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A

PATENT APPLICATION TRANSMITTAL LETTER

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS Docket No. 6676-11

Transmitted herewith for filing of the patent application of:

Thomas L. DiStefano, III

METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS



Enclosed are:

- X Application
- X Declaration
- 23 Sheets of drawing (3 sets)
- X Verified Statement Claiming Small Entity Status
- X An assignment of the invention to:
  The Perfect Web Corporation
- X Other: 2 postcards



CLAIMS AS FILED			Small Entity		Other than a Small Entity	
FOR	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
Basic Fee				$345		$
Total Claims	-21-	1	x $9 =	9	x $18 =	$
Indep Claims	-5-	2	x $39 =	$ 78	x $78 =	$
multiple dependent claim present			x $135 =	$	x $270 =	$
If the difference in Col. 1 is less than zero, enter "0" in Col. 2			TOTAL	$432.00	TOTAL	$
assignment recordal fee				$ 40.00		$

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- X Any additional filing fees required under 37 C.F.R. 1.16.
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EXPRESS MAIL LABEL NO. EK575132689US

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VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) and 1.27(c))--SMALL BUSINESS

Docket Number (Optional) 6676-11

Applicant or Patentee: Thomas L. DiStefano, III

Serial or Patent No.: _____

Filed or Issued: Herewith

Title: METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS

I hereby declare that I am

[ ] the owner of the small business concern identified below:

[X] an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: The Perfect Web Corporation

ADDRESS OF SMALL BUSINESS CONCERN: 411 East Atlantic Avenue, #6, Delray Beach, FL 33483

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

[X] the specification filed herewith with the title as listed above.

[ ] the application identified above.

[ ] the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention must file separate verified statements averring to their status as small entities and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each such person, concern or organization having rights in the invention is listed below:

[ ] No such person, concern, or organization exists.

[ ] Each such person, concern or organization is listed below.

FULL NAME _____

ADDRESS _____

[ ] Individual [ ] Small Business Concern [ ] Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Thomas L. DiStefano, III

TITLE OF PERSON OTHER THAN OWNER Chairman

ADDRESS OF PERSON SIGNING 411 East Atlantic Avenue, #6, Delray Beach, FL 33483

SIGNATURE _____ DATE 6-3-00

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METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS

Inventor: Thomas L. DiStefano III

The Perfect Web Corporation

QBMKE\4542719.3

Express Mail Label No. EK575132689US

METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS

STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT

(Not Applicable)

FIELD OF THE INVENTION

The present invention relates generally to creating and posting web pages to the internet, and more specifically, to a method for more easily developing web pages through the use of a graphical user interface.

BACKGROUND OF THE INVENTION

The World Wide Web (web) has rapidly become an invaluable tool to individuals and businesses. Not only can an individual or business post information on the web, but it can also use the web to transact business. Because the public is acutely aware of the web's business and personal benefits, millions of web pages are being added to the web each year.

Typically, a web page is defined by a document containing HyperText Markup Language (HTML) code. An HTML document suitable for posting on the internet includes both "content" and "markup." The content is information which describes a web page's text or other information for display or playback on a computer's monitor, speakers, etc. The markup is information which describes the web page's behavioral characteristics, such as how the content is displayed and how other information can be accessed via the web page.

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In order to provide web-based information and services over the internet, the web employs "client" computers, "browser" software, and "server" computers. A client computer is a computer used by an individual to connect to the internet and access web pages. A browser is a software application, located on a client computer, which requests, via the internet, a web page from a server computer. After receiving the web page, the browser displays the web page on the client computer's monitor. A server computer is a computer which stores web page information, retrieves that information in response to a browser's request, and sends the information, via the internet, to the client computer. Thus, after a web page is created, the page must be "posted" to a particular server computer which "hosts" the page, so that the page can be accessed over the internet.

In order to have one's web page hosted by a server, the individual must contract with an internet service provider (ISP) associated with the server. This contract specifies, among other things, the duration of the time that the ISP will host the page, and how much the individual will pay for that hosting service.

Even though the idea of having one's own web page is appealing, the average individual has little or no knowledge about how to create a web page. Particularly, the average individual does not know how to create an HTML document or to post that document to a server computer. Unless that individual is willing to learn how to create and post their own web page, that individual is faced with few options.

The most commonly used avenue for an individual to get his web page on the internet is to employ one of numerous companies to provide, for a fee, web page/website development services. After contacting such a website

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development company, the individual would meet with one of the company's web page designers to explain the individual's concept for his web page. The designer would then create the associated HTML document. After approval by the individual, the designer may provide the service of posting the web page to a server. The server typically is not associated with the website development company. Thus, the individual must separately contract with an ISP associated with the server to host the web page. Typically, this web page creation and posting process is time consuming and expensive, because it requires the individual and the designer to spend a significant amount of time together working on a particular page design. In addition, the process is inefficient because the individual must work separately with a website development company and an ISP.

The difficulties and expense associated with web page creation and design are exacerbated by the fact that many individuals who desire to set up web pages are doing so for commercial reasons, i.e., the individuals desire to conduct business or "e-commerce" over the internet using their web pages. Developing a web page/website suitable for e-commerce typically requires at least two types of features above and beyond those required for a standard (non-commercial) web page/website. First, an e-commerce website typically requires marketing features. As noted, there are millions of web pages already existing on the interest, and so the success of an internet-based business employing a website depends critically upon whether consumers on the internet are aware of, and can easily access, the website.

With respect to these marketing features, a common way of marketing a website on the internet is to have other websites display advertising messages

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("banner ads") concerning the website. A second way of marketing a particular website on the internet is simply to have other websites display selectable commands ("links") which, if selected by a person accessing the other websites using his browser, cause the browser to access the particular website. Although the use of such banner ads and links is very common, the setting up of such mechanisms is not always easy. In particular, other websites typically do not display banner ads and links for a particular website without contractual arrangements, including payment, which can be difficult for a novice web designer to arrange and expensive to arrange via a website development company.

In addition to marketing features, an e-commerce website typically also requires features that allow the conducting of sales transactions, i.e., features for executing transactions involving the buying and selling of goods and/or services. Such features typically include a sales mechanism, i.e., a "shopping cart" mechanism or an "auction." Further, such features typically include a payment arrangement, i.e., an arrangement allowing for transfers from a purchaser's credit card to a merchant account associated with the e-commerce website. The setting up of such sales mechanisms and payment arrangements also can be difficult for a novice web designer and expensive if performed by a website development company.

What is needed, therefore, is a method for enabling an individual to conveniently design a web page without requiring that individual to learn HTML or to interact extensively with a web page designer at a website development company. What is further needed is a streamlined method for web page/website development and, in particular, a method of facilitating the

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development of e-commerce websites having key marketing and sales transaction features.

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SUMMARY OF INVENTION

The present invention relates to a method of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the internet. The method includes, during design of the first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed. The method further includes saving the information at a first database that is coupled to the user interface, obtaining the element for marketing of the type indicated, and causing the display of the element for marketing at the second website when the first website is activated with respect to the internet. The element for marketing includes at least one of a banner ad concerning the first website and a link to the first website.

The present invention additionally relates to a method of assisting a website designer in establishing an e-commerce feature on a first website being designed by the website designer for access by third parties upon the activation of the first website on the internet. The method includes receiving at a user interface a selection of the e-commerce feature that is desired to be implemented on the first website, wherein the e-commerce feature is at least one of a shopping cart and an auction. The method further includes receiving at the user interface information concerning a picture of a product desired to be sold using the e-commerce feature, receiving at the user interface information concerning a written description of the product, receiving at the user interface information concerning a price of the product, and receiving at the user interface

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information concerning an identification number of the product. The method additionally includes, when the first website is activated on the internet, displaying the e-commerce feature on the first website. The display of the e-commerce feature includes the display of at least some of the picture, written description, price and identification information of the product.

The present invention further relates to a computer-readable storage medium containing computer executable code for instructing at least one computer to perform several steps. In particular, the computer executable code instructs the computer to perform the step of, during design of a first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at a second website, and information specifying the second website at which the element is to be displayed. The steps further include saving the information at a first database that is coupled to the user interface, obtaining an element for marketing of the type indicated, and causing the display of the element for marketing at the second website when the first website is activated with respect to the internet. The element for marketing includes at least one of a banner ad concerning the first website and a link to the first website.

The present invention additionally relates to a computer-readable storage medium containing computer executable code for instructing at least one computer to perform several steps. In particular, the computer executable code instructs the computer to perform the step of receiving at a user interface a selection of an e-commerce feature that is desired to be implemented on a first website, wherein the e-commerce feature is at least one of a shopping cart and an auction. The computer executable code further instructs the computer to

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perform the steps of receiving at the user interface information concerning a picture of a product desired to be sold using the e-commerce feature, receiving at the user interface information concerning a written description of the product, receiving at the user interface information concerning a price of the product, receiving at the user interface information concerning an identification number of the product and, when the first website is activated on the internet, displaying the e-commerce feature on the first website. The display of the e-commerce feature includes the display of at least some of the picture, written description, price and identification information of the product.

The present invention further relates to an internet-based system for assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the internet. The system includes a server computer accessible by a plurality of registered user computers and a plurality of unregistered computers using the internet. The server computer receives at a user interface displayed at one of the registered user computers information indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed. The server computer additionally saves the information at a first database that is coupled to the server computer, and obtains an element for marketing. The server computer further hosts the second website, activates the first website on the internet by hosting the first website on the internet, provides a web page of the second website to one of the unregistered computers, and displays the element for marketing on the web page.

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BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 illustrates a system in which the method of the present invention can be practiced;

FIG. 2 illustrates an exemplary graphical user interface (GUI), including a website design plate and a STICKY PAD™, which is employed in performing the method of the present invention;

FIG. 3 illustrates in greater detail the STICKY PAD™ of the GUI of FIG. 2;

FIG. 4 illustrates searching for graphic images ("web assets" or "fx") using the STICKY PAD™;

FIG. 5 illustrates searching for sounds using the STICKY PAD™;

FIG. 6 illustrates searching for colors using the STICKY PAD™;

FIG. 7 illustrates text editing using the STICKY PAD™;

FIG. 8 illustrates the operation of a running meter on the STICKY PAD™;

FIG. 9 illustrates the creation of a banner ad and a logo using the STICKY PAD™;

FIG. 10 illustrates the generation of a website outline using the navigation feature of the website design plate;

FIG. 11 illustrates providing log in information and generating a table/cell at the website design plate;

FIG. 12 illustrates the operation of STAY STICKY™ features, including smart agent and MAIL WIZ™ features;

FIG. 13 illustrates the development of website e-commerce mechanisms, including shopping carts and auctions, as well as the setting-up of a merchant account, using the e-commerce feature of the website design plate;

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FIG. 14 illustrates the operation of examples and help/statistics features (including a size meter/meter box) of the website design plate;

FIG. 15 illustrates providing payment (including credit card) information when attempting to save website information assembled on the website design plate;

FIG. 16 illustrates a flowchart with method steps for developing a web page of a website, in accordance with one embodiment of the present invention;

FIG. 17 illustrates a flowchart with method steps for providing text and tables/cells into a web page of a website that is being developed, including text editing, which can be performed as part of the flowchart of FIG. 16;

FIG. 18 illustrates flowcharts with method steps for saving website information and previewing website operation, which can be performed as part of the flowchart of FIG. 16;

FIG. 19 illustrates a flowchart with method steps for generating a website outline using a navigation feature, which can be performed as part of the flowchart of FIG. 16;

FIG. 20 illustrates a flowchart with method steps for performing STAY STICKY™ features, including smart agent features and MAIL WIZ™ features, which can be performed as part of the flowchart of FIG. 16;

FIG. 21 illustrates a flowchart with method steps for performing e-commerce features, which can be performed as part of the flowchart of FIG. 16;

FIG. 22 illustrates a flowchart with method steps for performing examples and help/statistics features, which can be performed as part of the flowchart of FIG. 16; and

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FIG. 23 illustrates a flowchart with method steps for recommencing development of, and editing, a website that has already been partially developed using the GUI of FIG. 2.

DETAILED DESCRIPTION OF THE INVENTION

It is to be understood that the phraseology or terminology employed herein is for the purpose of description, and not of limitation. Accordingly, the invention is intended to embrace all such alternatives, modifications, equivalents, and variations as fall within the spirit and broad scope of the appended claims. The present invention is a method for developing a website through the use of a graphical user interface. Figure 1 is a block diagram illustrating a generalized computer/internet system 100 in which the method of the present invention can be practiced. Specifically, the preferred system 100 includes a server computer 140 operably connected to the internet 130 using standard techniques well-known in the art, for instance the TCP/IP protocol. The method preferably can be implemented through the use of the server computer 140 using standard computer programming techniques well-known in the art. As an example, the server computer 140 can preferably be programmed using the Java™ programming language distributed by Sun Microcomputer Corp. of Palo Alto, California.

Three types of other parties can interact with the server computer 140. First, registered users who have logged in with respect to the server computer 140, as discussed with reference to FIG. 11, can fully access the server computer at one or more registered users computers 180. Second, third party potential customers who have not yet logged in with respect to the server computer 140 can obtain limited access to the server computer at one or more third party potential customers computers 110. Finally, third party authors who

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contribute web assets for use in web pages created by registered users can access the server computer 140, from one or more third party author computers 120, for the limited purpose of uploading web assets to the server computer for distribution. Registered users computers 180, third party potential customers computers 110 and third party authors computers 120 are home computers or other interface devices (not necessarily complete computers) that are capable of accessing the server computer 140 through the internet 130 using standard web-browsers, well-known in the art.

The server computer 140 preferably has or is coupled to a third party user database 160, a web assets database 170, and a programming database 190. The third party user database 160 preferably includes a listing of all third party users registered to access the server computer 140. Specifically, information provided during the log in process by registered users is included in the third party user database 160. Also, information regarding websites that have been or are being designed by registered users can be saved (as discussed with reference to FIG. 15) in the third party user database 160. Moreover, third party user database 160 preferably includes a listing of third party authors who have uploaded web assets to the web assets database 170 for use by the registered users in creating their websites, and who have been authorized by the system 100 to receive payment for the use of their web assets by the registered users. Web assets database 170 stores a catalog of web assets uploaded by third party authors. In addition, web assets that are stored in web assets database 170 can include web assets that are derived from other sources, such as web assets designed by the operator of the server computer 140. System 100 automatically compensates a third party author whose uploaded web asset has been distributed to a registered user. When system 100 posts a web page having a

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web asset uploaded by a third party author on behalf of a registered user, the system 100 credits the credit card account of the third party author in compensation for the use of the web asset. Specifically, the server computer 140 contacts the credit card company 150 corresponding to the third party author's credit card and submits a credit over the internet 130 to the credit card company 150.

Referring to FIG. 2, the present invention employs a graphical user interface (GUI) to allow a registered user to easily develop a website comprising one or more web pages. In one embodiment, all or nearly all of the programming required to operate the GUI is stored on programming database 190, and is accessed by potential customers and registered users by way of their web browsers (and is viewed via the internet 130 when needed by those potential customers and registered users). However, in the preferred embodiment, the programming required to operate the GUI is provided to potential customers and registered users as software (i.e., on a floppy disk or a CD-ROM), and is stored directly in the programming database 190. Potential customers are capable of interacting with the GUI to perform certain website design functions by logging into computer 140. However, key functions such as searching for web assets, and saving/submitting a fully-designed website for posting on the internet 130, can only be performed once the potential customers have logged into the server computer 140 and become registered users such that they have full access to the server computer 140 via the internet 130. Hereinafter (except with respect to FIG. 11 concerning the log in process), all discussion regarding use of the GUI will concern use of the GUI by registered users at registered user computers 180; however, it should be understood that

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third party potential customers can also perform limited functions with respect to the GUI before logging into the system 100.

The GUI is provided on a display at the registered user computer 180 and includes a primary display screen, which is termed a STICKY WEB™ website design plate 210 (or web design plate) (STICKY WEB™ is a trademark of the Perfect Web Corporation, of Delray Beach, Florida). Website design plate 210 has a plurality of selection buttons 212, which in the preferred embodiment include a log in button 215, a save button 218, an edit button 220, a navigation button 225, a preview button 230, a text button 235, an fx button 240, a color button 245, a sound button 250, a tables button 255, a STAY STICKY™ button 260, an e-commerce button 265, an examples button 270 and a help/statistics button 275. In one embodiment, a registered user selects or actuates selection buttons 212 by pointing at the buttons using a mouse of the registered user computer 180, and clicking on the mouse. In alternate embodiments, a registered user can select or actuate selection buttons 212 by providing appropriate keystrokes on a keyboard of the registered user computer 180, by appropriately touching a touch screen of the registered user computer, or by providing an input signal at another conventional type of input device known in the art.

In addition to selection buttons 212, website design plate 210 further includes a design space 214 in which can be displayed one or more web assets 205, which together form a web page. Web assets can include JAVA applets, scripts (including moving scripts and scripts written in a variety of internet languages such as PERL, CGI, SQL, JAVA, XML and HTML), stock art, clip art, digital art, background images, textures, GIF, JPEG, TIF, BMP, chat rooms, message boards, web objects, buttons, templates, themes, fading color, mouse

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over effects, borders, buttons, shadows, icons, internet designs, sounds, music, etc. In general, web assets are graphic images, including text and related color, sound and animation features, which can be displayed on a website. When displayed for a registered user who has logged into the system 100 (as discussed with reference to FIG. 11), the web assets are interactive, i.e., information can be exchanged between the registered user and the system 100 via the web assets.

As shown in FIG. 2, during design of a website using the GUI, a second display screen, termed a STICKY PAD™ 310, is often shown within (or over) website design plate 210 (STICKY PAD™ is a trademark of the Perfect Web Corporation, of Delray Beach, Florida). STICKY PAD™ 310 includes a design space 280 on which one or more web assets 305 can be displayed. Web assets 305 can be manipulated on the STICKY PAD™ 310, which acts as the editing platform for the registered user and appears when it is necessary to edit or otherwise modify web assets. STICKY PAD™ 310 further includes a plurality of selection buttons 285, 295, which are selected by a registered user in the same manner as selection buttons 212 are selected. As shown in FIG. 3, buttons 285 include an fx button 315, a sound button 320, a color button 325 and a search button 330, and buttons 295 include a text editor button 345 and a running meter button 350, in one embodiment of the invention. Buttons 285, 295 are described in further detail with reference to FIGS. 4-9. STICKY PAD™ 310 additionally includes, in certain embodiments, a banner bar 290. Banner bar 290 is capable of displaying one or more banner ads corresponding to other websites designed by other registered users through the use of system 100, which allow for marketing of those websites. Also, banner bar 290 is capable of displaying banner ads corresponding to outside advertisers.

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A registered user can interact with STICKY PAD™ 310 to perform a variety of operations. The registered user can select (by way of a mouse or other input device) any of the web assets 305 that are currently shown on the STICKY PAD™ 310, move the web assets relative to one another, and alter the size of the web assets. Referring to FIGS. 4-6, the registered user also can select search button 330 to identify and obtain new web assets and other elements, including sound elements and color elements, which can be added to the website that is being developed. Upon selecting search button 330, a search menu 410 appears having selectable options 420 for fx (web assets), sound and color. As shown in FIG. 4, if the registered user selects fx (web assets) from search menu 410, an fx menu 430 appears. As shown in FIG. 5, if the registered user selects sound from search menu 410, a sound menu 540 appears. As shown in FIG. 6, if the registered user selects color from search menu 410, a color pallet 640 appears. To streamline operation of the STICKY PAD™ 310, the STICKY PAD™ further includes individual fx, sound and color buttons 315, 320 and 325 which, when selected, result in the immediate display of fx menu 430, sound menu 540 and color pallet 640.

In the preferred embodiment, fx (web assets) menu 430 includes a search entry field 435 in which the registered user can enter keywords or other search criteria indicative of the type of web assets that the registered user desires to implement within its website. Upon receiving search criteria from the registered user, the system 100 (particularly the server computer 140) searches the web assets database 170 for web assets that meet the search criteria. System 100 employs any of a number of conventional search engines to perform the searches. Upon the commanding of a search by the registered user, the fx menu 430 lists all available web assets that meet the search criteria in a scroll menu, as

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shown in FIG. 4. Also in the preferred embodiment, sound menu 540 includes a search entry field 545 in which the registered user can enter keywords or other search criteria indicative of the type of sounds that the registered user desires to implement within its website. Upon receiving search criteria from the registered user, the system 100 performs a search for sounds meeting the search criteria and then lists all available sound elements that meet the search criteria in a scroll menu, as shown in FIG. 5.

