the advertiser and therefore Jaschke's advertiser can't be a "Media Property entity". However, this narrow definition of "Media Property entity" proposed by the Appellant has already been found to be unreasonable, as already noted *supra*. Furthermore, the added requirement here by the Appellant that the "Media Property entity" also be limited to entities presently controlling equipment is likewise unreasonable. The Examiner does not find that this new term "Media Property entity" should be so limited. Nothing in the claims requires this narrow interpretation and the specification appears to take a much broader view of entities which could conceivably be considered a "Media Property entity" (remembering that the original disclosure doesn't even use this term "Media Property entity"). Instead, the Examiner finds that the term "Media Property entity" should not be limited to only entities presently controlling equipment or ad space. Nowhere within the original disclosure (claims, specification, drawings) does the Appellant require an entity to be so limited. Instead, the examiner finds that "Media Property

entity" should be broadly interpreted to include at least entities who may be given such control of ad space and this is a reasonable interpretation in view of Appellant's own specification.

For example, per Appellant's provisional specification (pg. 5), the Appellant teaches the following: *"Therefore, in a media property's definition of an entity that controls an ad space viewed by a visitor, a specific ad space on a page might be controlled by the entity only temporarily as in the example of the web site that did not sell all the ad impressions available to be delivered within an ad space on a page and therefore makes the unsold ad space available to the ad network to fill and the ad network has temporary control of the ad space when that ad space is given to it by the site."*

This teaching appears to indicate that an "entity" does not stop being an "entity" only when it "controls" ad space. To the contrary, the entity is still an entity even though the entity controls ad space for short durations and/or passes control to a different entity. It appears one entity may pass control of ad space to another entity, as per the example, but this doesn't mean the entity stops being an entity when it passes control of ad space. Therefore, the Examiner finds the Appellant's proposed narrow definition unreasonable and therefore the Examiner also finds his argument unconvincing.

Furthermore, as already noted supra, Examiner's interpretation of "Media Property entity" is reasonable in view of Appellant's own specification and Kublickis in view of Jaschke teaches the full limitation in question as shown in the Final Rejection, pgs. 8-10.

For at least these reasons, Appellant's Argument II is not convincing and the rejections should be sustained.

Regarding Appellant's argument III (Brief, pgs. 18-21) the Appellant first argues (Brief, pgs. 18-19) that *"The hypothesized combination does not disclose the element in part (c), facilitating delivery of an ad when the visitor later appears on a website…"* Respectfully, the Examiner notes that this argument is not convincing for three reasons:

First, the Appellant is not arguing the actual language of the limitation as recited in the claim – i.e. part (c) does not recite *"facilitating delivery of an ad when the visitor later appears on a website".*

Second, the Examiner has not relied upon a combination of references to teach the limitation recited under part (c) of the claims. Instead, the Examiner has relied upon only the teachings of Kublickis. The teachings of Jaschke are only relied upon to teach the elements of part (b)(i) of the claims.

Third, Kublicks indeed teaches the feature of part (c) in question (Final Rejection, pgs. 7-8): Kublickis, see at least [0436]. Kublickis' "cookie" [tag], is accessible [readable] by the "third-party content provider", and is used to "…exploit to customize webpage content and any embedded advertising, and to target offers and merchandise, which becomes progressively more relevant to the consumer member…"; therefore, Kublickis not only teaches the language of the limitation in question but also teaches Appellant's desired interpretation – i.e. *facilitating delivery of an ad when the consumer user [visitor] later visits another webpage within the website [later appears on a website]*. Note that, e.g. per Kublickis at [0292]-[0295], Kublickis' cookie is associated with the consumer member's device as it is saved to the device and retrieved from the device by the custom browser and it is the information retrieved by use of this cookie that is used to select and deliver targeted advertising to the consumer member.

Appellant next (Brief, pg.18 last paragraph –pg. 20) provides a limited summary of the grounds of rejection relied upon by the Office in teaching parts (b)(i) and part (c) of the claims; this summary obfuscates the actual grounds of rejection presented by the Office. Furthermore, the summary is interspersed with statements of what Appellant believes Kublickis does and doesn't teach but Appellant fails to actually argue his recited claim elements and how the recited features are distinguished from the teachings of Kublickis upon which the Office has relied for the basis of the grounds of rejeciton. Appellant then concludes (Brief, pgs. 20-21) the following: *"In contrast, appellant's disclosed technique generally involves providing desired profile data to a media property entity at the time profile data is collected, which media property entity is selected based on stored requests from multiple media property entities, with the hope that the selected media property entity 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."*

Respectfully, these arguments and assertions are not convincing because Appellant's claims simply do not recite: "*providing desired profile data to a media property entity at the time profile data is collected, etc…*" The Appellant is not arguing actual limitations from his claims. Appellant's arguments actually fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims

define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references provided to the Appellant.

For these reasons, the Appellant's argument III is not convincing and the rejection should be sustained.

Regarding Appellant's argument IV (Brief, pgs. 21-24) the Appellant argues (Brief, pgs. 21-22): *"The hypothesized combination is not well-motivated… it does not make logical sense that an ordinary artisan would have modified Kublickis to utilize Jaschke's technique. 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 or media property among others (even assuming arguendo that Jaschke disclosed such)…"* – underline added by Examiner for emphasis. Respectfully, herein lies the crux of Appellant's argument – the Appellant is asserting that his claims recite *selecting a media property*. However, the claims do not recite such a feature. Instead, the claims recite features regarding: *"…automatically select a media property entity…";* Media Property entity is distinct from Media Property. Because Appellant is not arguing limitations from the claims, the argument is simply not convincing. Furthermore, the Examiner has shown *supra* that Appellant's "Media Property entity" indeed reads on Jaschke's advertiser because Jaschke's advertiser(s) conform to at least the aforementioned definition from Appellant's own specification[7] – i.e. Jaschke's Advertisers are *"…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…"*. Finally, the Examiner has shown that Jaschke's techniques are applicable to the known base device and method of Kublickis (Final Rejection, pg. 10) – i.e. the Examiner understands that *automatically selecting an advertiser [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 descriptions [stored requests] from the advertisers [plurality of media property entities], one of which may be an entity controlling the computer system, each description [stored request] being for requested profiles or kinds of profiles, which*

[7] The Provisional Specification 60/805,114 at pg. 5

plurality of stored requests includes the profile or kind of profiles requested by the entity controlling the computer system 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 via the technique 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 G06030/02) 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.

For at least these reasons, the Appellant's assertions and arguments are not convincing and the rejections should be maintained.

For the above reasons, it is believed that the rejections should be sustained.

/Michael J Sittner/

Primary Examiner, Art Unit 3622

Conferees:

/ARTHUR DURAN/
Primary Examiner, Art Unit 3622

/ALEXANDER G KALINOWSKI/
Supervisory Patent Examiner, Art Unit 3691

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR/ PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
15/893,354	02/09/2018	Shkedi, Roy	14 PP CON4

	EXAMINER	
LOUIS J. HOFFMAN, P.C. 7689 East Paradise Lane Suite 2 Scottsdale, AZ 85260	MICHAEL J SITTNER	
	ART UNIT	PAPER
	3622	20191007

DATE MAILED: 07 October 2019

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

Commissioner for Patents

The information disclosure statement filed 02/09/2019 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each foreign patent document; each non-patent literature publication, etc... (see below).

37 CFR 1.98 Content of information disclosure statement.
(a) Any information disclosure statement filed under §1.97 shall include the items listed in paragraphs (a)(1), (a)(2) and (a)(3) of this section. (1) A list of all patents, publications, applications, or other information submitted for consideration by the Office. U.S. patents and U.S. patent application publications must be listed in a section separately from citations of other documents. Each page of the list must include: (i) The application number of the application in which the information disclosure statement is being submitted;
(ii) A column that provides a space, next to each document to be considered, for the examiner's initials; and
(iii) A heading that clearly indicates that the list is an information disclosure statement.
(2) A legible copy of: (i) Each foreign patent;
(ii) Each publication or that portion which caused it to be listed, other than U.S. patents and U.S. patent application publications unless required by the Office;
(iii) For each cited pending unpublished U.S. application, the application specification including the claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion; and
(iv) All other information or that portion which caused it to be listed.

/MICHAEL J SITTNER/
Examiner, Art Unit 3622

PTO-90C (Rev.04-03)

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Form PTO-1449 (Modified)
List of Patents and Publications For
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Serial No.: 15/893,354
Applicant: Shkedi, Roy
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Conf. No.: 5057

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	36	6044376	03/28/2000	Kurtzman II
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	39	6055513	04/25/2000	Katz et al.
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	43	6141010	10/31/2000	Hoyle
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	52	6327574	12/04/2001	Kramer et al.
	53	6366298	04/02/2002	Haitsuka et al.
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	58	6415270	07/02/2002	Rackson et al.