Fx menu 430 and sound menu 540 typically list available elements in categories. For example, for fx/web assets, the categories can include icons, scripts, chat rooms and message boards and, for sound elements, the categories can include general sounds, noises, music and sound effects. Although in the preferred embodiment, fx menu 430 and sound menu 540 list web assets and sound elements that are identified based upon searches of web assets database 170 and meet search criteria specified in search entry fields 435, 545, in alternate embodiments searches need not be performed. In such embodiments, fx menu 430 and sound menu 540 directly list all available web assets and sound elements that are available for implementation into a website, without receiving search criteria from the registered user. Further, with respect to color pallet 640, in the preferred embodiment the color pallet lists all available colors without receiving search criteria from the registered user or performing any searches to narrow down the list of available colors. However, in alternate embodiments, color pallet 640 can include a search entry field for receiving search criteria from the registered user and, upon performing a search, display colors that meet the specified search criteria.

Once fx menu 430, sound menu 540 and color pallet 640 list available web assets, sound elements and color elements, respectively, the registered user

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can select one or more of the elements for implementation in the registered user's website (i.e., by selecting one or more of the elements using a mouse). The registered user can, upon selecting a web asset, sound or color, cause the selected element to appear within design space 280 of STICKY PAD™ 310 (i.e., by double-clicking on the element using a mouse). The registered user also can apply selected web assets, sound elements or color elements to existing web assets or other elements within STICKY PAD™ 310. The registered user applies the selected elements to existing elements within the STICKY PAD™ 310 by dragging and dropping the selected elements onto the existing elements. In the preferred embodiment, sound and color elements can be dragged, dropped and otherwise manipulated around the STICKY PAD™ 310 in the same manner as web assets; when the registered user selects a sound or color element, the selected sound or color element is displayed as an icon or thumbnail image 550.

For example, once a chick icon has been selected from fx menu 430 and is displayed in design space 280 as web asset 305a (as shown in FIG. 3), the registered user can further modify the chick to make a peep or other noise by selecting the desired noise from sound menu 540, dragging the noise to the chick, and dropping the noise onto the chick. If the color of the chick as obtained from fx menu 430 is not the desired color, i.e., the color is white and not yellow, the registered user can further modify the color of the chick by selecting the color yellow from color pallet 640, dragging the color to the chick, and dropping the color onto the chick. Although in the preferred embodiment, sound and color elements can be dragged and dropped in the same manner as web assets, in alternate embodiments, a registered user can instead apply a particular sound or color element to an existing element within the STICKY

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PAD™ 310 simply by selecting the existing element before (or immediately after) selecting the particular sound or color element. The web assets, sound elements and color elements displayed in fx menu 430, sound menu 540 and color pallet 640, respectively, are provided from server computer 140, which accesses web assets database 170. Web assets database 170 stores web assets that are provided from a variety of sources including internet companies, publishers, geeks, designers, and artists. In the preferred embodiment, some of the web assets stored on web assets database 170 are provided from independent third party authors who access system 100 by way of third party author computers 120. System 100 compensates the independent third party authors when their web assets are utilized by registered users in designing websites. Web assets can also be provided under license from major digital and stock art publishers (i.e., Adobe, Corel, Com Stock, etc.). Although the system 100 is designed to allow the registered user to obtain web assets and sound and color elements from web assets database 170, the system also allows the registered user to obtain web assets from other sources. For example, the registered user can upload its own web assets from a memory device (i.e., the hard drive) of registered user computer 180. Also, in certain embodiments, the registered user can obtain web assets by independently accessing third party websites via the internet, and selecting web assets displayed on those websites.

The web assets that can be selected from fx menu 430 include web assets that consist partly, or even entirely, of text. However, STICKY PAD™ 310 further allows a registered user to enter text directly into the STICKY PAD™ by typing in the desired text at a keyboard at registered user computer 180. The text is displayed within design space 280 of the STICKY PAD™ 310 once the registered user hits the "enter" key on the keyboard. In certain embodiments,

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text that is desired for entry into the STICKY PAD™ 310 can be uploaded from a memory associated with registered user computer 180 rather than typed in by the registered user. Once the text is displayed within the design space 280, the text can be selected by the registered user and moved around within design space 280 like any other web asset. The text can also be edited if the registered user selects the text editor button 345. As shown in FIG. 7, upon the selection of text editor button 345, a text editor menu 710 appears. Displayed on text editor menu 710 are a font/style/size/color button 720 and a spell check button 730. Upon selection of the font/style/size/color button 720, a font/style/size/color menu 740 appears, from which the registered user can select a plurality of fonts, styles and colors for the text as well as select a size setting for the text.

Upon selection of the spell check button 730, a spell check is performed using computer algorithms that are well known in the art. In one embodiment, a spell check result box 750 appears once the spell check has been performed in relation to the text, and suggested changes to the text appear in the spell check result box. In alternate embodiments, the spell check is executed without the display of any spell check result box. For example, if a spelling error is detected in the text, the spelling error is highlighted in the text itself. The registered user can identify which text is to be edited in a variety of ways. In one embodiment, the registered user must select the text (i.e., highlight the text, using a mouse) that is to be edited, and then subsequently select text editor button 710. In another embodiment, the registered user first selects text editor button 710 and then subsequently selects the text that is to be edited.

Referring to FIG. 8, STICKY PAD™ 310 additionally includes running meter button 350. Upon being selected by the registered user, running meter

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button 350 provides a running meter block 810 that shows an indication of the size of the web asset(s) that are displayed on STICKY PAD™ 310. As shown in FIG. 8, in one embodiment, the indication provided by running meter block 810 is an indication (preferably displayed on a single line of text) of the memory required for storing the web assets. In alternate embodiments, other or additional information can be displayed by running meter block 810, e.g., the time required to download or execute the web assets. In the preferred embodiment, this other information is not displayed by way of selecting running meter button 350 of STICKY PAD™ 310, but is displayed by way of help/statistics button 275 of website design plate 210, as described below with reference to FIG. 14. Although in the present embodiment, size information is only displayed when running meter button 350 is selected by the registered user, in alternate embodiments the running meter button is replaced by a running meter display region, which always displays the total size of all web assets currently being displayed in display region 280.

In the preferred embodiment, the web assets that are selectable by a registered user are standardized to facilitate the registered user's creation of a website that operates in an efficient and user-friendly manner and, in particular, does not require too much memory or require excessive time to be downloaded from the internet. Thus, in the preferred embodiment, an authenticating team reviews all web assets that are provided from third party authors before the web assets are stored on web assets database 170 and accessible by registered users in designing their websites. The authenticating team only allows web assets that do not exceed a maximum kilobytes (K) allowed per web asset and web page to be stored on the web assets database 170. In addition to storing information concerning the characteristics of the web assets, web assets database 170 also

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stores accounting information regarding the usage of the web assets stored on the web assets database. At the end of each time period (i.e., month or quarter), the server computer 140 reviews the accounting information and determines the amount of usage of each of the web assets by each registered user. The web asset usage is assigned a cash amount per use so that a total amount of money owed by each registered user can be calculated (and charged to each respective registered user).

Turning to FIG. 9, a registered user can utilize STICKY PAD™ 310 to design a banner ad 910 to be used to advertise the registered user's website. The registered user can search for a desired banner ad design by selecting search button 330 and then selecting fx from search menu 410 (or simply by selecting fx button 315), to obtain fx menu 430, at which a search can be requested. In the fx menu 430, all available banner ads have standard size configurations, namely 240X360 pixels or 240X240 pixels. As with respect to other web assets that are displayed within STICKY PAD™ 310, the banner ad 910 that is being developed using the STICKY PAD™ can be moved within the design space 280 and modified through the addition of other web assets (including text), which are obtained by selecting search button 330 (or fx button 315) and bringing up fx menu 430. Also, the banners can be modified through the addition of sounds and colors, which are obtained by selecting search button 330 (or by selecting sound and color buttons 320 and 325, respectively) to bring up sound menu 540 and color pallet 640, respectively.

Also as shown in FIG. 9, the registered user can utilize STICKY PAD™ 310 to design a logo 920 for the registered user's website. As with respect to the design of banner ads, the registered user can search for a desired logo design in, and select the desired logo design from, fx menu 430. Alternatively, the

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registered user can upload an already-designed logo from a memory device at registered user computer 180 (e.g., the registered user's hard drive) into STICKY PAD™ 310. The selected or uploaded logo can then be further edited and modified within the STICKY PAD™ 310, for example, through the addition of other web assets (including text), sounds and colors. Although in the present embodiment logos and banner ads are designed using the same searching and design procedures that are employed in the design of other website elements, in other embodiments STICKY PAD™ 310 and/or website design plate 210 have specific "logo design" and "banner design" buttons that the registered user can select to design logos and banner ads, respectively.

When the registered user finishes developing and modifying the web assets in the design space 280 of the STICKY PAD™ 310, the registered user drags and drops (i.e., using a mouse) the web assets into website design plate 210. In alternate embodiments, the registered user can provide a command to the system 100 to terminate the display of the STICKY PAD™ 310, at which time all of the elements being displayed in the STICKY PAD™ appear in the website design plate 210. When the web assets are dropped into website design plate 210, the web assets become interactive (as long as the registered user has logged in to the system 100, as discussed with reference to FIG. 11). That is, the web assets become functional so that the registered user is able to exchange information with respect to the web assets, i.e., interact with system 100 through the use of the web assets. When dropped into website design plate 210, the web assets form or are added to a particular web page of the website being developed.

A website that is being developed typically will have more than one web page. As shown in FIG. 10, the registered user can provide information to the

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system 100 indicating the number of web pages in the website, as well as determine the web page that is currently being displayed by website design plate 210, by selecting navigation button 225 on website design plate 210. Upon selecting navigation button 225, a navigation menu 1010 appears. Navigation menu 1010 includes a list of web pages 1 through 10. In alternate embodiments, navigation menu 1010 can list fewer or greater than ten web pages. Adjacent to the web page numbers are fields 1015 for inputting names/identifiers for the respective web pages. The registered user can input a name/identifier corresponding to each of web pages 1-10 by selecting the respective field 1015 (i.e., by way of a mouse) and typing in the name/identifier. The registered user determines which web page is currently being displayed by website design plate 210 by selecting one of the page numbers in the list. In certain embodiments of the invention, the website design plate 210 always displays a web page number indication corresponding to the web page that is currently being displayed, for example, at a corner of design space 214.

Websites that are designed using the system 100 are not limited to ten web pages. As shown in FIG. 10, the registered user can select an add new page button 1020 on navigation menu 1010 to add additional pages (and to provide names/identifiers corresponding to those additional pages). Also, although the registered user can type in original names/identifiers corresponding to the web pages (e.g., in fields 1015), the registered user can also utilize standard names/identifiers by selecting a scroll menu button 1030. Upon selecting scroll menu button 1030, a scroll menu 1040 appears that lists various standard web page names/identifiers such as, for example, Company Information, Recent News, Coming Soon, About Us, Products, and Contact Us. Navigation menu 1010 further includes a navigation locations button 1050. Upon selecting the

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navigation locations button 1050, the registered user is able to determine where a navigation bar or website map/outline will be positioned on one or more web pages of the website (e.g., at the top, bottom, left or right). The navigation bar or website map/outline allows website users to visualize the website as a whole and the various web pages that are available for access by the website users.

As discussed, the STICKY PAD™ 310 acts as the editing platform for the registered user, and appears when it is necessary to edit or otherwise modify web assets. During development of a website, the registered user can select (by way of a mouse or other input device) one or more of the web assets 205 that are displayed on website design plate 210 to activate STICKY PAD™ 310 and allow editing of the selected web assets, which appear in design space 280. If an item of text within the design space 214 is selected by the registered user, both the STICKY PAD™ 310 and then the text editor menu 710 appear to allow for editing of the text. STICKY PAD™ 310 also appears when the registered user proceeds with a search to obtain a desired web asset by selecting the fx button 240. Upon the selecting of the fx button 240 by the registered user, the fx menu 430 appears, and the registered user can search for and select a desired web asset. Once the registered user selects a desired web asset from the fx menu 430, the STICKY PAD™ 310 appears with the selected web asset being displayed in design space 280.

Additionally, STICKY PAD™ 310 appears when either the color or sound buttons 245, 250 are selected by the registered user. Upon the selecting of the color or sound buttons 245, 250 by the registered user, the color pallet 640 or sound menu 540 appear, respectively. Once the registered user selects a desired color or sound from the color pallet or sound menu, respectively, the STICKY PAD™ 310 appears with a thumbnail image 550 representing the

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selected color or sound being displayed in design space 280. Further, STICKY PAD™ 310 appears when the text button 235 of website design plate 210 is selected. When text button 235 is selected, the STICKY PAD™ 310 immediately appears and the registered user is allowed to type in text at the keyboard of registered user computer 180. Text editor button 345 can then be selected by the registered user from the STICKY PAD™ 310 to edit the text.

In addition to web assets (from fx menu 430), sounds, colors and text, the GUI of system 100 is also capable of adding tables and cells to the website being designed in order to provide depth and perception to the website. As shown in FIG. 11, when tables button 255 is selected by the registered user, a tables menu 1110 appears. The registered user can then select from the tables menu 1110 one or more tables 1120 and cells 1130, and also specify the locations of the tables/cells on a web page by selecting a locations button 1140. In one embodiment, the possible locations of tables/cells on a web page include a top location, a bottom location, a left location and a right location. Unlike the editing of web assets, sounds, colors and text, in the preferred embodiment STICKY PAD™ 310 does not appear upon the selection of tables button 255. Rather, once a table/cell is selected, the registered user can drag and drop the selected table/cell directly into website design plate 210.

Upon being dropped into the website design plate 210, the table/cell automatically aligns at an edge of the design space 214, with the appropriate edge being determined by the location selected by the registered user. Also upon being dropped into the website design plate 210, the table/cell becomes interactive. The registered user can move the table/cell from its original location, and also can adjust the size of the table/cell by selecting the table/cell (i.e., by way of a mouse) and stretching or contracting the boundaries of the

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table/cell. Web assets and other elements can be dragged and dropped both from STICKY PAD™ 310 and from other locations on website design plate 210 into tables and cells, and the color of tables/cells can be modified by selecting color button 245. Tables differ from cells in that cells typically form enclosed areas within tables. Cells cannot be moved outside of (or moved to overlap) a table boundary enclosing the cells. In alternate embodiments, tables/cells can be created and modified by way of the STICKY PAD™ 310.

Further shown in FIG. 11 is a log in menu 1150 that appears upon the selection of log in button 215 by a potential customer. In the preferred embodiment of the invention, several features of the GUI can be operated before completion of the log in process, such as uploading web assets from a hard drive of a third party potential customer computer 110 into the website design plate 210. However, key functions such as searching for web assets, and saving/submitting a fully-designed website for posting on the internet can only be performed by registered users who have full access to the server computer 140 via the internet. To obtain full access to the server computer 140 and perform such functions, log in information must be provided to the system 100. By requiring this log in information, the system 100 can monitor the activity of the registered users and bill the registered users for their usage of the system, including their usage of web assets provided from third party author computers 120 and saved on web assets database 170. Additionally, the information provided by registered users during the log in process can be used by the system 100 to determine appropriate markets for the registered users' websites. The use of this market information is discussed further in reference to FIG. 12.

As shown in FIG. 11, the selection of log in button 215 brings up log in menu 1150. The log in menu 1150 includes a scroll and input form with

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multiple fields 1160 that must be filled in to complete the log in process. The fields 1160 can include, for example, fields for the potential customer's (i.e., prospective registered user's) name, address, e-mail address, telephone number, interests, hobbies and businesses. Upon the completing of fields 1160, a desired identification name is further provided into an identification field 1170 and a desired password is provided into a password field 1180. The information from fields 1160-1180 is then provided from the third party potential customer (i.e., prospective registered user) computer 110 via the internet 130 to the server computer 140, where the information is processed and then provided for storage on third party user database 160. Although in the preferred embodiment, the identification name and/or password are chosen by the potential customer, in alternate embodiments, the identification name and password are assigned by the system 100.

Assuming that the information provided into the fields 1160-1180 of log in menu 1150 is not rejected by the server computer 140 (e.g., because information was not entered for some of the fields, or because the e-mail address that was entered is invalid), the server computer logs in the potential customer as a registered user and allows the new registered user to access all of the functionality of the system 100. Also upon successfully logging in the new registered user, the system prompts the new registered user regarding a web address for the registered user's website by displaying a URL query form 1190. The web address typically concludes with any top-level domain name, i.e., .com, .net, etc. The query form is licensed for use on the system 100 from Internic and/or the other five URL registrants. Further, upon successfully logging in to the system 100, the new registered user can thereafter bypass the full log in process when reentering the system by simply inputting its

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identification name and password into the identification and password fields 1170, 1180. Upon reentering the system 100, the registered user selects edit button 220 on website design plate 210 to cause the registered user's website (in its current state of development) to become interactive. Additionally, upon selecting edit button 220, the registered user can modify any element of the website that is shown within design space 214 by selecting that element (i.e., by clicking on the element using a mouse) to bring up STICKY PAD™ 310, and then modifying the element within the STICKY PAD™ as discussed above.

Turning to FIG. 12, website design plate 210 further includes STAY STICKY™ button 260, which brings up a STAY STICKY™ menu 1210 when selected by the registered user (STAY STICKY™ is a trademark of the Perfect Web Corporation of Delray Beach, Florida). STAY STICKY™ menu 1210 lists STAY STICKY™ features that are available to the registered user in designing and marketing its website. The STAY STICKY™ features provide the registered user with special information concerning, and marketing opportunities with respect to, other registered users who have designed their websites using the system 100. That is, the STAY STICKY™ features provide special marketing benefits to registered users of the system 100 vis-a-vis one another. Specifically, the registered user can select from two options on the STAY STICKY™ menu 1210, smart agent and MAIL WIZ™ (MAIL WIZ™ is a trademark of the Perfect Web Corporation of Delray Beach, Florida). Upon the selection of the smart agent option from the STAY STICKY™ menu 1210, a smart agent menu 1220 appears. The registered user can select (e.g., by way of a mouse) from among three options on the smart agent menu 1220, a suggested marketing locations option 1230, a create links option 1240, and a banner ad rotations option 1250.

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When the registered user selects suggested marketing locations option 1230, the server computer 140 determines the best possible places to market the registered user's website on the internet. That is, the server computer 140 determines other websites on which it would be most beneficial to display a link to, or banner concerning, the registered user's website. The server computer 140 makes this determination based upon the information provided by the registered user during the log in process, particularly the information provided in fields 1160 as described with reference to FIG. 11. Using this information, the server computer 140 searches the information stored in third party user database 160 to identify other websites on which it would be desirable to market the registered user's website. Server computer 140 can utilize any one of a number of search engines that are currently well known in the art to identify such websites using the log in information provided by the registered user. In alternate embodiments, server computer 140 can also access other information other than that within third party user database 160, including information concerning websites or other marketing locations that were not developed through the use of the system 100. Upon determining desirable marketing locations, the system 100 can display the identified marketing locations to the registered user.

Upon selection by the registered user of the create links option 1240, the GUI provides a location selection menu 1260, in which the registered user can identify addresses for websites to which the registered user desires its website to be linked. In the preferred embodiment, the websites can be selected from among the websites that have been created by other registered users using the system 100. Location selection menu 1260 includes several open fields 1270 in which the registered user can specify desired websites. Further, location

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selection menu 1260 lists the suggested websites that were identified in the search performed by server computer 140 upon selection of the suggested marketing locations option 1230. The list includes selection boxes 1275 that the registered user can check to indicate its selection of the various suggested websites. If the registered user has not yet selected suggested marketing locations option 1230, the server computer 140 performs the search for suggested websites when it generates location selection menu 1260. Once the registered user has selected its desired marketing locations on location selection menu 1260, the system 100 has sufficient information to create links to the registered user's website at other websites.

The registered user can further select the banner ad rotations option 1250 from the smart agent menu 1220. Upon the selecting of banner ad rotations option 1250, the system 100 determines whether the registered user has already designed (or uploaded or otherwise provided to the system) a banner ad, as discussed with reference to FIG. 9. If the registered user has not already designed a banner ad, the system displays a message indicating that it is necessary to create a banner ad in order to participate in banner ad rotations. The system 100 also provides banner ad design options from which the registered user can select a desired banner design. The design options can be obtained by the registered user by using fx menu 430 to perform a search for banner ads. Following selection of a desired banner ad design, STICKY PAD™ 310 appears, allowing the registered user to further modify and then complete its design of the banner ad. Once a banner ad design is completed, a location selection menu identical to location selection menu 1260 appears following selection of the banner ad rotations option 1250. The location selection menu allows the registered user to specify the websites at which the registered user

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desires its banner ad to appear. Once the registered user has selected its desired locations on the location selection menu, the system 100 has sufficient information to create banner ads advertising the registered user's website at other websites.