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	71	6907566	06/14/2005	McElfresh et al.
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	80	7051351	05/23/2006	Goldman et al.
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	82	7065550	06/20/2006	Raghunandan
	83	7085682	08/01/2006	Heller et al.
	84	7155508	12/26/2006	Sankuratripati et al.
	85	7181438	02/20/2007	Szabo
	86	7188076	03/06/2007	Bensemana
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	108	7937383	05/03/2011	Hintze et al.
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	118	20010044743	11/22/2001	McKinley, et al.
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_____	253	WO2005/046237	05/19/2005	Gutta et al.	No
_____	254	WO2004084109A	09/30/2004	NHN Corporation	Yes
_____	255	KR20040992224	11/26/2004	Echo Marketing Co., Ltd.	Yes
_____	256	KR20040026167	03/30/2004	IBM Corporation	Yes
_____	257	WO1997021183A1	06/12/1997	Bell Communications Research Inc.	No
_____	258	WO1999057660A1	11/11/1999	IWEB LTD.	No
_____	259	WO2001054034A1	07/26/2001	Angara E-commerce Services, Inc.	No
_____	260	WO2002050694A1	06/27/2002	Traffion Technologies Pty. Ltd.	No
_____	261	CA2246746	03/12/1998	Blumenau	No
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OTHER ART

Examiner Initials	Item	AUTHOR, Title, Date, Pertinent Pages, Etc.
	263	Kerwin; "NY Times Web Site Lets Advertisers Get Personal: Profile Info From Users Allows Ads to be Highly Targeted;" Advertising Age; July 14, 1997.
	264	Engage Technologies, Inc.; Form S-1A; filed with the SEC; pp. 36-50; July 19, 1999.
	265	"The e-Marketing Report"; Morgan Stanley Dean Witter; May, 2000; portions.
	266	New York Times Reference Dictionary definition of "computer," downloaded April 7, 2010.
	267	Baseview.com website (ClassManagerPro) from www.archive.org, archived January 16, 1997
	268	S-1/A SEC Filing, filed by FlyCast Communications Corp. on April 30, 1999
	269	24/7 RealMedia, The Science of Digital Marketing, Company Overview (2007)
	270	aaddzz.com webpages from www.archive.org, archived January 30, 1998
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	272	Fawcett, Adrienne W., Publishers thankful but nervous about boom, Magazinedotcom, Hot spending boosts …, adage.com, November 1, 1999
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	278	Ribeiro-Neto et al., Extracting Semi-Structured Data Through Examples, Proceedings of the Eighth international Conference on Information and Knowledge Management (1999)
	279	Raskutti and Beitz, Acquiring Customer Preferences for Information Filtering, a Heuristic-Statistical Approach, Fifth Annual Conference on User Modeling (1996)
	280	Bilchev et al., Personalized advertising – exploiting the distributed user profile, BT Technology Journal, Vol. 21 No. 1, January 2003

Examiner: /MICHAEL J SITTNER/ Date Considered: 10/03/2019

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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /M.J.S/

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

Page 12 of 16

Serial No.:	15/893,354
Applicant:	Shkedi, Roy
Filed:	02/09/2018
Art Unit:	____
Examiner:	____
Docket No.:	14-PP-CON4
Conf. No.:	5057

OTHER ART

Examiner Initials	Item	AUTHOR, Title, Date, Pertinent Pages, Etc.
	281	Boncella, Robert J., Internet Privacy – At Home and At Work," Communications of the AIS, Vol. 7, Article 14, September 2001
	282	AdKnowledge, Campaign Manager-Quick Reference Card (1996)
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	284	Elderbrock & Borwankar, Building Successful Internet Businesses, IDG Worldwide, 1996
	285	David W. Schumann & Ester Thorson, Advertising and the World Wide Web, Lawrence Erlbaum Associates, 1999
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	288	Doubleclick.com webpages from www.archived.org, archived February 5, 1998
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	296	Cleland, Kim, Accipiter latest entrant in race to manage ads, company sets sights on helping content providers target audience, Adage.com, September 9, 1996
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	317	Bakos, The Emerging Role of Electronic Marketplaces on the Internet, Communications of the ACM, Vol. 41, No. 8, August 1998

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Art Unit: ____
Examiner: ____

Docket No.: 14-PP-CON4
Conf. No.: 5057

OTHER ART

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	319	Baseview.com webpages from www.archive.org, archived January 16, 1997
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	348	Moukheiber, Z.; DoubleClick is watching you; Forbes Magazine; November 4, 1996
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	350	Glenn, A. And Millman, D.; Access Management of Web-based Services; D-Lib Magazine; September 1998
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	352	Google Launches Self-Service Advertising Program; http://googlepress.blogspot.com/2000/10/google-launches-self-service.html; October 23, 2000

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Conf. No.:	5057

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Examiner Initials	Item	AUTHOR, Title, Date, Pertinent Pages, Etc.
	353	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
	354	AdWords Separate Content Bidding; http://googlepress.blogspot.com/2005/11/adwords-separate-content-bidding_22.html; November 22, 2005
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/893,354	02/09/2018	Roy Shkedi	14 PP CON4	5057

26362 7590 11/15/2019

LOUIS J. HOFFMAN, P.C.
7689 East Paradise Lane
Suite 2
Scottsdale, AZ 85260

EXAMINER	
SITTNER, MICHAEL J	

ART UNIT	PAPER NUMBER
3622	

NOTIFICATION DATE	DELIVERY MODE
11/15/2019	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

Applicant-Initiated Interview Summary	**Application No.** 15/893,354	**Applicant(s)** Shkedi, Roy	
	Examiner MICHAEL J SITTNER	**Art Unit** 3622	**AIA (FITF) Status** No

All participants (applicant, applicants representative, PTO personnel):

(1) MICHAEL J. SITTNER. (3) _____.

(2) Louis J. Hoffman (Reg. 38,918). (4) _____.

Date of Interview: 04 November 2019.

Type: ☑ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☑ No.
If Yes, brief description: _____.

Issues Discussed ☐101 ☐112 ☐102 ☐103 ☑Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: N/A.

Identification of prior art discussed: See notes.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

See Continuation Sheet.

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview.

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☑ Attachment

/MICHAEL J SITTNER/ Examiner, Art Unit 3622	

Amazon/AlmondNet
Exhibit 1007
Page 385

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:

Applicant's counsel called to discuss IDS submitted 2/9/2018 and considered by Examiner 10/3/2019 , where Examiner had found the IDS failing to comply with 37 CFR 1.98(a)(2).

Examiner returned counsel's phone call and reviewed the ids with counsel. Examiner noted that none of the foreign references nor any of the NPL appeared to have been provided as required per rule noted supra. Examiner also noted that the IDS was not properly docketed to the Examiner and Examiner was not aware of the IDS until after Examiner's Examiner Answer mailed 10/1/2019.

Counsel noted there had also been a cover page originally included with the IDS noting that copies of disclosed documents were filed in a parent application 14/080,999. This cover page is in the file wrapper but not with the IDS. Upon review, Examiner and counsel found not all documents were filed with the parent 14/080,999 However, it appeared they may all have been filed with other priority documents.

Counsel noted he would provide a cross-reference to the location of these documents (i.e. the foreign references and NPL). Counsel provided this cross reference via email on 11/4/2019 (See attached).

Examiner has subsequently considered these documents and updated the IDS in question.

From: Louis J. Hoffman
To: Sittner, Michael
Cc: Donald Hertz
Subject: IDS in SN 15893354
Date: Monday, November 4, 2019 3:26:32 PM

Examiner Sittner,

Thanks for the call today.

We looked into the source of the "NPL" and foreign references cited, per our discussion.

The references listed come from two parent applications: SN 11/765,433, which is the original application that issued as patent USP 8280758, and abandoned application SN 14/080,999. The following table shows the item numbers for each reference in the 2/9/2018 information disclosure statement (IDS) in those categories and the IDS in the parents where we sent a copy of the actual references:

Ref. Nos. in 2/9/2018 IDS	**Parent Application – IDS Date**
252, 263	11/765,433 - 3/13/2012
253, 264, 265	11/765,433 - 12/2/2009
254	11/765,433 - 2/22/2008
255, 256	11/765,433 - 6/1/2010
257-260, 267-337	14/080,999 - 3/10/2017
261, 262, 338-356	14/080,999 - 7/26/2017
266	11/765,433 - this was cited by the examiner on 04/14/2011

From the table, I believe you should be able to locate the copies of the references quickly.

Also per your request, we checked the "foreign patent documents" section of the IDS, which consists of citations 252-262. That section cites 7 "WO" publications, one CA application, and 3 KR publications. The CA and "WO" references are all in English, so no "concise explanation" is required under 37 CFR 1.98(a)(3)(i). For the 3 KR publications (ref # 252, 255, 256) we provided English translations in lieu of a "concise explanation." *See* MPEP 609.04(a)(III) ("If a complete translation of the information into English is submitted with the non-English language information, no concise explanation is required.... Submission of an English language abstract of a reference may fulfill the requirement for a concise explanation.").

I hope that this gives you what you need - please feel free to call if you have any other questions. If not, I understand you will be initialing the "foreign patent documents" and "other art" sections of the IDS filed Feb. 9, 2018 (pages 10-16).

By the way, the IDS form's style came from the old Form PTO-1449 and its substitute, PTO-SB/08, which is located at https://www.uspto.gov/sites/default/files/documents/sb0008a.pdf. In recent years, the EFS-Web form is used more frequently, but for the applications with parents going back many years, as this application, it is more convenient just to copy and update the previously filed forms.

Thanks,
Louis

--
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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	5710884	01/20/1998	Dedrick
	6	5717923	02/10/1998	Dedrick
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	8	5724521	03/03/1998	Dedrick
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	95	7546249	06/09/2009	Main
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	253	WO2005/046237	05/19/2005	Gutta et al.	No
	254	WO2004084109A	09/30/2004	NHN Corporation	Yes
	255	KR2004099222A	11/26/2004	Echo Marketing Co., Ltd.	Yes
	256	KR20040026167	03/30/2004	IBM Corporation	Yes
	257	WO1997021183A1	06/12/1997	Bell Communications Research Inc.	No
	258	WO1999057660A1	11/11/1999	IWEB LTD.	No
	259	WO2001054034A1	07/26/2001	Angara E-commerce Services, Inc.	No
	260	WO2002050694A1	06/27/2002	Traffion Technologies Pty. Ltd.	No
	261	CA2246746	03/12/1998	Blumenau	No
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Examiner Initials	Item	AUTHOR, Title, Date, Pertinent Pages, Etc.
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Page 13 of 16

Serial No.: 15/893,354
Applicant: Shkedi, Roy
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Art Unit: ____
Examiner: ____
Docket No.: 14-PP-CON4
Conf. No.: 5057

OTHER ART

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Serial No.: 15/893,354
Applicant: Shkedi, Roy
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Examiner: ____
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Docket No.: 14-PP-CON4
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Serial No.: 15/893,354
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Conf. No.: 5057

OTHER ART

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Examiner: /MICHAEL J SITTNER/ Date Considered: 10/03/2019

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REQUEST FOR ORAL HEARING BEFORE THE PATENT TRIAL AND APPEAL BOARD

Docket Number (Optional): 14-PP-CON4

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on November 30, 2019.
Signature /Donald L. Hertz/
Typed or printed name Donald L. Hertz

In re Application of: Shkedi, Roy

Application Number	Filed
15/893,354	02/09/2018

For: Providing collected profiles to media properties having specified interests

Art Unit	Examiner
3622	Sittner, Michael J.