By completing these steps relating to the create links option 1240 and/or the banner ad rotations option 1250, the registered user causes its website to participate in linking and/or banner ad display functions with other websites that also were created using the system 100 by registered users who opted to participate in these linking and/or banner ad display functions. Once the design of the new website by the registered user is completed and the new website is posted/activated, the system 100 causes the selected websites of other registered users (i.e., the websites selected during the design of the new website) to display a link and/or banner ad concerning the new website. In the preferred embodiment, each website that is developed by a registered user who opts to participate in the linking functions can display unlimited links to other registered users' websites. If the number of links to be displayed exceeds the available display space on the display screen, links can be rotated on and off the screen. Each website that is developed by a registered user who opts to participate in the banner ad display functions can rotate an unlimited number of banner ads for other registered users' websites. The banner ads can be shown sequentially over a period of time at the registered user's website.

System 100 will cause each website that is designed to participate in the linking and/or banner ad functions to include, on at least one web page of the website, a link region and/or a banner ad region for the display of links to and/or banner ads for other websites. The links displayed in the link region of a given website can change as new websites are created using the system 100 by

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registered users, or as old websites are deactivated. In certain embodiments, a registered user is allowed to change its selections of desired marketing locations after the posting of its website; in such embodiments, it can be the case that a link displayed at a given marketing location is removed from display because the registered user who selected the link changed its preferences. Likewise, the banner ads that are sequentially shown in the banner ad rotation region of a given website can change as new websites are created, old websites are deactivated or marketing location preferences change. System 100 charges the registered user's website a fee for participation in the linking and/or banner ad functions whenever links to the registered user's website are shown on other websites, or whenever the banner ad for the registered user's website is shown on other websites. For the registered user's website to participate in the linking and/or banner ad functions, the registered user must complete the website design process and save the selected locations for links and/or banner ads (as well as, in the case of participation in the banner ad functions, save the banner ad design for the registered user's website) at the server computer 140. In some embodiments, credit card (and payment) information must be provided by the registered user when the registered user is setting up the linking and/or banner ad rotation functions, i.e., after the registered user specifies the locations at which the registered user desires links and/or banner ads for its website to appear. The amount of payment can depend upon the number of links and/or banner ads to be displayed, i.e., the number of desired marketing locations.

Upon selection of the mail wiz option from the STAY STICKY™ menu 1210, a MAIL WIZ™ menu 1280 appears, which provides the registered user with a field 1285 for entering a desired quantity 1285 of e-mail messages to be sent out, and also provides an e-mail message field 1290 in which the registered

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user can input a desired e-mail message. Once the registered user completes the design of the website, and the website is posted/activated, the system 100 sends the specified e-mail message to other registered users (or their websites), whose e-mail addresses are located in third party user database 160. In certain embodiments, e-mail messages are only sent to selected locations that are specified by the registered user during development of the website, for example, the locations specified by the registered user in location selection menu 1260. In other embodiments, e-mail messages are also sent to the e-mail addresses of parties who are not registered users. In still further embodiments, the system 100 determines suggested e-mail addresses based upon the log in information provided by the registered user and the information in third party user database 160. In the preferred embodiment, the number of e-mail messages that are sent from the registered user's website to other e-mail addresses is recorded in a statistic log, and the number of e-mail messages that are received by the registered user's website is also recorded in the statistic log. Further in the preferred embodiment, the registered user provides payment to the system 100 for the quantity of e-mail messages to be sent as specified on MAIL WIZ™ menu 1280. System 100 continues to send e-mail messages on behalf of the registered user's website to other e-mail messages until the specified number of e-mail messages has been sent.

Turning to FIG 13, the registered user can select e-commerce button 265 to add to its website various features that allow for e-commerce (i.e., allow for the selling of goods and services over the internet). Upon the selecting of e-commerce button 265, an e-commerce menu 1310 appears. In the preferred embodiment, the registered user can select from two different types of e-commerce features, a standard e-commerce feature 1320 and an auction feature

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1330. Upon selecting the standard e-commerce feature 1320, the registered user then can select one or more shopping carts from a shopping carts to select list 1325. Upon selecting the auction feature 1330, the registered user can select one or more types of auction features from an auction to select list 1335. After determining the type of e-commerce feature to be implemented on its website, the registered user then can upload (i.e., from a memory device at registered user computer 180) a picture of the product to be sold on the registered user's website, at product picture field 1340. Further, in a product description field 1345, a product price field 1350 and a SKU field 1355, a registered user can respectively input a description of the product to be sold at its website, the product's price and a SKU number correlating to the product. In the case where an auction feature has been selected, the product price entered in product price field 1350 is a reserve price. Also, in certain embodiments, the creation of an auction feature further requires the input of information, by the registered user, concerning starting and finishing times for the holding of auctions.

Finally, the registered user must input a merchant account identifier in a merchant account field 1360 indicating a merchant account that will apply to sales conducted using the shopping cart/auction of the registered user's website. If a merchant account relationship has not yet been established such that the registered user cannot enter a merchant account identifier, a merchant account information form 1370 appears, at which the registered user can enter necessary information for setting up a merchant account relationship. This information can include, for example, the name of the registered user's business, the address of the business, and the business type, among other types of information. In the preferred embodiments, the merchant account information form 1370 is a standard form that is provided by a credit card and/or merchant account

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provider. The credit card and/or merchant account provider providing the merchant account information form 1370 in certain embodiments pays a licensing or other fee to the system 100 in order to display its merchant account information form using the system. When the registered user has completed filling out the merchant account information form 1370, the filled out form is sent to the credit card and/or merchant account provider. The merchant account provider eventually responds back to the registered user with follow-up information concerning the setting up of the merchant account. The registered user cannot activate any of the e-commerce functions (i.e., functions employing a shopping cart or auction) without having completed the setting up of a merchant account with a merchant account provider. Once the merchant account is set up, however, the registered user enters the merchant account identification information into field 1360 and the e-commerce functionality can be activated.

Referring to FIG 14, the system 100 is also capable of providing several types of assistance to the registered user during design of its website. The registered user can select the examples button 270 to bring up an examples menu 1410, which in the preferred embodiment lists ten examples 1420 that can be selected by the registered user. Each of the examples 1420, upon being selected by the registered user, shows how a web page, banner, logo, or other element can be designed using website design plate 210, STICKY PAD™ 310, and other features of the system 100. In the preferred embodiment, selection of an example 1420 produces a visual demonstration of an example website being taken apart and then put back together. While the example website is being put back together, a tutorial program runs that instructs the registered user on operating website design plate 210, STICKY PAD™ 310, and other features of

system 100 to allow for the creation, saving, and posting/activation of a website using the system. In certain embodiments, the system 100 will conduct contests among registered users concerning the registered users' prowess in designing websites.

The registered user can also select the help/statistics button 275 to bring up a help/statistics menu 1430. Help/statistics menu 1430 lists four different options that are selectable by the registered user: a document help option 1440; a tech support option 1450, a wizard option 1460, and a size meter option 1470. Upon the selection of the document help option 1440, the GUI displays written instructions concerning various features of the system 100. For example, the GUI can display explanation messages concerning the purposes and operation of the various buttons 215-275 when the registered user selects any of those buttons (or, in certain embodiments, merely positions a cursor or other selection marker over one of those buttons). Also, for example, the GUI can display instructions as to how a web asset can be modified if that web asset is positioned within website design plate 210 or STICKY PAD™ 310.

With respect to tech support option 1450, the registered user can reach tech support for the system 100 by telephoning a particular telephone number (i.e., a 900 number), or by sending an e-mail to tech support. Then, by selecting tech support option 1450, tech support personnel for the system 100 can view the registered user's website online and provide the registered user with any needed website design information or other assistance either by way of telephone or e-mail while viewing the registered user's website online. Upon selection of the wizard option 1460, a wizard caricature appears that offers helpful hints and suggestions to the registered user during different steps in the website design process. The information provided by the wizard is similar to

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that provided in connection with document help option 1440, although the text shown is typically in a shortened form so that the text can be provided in a caption along side the wizard caricature. In alternate embodiments, the helpful hints and suggestions from the wizard caricature are verbalized using speech synthesis technology.

The registered user can further select size meter option 1470 to obtain information regarding how well the registered user's website, as currently designed, will perform upon posting. Upon the selection of the size meter option 1470, a meter box 1480 appears, in which a variety of information regarding the operability of the current website design is provided. In one embodiment, as shown in FIG 14, the meter box 1480 includes information regarding each of the size of the entire website currently being designed, the time required to download the entire website via the internet (to a computer accessing the website using a browser) the size of the current web page that is being displayed on website design plate 210, and the time for downloading that particular web page. Further in the preferred embodiment, each of these types of information is provided for the website when operating on different types of internet systems with different connectivities, such as internet systems using a T-1 communication link, a DSL or ISDN communication link, or modems having operation speeds of 56K, 33.6K or 28.8K. In certain embodiments, the registered user has an option to select the desired/expected connectivity of the website and to obtain information for that connectivity only.

In certain embodiments of the invention, meter box 1480 can contain less or more information concerning the expected operation of the website being designed. For example, in certain embodiments, the meter box 1480 only includes size information. In other embodiments, meter box 1480 includes not

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only size information regarding the entire website and individual web pages, but also provides a breakdown of the sizes of each web asset or other element on a given web page. In certain embodiments, running meter block 810 displayed in conjunction with STICKY PAD™ 310 contains the same information that is displayed in meter box 1480. Although in one embodiment, the meter box 1480 is only displayed when the size meter option 1470 is selected , in alternate embodiments, the meter box 1480 (or at least some of the information displayed in meter box 1480) is always displayed on website design plate 210. In such embodiments, the information being displayed that corresponds to the particular web page that is being edited varies as the registered user changes from editing one web page to editing a different web page using navigation button 225. The information can be shown on multiple lines or be provided in a single-line format to save display space. In the preferred embodiment, the information provided in meter box 1480 changes whenever a new web asset or other element is dropped into website design plate 210.

Further, in the preferred embodiment, the system 100 always monitors the current sizes of the website and web pages that are being designed, and provides a warning message whenever the website as a whole or individual web pages have exceeded maximum limits for size and download times (e.g., "Your site has exceeded download time parameters."). When the website being designed exceeds maximum size and/or download time parameters, the system 100 automatically displays relevant help message to provide the registered user with suggestions for reducing the size and/or download time of the website/web page. These warning and help messages can be provided by the wizard feature discussed above. If the registered user does not heed the warning concerning the size and/or download time of the website/web page, the system

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100 automatically restricts the ability of the registered user to add additional web assets and other elements to the website/web page and thereby guarantees that the website, when completed, will be within acceptable size and download time guidelines.

At any time during the course of the design of a website using website design plate 210 (assuming the log in process has been completed, as discussed with reference to FIG. 11), the registered user can select preview button 230 to view the operation of the website in its current state of design. The registered user can view the operation of the website as it would appear using a variety of different internet browsers, e.g., the Netscape Navigator™ browser or the Microsoft Internet Explorer™ browser. Previewing the website does not save the website for activation, but rather gives the registered user a "snapshot" of the website in its current state, and allows the registered user to view the alignment, color schemes and other features of the website before the website is saved and activated. Further, at any time during the design of a website (assuming the log in process has been completed, as discussed with reference to FIG. 11), the registered user can select save button 218 to save the website in its present form at server computer 140 (specifically at third party user database 160). If the website design has been completed and the website is ready for submission and activation on the internet, the registered user can provide such an indication (in certain embodiments, an additional submit button is displayed on website design plate 210 to allow the registered user to immediately submit a completed website for activation on the internet).

If the registered user selects the save button 218 but has not yet provided payment information concerning the manner in which the registered user will be paying for its use of system 100, a payment box 1510 appears. Within

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payment box 1510, a message 1520 is provided to the registered user indicating that payment information is necessary (e.g., "Did you forget to pay?") and the registered user is provided with an option 1530 to pay by credit card. When the pay by credit card option 1530 is selected, a credit card information menu 1540 appears, in which the registered user can provided the necessary information for enabling credit card payment to the system 100 from the registered user's credit card. In one embodiment, the registered user must enter its name, credit card number, and expiration date in a name field 1550, a credit card number field 1560, and an expiration date field 1570, respectively. Once the credit card information is received at, and approved by, the system 100, the registered user can save its website design information. In the preferred embodiment, the registered user provides the same user identification and password information that were provided during the log in process at a user identification field 1580 and a password field 1590, respectively, for additional security. In addition to requiring credit card information for allowing the saving and submission of website design information by the registered user, the system 100 also requires credit card information to be provided before allowing the registered user to access certain other features. For example, tech support will only be provided when the registered user has provided credit card information or contacts tech support via the 900 number or e-mail. Also, the system 100 does not accept web addresses specified by the registered user for the purpose of creating links or participating in banner ad rotation unless the registered user has provided credit card information.

FIGS. 16-23 provide flow charts showing exemplary steps of operation of the system 100 as it is used by the registered user to design a website. In particular, the flow charts concern the operation of the GUI, i.e., website design

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plate 210 and STICKY PAD™ 310. The flow charts of FIGS. 16-22 can be combined together to form a larger collection of steps. Referring to FIG. 16, the operation of the GUI of the system 100 begins with the display of the website design plate 210 on a user interface at step 1602. The user interface can be a computer monitor, a television screen or any other input/output device that includes a display screen that is known in the art. Next, at step 1604, a search request is received at the user interface. At step 1606, the system 100 determines if the party accessing the system has already logged into the system. If the registered party has not already logged in (i.e., the party is a potential customer rather than a registered user), the system proceeds to step 1608, in which a login form such as that discussed with reference to FIG. 11 is displayed. At step 1610, the system 100 receives user information at the user interface (i.e., in the login form). At steps 1612 and 1614, respectively, the user information is transmitted to and saved at a database of the system, i.e., third party user database 160.

Upon completing the log in process (such that the potential customer is now a registered user), or if it was determined in step 1606 that the registered user was already logged in, the system proceeds to step 1616, at which the system accesses a database to obtain information regarding web assets or other elements. The information that is obtained is responsive to the search request entered at step 1604; that is, the information concerns web assets, if the search request was made via fx menu 430, concerns sound elements if the search request was made via sound menu 540 and concerns color elements if the search request was made via color pallet 640. The information concerning the web assets or other elements comes from web assets database 170. At step 1618, the GUI provides a listing of the available web assets or other elements, in fx menu

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430, sound menu 540 or color pallet 640 depending upon the type of search request that was received at step 1604. At step 1620, the system 100 receives a selection indication from the registered user at the user interface that indicates a first web asset or other element that the registered user desires to implement in its website. Upon receiving this selection of a web asset or other element, the STICKY PAD™ 310 is displayed at the user interface. At step 1624, any further information that is necessary to display the selected web asset or other element is obtained from web assets database 170, and then, at step 1626, the selected web asset or other element is displayed on the STICKY PAD™ 310. In step 1628, the size of the selected web asset or other element is displayed on the STICKY PAD™ in the running meter block 810, which in alternate embodiments can also display the download time or other information regarding the selected web asset or other element.

At step 1630, the system 100 receives an additional input at the user interface from the registered user. If the additional input is another search request (as in step 1604), the system 100 again accesses web assets database 170 to obtain information regarding available web assets or other elements, at step 1632. At step 1634, the system 100 again provides a listing of available web assets or other elements that is responsive to the search request. At step 1636, the system 100 receives an input from the registered user indicating which of the listed web assets or other elements is desired for implementation in the registered user's website. Then, in step 1638, the system 100 retrieves information concerning the selected web asset or other element. Further, at step 1640, the system 100 receives an additional input from the registered user that is a command indicating where to position the newly selected web asset or other element on the STICKY PAD™ 310. The input can be a command to

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drag and drop the selected web asset or other element onto the first web asset or other element that is already positioned within the STICKY PAD™ 310, or can be merely a command to display the selected web asset or other element at some location within design space 280 of STICKY PAD™ 310. In response to this input command, the displayed contents of the STICKY PAD™ 310 are modified to include the newly selected web asset or other element at step 1642. Upon modifying the displayed contents of the STICKY PAD™ 310, the size of the modified contents of the STICKY PAD™ is displayed (i.e., updated) at the running meter block 810 of the STICKY PAD™, at step 1644. The program then returns to step 1630.

The additional input received at the user interface at step 1630 can also be a command to drop the STICKY PAD™ contents into the website design plate 210. If this occurs, the STICKY PAD™ 310 is removed from the user interface, i.e., is no longer displayed, at step 1646. Then, at step 1648, the STICKY PAD™ contents are displayed in an interactive manner on the website design plate 210. The system 100 then is ready to receive an additional input at the user interface, at step 1650. In certain embodiments in which the GUI can display both website design plate 210 and STICKY PAD™ 310 simultaneously (e.g., on different parts of the display screen of the user interface), the STICKY PAD™ 310 need not be removed from display. Rather, the contents of the STICKY PAD™ 310 need only be moved or copied to the website design plate 210.

Referring to FIG. 17A, if the input received at the user interface at step 1650 is a text input command, the system 100 immediately displays STICKY PAD™ 310 again on the user interface at step 1702. The text input command is a selection of text button 235. Once STICKY PAD™ 310 is displayed, the registered user can input text by typing text at the user interface, which is

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received by the system 100 at step 1704. The text that is input at the user interface by the registered user is displayed in the STICKY PAD™ 310, at step 1706. Then, at step 1708, the system 100 receives an additional command at the user interface. If the command is to invoke the text editor, i.e., the registered user selects text editor button 345 of STICKY PAD™ 310, the system 100 proceeds to step 1710, and displays text editor options.

At step 1712, the system 100 receives a command concerning the text editor options. If the registered user provides a command to perform a spell check, the system 100 then executes a spell check of the text at step 1714 and displays the spell checked text at step 1716, before returning to step 1708 to receive an additional command. If the received command at step 1712 is to modify one of the font, style, size or color of the text, the system 100 performs the requested modification and then displays the modified text at step 1718 before returning to step 1708 to receive an additional command. The command to modify the font, style, size or color of the text can include a selection of a change font, change style, change size or change color button, followed by a selection of a desired font, style, size or color to be applied to the text being edited. At step 1708, it is also possible to receive a command to drop the STICKY PAD™ contents back into the website design plate 210. If such a command is received, the STICKY PAD™ 310 is removed from the user interface (i.e., is no longer displayed) at step 1720, and then the STICKY PAD™ contents are displayed on the website design plate 210, at step 1722. The program then returns to step 1650 for receipt of an additional input at the user interface.

Referring to FIG. 17B, the additional input received at step 1650 can also be the selection of tables button 255 of the website design plate 210 by the

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registered user, indicating that the registered user wishes to generate a table or cell. Upon selection of the tables button 255, the system 100 displays the options concerning the creation of tables and cells, including their location within a website (i.e., by displaying tables menu 1110), at step 1750. At step 1752, the system 100 receives a selection concerning the tables and cells from the registered user at the user interface. At step 1754, the selected table or cell is displayed on the website design plate 210. Next, at step 1756, a command can be received to modify the position or size of the table or cell. Upon receiving such a command, the table or cell is appropriately adjusted in position and/or size at step 1758. The command to modify the position or size of the table or cell at step 1756 can include a command or selection input concerning the location of the table or cell within the website or on a web page (i.e., by way of locations button 1140). Upon completion of the table or cell, the system 100 returns to step 1650.

Turning to FIGS. 18A and 18B, the additional input received at the user interface at step 1650 can be a save input or a preview input, which the registered user can provide by selecting save button 218 or preview button 230 of the website design plate 210, respectively. Upon receiving the save input, the system 100 determines in step 1802 whether payment has been received from the registered user. If payment has not yet been received from the registered user, the system 100 displays at the user interface an inquiry as to whether payment has been forgotten at step 1804. Upon receiving a pay by credit card input at the user interface, at step 1806, the system displays a credit card information form at step 1808 (i.e., credit card information menu 1540). In step 1810, credit card information is received from the registered user at the user interface and, at step 1812, the system 100 determines whether the information

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provided is adequate. If the credit card information is inadequate, the system 100 returns to step 1808 and the credit card information form is again displayed. If the credit card information is adequate, the system 100 proceeds to step 1814, in which payment is received from the registered user's credit card by way of a standard e-commerce credit card transaction. Upon receiving payment at step 1814, or having determined that payment was already received at step 1802, the system 100 saves all of the website design information that is currently existing in website design plate 210 at the server computer 140, at step 1816. The saved website design information can then be used to post/activate an operational website on the internet. Upon saving the information, the system 100 returns to step 1650. With respect to FIG. 18B, if the input at step 1650 is a preview input, the system 100 proceeds to step 1818, at which a preview of the website's operation given its current state of development is provided. This allows for the registered user to view a simulation of the operation of its website, before the website is saved or activated on the internet. After providing this preview or simulation, the system 100 returns to step 1650.

Referring to FIG. 19, the additional input received at step 1650 can also be a navigation input, which the registered user provides by selecting navigation button 225 of website design plate 210. Upon receiving the navigation input, the system 100 displays a navigation menu (i.e., navigation menu 1010), and then receives an additional input at the user interface, at steps 1902 and 1904, respectively. If the additional input received at the user interface at step 1904 is a selection of a page name field corresponding to pages 1-10 (i.e., fields 1015), the system 100 receives page name information from the registered user at step 1906 and then displays the page name information in the page name field at step 1908, before returning to step 1904 to receive an additional input at the user

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interface. If the input received at step 1904 is an add new page command (i.e., provided by selecting add new page button 1020), the system 100 receives page identification information concerning the newly added page at step 1910 and displays the new page number and page identification information on the navigation menu at step 1912 before returning to step 1904.

If the input at step 1904 is a selection of the scroll menu (i.e., provided by selecting scroll menu button 1030), the system 100 displays suggested page names at step 1914, and then receives a selection of one or more of the suggested page names from the registered user at step 1916 before returning to step 1904. If the input received at step 1904 is a selection of the navigation locations menu (i.e. selection of navigation locations button 1050), the system 100 displays a list of locations within a web page at which navigation information can be displayed, at step 1918. Upon receiving a selected location for the navigation information from the registered user at step 1920, the system returns to step 1904. Further, if the input received at step 1904 is a selection of one of the displayed page numbers on the navigation menu 1010, the display of the navigation menu is ended at step 1922, and the selected web page is displayed on the website design plate 210 at step 1924. The system 100 then returns to step 1650.

Referring to FIG. 20, the registered user can provide a STAY STICKY™ input at step 1650 by selecting STAY STICKY™ button 260. Upon receiving such an input, the system 100 displays STAY STICKY™ menu 1210 at step 2002 and then receives a STAY STICKY™ selection at step 2004. If the received selection is for the smart agent feature, the system 100 then receives an input concerning the smart agent feature at smart agent menu 1220, at step 2006. If the received input is a request for suggested marketing locations, the system 100

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checks third party user database 160 to determine whether suggested marketing locations had previously been determined, at step 2008. If suggested marketing locations had been previously determined, these suggested marketing locations are then displayed at the user interface, at step 2014. If suggested marketing locations had not been previously determined, the system 100 accesses third party user database 160 to obtain the registered user's log in information, and then determines suggested marketing locations based upon this log in information, at steps 2010 and 2012, respectively. Once the suggested marketing locations are determined, these suggested marketing locations are then displayed at step 2014. Following display of the suggested marketing locations at step 2014, the system 100 returns to step 2004.

If the STAY STICKY™ selection received at step 2004 is to create links, the system 100 then receives marketing location selections at the user interface at step 2018. The marketing location selection information can be provided by the registered user at location selection menu 1260. Upon receiving the marketing location selection information, the marketing location selection information is stored at third party user database 160 at step 2020. This stored information is later used to generate links at the selected marketing locations (i.e., websites) when the registered user's website is activated. The system 100 then proceeds to step 2022, at which the system determines whether a reciprocal link site has already been created in the registered user's website, for displaying links to other websites. If a link site has not yet been created, the system creates a link site on the registered user's website, at step 2024 before returning to step 1650. Otherwise, the system 100 immediately returns to step 1650.

If the STAY STICKY™ selection received at step 2004 is for banner ad rotation, the system 100 proceeds to step 2026, at which the system determines

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whether a banner ad has already been created by the registered user. If a banner ad has not yet been created, the system 100 proceeds to step 2028, in which the system displays at the user interface a message indicating that a banner ad needs to be created by the registered user in order to participate in banner ad rotation, before returning to step 1650. A banner ad can then be created by the registered user using he capabilities of the website design plate 210 and the STICKY PAD™ 310, including the search capabilities. If it is determined at step 2026 that a banner ad has already been created by the registered user, the system 100 proceeds to step 2030, at which it receives marketing location selection information at the user interface. The marketing location selection information can be provided at location selection menu 1260 or a similar menu, and can include marketing location selections that were determined by the system at step 2012.

At step 2032, the marketing location selection information provided from the registered user is stored in third party user database 160, where it can be later accessed upon activation of the registered user's website. The system 100 then proceeds to step 2034, at which it determines whether a reciprocal banner ad site has already been created on the registered user's website, so that banner ads from other websites can be displayed on the registered user's website once it is activated. If a banner ad site has not yet been created, the system 100 creates a banner ad site at step 2036 before returning to step 1650. Otherwise, if a banner ad site has already been created, the system 100 immediately returns to step 1650. Upon activation of the registered user's website, the registered user's website can display an unlimited number of banner ads from other websites on its reciprocal banner ad site, and the system 100 also displays the registered

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user's banner ad at the marketing locations (websites) that the registered user specified at step 2030.

If, at step 2004, the STAY STICKY™ selection is for the MAIL WIZ™ feature, the system 100 proceeds to step 2038 and displays MAIL WIZ™ menu 1280. The system 100 then receives an input from the registered user concerning the number of parties that the registered user desires to be included on the registered user's e-mail list, at step 2040. Further, at step 2042, the system 100 receives an input at the user interface concerning the registered user's desired e-mail message. All of the received information is then saved in third party user database 160, before the system 100 returns to step 1650. Upon activation of the registered user's website, e-mail messages are sent to other registered user's websites, and the number of e-mail messages sent is monitored by the system 100. Although not shown in FIG. 20, in some embodiments credit card information (and payment) must be received by the system 100 in order to set up and activate the STAY STICKY™ features, i.e., banner ad rotation, links creation, and MAIL WIZ™. In such embodiments, the system 100 performs steps 1808-1814 (shown with respect to FIG. 18) during or immediately following its performance of steps 2018-2024, 2026-2036 and 2038-2044 concerning links creation, banner ad rotation and MAIL WIZ™, respectively.

Referring to FIG. 21, the registered user can provide an e-commerce input at step 1650 by selecting e-commerce button 265 from website design plate 210. Upon receiving the e-commerce input, the system 100 displays e-commerce menu 1310, at step 2102. The system 100 then receives at step 2104 an input from the registered user concerning the desired type of e-commerce. If the received input indicates that the registered user desires to employ a standard

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e-commerce arrangement involving a shopping cart, the system 100 displays a list of available shopping cart types at step 2106. The system then receives a selection of a type of shopping cart from the registered user at step 2108, before proceeding to step 2114. If the received input at step 2104 is for an e-commerce arrangement involving an auction, the system 100 displays a list of available auction types at step 2110, and then receives a selection of a type of auction from the registered user at step 2112 before proceeding to step 2114. At step 2114, the system 100 uploads a product picture provided from the registered user, i.e., from the hard drive of the registered user computer 180. Then, the system 100 further receives inputs concerning the product description, the product price and the product SKU number at the user interface, at steps 2116, 2118, and 2119, respectively. If the e-commerce arrangement selected by the registered user involves an auction, the product price information received from the registered user at step 2118 concerns a reserved price.

Next, at step 2120, the system 100 determines whether merchant account information has already been provided from the registered user. If merchant account information has not yet been provided, the system 100 displays merchant account information form 1370, at step 2122. Upon receiving merchant account information at the user interface from the registered user at step 2124, the system 100 then sends the merchant account information to the merchant account vendor for processing at step 2126, before returning to step 1650. Although, because the registered user has not yet concluded its merchant account arrangement, the system 100 cannot finalize the registered user's e-commerce arrangement, the information provided by the registered user in steps 2104 to 2119 can be saved and utilized again once the registered user's merchant account arrangement has been finalized. If, at step 2120, it is

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determined that the merchant account information has already been provided by the registered user, the system 100 receives a merchant account identification number or other identifier at the user interface, at step 2128, and then proceeds to display the finalized shopping cart or auction feature at website design plate 210. The system 100 then returns to step 1650.

Turning to FIG. 22A, the registered user can provide an examples input by selecting examples button 270 from website design plate 210. Upon such a selection, the system 100 displays an examples menu at the user's interface, at step 2124. The system 100 then receives an example selection by the registered user at the user interface, at step 2226, and then displays the selected example, at step 2228, before returning to step 1650. With respect to FIG. 22B, if the registered user provides a help/statistics input by selecting help/statistics button 275 of the web design plate 210 at step 1650, the system 100 proceeds to display help/statistics menu 1430, at step 2202. The system 100 then receives a help/statistics selection at step 2204. If the help/statistics selection is a document help input, the system 100 accesses programming database 190 to obtain relevant written help instructions, at step 2206, and then displays the written help instructions at the user interface, at step 2208, before returning to step 1650. If the received help/statistics selection concerns tech support, the system 100 displays a message indicating that tech support can be obtained either by sending an e-mail message or by telephone, at step 2210. The system 100 then provides the registered user with an option to proceed with tech support, which option must be selected by the registered user in order for a tech support specialist to view the current status of the registered user's GUI and provide assistance, at step 2211. Once assistance has been provided, the system 100 returns to step 1650.

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If the received help/statistics selection concerns a wizard input, the system 100 displays the wizard caricature at the user interface, at step 2212. The system 100 then accesses programming database 190 to obtain any relevant wizard suggestions, at step 2214, and then displays the relevant wizard suggestions, at step 2216, before returning to step 1650. If the help/statistics selection received at step 2204 is a size meter input, then the system calculates size and download time parameters for the registered user's website, as well as for the current web page being displayed by website design plate 210, at step 2218. Then, at step 2220, the system 100 displays at the user interface meter box 1480, which shows the size and download time parameters for the registered user's website and the currently displayed web page, before returning to step 1650.

Turning to FIG. 23, an additional flow chart is provided showing operation of the system 100 when the registered user is returning to the system to complete a website design that was previously begun. At step 2302, website design plate 210 is provided at the user interface. If the system 100 determines that the registered user's website in its current state of development has more than one web page, at step 2304, the system 100 displays navigation menu 1010 at step 2306. The system 100 then receives a selection of one of the web page numbers displayed on navigation menu 1010, at step 2308. Upon receiving a selected web page number, the system 100 removes navigation menu 1010 from the user interface, at step 2310, and displays the one or more web assets and other elements of the selected web page on the website design plate 210, at step 2312. Further, if the system 100 determines, at step 2304, that the registered user's website in its current state of development has only web page, the system

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displays the one or more web assets or other elements of that web page on the website design plate 210, at step 2312.

Next, at step 2314, the system 100 receives an edit command provided by the registered user by selecting edit button 220. Upon receiving the edit command, the system 100 causes each of the web assets and other elements that are displayed on the website design plate 210 to become interactive, at step 2316. The system 100 then receives a selection of one or more of the web assets or other elements displayed on the website design plate, at step 2318. In response to this selection, the system 100 displays STICKY PAD™ 310 on the user interface, at step 2320, and further displays the selected web asset or other element on the STICKY PAD™ as the STICKY PAD™ contents, at step 2322. At step 2324, the system 100 receives a command to modify the selected web asset or other element displayed within STICKY PAD™ 310. This command can involve adding additional web assets, sounds or colors to the selected web asset or to the design space 280 surrounding the selected web asset, as well as involve moving the selected web asset within design space 280 or resizing the selected web asset, among other modifications.

At step 2326, the modified web asset or other element, or modified contents of the STICKY PAD™ 310, are displayed within the STICKY PAD™. At step 2328, the system 100 receives a command to drop the contents of the STICKY PAD™ 310 into the website design plate 210. Next, at step 2330, the STICKY PAD™ 310 is removed from the user interface (i.e., is no longer displayed) and the contents of the STICKY PAD™ 310 are moved onto the website design plate 210, at step 2332. The design of the registered user's website can continue with the receiving of additional inputs from the registered user at the user interface, at step 2334.

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While the foregoing specification illustrates and describes the preferred embodiments of this invention, it is to be understood that the invention is not limited to the precise construction herein disclosed. The invention can be embodied in other specific forms without departing from the spirit or essential attributes. Accordingly, reference should be made to the following claims, rather than to the foregoing specification, as indicating the scope of the invention.

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WHAT IS CLAIMED IS:

1. A method of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the internet, the method comprising:

during design of the first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed;

saving the information at a first database that is coupled to the user interface;

obtaining the element for marketing of the type indicated; and

causing the display of the element for marketing at the second website when the first website is activated with respect to the internet,

wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website.

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2. The method of claim 1, further comprising, prior to receiving the information indicating the type of the element and the information specifying the second website:

receiving at the user interface information concerning at least one of the website designer, a business of the website designer, and the first website;

performing a search of information on a second database having information concerning at least one of a plurality of third party website designers, a plurality of third party businesses and a plurality of third party websites;

identifying from the search at least one third party website to which the first website should be coupled for marketing purposes; and

providing information concerning the at least one third party website at the user interface.

3. The method of claim 1, further comprising

during design of the first website, receiving information specifying a plurality of additional third party websites at which it is desirable to have the element displayed;

saving the information at the first database; and

causing the display of the element for marketing at each of the plurality of additional third party websites when the first website is activated with respect to the internet.

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4. The method of claim 1, further comprising:

determining whether a reciprocal site for the display of at least one marketing element of a third party website exists in the first website being designed; and

creating the reciprocal site for the display of the at least one marketing element of the third party website when the reciprocal site does not yet exist in the first website being designed.

5. The method of claim 4, further comprising:

when the element for marketing the first website is a banner ad concerning the first website, causing the sequential display at the reciprocal site of the first website of a plurality banner ads respectively concerning a plurality of third party websites, when the first website is activated with respect to the internet.

6. The method of claim 4, further comprising:

when the element for marketing the first website is a link to the first website, causing the display at the reciprocal site of the first website of a plurality of links to the plurality of third party websites, when the first website is activated with respect to the internet.

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7. The method of claim 1, wherein the element for marketing is the banner ad concerning the first website, further comprising:

determining whether the banner ad for the first website has already been designed; and

when it is determined that the banner ad for the first website has not yet been designed,

displaying a message at the user interface indicating the necessity of designing the banner ad.

8. The method of claim 7, further comprising, when it is determined that the banner ad for the first website has not yet been designed:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements;

receiving a search request for available banner ad designs at the user interface;

performing a search of information concerning a plurality of available elements stored on a second database in response to the search request, wherein a search engine program performs the search;

displaying results of the search on the user interface; and

receiving a selection command at the user interface to select a first banner ad design from the results.

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9. The method of claim 8, further comprising:

providing a second display region on the user interface, the second display region being capable of displaying the plurality of elements;

displaying the first banner ad design in the second display region;

receiving a first command to modify the first banner ad design in the second display region;

modifying the first banner ad design in response to the first command;

terminating the display of the second display region;

displaying the modified first banner ad design in the first display region, wherein the first display region is capable of displaying the first banner ad design in an interactive manner; and

saving the modified first banner ad design.

10. The method of claim 9, further comprising:

receiving at the user interface a command to preview the modified first banner ad design; and

providing a preview of the modified first banner ad design, wherein the preview allows for the display of all visual effects of the modified first banner ad design, and allows for the sounding of all sonic effects of the modified first banner ad design.

11. The method of claim 9, further comprising, prior to the saving of information concerning the modified first banner ad design:

displaying a prompt concerning payment;

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receiving credit card processing information at the user interface; and

determining the adequacy of the credit card processing information.

12. The method of claim 1, further comprising, prior to receiving the information indicating the type of the element and the information specifying the second website:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements;

receiving a selection of the smart agent option at the user interface, the selection of which is indicative of a desire to establish the arrangement between the first website being designed by the website designer and the second website in order to market the first website at the second website upon the activation of the first website on the internet;

displaying a smart agent menu having a suggested marketing locations option, a create links option and a banner ad rotations option, wherein the create links option and the banner ad rotations option can be selected to indicate the type of the element for marketing.

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13. A method of assisting a website designer in establishing an e-commerce feature on a first website being designed by the website designer for access by third parties upon the activation of the first website on the internet, the method comprising:

receiving at a user interface a selection of the e-commerce feature that is desired to be implemented on the first website, wherein the e-commerce feature is at least one of a shopping cart and an auction;

receiving at the user interface information concerning a picture of a product desired to be sold using the e-commerce feature;

receiving at the user interface information concerning a written description of the product;

receiving at the user interface information concerning a price of the product;

receiving at the user interface information concerning an identification number of the product; and

when the first website is activated on the internet, displaying the e-commerce feature on the first website, wherein display of the e-commerce feature includes the display of at least some of the picture, written description, price and identification information of the product.

14. The method of claim 13, further comprising, prior to receiving at the user interface the selection of the e-commerce feature that is desired to be implemented:

displaying a list of at least one of a plurality of shopping carts and a plurality of auctions.

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15. The method of claim 13, wherein the e-commerce feature that is selected is an auction, and the information concerning the price of the product concerns a reserve price.

16. The method of claim 13, wherein the information concerning the picture of the product is uploaded from a memory device at a website designer computer, and wherein the information concerning the written description, price and identification number of the product is received at the user interface into a form field.

17. The method of claim 13, further comprising, after the receiving of the information concerning the identification number of the product:

prompting for an input of a merchant account identifier;

when the merchant account identifier is received, saving the information concerning the selected e-commerce feature, the received information concerning the picture, written description, price and identification number of the product, and the merchant account identifier;

when an indication that no merchant account identifier exists is received, providing a merchant account information form, receiving merchant account information at the user interface, and sending the merchant account information to a merchant account vendor,

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wherein, the e-commerce feature is only displayed on the internet when both the first website is activated on the internet and the merchant account identifier has been received.

18. The method of claim 13, further comprising:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements;

displaying the selected e-commerce feature including at least some of the information concerning the picture, written description, price and identification number of the product on the first display region,

wherein the first display region is capable of displaying the e-commerce feature in an interactive manner.

19. A computer-readable storage medium containing computer executable code for instructing at least one computer to perform the steps of:

during design of a first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at a second website, and information specifying the second website at which the element is to be displayed;

saving the information at a first database that is coupled to the user interface;

obtaining an element for marketing of the type indicated; and

causing the display of the element for marketing at the second website when the first website is activated with respect to the internet,

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wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website.

20. A computer-readable storage medium containing computer executable code for instructing at least one computer to perform the steps of:

receiving at a user interface a selection of an e-commerce feature that is desired to be implemented on a first website, wherein the e-commerce feature is at least one of a shopping cart and an auction;

receiving at the user interface information concerning a picture of a product desired to be sold using the e-commerce feature;

receiving at the user interface information concerning a written description of the product;

receiving at the user interface information concerning a price of the product;

receiving at the user interface information concerning an identification number of the product; and

when the first website is activated on the internet, displaying the e-commerce feature on the first website, wherein display of the e-commerce feature includes the display of at least some of the picture, written description, price and identification information of the product.

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21. An internet-based system for assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the internet, the system including:

a server computer accessible by a plurality of registered user computers and a plurality of unregistered computers using the internet, wherein the server computer:

receives at a user interface displayed at one of the registered user computers information indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed;

saves the information at a first database that is coupled to the server computer;

obtains an element for marketing;

hosts the second website;

activates the first website on the internet by hosting the first website on the internet;

provides a web page of the second website to one of the unregistered computers; and

displays the element for marketing on the web page.