Applicant hereby **requests an oral hearing** before the Patent Trial and Appeal Board in the appeal of the above-identified application.

The fee for this Request for Oral Hearing is (37 CFR 41.20(b)(3)) $ 1300.00

☐ Applicant asserts small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by 50%, and the resulting fee is: $ _____

☐ Applicant certifies micro entity status. See 37 CFR 1.29. Therefore, the fee shown above is reduced by 75%, and the resulting fee is: $ _____
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☐ A petition for an extension of time under 37 CFR 1.136(b) (PTO/SB/23 or equivalent) is enclosed.
For extensions of time in reexamination proceedings, see 37 CFR 1.550.

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☐ applicant

☑ attorney or agent of record
Registration number 38918

☐ attorney or agent acting under 37 CFR 1.34
Registration number _____

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Typed or printed name Louis J. Hoffman
Telephone Number (480) 948-3295
Date 11/30/2019

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	Application Number 15/893,354	Filed 02/09/2018
	For Providing collected profiles to media properties having specified interests	
	Art Unit 3622	Examiner Sittner, Michael J.

37 CFR 41.45 specifies that, in order to avoid dismissal of the appeal, appellant must pay the fee set in 37 CFR 41.20(b)(4) within two months of the later of the date of either the examiner's answer, or a decision refusing to grant a petition under 37 CFR 1.181 to designate a new ground of rejection in an examiner's answer.

The undersigned certifies that the appropriate fee accompanies this transmittal.

The fee for forwarding this appeal is (37 CFR 41.20(b)(4)) $ 2240.00

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Extensions of time under 37 CFR 1.136(a) for patent applications are not applicable to the time period set forth in 37 CFR 41.45. See 37 CFR 1.136(b) for extensions of time to reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for *ex parte* reexamination proceedings.

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☐ appellant ☑ attorney or agent of record Registration number 38918 ☐ attorney or agent acting under 37 CFR 1.34 Registration number _____

Signature /Louis J. Hoffman/
Typed or printed name Louis J. Hoffman
Telephone Number (480) 948-3295
Date 11/30/2019

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Electronic Patent Application Fee Transmittal

Application Number:	15893354
Filing Date:	09-Feb-2018
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 CON4

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:				
REQUEST FOR ORAL HEARING	1403	1	1300	1300
APPEAL FORWARDING FEE	1413	1	2240	2240

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
		Total in USD ($)		**3540**

Electronic Acknowledgement Receipt	
EFS ID:	37891015
Application Number:	15893354
International Application Number:	
Confirmation Number:	5057
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 CON4
Receipt Date:	30-NOV-2019
Filing Date:	09-FEB-2018
Time Stamp:	10:57:34
Application Type:	Utility under 35 USC 111(a)

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1	Request for Oral Hearing	19-11-30-DAT-PP_CON4-RqstOralArg.pdf	290546 babdbcfdac85b7fc2d341258ff24e5600207cfd7	no	1
Warnings:					
Information:					
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National Stage of an International Application under 35 U.S.C. 371
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor	:	Shkedi, Roy	Art Unit	:	3622
Serial No.	:	15/893,354	Examiner	:	Sittner, Michael J.
Filing Date	:	02/09/2018	Conf. No.	:	5057
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 December 2, 2019

REPLY BRIEF ON APPEAL

Dear Sir:

Pursuant to 37 C.F.R. § 41.41, appellant submits this brief on appeal.

This application has been granted Prioritized Examination (Track I) status, therefore, appellant respectfully requests prompt processing and accelerated review.

The examiner offers no objection to the preliminary sections of the appeal brief, so the facts and conclusions therein, including priority dates, should be deemed agreed.

The examiner engages appellant's brief section-by-section, and the issues are therefore clearly framed for the Board. This reply maintains the same section divisions.

I. Construction of claim terms related to "media properties."

Appellant and the examiner disagree on the broadest reasonable construction of "media property entity," a term found in the claims. *See* Appeal Brief, Appendix B (claims appendix). Related terms "media property equipment" and "media property" are discussed in the appeal brief and the examiner's answer, or recited in the specification, but none of the claims on appeal contain either of those terms by themselves.

Appellant's proposed construction of "media property entity" compares with the construction proposed in the examiner's answer (p. 7) as follows:

Appellant's proposal	Examiner's proposal
An entity that controls equipment (part of a computer system) that controls an ad space viewed by a visitor, at least temporarily.	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.

The examiner's answer relies heavily (p. 4) on the fact that the term "media property *entity*" was added by preliminary amendment and does not appear in the specification, because the specification uses only "media property" without the word "entity" appended. However, appellant and the examiner *agree* that the original specification repeatedly used the term "media property" in different contexts—in some instances, the term refers to ad space, as the examiner's answer notes, in other instances, the term refers to equipment controlling that ad space, and in still other instances, the term refers to the entity controlling the equipment controlling ad space.[1]

The examiner implies that he does not agree with appellant's view that the specification contains an explicit definition of the term. The examiner seems to refuse to credit the explicit definition of "media property" in the original specification, implying that the definition of "media property" alone (i.e., without the word "entity" appended) has no bearing on proper claim construction. Appellant considers that position unreasonably hypertechnical for the following reasons.

---

[1] The examiner does not dispute the appeal brief's assertion (see p. 8) that the specification made clear in context which of those was intended: Nowhere does the examiner's answer identify any unclear or ambiguous usage of the term "media property" in the specification, and of course all previous indefiniteness rejections have been overcome. Accordingly, there appears to be no doubt that a person of ordinary skill reading the specification would understand from context whether each usage of "media property" referred to ad space, equipment, or entity or to some combination.

The examiner's answer does not deny that, in general, "broadest reasonable interpretation" is constrained by explicit specification definition, if one exists. *See*, *e.g.*, MPEP 2111.01(IV); *Samsung El. v. Elm 3DS Innovations, LLC*, 925 F.3d 1373, 1377-78 (Fed. Cir. 2019) ("deviate from a claim term's ordinary meaning when a patentee sets out a definition and acts as its own lexicographer") (citation omitted); *see also Vitronics Corp. v. Conceptronics, Inc.*, 90 F.3d 1576, 1582 (Fed. Cir. 1996) ("the specification is always highly relevant to the claim construction analysis. Usually, it is dispositive; it is the *single best guide* to the meaning of a disputed term.") (emphasis added).

The term "media property" appears as part of the claim phrase "media property entity." Thus, explicit definition of "media property" in the specification has high relevance to the construction of "media property entity," even though that definition does not recite the three words "media property entity" in that exact sequence.

The law disputes the implication in the examiner's answer that lexicography does not apply where the specification uses a *variant* of a term. Even one of the foundational cases on lexicography, *Vitronics Corp. v. Conceptronics, Inc.*, 90 F.3d 1576, 1582 (Fed. Cir. 1996) (emphasis added), clarified that a "specification acts as a dictionary when it expressly defines terms used in the claims *or when it defines terms by implication* …."[2]

Also, even if a definition "does not rise to the level of the inventor acting as its own lexicographer," the text of a specification, still, "does provide insight into the understanding of the person of ordinary skill in the art at the time of the invention," and thus can and should be followed on that basis. *In re NTP, Inc.*, 654 F.3d 1279, 1289

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[2] Even discounting lexicography, "ordinary meaning" is limited by applicant *disavowals* "either in the specification or during prosecution." *Samsung El. v. Elm 3DS Innovations, LLC*, 925 F.3d 1373, 1378, 1379 (Fed. Cir. 2019) (crediting disavowal where, "[t]o overcome the examiner's objection, [applicant] clearly and unambiguously disclaimed claim scope") (citations omitted). For this reason too, the Board can safely allow a patent to issue without risk of the claim term "media property entity" being interpreted more broadly than the definition for which appellant advocates here. *See also* MPEP 2111.01(IV)(B).

(Fed. Cir. 2011); MPEP 2111.01(III) ("the best source for determining the meaning of a claim term is the specification").

For both reasons—either because the specification contains a lexicographic definition or because the specification provides insight into the meaning of the claim term—the Board need not (and should not) ignore the specification's definition of "media property" when claims use that term in the context of "media property entity."

The examiner's answer does not dispute (1) the appeal brief's showing that the provisional and regular applications are closely similar, with grammatical and clarifying differences only (*see* unrebutted Appendix A attached to the appeal brief), or (2) the appeal brief's assertion that the specification contains explicit definitions, signaled by use of the words "defined as."

The following definitional statements are particularly relevant:

- The regular application says, "a media property (in the present context) can also be defined as any equipment that controls an ad space viewed by a visitor …."
- The regular application also says, "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."
- The provisional application says, "a media property for this application could also be defined as any entity that controls an ad space viewed by a visitor."
- The provisional application also says, "in a media property's definition of an entity that controls an ad space viewed by a visitor, a specific ad space on a page might be controlled by the entity only temporarily …."
- The provisional application also says, "the ad network is considered a media property as it controls an ad space viewed by a visitor."

Each of those *five* statements refers to the entity, equipment of the entity, or both, and each uses a form of the word "control." The word "control" appears in appellant's

proposed construction but is missing explicitly from the examiner's proposal. The examiner's answer provides no direct explanation for omitting the word "control." The specification defines "control of ad space" as key to a "media property," and the Board should not adopt a construction without it.

The examiner's proposed construction derives mostly from a later part of the same sentence of the specification, which says: "… *including* a web site, an ad network's site …, and *any ad space for which an entity is allowed to sell an advertisement and deliver it within the ad 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."

The appeal brief (pp. 11-12) shows that the portion of the sentence on which the examiner relies does not "broaden" the definition but rather explains it and that there is no material difference between an entity that "controls" a given ad space and an entity that "is allowed to … deliver [an ad] within the ad space." The examiner's answer does not dispute those statements directly.

Despite repeatedly referring to "broadest reasonable definition" and continually criticizing appellant's view as "too narrow," the examiner's answer proffers no reason for assuming that the last part of the specification's definition—the part beginning with "including" and immediately following the "be defined as" statements—"broadens" the definition in the first part of the sentence.