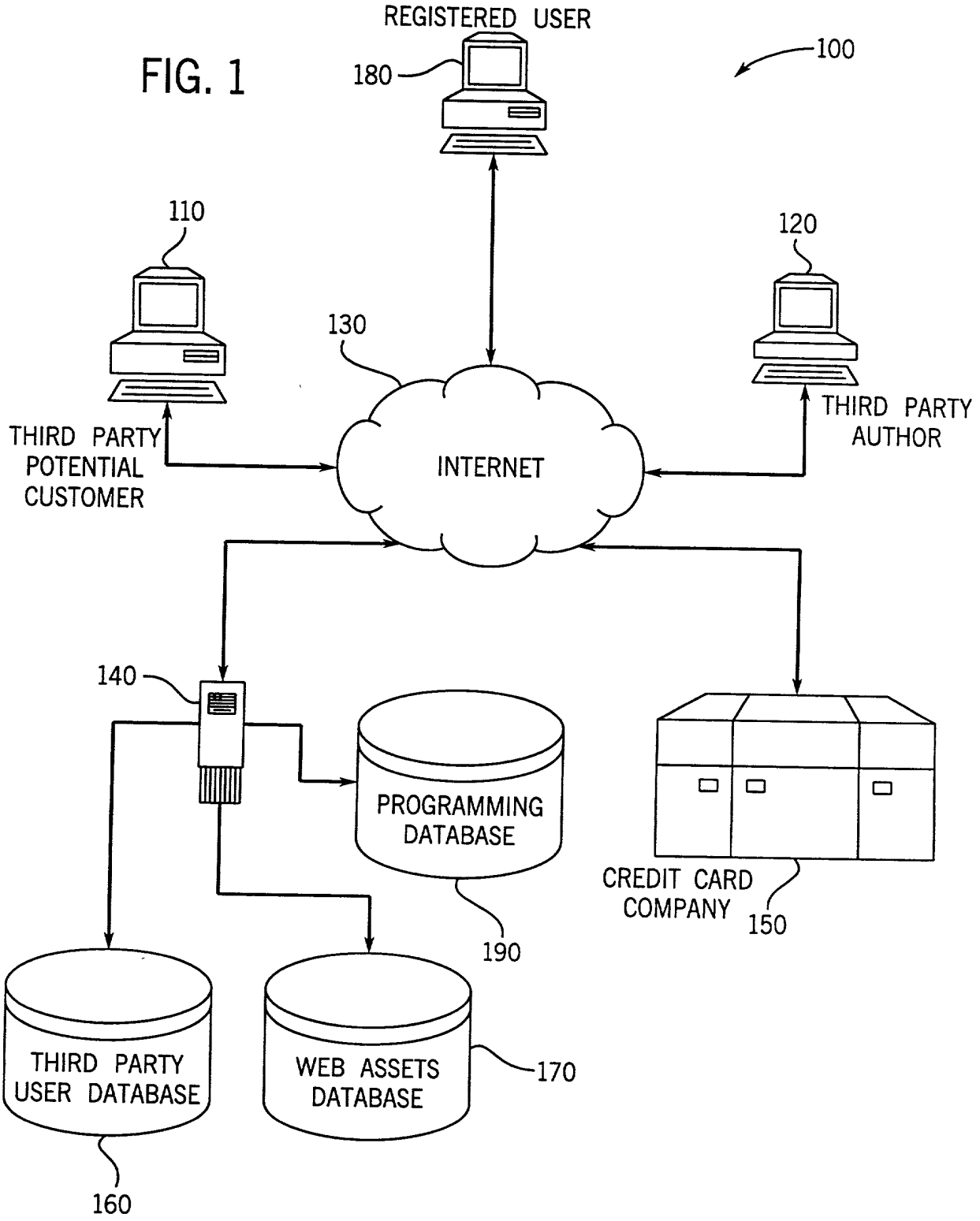
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ABSTRACT

A method of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the internet is provided. The method includes, during design of the first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed; saving the information at a first database that is coupled to the user interface; obtaining the element for marketing of the type indicated; and causing the display of the element for marketing at the second website when the first website is activated with respect to the internet. The element for marketing includes at least one of a banner ad concerning the first website and a link to the first website. Further provided is a method of assisting a website designer in establishing an e-commerce feature on a first website being designed by the website designer for access by third parties upon the activation of the first website on the internet, wherein the e-commerce feature is at least one of a shopping cart and an auction.

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FIG. 1



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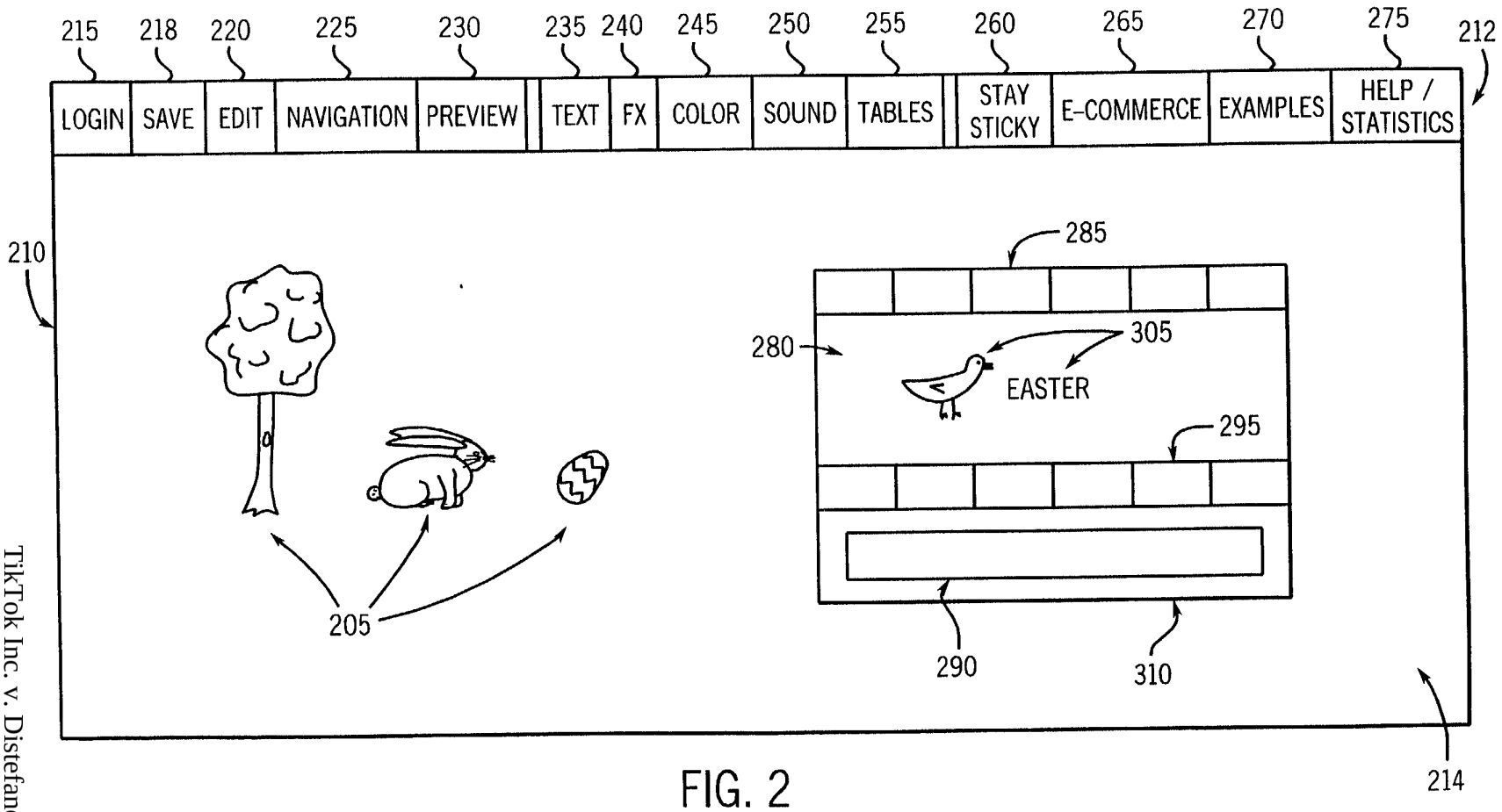
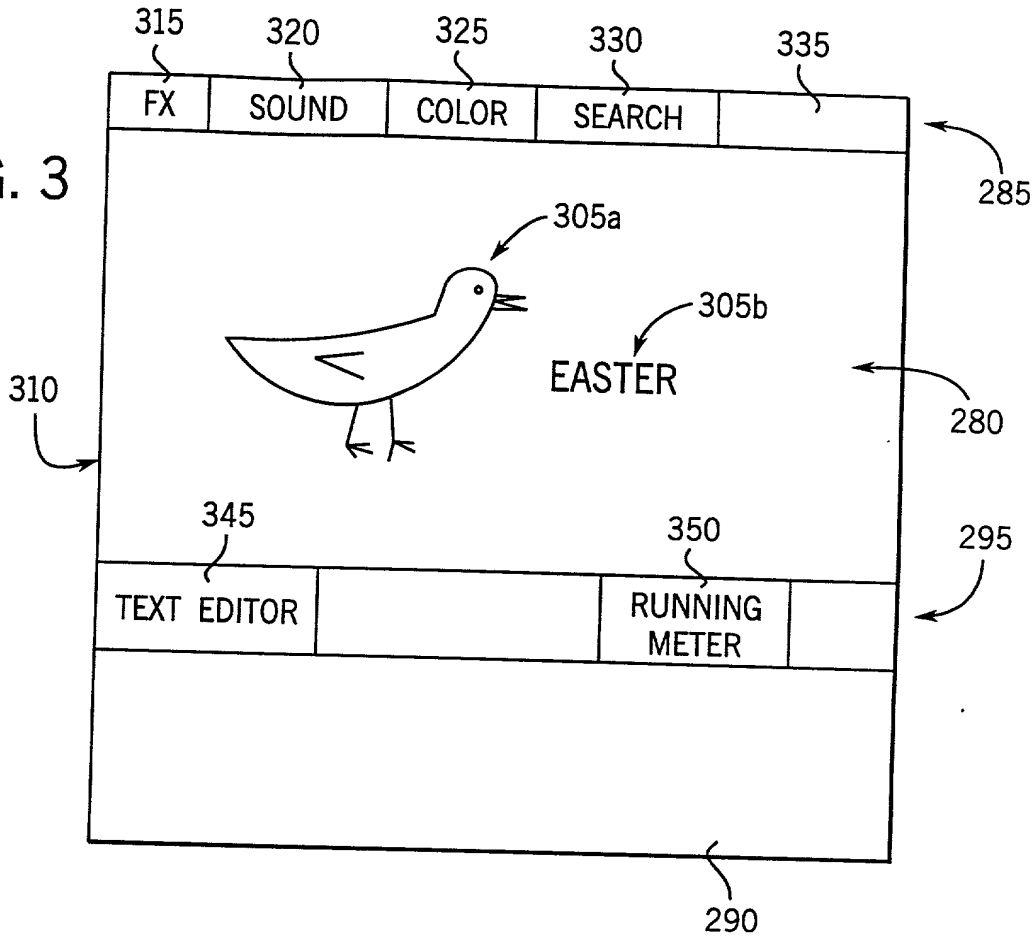


FIG. 2

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FIG. 3



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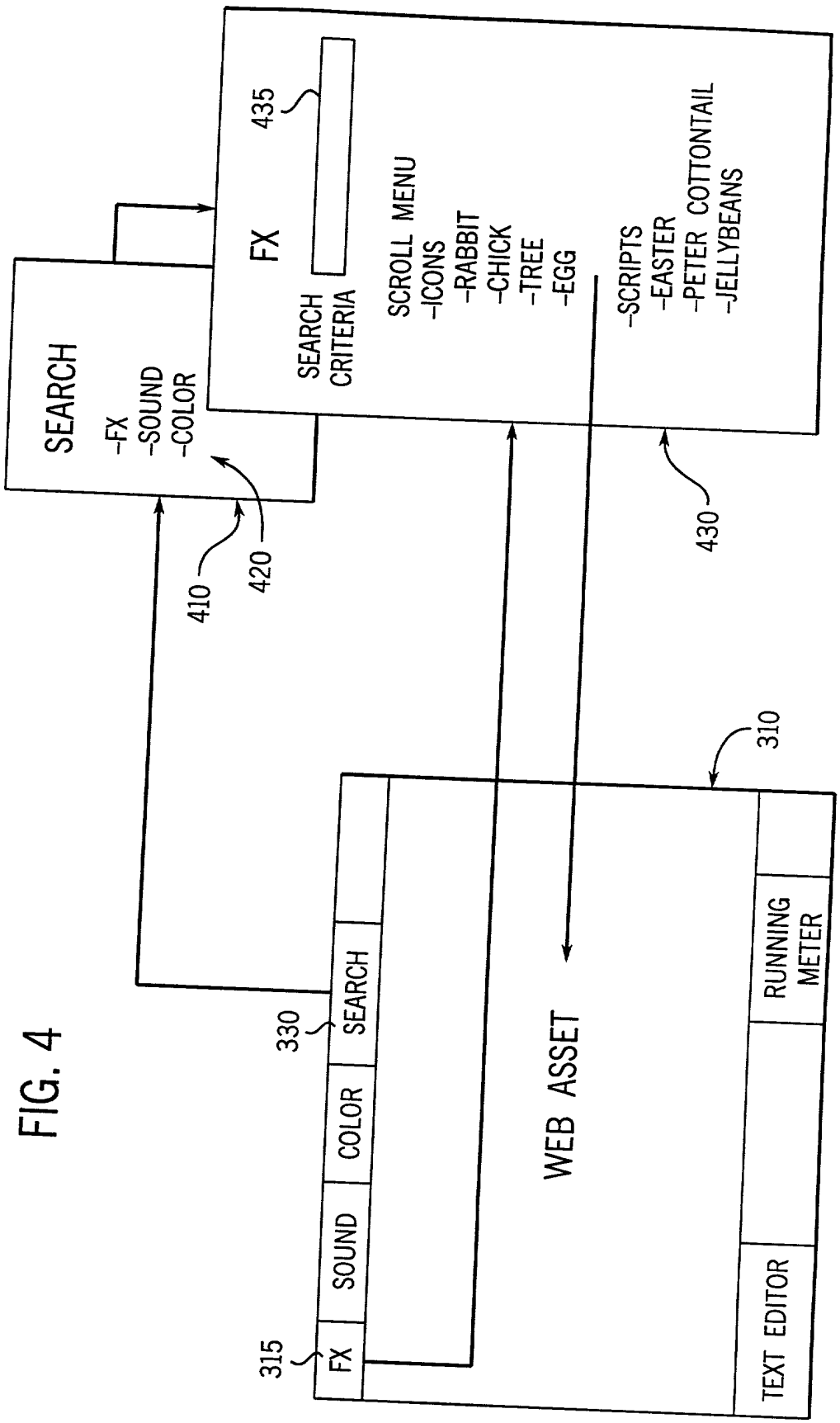


FIG. 4

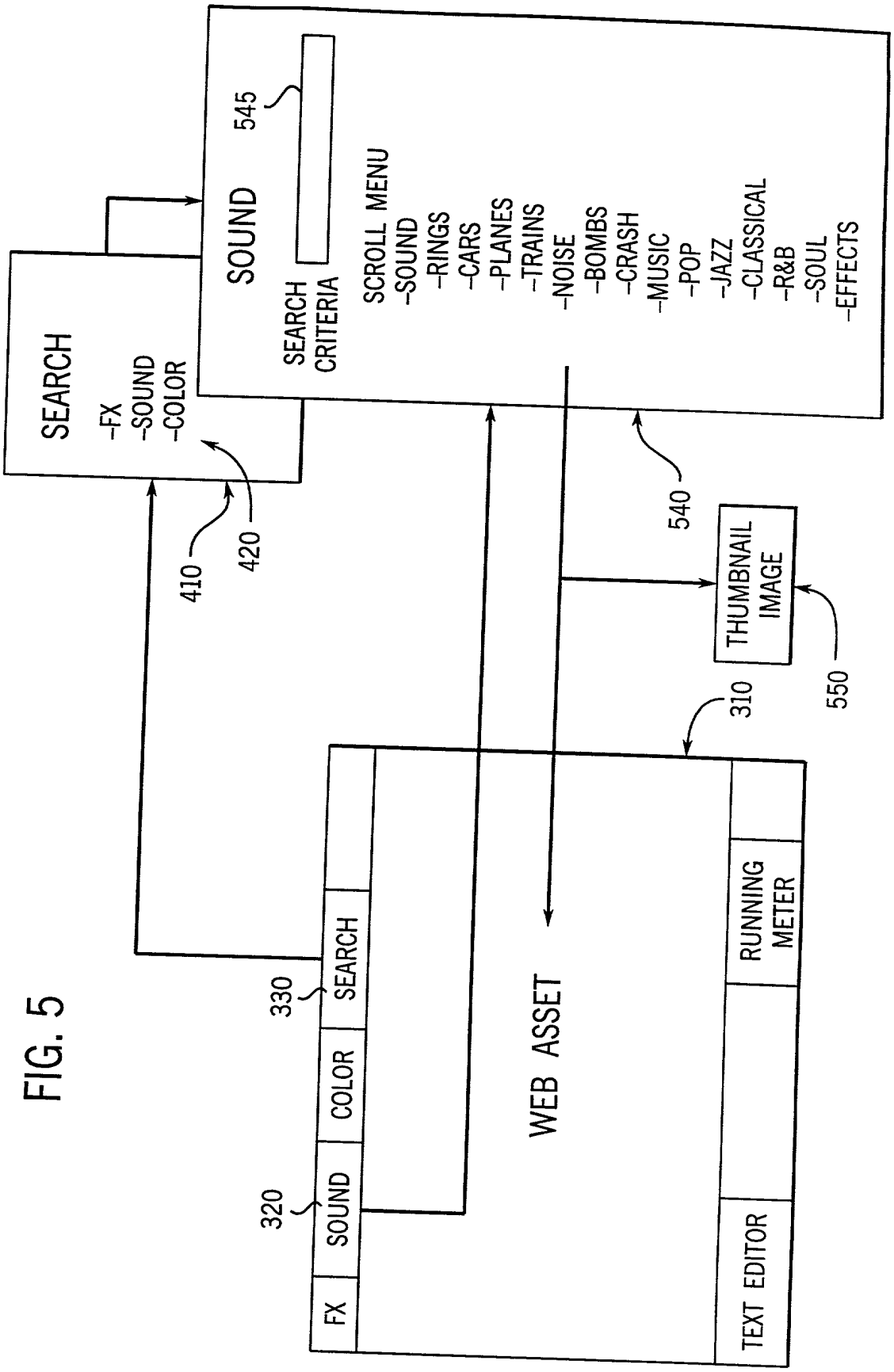
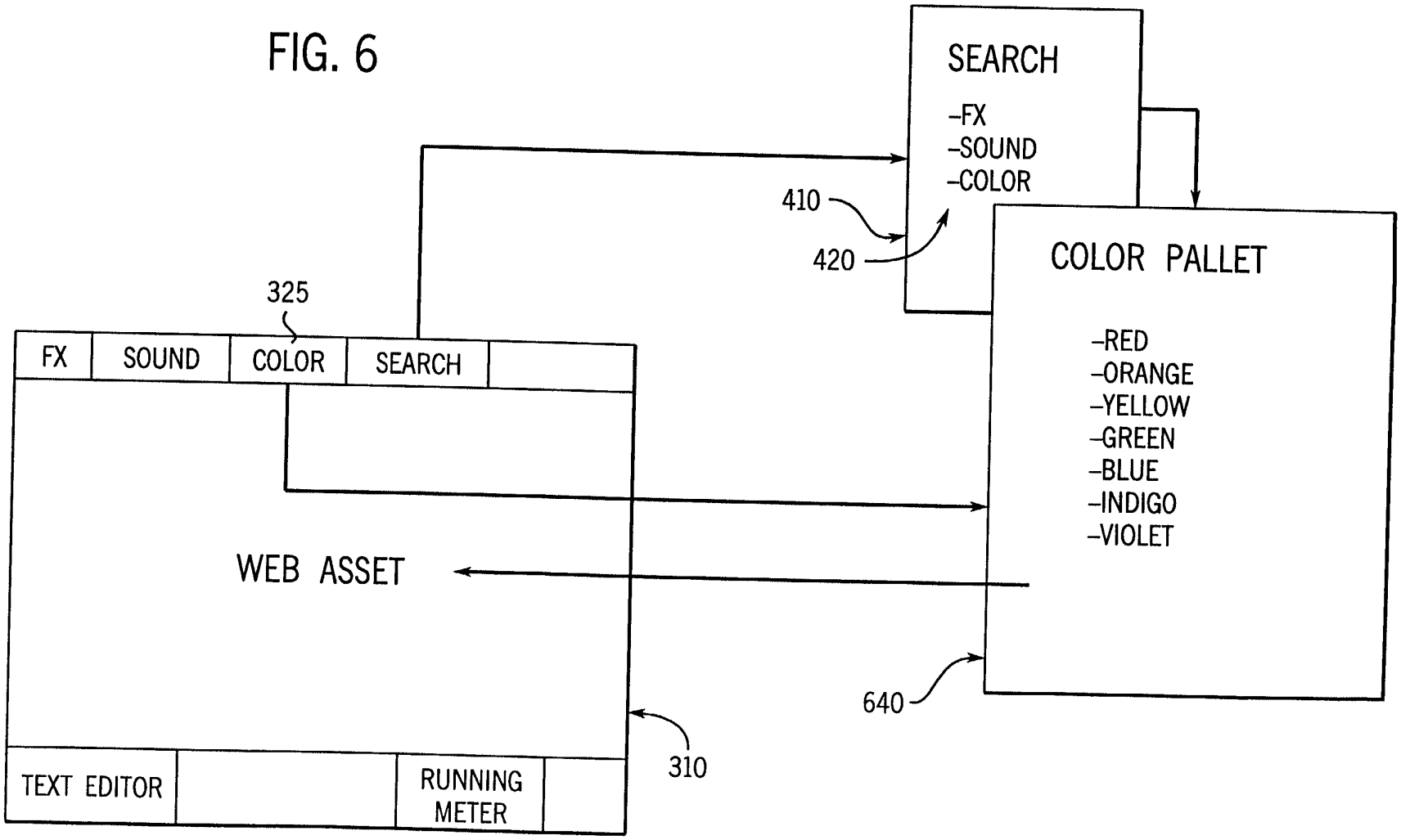

SEARCH
-FX
-SOUND
-COLOR
SOUND
545
SEARCH CRITERIA
SCROLL MENU
-SOUND
-RINGS
-CARS
-PLANES
-TRAINS
-NOISE
-BOMBS
-CRASH
-MUSIC
-POP
-JAZZ
-CLASSICAL
-R&B
-SOUL
-EFFECTS
410
420
540
THUMBNAIL IMAGE
550
310
330
SEARCH
COLOR
SOUND
320
FX
WEB ASSET
RUNNING METER
TEXT EDITOR