The term "including" typically signals the presence of examples within the scope of a previous statement. That is true here as well: First the specification gives a definition, and then the specification gives some examples within the scope of the definition. The examiner's focus on the examples rather than the general definition narrows the scope of the definition. The examiner offers no explanation for how or why focusing on specific examples might broaden a general statement.

One illustration demonstrating how the examiner's reliance on the "including" examples makes his proposed construction *narrower* than appellant's follows: The examiner's proposal is restricted to "Any entity allowed to *sell* an advertisement," while appellant's proposal is not. The specification describes a variety of entities who can sell advertisements. E.g., Spec. p. 2, lines 17-18 (publishers or behavioral targeting company can sell ads); Spec., p. 5, line 19 (web site can sell ad impressions); Spec., p. 5, lines 23-24 (ad network can sell ads); Spec., p. 8, line 29 to p. 9, line 13 (media property sales force might *not* sell ads in certain categories). Appellant's definition, consonant with the discussion in the specification, focuses on the entity that "controls the ad space," *regardless* of what entity is allowed to *sell* the ad. A media property entity *selling* ads is only one *example*, as signaled by use the word "including." The examiner's proposal to limit the construction to entities "allowed to *sell* an ad" therefore is narrower than appellant's proposal and should not limit the broadest reasonable interpretation.

On the other side of the argument, the examiner's answer (p. 5) gives only one reason for contending that appellant's definition is "too narrow" — it argues:

> "[Appellant's proposal] implies the term 'Media Property' cannot be an 'ad space' because the proposed narrow definition draws a distinction between equipment and ad space [and thus] it is unreasonable for Appellant to narrowly define 'Media Property entity' in a way which only relates to 'equipment' but excludes 'ad space' when … the Specification itself includes 'ad space' within the breadth and scope of the definition of 'Media Property'."

The examiner bases that accusation, though, on a misstatement of appellant's position. Appellant's definition does not "exclude ad space" or relate "only" to equipment. Rather, appellant's proposed construction of "media property entity" refers to "ad space" explicitly:

> "An entity that controls equipment (part of a computer system) *that controls an ad space* viewed by a visitor, at least temporarily."

To the contrary of the examiner's answer's mischaracterization, appellant agrees that the term "media property," *in the proper context*, certainly can include ad space in which an ad can be delivered. The term in the instant claims, however, is "media property *entity*," and that term, as noted above, refers to an *entity* that controls equipment that controls a "media property" (ad space). Again, the regular specification refers to a "media property controlling an ad space viewed by a visitor," and the provisional specification says, "a media property for this application could also be defined as any *entity that controls an ad space* viewed by a visitor." [Emphasis added][3]

In short, the examiner's answer ignores lexicographic statements referring to a media property entity—or equipment of such an entity—having "control" of ad space.

II. Under either claim construction, Jaschke does not disclose the element of "automatically select[ing]" one of several "media property entities."

The rejection depends on the examiner's position that the secondary reference, Jaschke, discloses the claim element (lacking from the primary reference) of a "profile owner computer" that is "programmed to automatically select a media property entity of a plurality of media property entities."

There is no dispute about what Jaschke discloses. The appeal brief (pp. 13-14) describes Jaschke as follows, and the examiner's answer does not dispute this:

> "Jaschke discloses a 'consumer information broker' that accepts advertiser bids and chooses one of several advertisers automatically. Various

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[3] Indeed, the appeal brief (p. 8) quotes another statement in the regular applicant's specification (at page 8, lines 5-6, emphasis added), which says that an "*ad space* owner could be any media property owner," including an owner of "a web site … or any other media property." It is mysterious how the examiner could truly believe that appellant is trying to deny that a "media property entity" could own or control "ad space."

> advertisers bid for delivery of their ads to a 'target' or user, and one of the advertisers is selected based on a calculation of which matches. *See* Jaschke's abstract, [0016], [0019], [0031-33], [0061], [0073-74]."

The appeal brief explains (pp. 14-15) that Jaschke's broker's computer system is not "programmed to automatically select a media property entity of a plurality of media property entities"—and thus does not correspond to the claim element—because Jaschke's advertisers are not "media property entities" when the broker selects one of several advertisers. Once Jaschke's broker makes the selection of *one* of the advertisers, that one advertiser might "arguably" be a "media property entity" *after* the selection, but the "same cannot be said for the advertisers whose bids are not accepted," so Jaschke does not teach selection *among* media property entities as claimed. *Id.*

The examiner's answer (p. 7) argues first that the argument "is not convincing because it is predicated upon" appellant's claim construction, which the examiner believes is wrong. The examiner thereby agrees that, if the Board adopts appellant's claim construction, Jaschke does not make the claims obvious.

Actually, though, even under the *examiner's* claim construction, Jaschke's broker's computer is not programmed to "select a media property entity of a plurality of media property entities" as the claim language requires. The examiner's construction of "media property entity" is: "Any entity allowed to sell an advertisement and deliver it within an advertisement space …." At the time Jaschke's broker's computer chooses one of the several advertisers, *none* of the advertisers are "allowed to sell an advertisement and deliver it within [the] advertisement space …." Once the broker's computer makes the selection, however, *one* of the advertisers is "allowed to … deliver [that advertiser's ad] within [the] advertisement space," and thus the selected advertiser becomes a "media property entity" under the examiner's proposed definition. Even so, the fact that the *one advertiser who wins the bid* becomes authorized to deliver an ad

within the ad space does not prove that the Jaschke broker's computer is programmed to "*select* a media property entity *of a plurality* of media property entities" as claimed.

The examiner's answer (pp. 7-8, emphasis added) proceeds to argue that "the term 'Media Property entity' should not be limited to only entities *presently* controlling equipment or ad space" and that, instead, the term "should be broadly interpreted to include at least entities *who may be given* such control of ad space" in the future. The examiner's answer (p. 7) contends, "Nothing in the claims requires [the] narrow interpretation and the specification appears to take a much broader view …."

However, the claims require a "profile owner computer" that is "programmed to automatically select a media property entity of a plurality of media property entities." That wording requires selecting among "a plurality of media property entities," not selecting among a plurality of entities that are not media property entities but that *may be given* control of ad space and thus may *become* media property entities later.

As to the purportedly "much broader view" in the specification, the examiner's answer (p. 8) references the discussion of "temporary control" of ad space in the provisional application, which says,

> "Therefore, in a media property's definition of an entity that controls an ad space viewed by a visitor, a specific ad space on a page might be controlled by the entity only temporarily as in the example of the web site that did not sell all the ad impressions available to be delivered within an ad space on a page and therefore makes the unsold ad space available to the ad network to fill and the ad network has temporary control of the ad space when that ad space is given to it by the site."

The examiner's answer (p. 8) says, "This teaching appears to indicate that an 'entity' does not stop being an 'entity' only when it 'controls' ad space." That may be true: The "'entity' does not stop being an 'entity'." But the question is not when something is an "entity" but rather when an "entity" qualifies as a "*media property* entity."

The examiner's answer (p. 8) continues by discussing the question whether "the entity stops being an entity when it passes control of ad space." The examiner suggests that the "entity" remains a "media property entity" after losing temporary control of ad space. That can be true. But the question of when an entity, once qualified as a "media property entity," *stops* having that status also has no bearing on the rejection. In Jaschke, after all, the advertisers (among which the broker's computer chooses) have not even *started* having control of ad space.

The reliance in the examiner's answer (p. 8) on the specification's discussion of an ad network having temporary control of the ad space overlooks the very next part of the same discussion, which addresses the more important question of when an entity *starts* being considered as a "media property entity." There, the specification says:

> "***Once*** the site redirects the ad space on the page to the ad network (so the ad network could fill the ad space with an ad sold by the ad network), ***the ad network controls the ad space***, and has access to the visitor viewing the ad space that was redirected to the ad network by the site, and therefore the ad network is ***considered a media property***, as it controls an ad space viewed by a visitor." [Emphasis added]

That sentence (which is found in nearly identical words in both the provisional and regular, *see* Appeal Brief, Appendix A) clarifies that an entity *starts* becoming a "media property entity," in the "temporary control" scenario, only "once" the ad network "controls the ad space" by virtue of the redirection. Moreover, that discussion clarifies yet again that "control" of ad space is the key.

There is no dispute that Jaschke's broker does not choose among advertisers who have "control" of ad space—at least *not yet* for the one advertiser ultimately selected and *not at all* for the others. Using appellant's construction, therefore, Jaschke does not meet the claim element. Using the examiner's construction, alternatively, it is equally

clear that Jaschke's broker does not choose among advertisers who are "allowed" to deliver ads in the ad space.

The claims pending in this application, by contrast, relate to selecting one among several "media property entities" (entities that control ad space at least by the time of the selection *and* that will control ad space later). Different from Jaschke, in the examples in appellant's specification, the act of selecting is not what causes an entity to become a "media property entity." Rather, the claimed invention furthers the goal of enabling a media property entity, once "selected," to target the profiled visitor with an ad within an available ad space if and when encountering that visitor in the future.

Jaschke therefore does not teach the specially and unconventionally programmed profile owner computer of part (b) of the claims or receiving information from such a computer. The examiner's answer continues to fail to assert any disclosure in the *primary* reference of part (b) or any synergy from the *combination* of references. It is clear that Jaschke does not teach the computer of part (b); consequently, the computer of part (a) does not receive indicia from a computer programmed as in part (b), as stated as a requirement in part (a). The absence of disclosure of those features from Jaschke, therefore, alone requires reversal of the obviousness rejection, under any construction.

III. The hypothesized combination does not disclose the element in part (c), facilitating delivery of an ad when the visitor *later* appears on a website.

Appeal Brief § III explains that the primary reference, Kublickis, does not disclose part (c) of the claims, which specifies that the acts in part (c) related to accepting profile information and using it to cause delivery of an electronic ad are done "later, when the visitor device is available to receive an advertisement." That section (Appeal Brief, p. 19) explains that Kublickis discusses a "custom browser" that "would choose and deliver an ad while a visitor is on a given website at a given time, rather than facilitating *later* delivery of an ad when the visitor appears on a website after the selection is made."

In response, first, the examiner's answer (p. 8, bottom) accuses applicant of "not arguing the actual language of the limitation as recited in the claim – i.e., part (c) does not recite 'facilitating delivery of an ad when the visitor later appears on a website.'" The examiner's answer presents this argument as only that one, unexplained sentence. Appellant disagrees. Part (c) of each independent claim says, in pertinent part:

> "later, when the visitor device is available to receive an advertisement, … using the tag … to access the profile information stored in the central database and … using the profile information linked to the tag … to automatically cause delivery of an electronic advertisement to the visitor device …."

Appellant does not understand how "facilitating delivery of an ad when the visitor later appears on a website" contains a materially incorrect summary of such claim language—except for the point (not material to the distinction from Kublickis) that the term "on the website" is just an example within the scope of the claim language. In short, the claim language provides support for the appeal brief's explanation, and the examiner wrongly says that appellant's argument is divorced from claim language.

Second, the examiner's answer (p. 9, top) confirms that the rejection relies only on Kublickis for part (c). The appeal brief does not misstate the rejection, and it is helpful to have confirmed that the examiner is not relying on the other reference in the combination (Jaschke) or any synergistic effect caused by combining the two references.

Third, and most centrally, the examiner's answer (p. 9) argues that Kublickis teaches the claim feature in question, in particular at Kublickis ¶[0436]. But the examiner's answer does not respond at all to the explanation in the appeal brief about Kublickis's disclosure, including what Kublickis wrote in that very cited paragraph.

The appeal brief (pp. 19-20) observes that the relevant section of Kublickis teaches *dumping* the *profile* data and instead using stored user *permissions* each time. According to the very paragraph of Kublickis cited by the examiner, ¶[0436]: "When the

consumer visits a different website, the customer browser erases the cookie." In other words, as soon as a first-site visit ends, i.e., when the visitor navigates to a second website, the custom browser deletes a cookie. And Kublickis makes clear that the cookie is what stores the profile information collected via the custom browser. Kublickis ¶¶[0206], [0208], [0290] & Fig. 11A (at #320). The examiner's answer does not challenge the technical explanation of this point provided in the appeal brief.

Part (c) of each claim requires, "later, when the visitor device is available to receive an advertisement, ... using the … profile information stored in the central database ... to automatically cause delivery of an electronic advertisement to the visitor device." Plainly, according to the now-undisputed understanding of Kublickis, that reference's custom browser's deletion of the first-site cookie as soon as the visitor leaves the site *prevents* the first site from "later" recognizing the visitor, even if the user later returns to the first site as the examiner's rejection hypothesizes. At any such "later" time, the profile information will *not* remain stored from any previous visit, as part (c) of each claim requires. Thus, the portions of Kublickis quoted in the examiner's answer (p. 9) about improved targeting over time do not teach the *claimed* invention and indeed teach a different technique.

Finally, the examiner's answer (pp. 9-10) again asserts that appellant is not arguing the actual claim language, this time referring to the appeal brief's comment about the claims referring to "providing desired profile data to a media property entity at the time profile data is collected." To the contrary, the appeal brief's statement, again, does not ignore claim language. In connection with this point, the appeal brief refers to the *antecedent* of the phrase "the profile information" in part (c) of the claim. Notice that, in part (c), the claims refer to not just *any* "profile information" but rather to *specific* profile information, namely "the profile information stored in the central database" accessed using the tag of part (a) and "linked to the tag of part (a)." The antecedent claim language is, therefore, in parts (a) and (b)(ii). The claims thereby confirm that "the profile information" referenced in part (c), which is stored in the central database and

linked to the tag, is "profile information" stored at an "earlier" time, following the selection of a media property entity by the profile owner computer, before the "later" event referenced at the inception of part (c). Thus, the examiner's charge that appellant "is not arguing actual limitations from his claims" is again false.

In sum, the primary reference, Kublickis, does not disclose part (c) of the claims, which specifies that using profile information to cause delivery of an electronic ad is done "later, when the visitor device is available to receive an advertisement." As the examiner uses Kublickis alone for part (c), the rejection fails for this reason alone too.

IV. The hypothesized combination is not well-motivated.

Regarding the motivation to combine Jaschke and Kublickis, in addition to correcting what Kublickis discloses, the appeal brief (pp. 21-22) explains that Kublickis has no need to select any website or media property because Kublickis's ad-delivery system works only with respect to *a given website in current contact with the custom browser*. The examiner's answer does not express any disagreement with that factual assertion or reasoning.

Instead, the examiner's answer (p. 10) again argues, "Appellant is not arguing limitations from the claims" because the claims do not recite "selecting a media property" but rather "selecting a media property *entity*." Appellant's point, however, remains true even with that correction. To confirm the point with the examiner's correction handled: Kublickis's ad-delivery system works only with respect to a given website in current contact with the custom browser, and so Kublickis has no need to select any website or any other media property *entity*.

The remainder of the examiner's answer simply repeats the "logic" from the final office action, under the topic sentence arguing (p. 10), "the Examiner has shown that Jaschke's techniques are applicable to the known base device and method of Kublickis." However, the reasoning in the final office action is illogical and not relevant: Because *Kublickis does not need to perform <u>any kind</u> of selection*—which the examiner's answer does

not dispute—Kublickis would not have considered Jaschke's techniques as "applicable" (even if Jaschke's technique selected "media property entities" in the first place, which, as explained above, it does not).

Notably, also, the examiner's answer does not dispute the appeal brief's explanations (pp. 22-23) that (1) obtaining a targeted audience was difficult technically to achieve, (2) known prior art techniques did not provide a way, technically or practically, for a "media property entity" to obtain a desired audience of both a sufficient size and a targeted type, and (3) the "unconventional system described by the pending claims assists in solving those problems" by allowing "media property entities" to specify desired audiences to a "profile owner" that has access to users on account of their visits to a "profile supplier," thus avoiding the need for custom negotiations with and technical assistance to multiple profile suppliers, allowing ad campaigns to start timely, and permitting scalable campaigns.

In sum, the reasoning stated in the final rejection for combining Kublickis and Jaschke does not make logical sense, because—as not denied by the examiner's answer—Kublickis has no need for Jaschke's technique.

Conclusion: In sum, the claims are directed to a selected media property entity's controlled computer system, which uses a tag to access a stored profile and uses that profile to cause delivery of an ad to a visitor (*see* claims part (c))—in the specific case where the profile information was received (*see* claims part (a)) from a specific computer system (defined in claims part (b) and which the specification calls a "profile owner" computer) that has selected the media property entity from among a plurality of different media property entities who have made individualized requests for desired profiles or type of profiles. Neither Kublickis nor Jaschke discloses such a system, and the combination of the two does not disclose the system either.

Appellant respectfully requests that the Board reverse the obviousness rejection, and, as that is the only remaining rejection and other issues have been resolved, the Office should promptly allow the application.

Respectfully submitted,

DATONICS, LLC

by its attorney

Dated: December 2, 2019

/Louis J. Hoffman/
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Electronic Acknowledgement Receipt

EFS ID:	37904861
Application Number:	15893354
International Application Number:	
Confirmation Number:	5057
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 CON4
Receipt Date:	02-DEC-2019
Filing Date:	09-FEB-2018
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Application Type:	Utility under 35 USC 111(a)

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1	Reply Brief Filed	19-12-02-DAT-PP_CON4-ReplyAppeal.pdf	246760 84c9a7c6ccc07debb08223b64769ea2b70069097	no	16

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New International Application Filed with the USPTO as a Receiving Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/893,354	02/09/2018	Roy Shkedi	14 PP CON4	5057

26362 7590 12/05/2019

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EXAMINER
SITTNER, MICHAEL J

ART UNIT	PAPER NUMBER
3622	

NOTIFICATION DATE	DELIVERY MODE
12/05/2019	ELECTRONIC

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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):

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ROY SHKEDI

Appeal 2020-001216
Application 15/893,354
Technology Center 3600

APPEAL DOCKETING NOTICE

The Patent Trial and Appeal Board received the appeal in the above-identified application from the Technology Center on December 03, 2019, and has assigned it the appeal number indicated above.

The recipient of this notice is reminded of its ongoing duty, within 20 days of any change during the proceeding, to update its mandatory notices to identify the real party-in-interest and each judicial or administrative proceeding that could affect, or be affected by, the Board proceeding. 37 C.F.R. § 41.8. For example, another docketed appeal in a related application may have the potential to affect, or be affected by, the Board proceeding.

In all future communications regarding this appeal, please include both the application number and the appeal number. Telephone inquiries can be made by calling 571-272-9797 and referencing the appeal number listed above. The mailing address for the Board is:

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/893,354	02/09/2018	Roy Shkedi	14 PP CON4	5057

26362 7590 08/05/2020

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ART UNIT	PAPER NUMBER
3622	

NOTIFICATION DATE	DELIVERY MODE
08/05/2020	ELECTRONIC

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PATENT TRIAL AND APPEAL BOARD

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Appeal No:	2020-001216
Appellant:	Datonics, LLC
Application No:	15/893,354
Hearing Docket:	Business Method
Hearing Date:	Tuesday, September 1, 2020
Hearing Time:	9:00 AM PT
Location:	**Telephonic Hearing**

NOTICE OF HEARING
RESPONSE REQUIRED WITHIN 21 DAYS

The Patent Trial and Appeal Board (PTAB) will hear the above-identified appeal on the date indicated. The hearing will commence at the time set, and as soon as the argument in one appeal concludes, the succeeding appeal will be taken up. The time allowed for argument is 20 minutes, unless additional time is requested and approved before the argument commences. If the application involved in this appeal has been published, the hearing will be open to the public.

Hearing Attendance Confirmation or Waiver

Appellant is required to confirm attendance at the hearing or waive the hearing within 21 days of the mailing date of this notice. Appellant may confirm or waive attendance by completing the "APPELLANT RESPONSE TO NOTICE OF HEARING" and returning it to the PTAB.