FIG. 5

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FIG. 6



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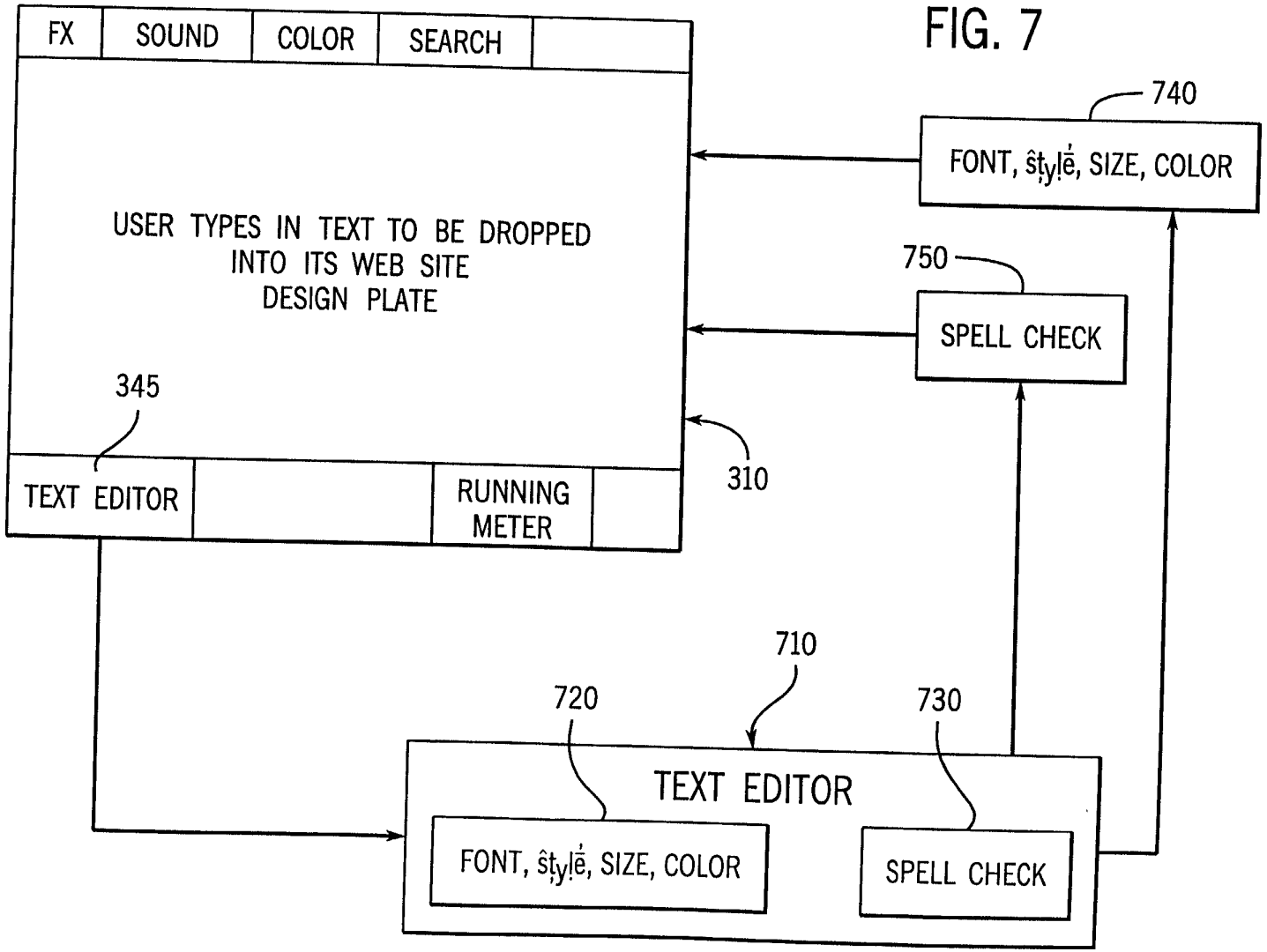
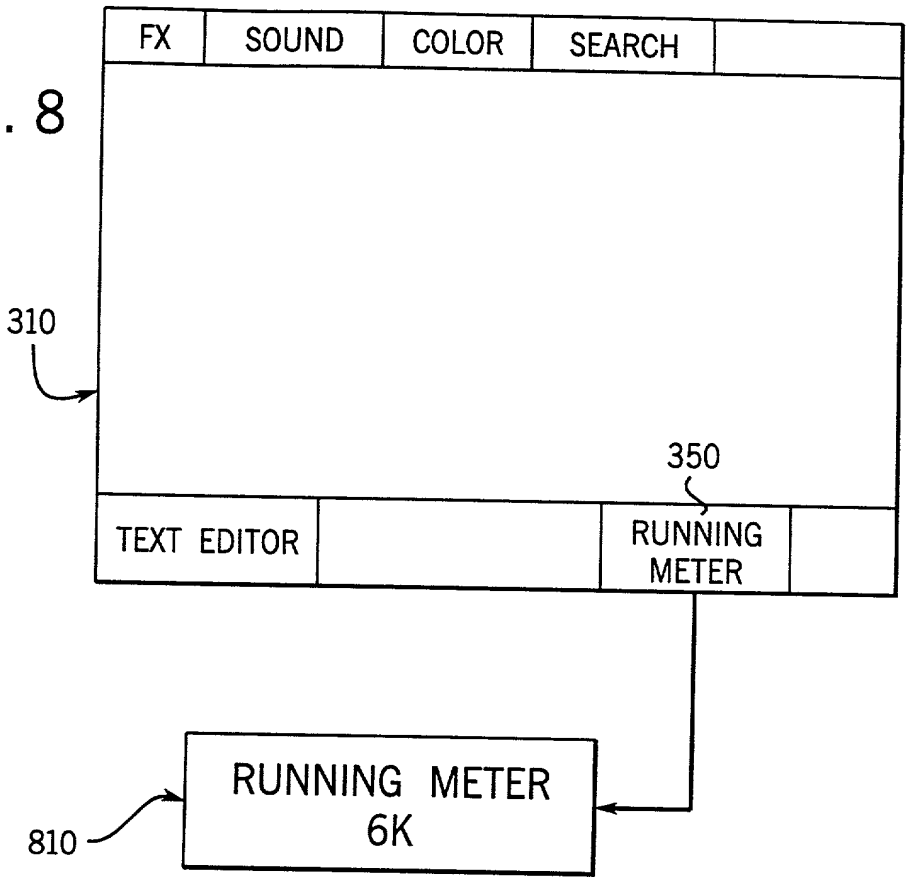


FIG. 7

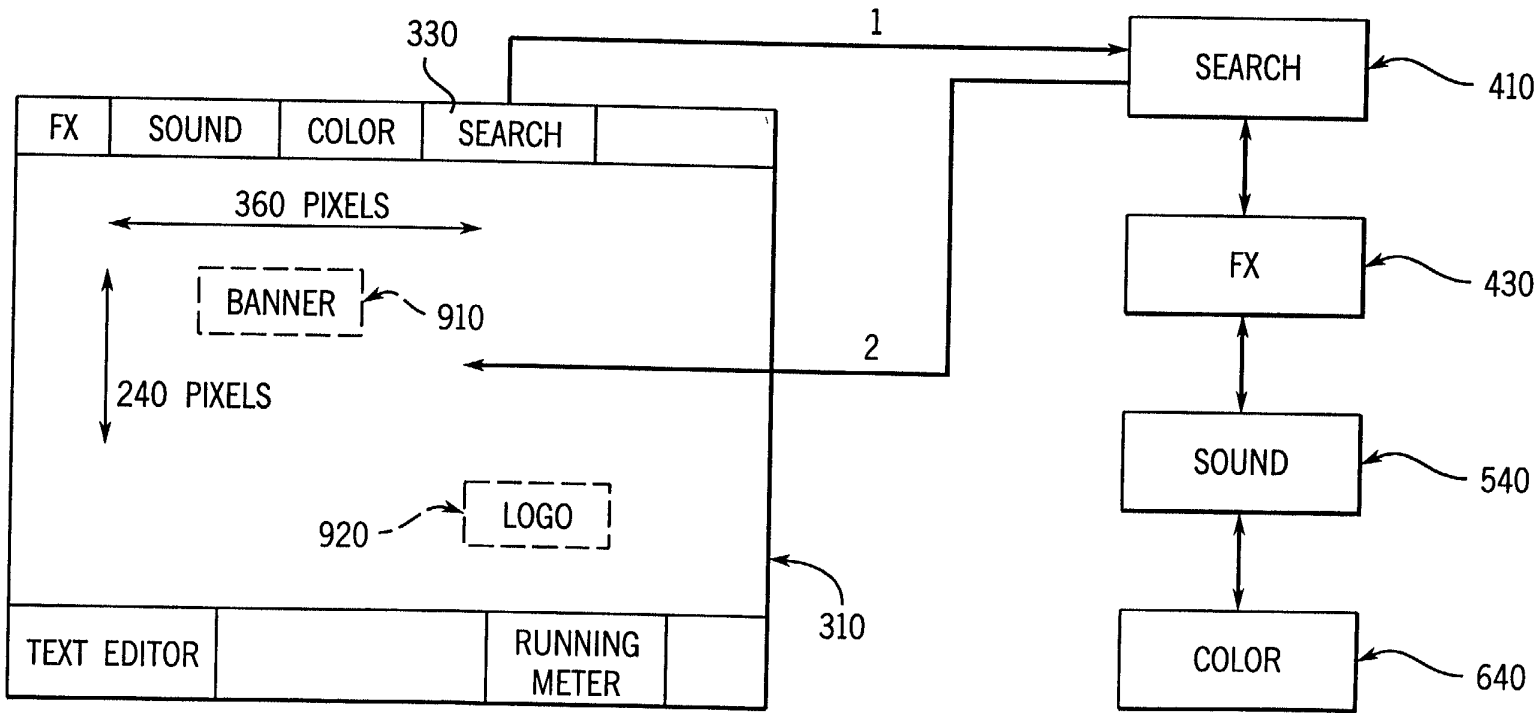
FIG. 8



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FIG. 9



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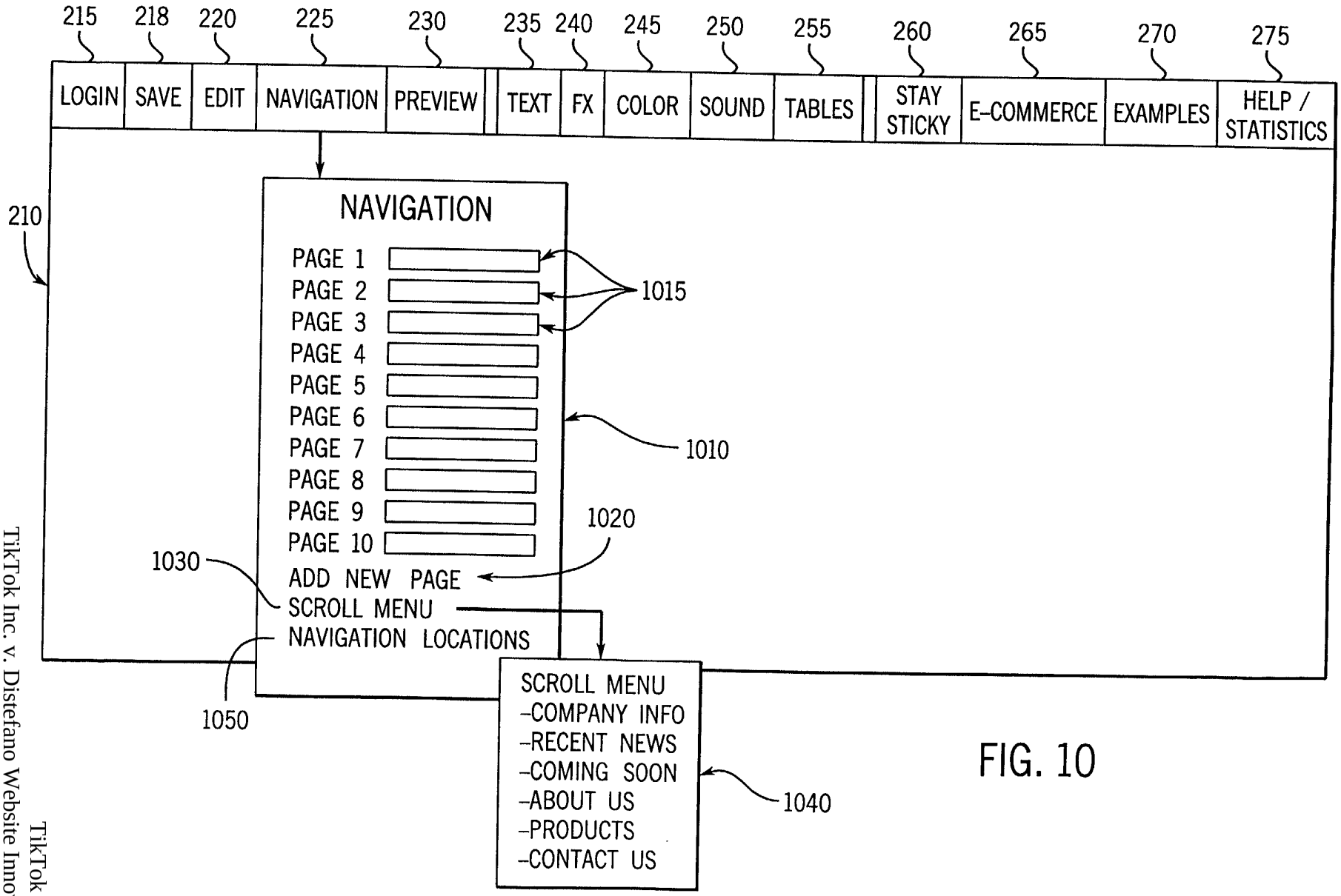


FIG. 10

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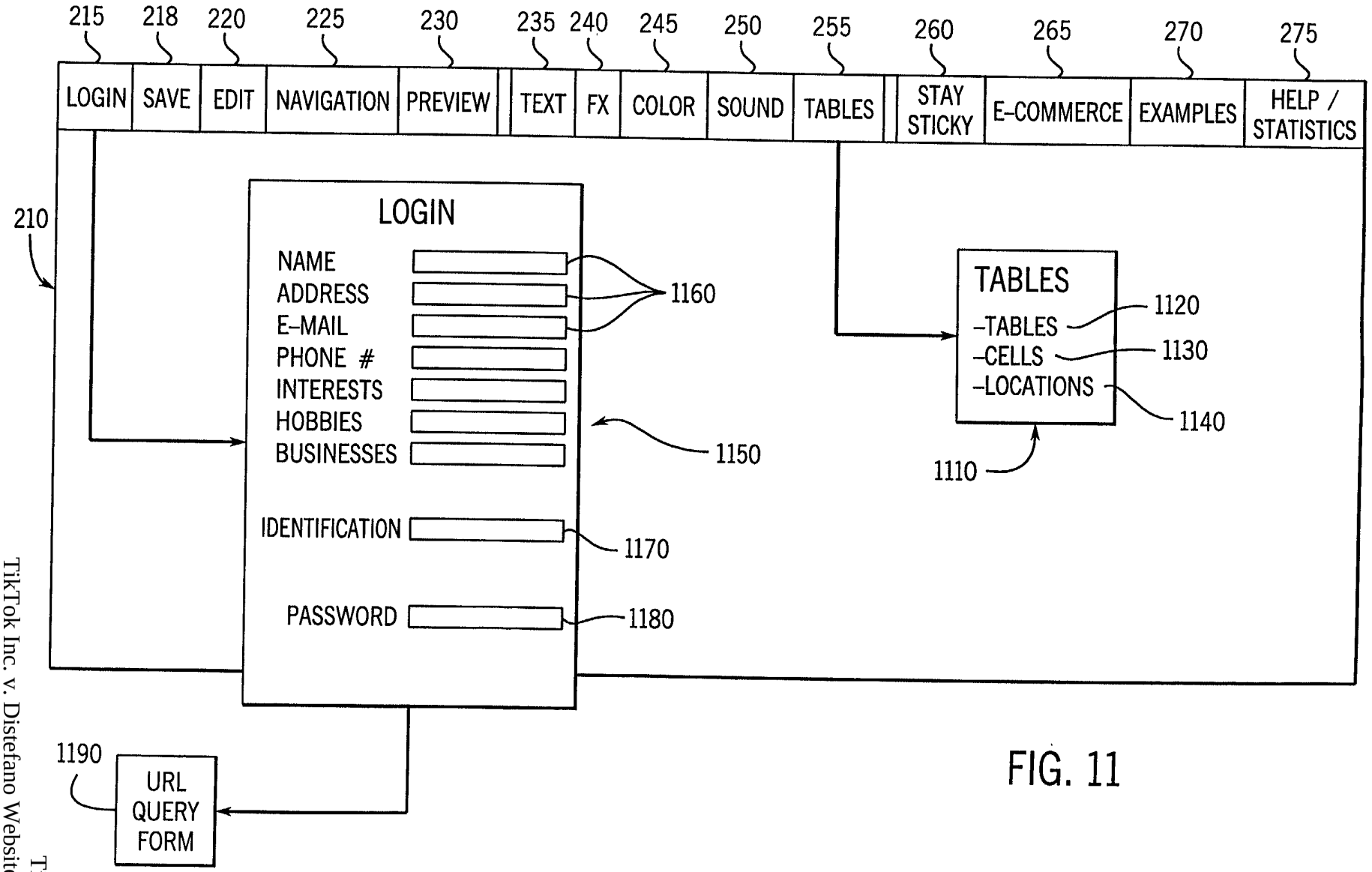


FIG. 11

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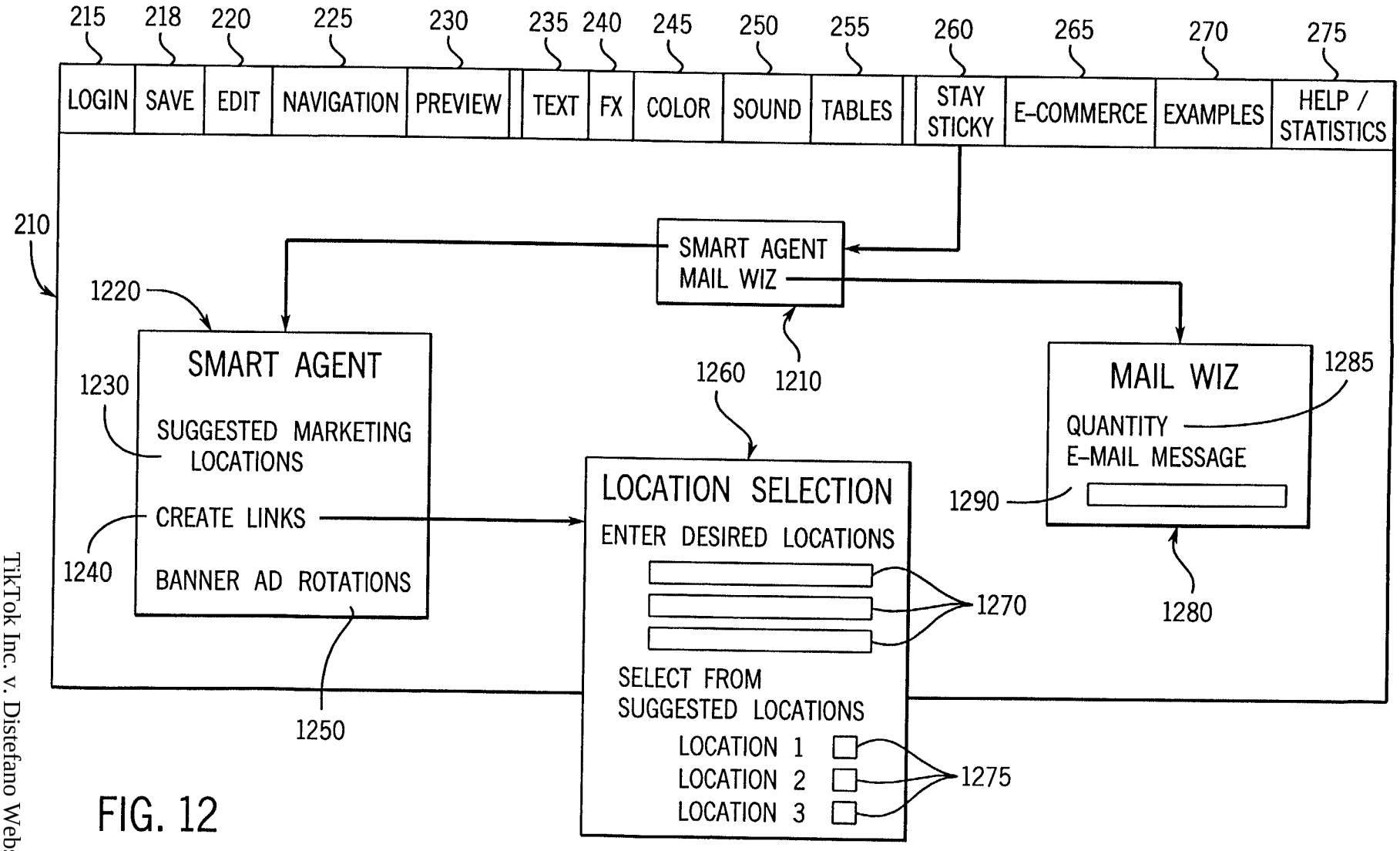