Options for Hearing Attendance

If Appellant opts to attend the hearing, then Appellant may appear by telephone.

If Appellant is no longer interested in having a hearing, then Appellant must file a waiver of the hearing with the PTAB. This allows the panel of Administrative Patent Judges assigned to the appeal to act promptly on the appeal without waiting for the hearing date.

If Appellant fails to respond to this NOTICE OF HEARING, the PTAB will issue a decision on the briefs based on the written record.

Telephonic Hearing Attendance

Appellant may participate in a hearing by telephone. Appellant will receive an Order detailing the telephonic hearing instructions.

Members of the public may request to listen in on this oral hearing. If resources are available, the Board generally expects to grant such requests. If Appellant objects to the Board granting such requests, for example, because confidential information may be discussed, the party must notify the Board by contacting PTABHearings@uspto.gov at least five business days prior to the oral hearing date.

Special Requests

If Appellant has any special requests related to appearing at a telephonic hearing, Appellant should inform the PTAB. Special requests may include accommodations for hearing impairments. Additionally, Appellant may assist the PTAB by indicating ways to accommodate the special requests. The PTAB will make every effort to accommodate the special requests in the manner suggested by Appellant.

Submission of Appellant's Demonstratives

If Appellant has any Power Point slides or other demonstratives, they must be provided to the PTAB five (5) days before the hearing date by sending them to PTABHearings@uspto.gov.

Submission of Appellant's Response to the Notice of Hearing*

To return a completed APPELLANT RESPONSE TO NOTICE OF HEARING, Appellant may use the following transmittal methods:

1. By the USPTO Electronic Filing System (EFS), available at https://www.uspto.gov/patents-application-process/file-online/

2. By facsimile transmission to:
   - The USPTO Central fax number (official copy): **(571) 273-8300; and**
   - The PTAB Hearing fax number (courtesy copy): **(571) 273-9797.**

In all communications relating to this appeal, please identify the appeal number along with the underlying application number.

Questions

For further information about hearings, see 37 CFR § 41.47 and the Hearings section of the PTAB webpage: http://www.uspto.gov/patents-application-process/patent-trial-and-appeal-board/hearings. Also, for questions, please contact the PTAB Hearings Clerk at 571-272-9797.

The United States Patent and Trademark Office
PATENT TRIAL AND APPEAL BOARD

Louis J. Hoffman, P.C.
7689 East Paradise Lane
Suite 2
Scottsdale, AZ 85260

Appeal No:	2020-001216
Appellant:	Datonics, LLC
Application No:	15/893,354
Hearing Docket:	Business Method
Hearing Date:	Tuesday, September 1, 2020
Hearing Time:	9:00 AM PT
Location:	**Telephonic**

APPELLANT RESPONSE TO NOTICE OF HEARING

Appellant responds to the NOTICE OF HEARING in the above-identified appeal.

Hearing Attendance Options (please select one)

( ) I elect a TELEPHONIC hearing.

( ) I WAIVE the hearing.

( ) I am requesting to RESCHEDULE the hearing. **A separate paper must be filed.**

Conflicts

To aid the judges assigned to the appeal in determining whether any conflicts exist that may require a recusal, please list the names of any additional person(s) who will be participating in the oral hearing and their affiliation with Appellant.

_____

_____

Special Requests

If Appellant has any specials requests related to appearing at telephonic oral hearing, please list those requests. Special requests may include accommodations for hearing impairments. For any special request, please indicate any ways that the PTAB may accommodate the special request.

_____

_____

For any questions regarding Appellant's response to the NOTICE OF HEARING, Appellant may be reached via the contact information provided below.

Typed or Printed Name of Attorney/Agent/Appellant	Registration No.
E-Mail address	Phone number
Signature of Attorney/Agent/Appellant	Date

The United States Patent and Trademark Office
PATENT TRIAL AND APPEAL BOARD

Louis J. Hoffman, P.C.
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Appeal No:	2020-001216
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(✔) I elect a TELEPHONIC hearing.

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Special Requests

If Appellant has any specials requests related to appearing at telephonic oral hearing, please list those requests. Special requests may include accommodations for hearing impairments. For any special request, please indicate any ways that the PTAB may accommodate the special request.

Appellant requests a hearing by video conference. Please send video conference details.

For any questions regarding Appellant's response to the NOTICE OF HEARING, Appellant may be reached via the contact information provided below.

Louis J. Hoffman	38,918
Typed or Printed Name of Attorney/Agent/Appellant	Registration No.
louis@valuablepatents.com	(480) 948-3295
E-Mail address	Phone number
/Louis J. Hoffman/	08/25/2020
Signature of Attorney/Agent/Appellant	Date

Electronic Acknowledgement Receipt	
EFS ID:	40376171
Application Number:	15893354
International Application Number:	
Confirmation Number:	5057
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 CON4
Receipt Date:	25-AUG-2020
Filing Date:	09-FEB-2018
Time Stamp:	14:25:59
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Confirmation of Hearing by Appellant	20-08-25-DAT-PP_CON4-RT_Ntc_Appeal_Hearing.pdf	64315 e298fdf1a56d135e455a481079f5c4a95c073ceb	no	2

Warnings:

Information:	
Total Files Size (in bytes):	64315

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.

New Applications Under 35 U.S.C. 111

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.

National Stage of an International Application under 35 U.S.C. 371

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.

New International Application Filed with the USPTO as a Receiving Office

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.

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.
15/893,354	02/09/2018	Roy Shkedi	14 PP CON4	5057

26362 7590 08/26/2020

LOUIS J. HOFFMAN, P.C.
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EXAMINER
SITTNER, MICHAEL J

ART UNIT	PAPER NUMBER
3622	

NOTIFICATION DATE	DELIVERY MODE
08/26/2020	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

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte Roy Shkedi

Appeal 2020-001216
Application 15/893,354
Technology Center 3600

Before Deputy Clerk, Hearing Operations.

ORDER GRANTING REQUEST FOR VIDEO HEARING

An oral hearing before a merits panel of the Patent Trial and Appeal Board has been scheduled to be included in the session of hearings commencing **Tuesday, September 1, 2020 at 9:00 AM PT**. A Video Oral Hearing has been granted.

This appeal hearing is set to be heard in a session of oral hearings beginning at **9:00 AM PT**. **PTAB Hearings will provide Appellant with connection information prior to the hearing.** The Board will provide a court reporter and a transcript of the video will be entered into the record. All other expenses involved with the Video Hearing, such as the cost of the call, must be borne by Appellant.

The panel will have access to all papers in Patents E2E. During the oral hearing, Appellant is advised to identify clearly and specifically all papers referenced (e.g., page of Appeal Brief; portions of a patent by column and line numbers) to ensure the clarity and accuracy of the court reporter's transcript. In addition, Appellant is advised to identify themselves each time they speak. Furthermore, the remote nature of the oral hearing may also result in an audio lag, and so Appellant is advised to observe a pause prior to speaking, so as to avoid speaking over others.

LOUIS J. HOFFMAN, P.C.
7689 East Paradise Lane
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Scottsdale, ARIZONA 85260

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor	:	Shkedi, Roy	Appeal No.	:	2020-001216
Serial No.	:	15/893,354	Examiner	:	Sittner, Michael J.
Filing Date	:	02/09/2018	Conf. No.	:	5057
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 August 27, 2020

TRANSMITTAL OF DEMONSTRATIVES FOR ORAL ARGUMENT

Dear Sir:

Appellant submits demonstrative exhibits for use during the September 1, 2020, appeal hearing in this matter. Appellant is concurrently transmitting these demonstratives, in native Power Point slide format, to the panel via email at PTABHearings@uspto.gov.

Respectfully submitted,

DATONICS, LLC

by its attorney

Dated: August 27, 2020

/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

Oral Argument re: Providing Profiles

Roy Shkedi, Datonics, LLC

SN 15/893,354 (Track 1 application)

Louis J. Hoffman, Sept. 1, 2020

Appeal No. 2020-001216

Overview of invention (claim 34)

- Media Property entity (MP) computer responds to information received from specially programmed Profile Owner (PO) computer
- PO computer:
  - Has database with stored requests for specific profiles (or categories) for multiple "media property entities" (MP)
  - Selects particular MP
  - Arranges for visitor to be tagged with tag readable by that MP, so MP can access profile info
- Selected MP computer receives indicia of profile information from PO computer (matches request)
- Later, that MP computer uses tag and PO profile info to cause targeted ad delivery when visitor is available

Construction of claim term "media property entity"

Appellant proposal

An entity that controls equipment (part of a computer system) that controls an ad space viewed by a visitor, at least temporarily.