FIG. 12

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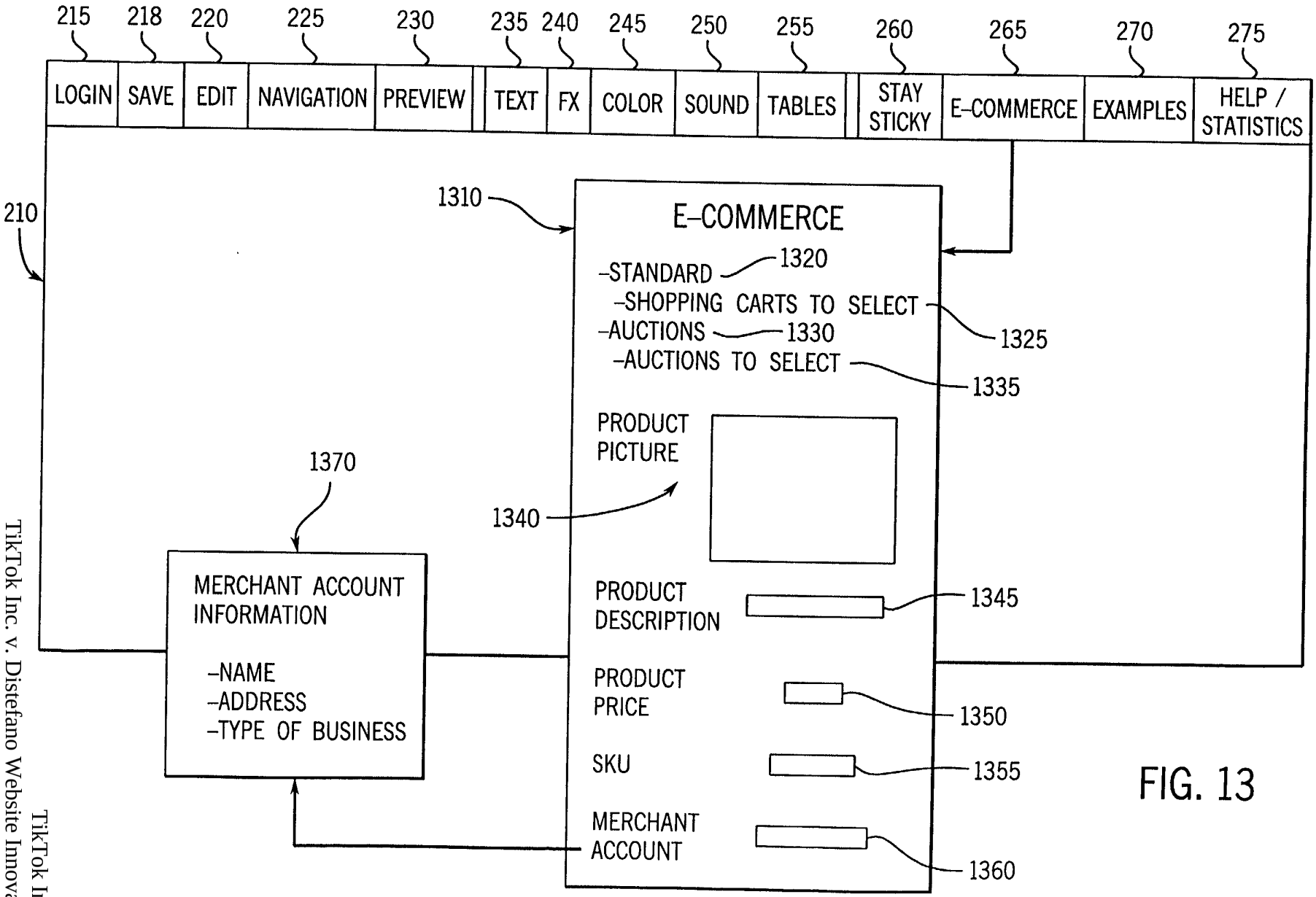


FIG. 13

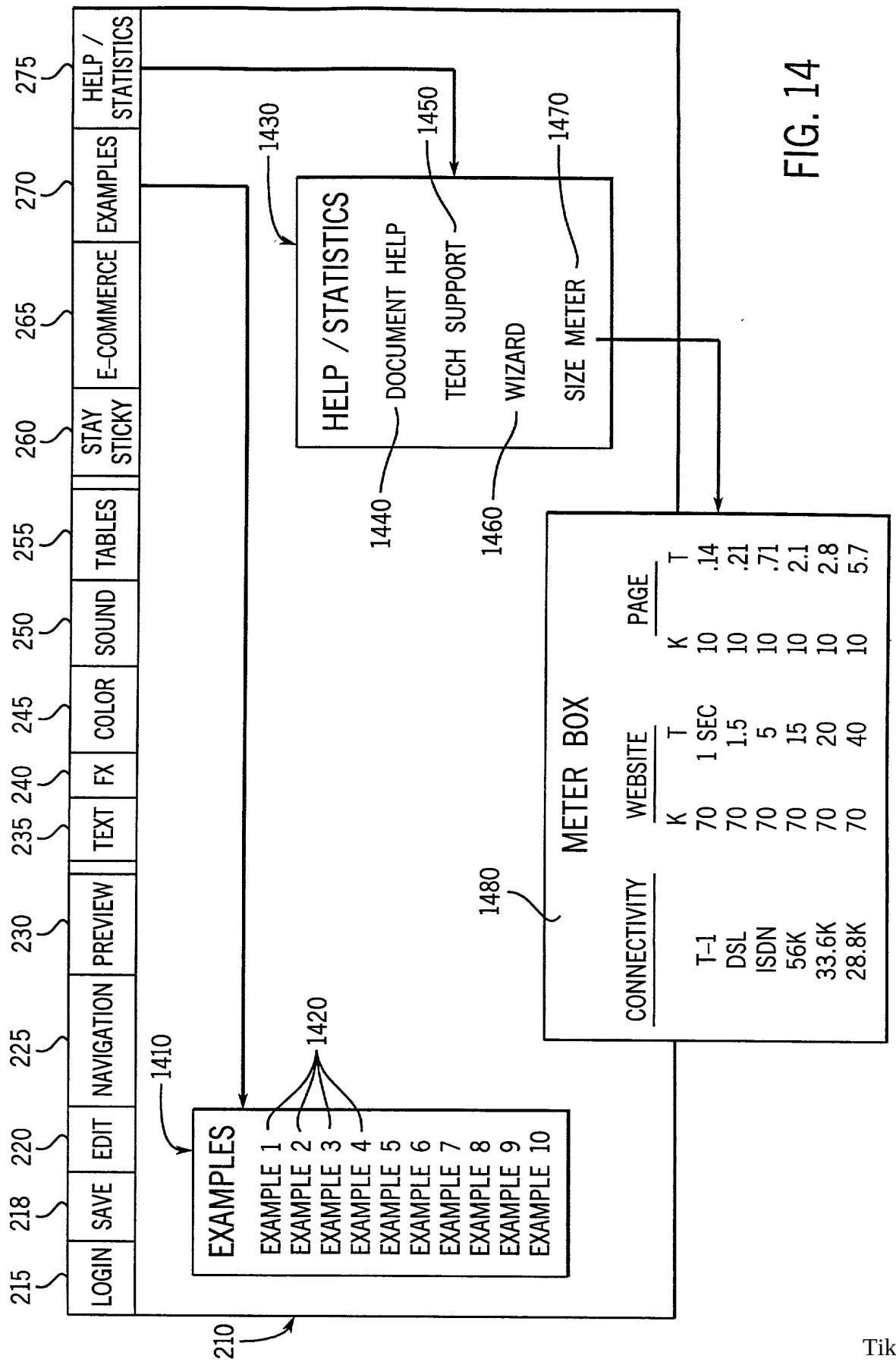

LOGIN
SAVE
EDIT
NAVIGATION
PREVIEW
TEXT
FX
COLOR
SOUND
TABLES
STAY STICKY
E-COMMERCE
EXAMPLES
HELP / STATISTICS
215
218
220
225
230
235
240
245
250
255
260
265
270
275
210
EXAMPLES
EXAMPLE 1
EXAMPLE 2
EXAMPLE 3
EXAMPLE 4
EXAMPLE 5
EXAMPLE 6
EXAMPLE 7
EXAMPLE 8
EXAMPLE 9
EXAMPLE 10
1410
1420
HELP / STATISTICS
DOCUMENT HELP
TECH SUPPORT
WIZARD
SIZE METER
1430
1440
1450
1460
1470
METER BOX
1480
CONNECTIVITY
WEBSITE
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T-1 70 1.5 10 .14
DSL 70 1.5 10 .21
ISDN 70 5 10 .71
56K 70 15 10 2.1
33.6K 70 20 10 2.8
28.8K 70 40 10 5.7

FIG. 14

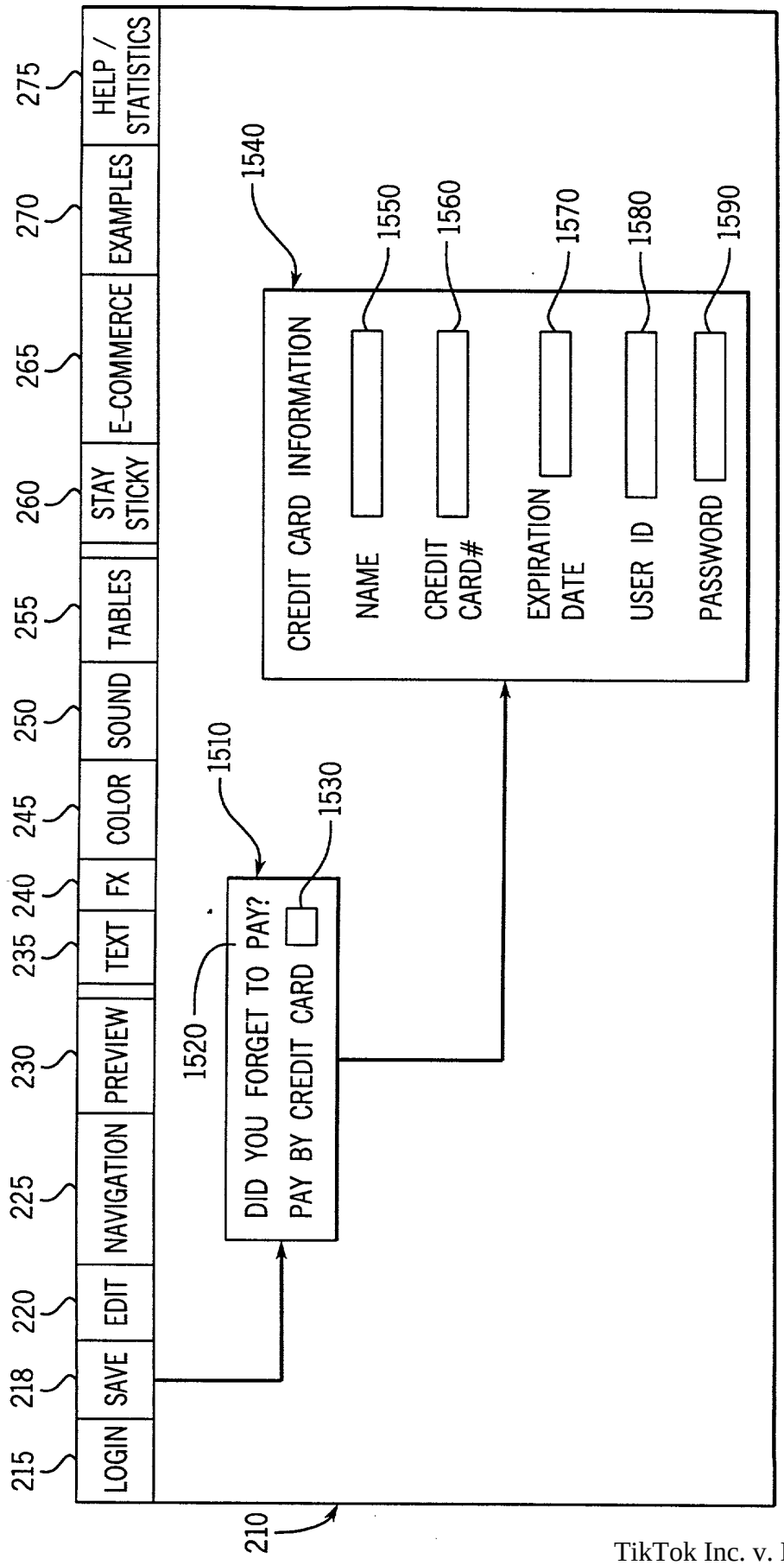
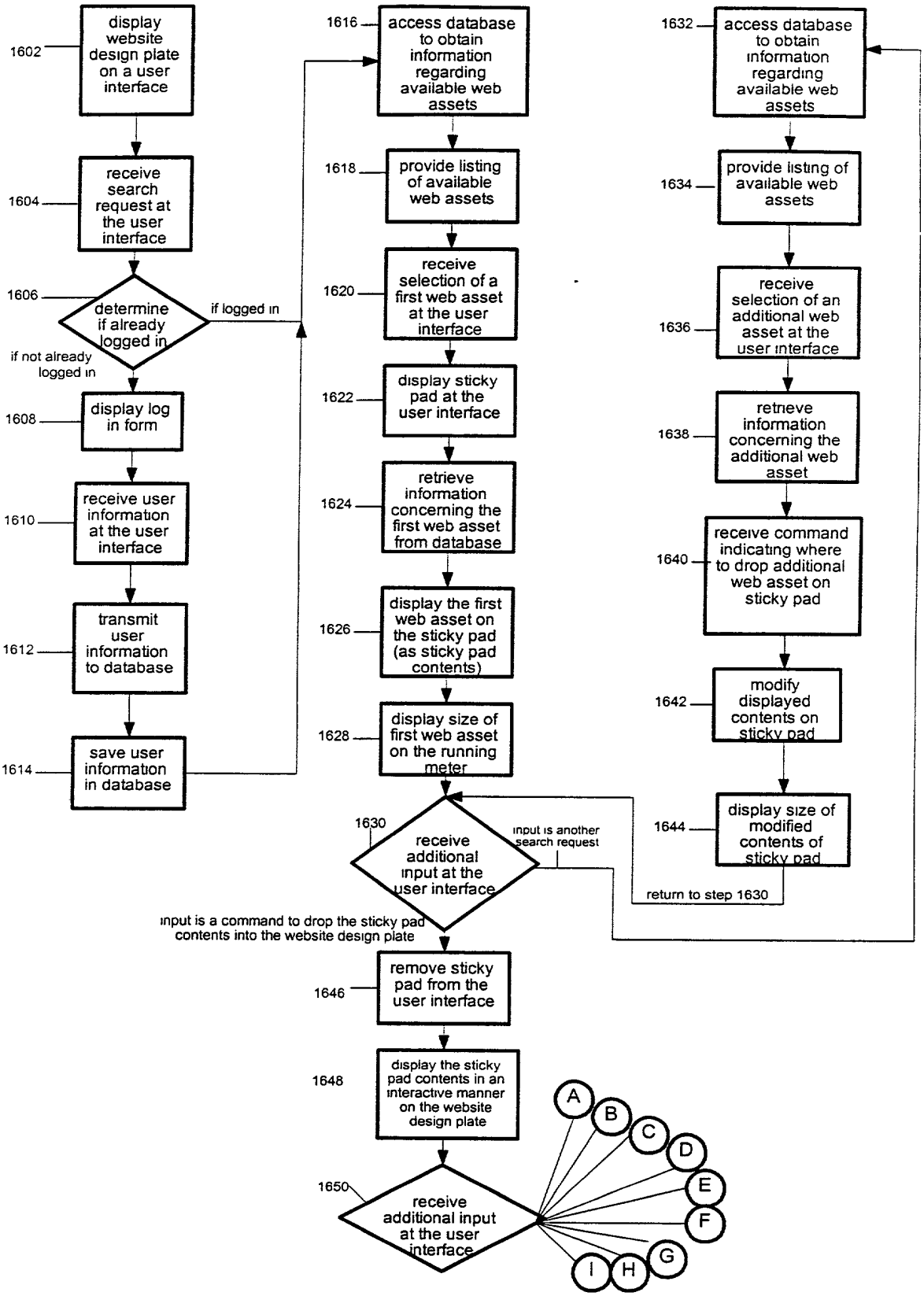

LOGIN
SAVE
EDIT
NAVIGATION
PREVIEW
TEXT
FX
COLOR
SOUND
TABLES
STAY STICKY
E-COMMERCE
EXAMPLES
HELP / STATISTICS
215
218
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225
230
235
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245
250
255
260
265
270
275
210
1510
1520
1530
DID YOU FORGET TO PAY?
PAY BY CREDIT CARD
1540
CREDIT CARD INFORMATION
NAME
CREDIT CARD#
EXPIRATION DATE
USER ID
PASSWORD
1550
1560
1570
1580
1590

FIG. 15

FIG. 16



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FIG. 17A

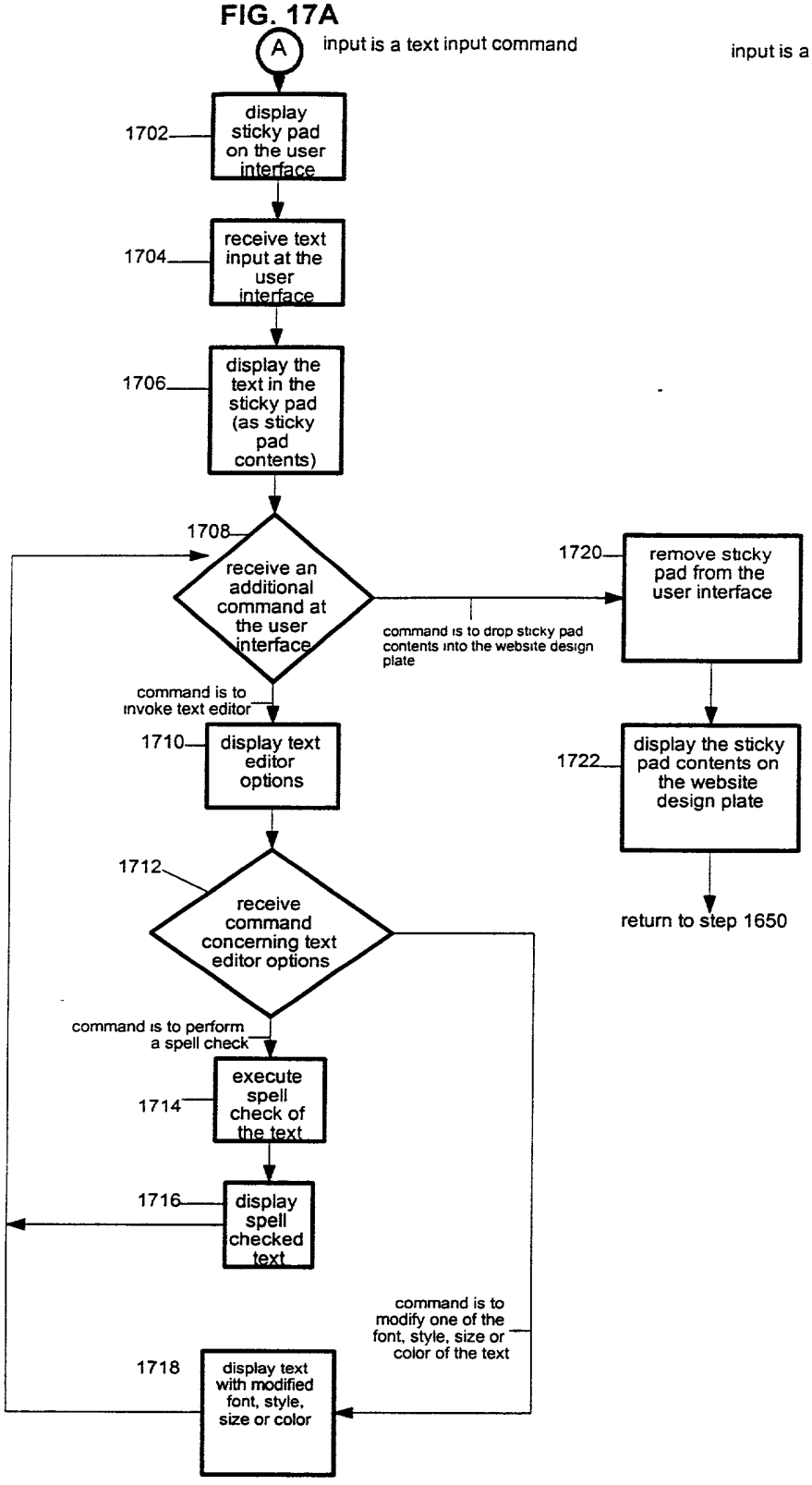
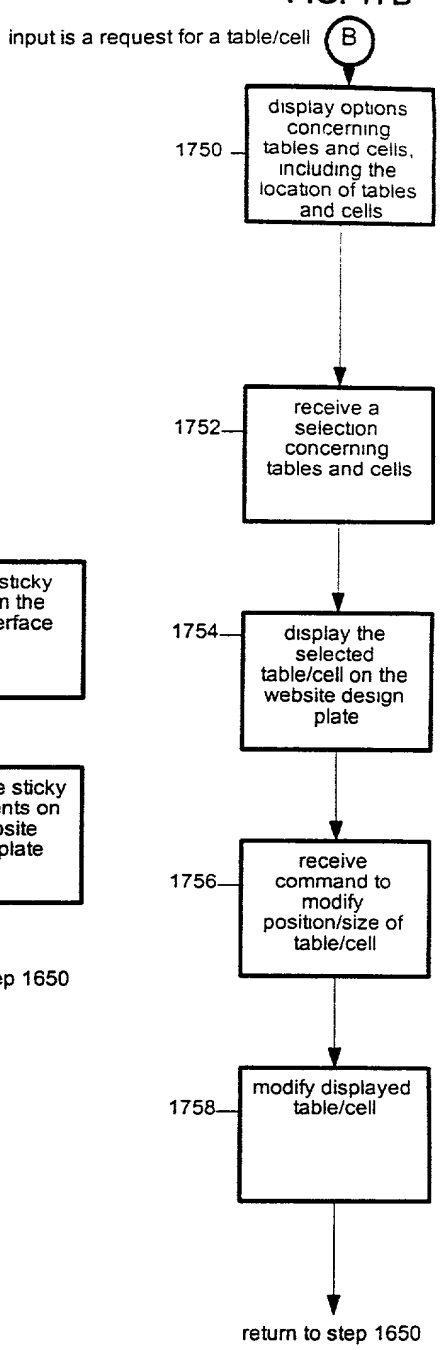