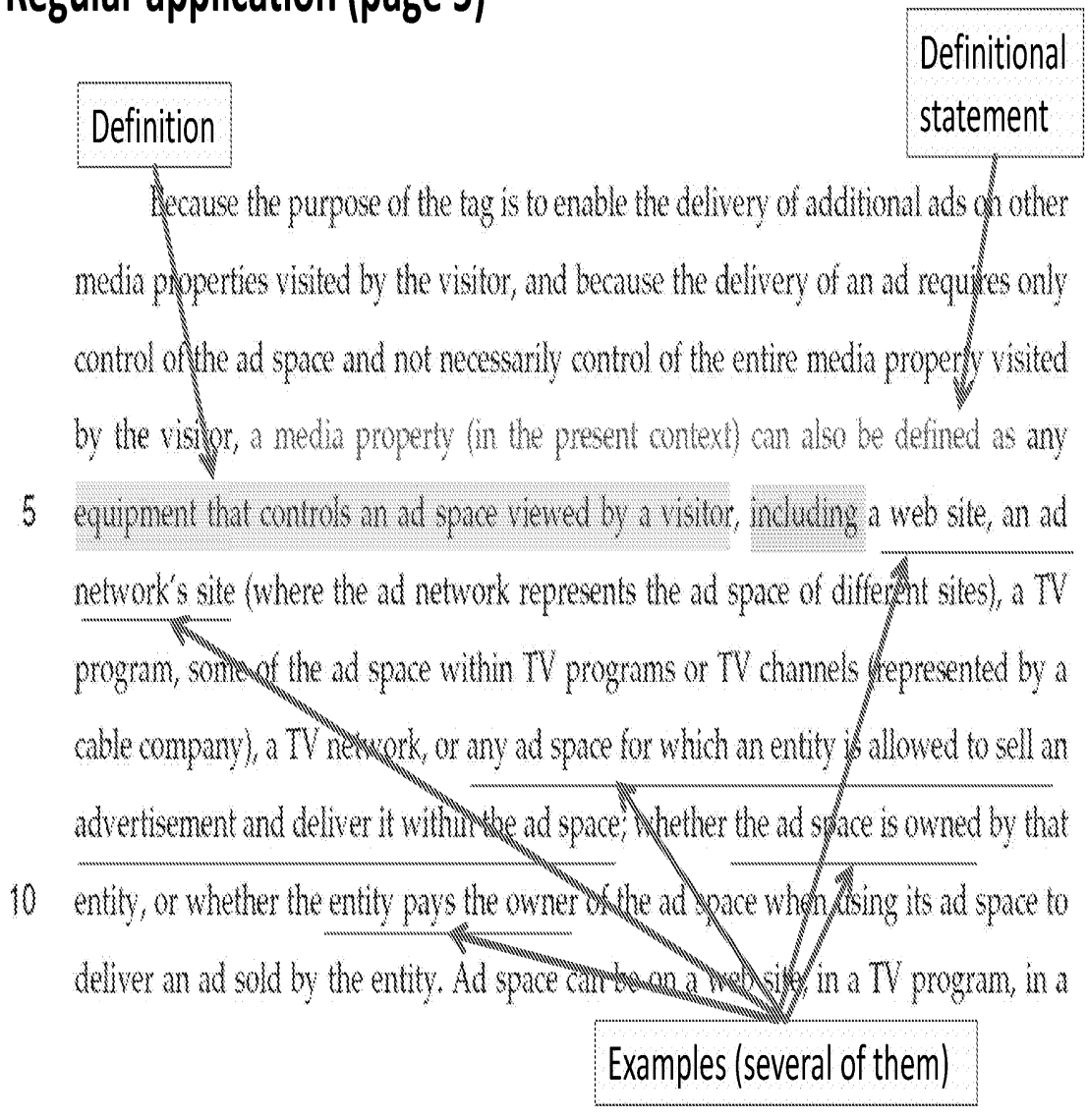
Examiner proposal

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.

Amazon/AlmondNet
Exhibit 1007
Page 446

Explicit definition of "media property"

Regular application (page 5)



Amazon/AlmondNet
Exhibit 1007
Page 447

Explicit definition of "media property"

Regular application (page 5, continued)

Clarifying example

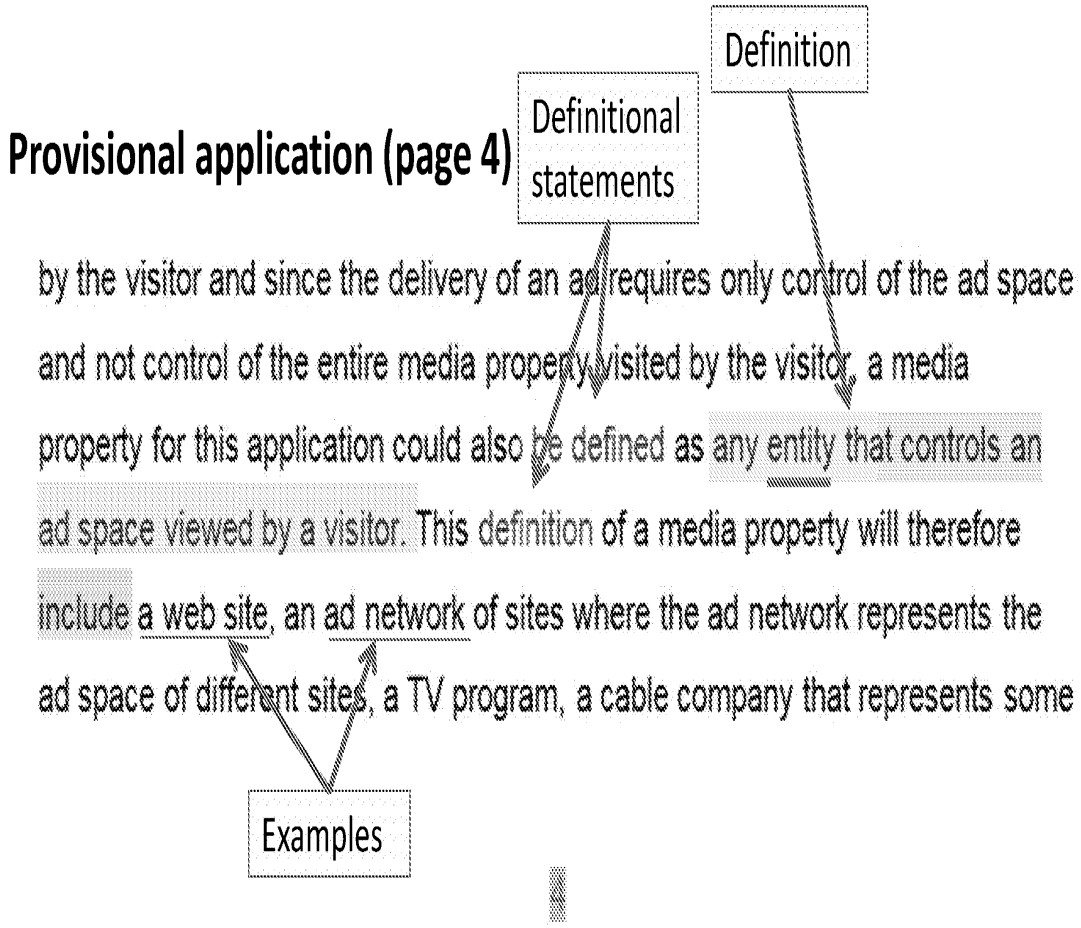
In the case of a media property controlling an ad space viewed by a visitor, a specific ad space on a page might be controlled only temporarily. For example, in the case of the web site that did not sell all the ad impressions available to be delivered within an ad space on a page and therefore makes the unsold ad space available to the ad network to fill, the ad network will have temporary control of the ad space, i.e., when that ad space is given to it by the web site. Once the site redirects the ad space on the page to the ad network (so the ad network could fill the ad space with an ad sold by the ad network), the ad network controls the ad space and has access to the visitor viewing the ad space that was redirected to the ad network by the site, and therefore the ad network's equipment is considered a media property, as it controls an ad space viewed by a visitor.

Definition repeated and applied to that example (similar language found in provisional, middle of p. 5)

network to fill and the ad network has temporary control of the ad space when that ad space is given to it by the site. Once the site redirects the ad space on the page to the ad network so the ad network could fill the ad space with an ad sold by the ad network, the ad network controls the ad space, has access to the visitor viewing the ad space that was redirected to the ad network by the site and therefore the ad network is considered a media property as it controls an ad space viewed by a visitor.

Relevant to "media property entity"

Provisional application (page 4)



Amazon/AlmondNet
Exhibit 1007
Page 449

Applying a proper claim construction, the obviousness rejection fails

- Claim term: "wherein the profile owner computer is programmed (i) to automatically select a media property entity of a plurality of media property entities …" [Part (b)]
- Rejection is Kublickis in view of Jaschke
  - Examiner admits that *Kublickis* does not have this element
  - Argues only that it is in *Jaschke*
- There is no disagreement as to what Jaschke teaches:
  - Consumer information broker
  - Accepts bids from advertisers
  - Chooses one of the advertisers to deliver an ad in a given ad space
- Key question: Whether Jaschke advertisers are plural "media property entities" (out of which the broker "automatically selects" one)

Amazon/AlmondNet
Exhibit 1007
Page 450

Jaschke's advertisers as disclosed are not a "plurality of media property entities"

Applicant's construction

- "An entity that controls equipment … that controls an ad space viewed by a visitor, at least temporarily."
- Jaschke advertisers do not control ad space when Jaschke's broker chooses one of them
- Only the winning advertiser is *later* given control of ad space (perhaps) – not a "plurality"

Examiner's construction

- "Any entity allowed to sell an advertisement and deliver it within an advertisement space …."
- Jaschke advertisers are not allowed to deliver ad in the ad space when Jaschke's broker chooses one of them
- Only the winning advertiser is *later* allowed to deliver ad in the ad space – not a "plurality"

Thus, Jaschke's broker computer is not "programmed to automatically select a media property entity of a plurality of media property entities."

Examiner's unconvincing defense of Jaschke

- Examiner points to statement in specification teaching that control of ad space may be "only temporary"
- Examiner argues "entity" remains "media property entity" afterwards
- BUT that argument does not work. Spec, page 5:

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. For example, in the

***

when that ad space is given to it by the web site. Once the site redirects the ad space on the page to the ad network (so the ad network could fill the ad space with an ad sold by the ad network), the ad network controls the ad space and has access to the visitor viewing the ad space that was redirected to the ad network by the site, and therefore the ad network's equipment is considered a media property, as it controls an ad space viewed by a visitor.

The obviousness rejection fails for a second reason too

- Claim term: "later, when the visitor device is available to receive an advertisement, … using the tag … to access the profile information stored in the central database and … using the profile information linked to the tag … to automatically cause delivery of an electronic advertisement to the visitor device …." [Part (c)]
- Examiner argues that this is found in Kublickis (primary reference)
  - Examiner does not argue that it is found in Jaschke or somehow stems from the combination with Jaschke
  - Examiner argues that Kublickis teaches delivering an ad on a different website (later) based on profile information collected on a first website
- But the cited paragraph [0436] actually teaches the *contrary*

Amazon/AlmondNet
Exhibit 1007
Page 453

The examiner misreads Kublickis

- *Kublickis:*

[0436] Other embodiments are possible. As an example, using the same method described above for embedding requests in web page files, the third-party content provider 130A or 130B could request the custom browser to construct a cookie on its behalf which contains the requested data points. 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 with additional consumer profile data relevant to the context of the web pages visited. With each new web page visited within the content provider's website, a fuller 'picture' of the visiting consumer would be captured within the cookie which the billed third-party content provider alone can access and exploit to customize webpage content and any embedded advertising, and to target offers and merchandise, which becomes progressively more relevant to the consumer member. When the consumer visits a different website, the customer browser erases the cookie.

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Page 454

Based on examiner's misreading of Kublickis, combination with Jaschke does not work

- *FOA, p. 10 – misstating what Kublickis discloses:*

DOES NOT

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 via the technique 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

11

Kublickis combination with Jaschke does not work

- Kublickis's ad-delivery system works only with respect to a *given* website in *current* contact with the custom browser
- Thus, Kublickis has no need to select any website or any other media property entity.
- Kublickis does not need to perform *any kind* of selection
- No reason why Kublickis would have considered Jaschke's techniques as "applicable"
- Kublickis' custom browser has no logical need for Jaschke's choosing-advertiser technique

Amazon/AlmondNet
Exhibit 1007
Page 456

Electronic Acknowledgement Receipt

EFS ID:	40406206
Application Number:	15893354
International Application Number:	
Confirmation Number:	5057
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 CON4
Receipt Date:	27-AUG-2020
Filing Date:	09-FEB-2018
Time Stamp:	19:16:26
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Affidavit/Dec/Exhibit after Notice of Appeal	20-08-27-DAT-PP_CON4-LtrTransOralArgDemonstratives.pdf	1638421 20b8fe3d6888f6794ca23756feb6bafcf3f7a473	no	14

Warnings:

Information:	
Total Files Size (in bytes):	1638421

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New Applications Under 35 U.S.C. 111

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.

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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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.
15/893,354	02/09/2018	Roy Shkedi	14 PP CON4	5057

26362 7590 08/28/2020

LOUIS J. HOFFMAN, P.C.
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EXAMINER	
SITTNER, MICHAEL J	

ART UNIT	PAPER NUMBER
3622	

NOTIFICATION DATE	DELIVERY MODE
08/28/2020	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

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte Roy Shkedi

Appeal 2020-001216
Application 15/893,354
Technology Center 3600

Before Deputy Clerk, Hearing Operations.

ORDER GRANTING REQUEST FOR TELEPHONIC HEARING

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/893,354	02/09/2018	Roy Shkedi	14 PP CON4	5057

26362 7590 09/21/2020

LOUIS J. HOFFMAN, P.C.
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EXAMINER
SITTNER, MICHAEL J

ART UNIT	PAPER NUMBER
3622	

NOTIFICATION DATE	DELIVERY MODE
09/21/2020	ELECTRONIC

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Louis@valuablepatents.com
donald@valuablepatents.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ROY SHKEDI

Appeal 2020-001216
Application 15/893,354
Technology Center 3600

Before MAHSHID D. SAADAT, ALLEN R. MacDONALD and IRVIN E. BRANCH, *Administrative Patent Judges*.

MacDONALD, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant[1] appeals from a Final Rejection of claims 34–61. Appeal Br. 12. Appellant has cancelled claims 1–33. Final Act. 2. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

---

[1] Appellant identifies the real party in interest as Datonics, LLC. Appeal Br. 1.

CLAIMED SUBJECT MATTER

Claim 34 is illustrative of the claimed subject matter (emphasis, formatting, and bracketed material added):

> 34. A method of causing delivery of electronic advertisements based on provided profiles comprising:
>
> (a) with a computer system automatically storing, in a central database associated with the computer system, profile information associated with a visitor, as a result of electronic receipt from a profile owner computer of indicia of the profile information, which profile information associated with the visitor matches a profile or kind of profiles ***requested by an entity controlling the computer system***, wherein a tag associated with a visitor device 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 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 profile or kind of profiles ***requested by the entity controlling the computer system***, and

Amazon/AlmondNet
Exhibit 1007
Page 463

(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.

REFERENCES[2]

The Examiner relies on the following references:

Name	Reference	Date
Horowitz	US 2005/0097204 A1	May 5, 2005
Kublickis	US 2007/0067297 A1	Mar. 22, 2007
Jaschke	US 2007/0130005 A1	June 7, 2007

[2] All citations herein to patent and pre-grant publication references are by reference to the first named inventor only.

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REJECTIONS

A.

The Examiner rejects claims 34–37, 39, 41–43, 45, 47–51, 53–56, 58, 60, and 61 under 35 U.S.C. § 103 as being unpatentable over the combination of Kublickis and Jaschke. Final Act. 5–17.

We select claim 34 as the representative claim for this rejection. The contentions discussed herein as to claim 34 are determinative as to this rejection. Therefore, except for our ultimate decision, we do not address the merit of the § 103 rejection of claims 35–37, 39, 41–43, 45, 47–51, 53–56, 58, 60, and 61 further herein.

B.

The Examiner rejects claims 38, 40, 44, 46, 52, 57, and 59 under 35 U.S.C. § 103 as being unpatentable over the combination of Kublickis, Jaschke, and Horowitz. Final Act. 18–23.

We select claim 49 as the representative claim for this rejection. The contentions discussed herein as to claim 34 are determinative as to this rejection. Therefore, except for our ultimate decision, we do not address the merit of the § 103 rejection of claims 38, 40, 44, 46, 52, 57, and 59 further herein.

OPINION

We have reviewed the Examiner's rejections in light of Appellant's arguments that the Examiner has erred. Appellant's contentions we discuss are determinative as to the rejections on appeal. Therefore, Appellant's other contentions are not discussed in detail herein.

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A.

The Examiner determines as to the above "media property entity" of claim 34:

> **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*."

Final Act. 4 (formatting added).

B.

Appellant contends that the Examiner erred in rejecting claim 49 under 35 U.S.C. § 103 because:

> Appellant proposes that the Board construe "media property equipment" as "equipment, which is part of the computer system that controls an ad space viewed by a visitor, at least temporarily" and "media property entity" as "an entity that controls media property equipment (as defined above)."
>
> . . .

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The specification, at page 5, lines 1–27, contains the following explanation and definition, supporting the proposed definition:

> Because the purpose of the tag is to enable the delivery of additional ads on other media properties visited by the visitor, and because the delivery of an ad requires only control of the ad space and not necessarily control of the entire media property visited by the visitor, a media property (in the present context) can also be defined as any equipment that controls an ad space viewed by a visitor, including a web site, an ad network's site (where the ad network represents the ad space of different sites), a TV program, some of the ad space within TV programs or TV channels (represented by a cable company), a TV network, or any ad space for which an entity is allowed to sell an advertisement and deliver it within the ad 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 can 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.

Appeal Br. 6–7.

The specification later says, on page 8, lines 5-6: "A low-value ad space owner could be any media property owner, whether it owns a web site, a TV program, a radio show, or any other media property." On line 23 of page 8, the specification similarly ***refers to "a media property (if acting as a profile owner)*** . . . ." Those page 8 citations indicate that the specification uses the term "media property" in some contexts to refer to an "owner" (entity), whereas the above quotation on page 5 of the specification uses the term "media property" in the context of "equipment." ***To avoid confusion, appellant crafted the claims to distinguish between "media property entity" and "media property equipment." Which of the two is being***

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> ***referenced at various points in the specification is clear from context.*** The Final Office Action says that "media property" and "media property entity" are "two terms [that] appear to be synonymous with each other." Although that is not exactly true, the usage (owner vs. equipment) is parallel in the specification, and appellant's proposed construction defines one by reference to the other.

Appeal Br. 8.

C.

As articulated by the Federal Circuit, the Examiner's burden of proving non-patentability is by a preponderance of the evidence. *See In re Caveney*, 761 F.2d 671, 674 (Fed. Cir. 1985) ("preponderance of the evidence is the standard that must be met by the PTO in making rejections"). "A rejection based on section 103 clearly must rest on a factual basis[.]" *In re Warner*, 379 F.2d 1011, 1017 (CCPA 1967). "The Patent Office has the initial duty of supplying the factual basis for its rejection. It may not . . . resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in its factual basis." *Id.* We conclude the Examiner's analysis fails to meet this standard because the Examiner's determination that the two terms "media property entity" and "media property equipment" are ***synonymous*** with each other is not properly founded. Thus, the Examiner's findings of fact as to the "media property entity" are based on error as to the definition of that term.

D.

We agree with Appellant that the terms "media property entity" and "media property equipment" are distinct. We determine that "media property entity" (shortened to "entity" at page 5 of the Specification) refers to an "owner" in a legal/business context; and "media property equipment"

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refers to hardware or hardware/software such as a web site, a computer, a mobile device, a TV set, a TV set top box, or any other device (Spec. 5) in a technology context.

We conclude, consistent with Appellant's arguments that there is insufficient articulated reasoning to support the Examiner's finding that Kublickis or Jaschke discloses the argued "media property entity" claim limitations, as required by claim 34. Therefore, we conclude that there is insufficient articulated reasoning to support the Examiner's final conclusion that claim 34 would have been obvious to one of ordinary skill in the art.

E.

We have determined that the "media property entity" and "media property equipment" are distinct and are not synonymous. For this reason alone, the Examiner's articulated reasoning is insufficient. However, for example, Figure 1 of Jaschke teaches an advertiser entity 110 and advertiser equipment 132 as distinct items. Similarly, a profiler entity 100 and profiler equipment 131 are distinct items.

We recommend that the Examiner reevaluate the appropriateness of a rejection under 35 U.S.C. § 103 based on the teachings of the Kublickis, Jaschke, and Horowitz references in light of the proper claim construction.

CONCLUSION

Appellant has demonstrated the Examiner erred in rejecting claims 34–61 as being unpatentable under 35 U.S.C. § 103.

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The Examiner's rejections of claims 34–61 as being unpatentable under 35 U.S.C. § 103 are **reversed**.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
34–37, 39, 41–43, 45, 47–51, 53–56, 58, 60, 61	103	Kublickis, Jaschke		34–37, 39, 41–43, 45, 47–51, 53–56, 58, 60, 61
38, 40, 44, 46, 52, 57, 59	103	Kublickis, Jaschke, Horowitz		38, 40, 44, 46, 52, 57, 59
Overall Outcome				34–61

REVERSED

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