FIG. 17B



US 9,953,014 B2

FIG. 18A

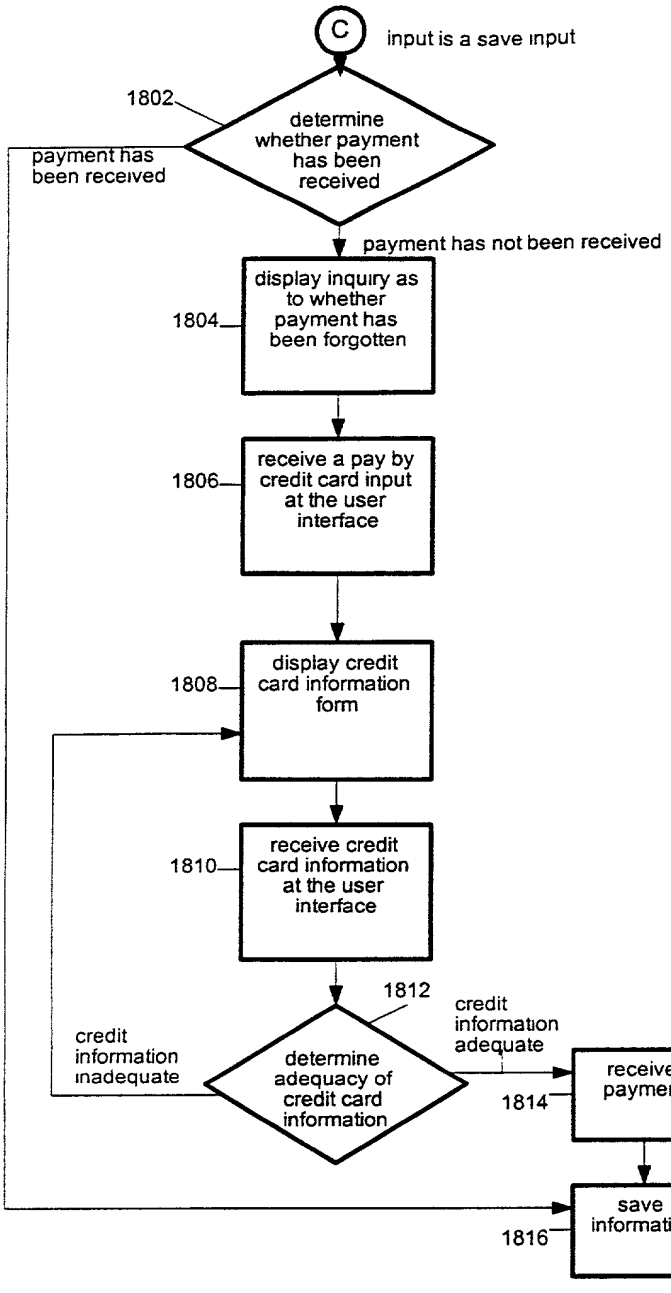
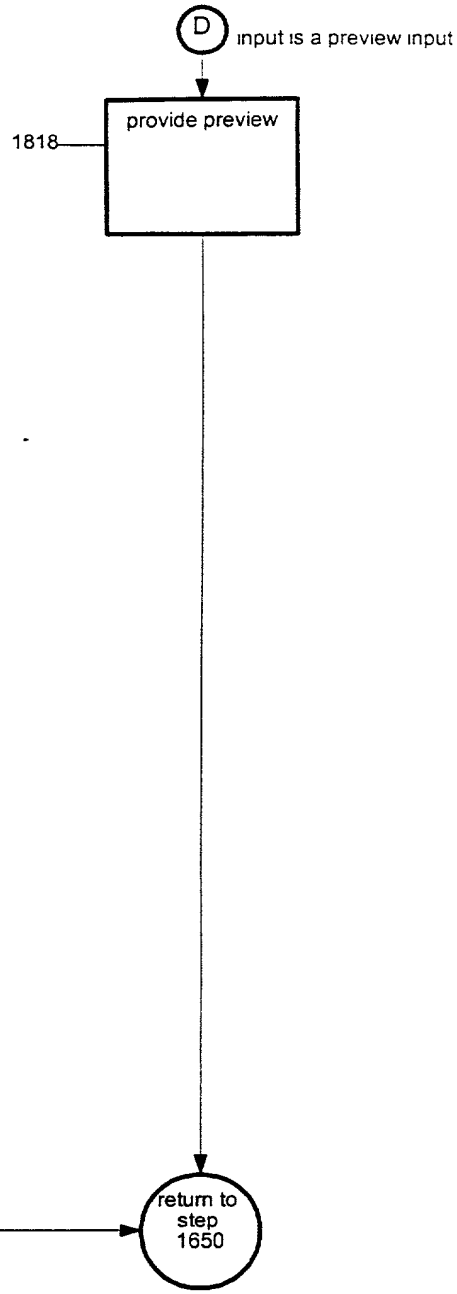
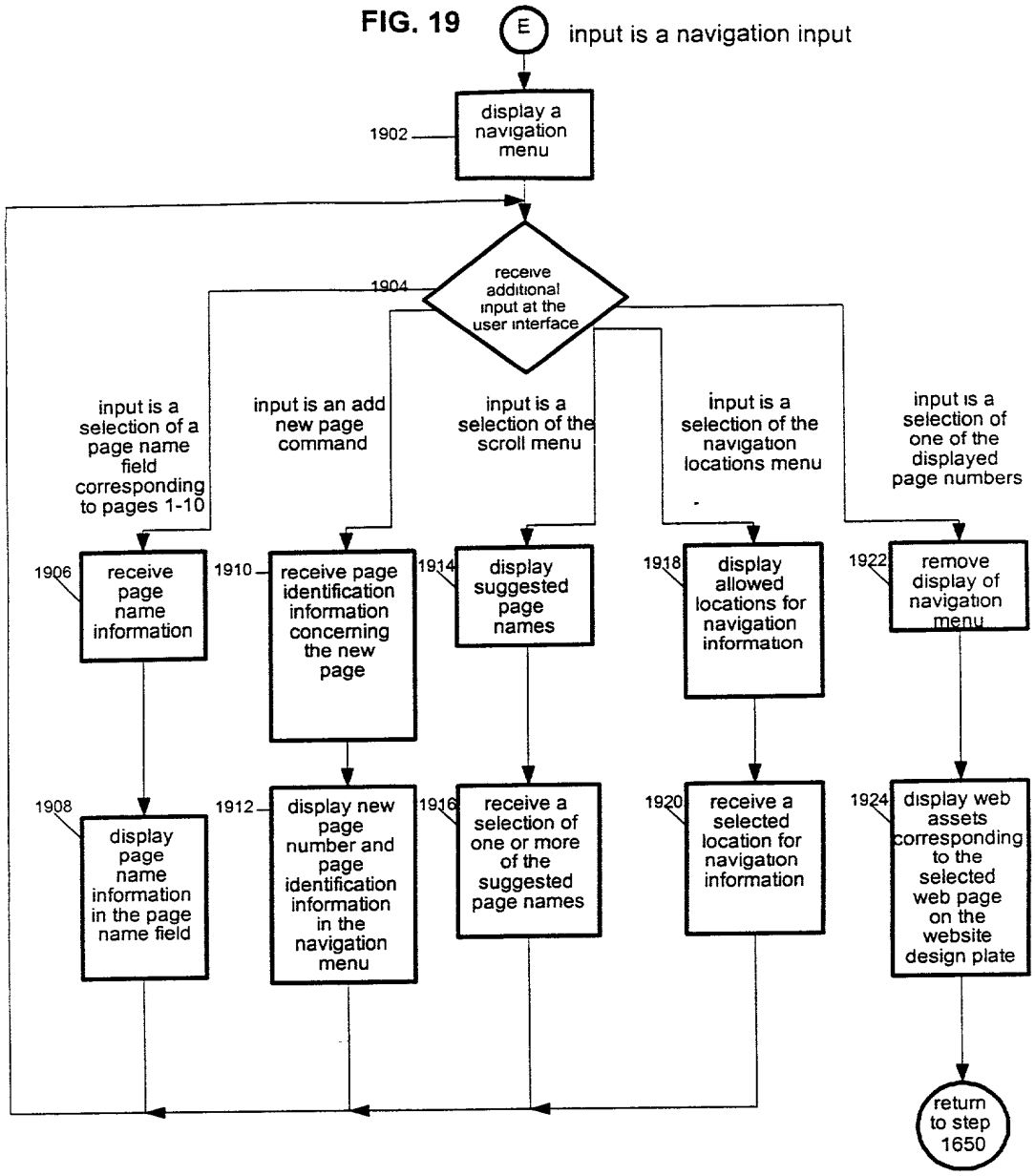


FIG. 18B



US 2003/0154135 A1

FIG. 19



US 9,335,912 B2

FIG. 20

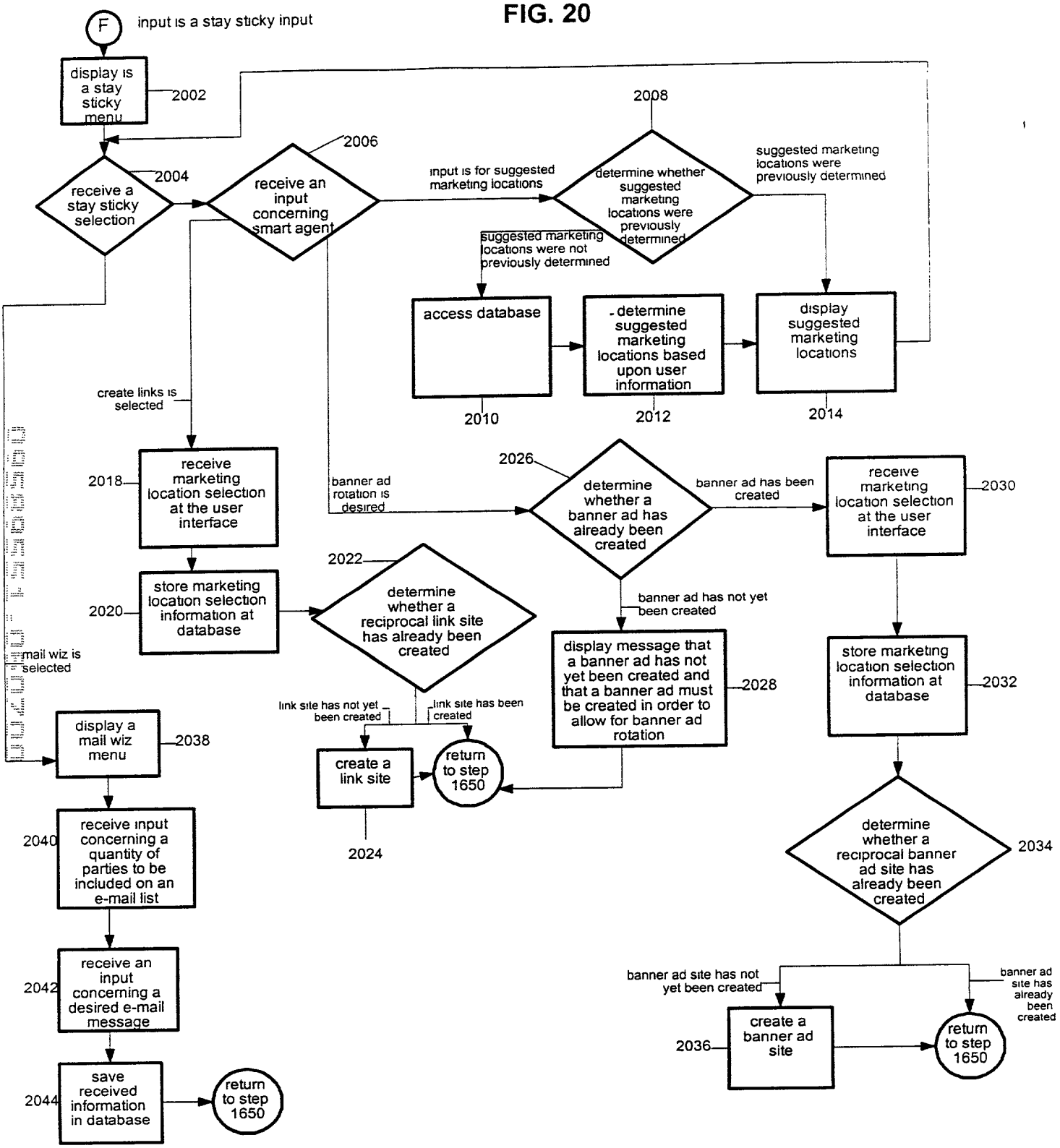
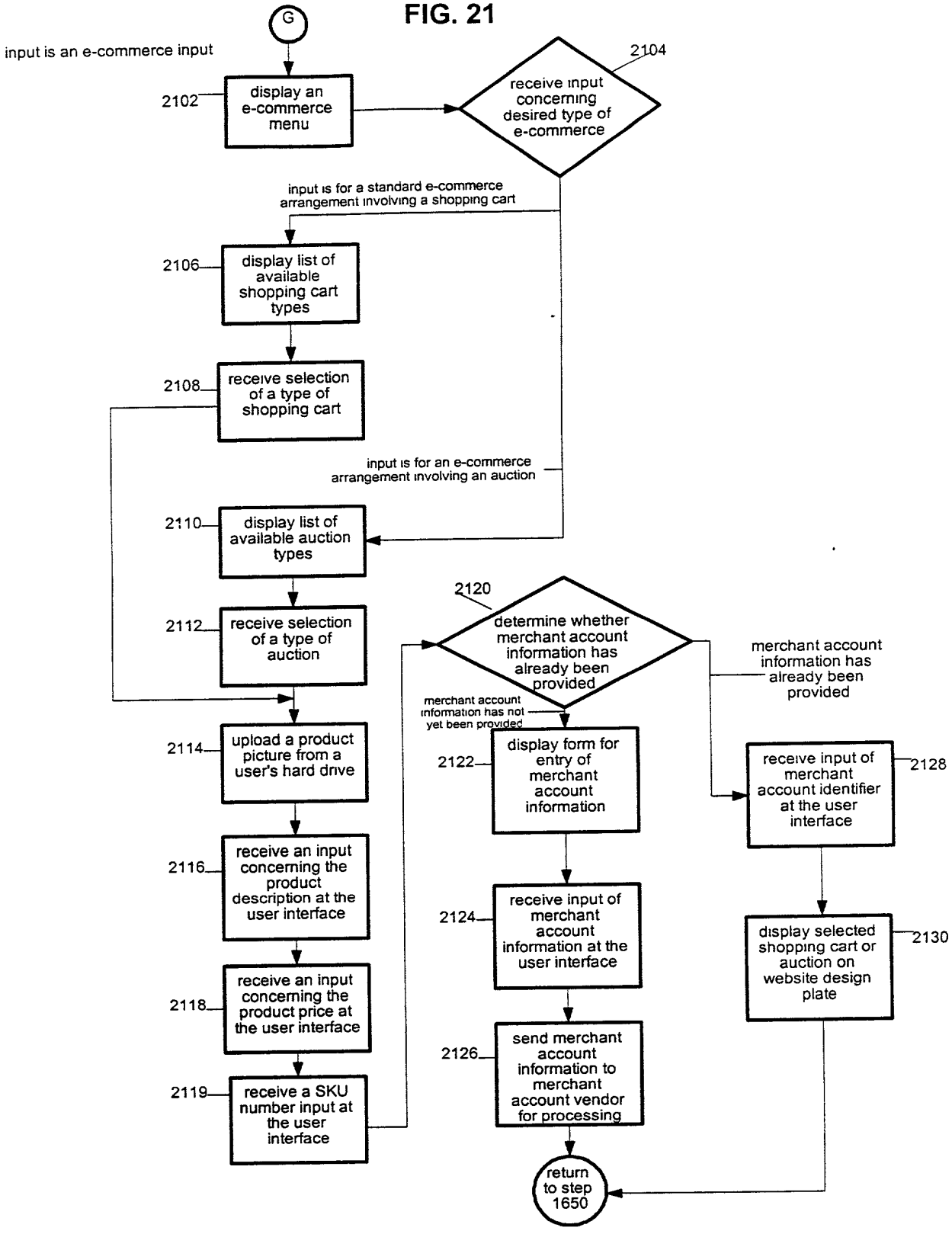

F
input is a stay sticky input
display is a stay sticky menu
2002
2004
receive a stay sticky selection
2006
receive an input concerning smart agent
input is for suggested marketing locations
2008
determine whether suggested marketing locations were previously determined
suggested marketing locations were previously determined
suggested marketing locations were not previously determined
access database
2010
determine suggested marketing locations based upon user information
2012
display suggested marketing locations
2014
create links is selected
2018
receive marketing location selection at the user interface
2020
store marketing location selection information at database
2022
determine whether a reciprocal link site has already been created
link site has not yet been created
link site has been created
create a link site
2024
return to step 1650
banner ad rotation is desired
2026
determine whether a banner ad has already been created
banner ad has been created
banner ad has not yet been created
display message that a banner ad has not yet been created and that a banner ad must be created in order to allow for banner ad rotation
2028
receive marketing location selection at the user interface
2030
store marketing location selection information at database
2032
determine whether a reciprocal banner ad site has already been created
2034
banner ad site has not yet been created
banner ad site has already been created
create a banner ad site
2036
return to step 1650
mail wiz is selected
display a mail wiz menu
2038
receive input concerning a quantity of parties to be included on an e-mail list
2040
receive an input concerning a desired e-mail message
2042
save received information in database
2044
return to step 1650

FIG. 21



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FIG. 22A

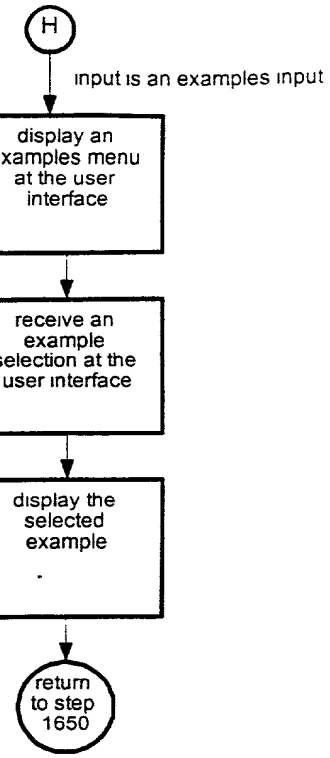


FIG. 22B

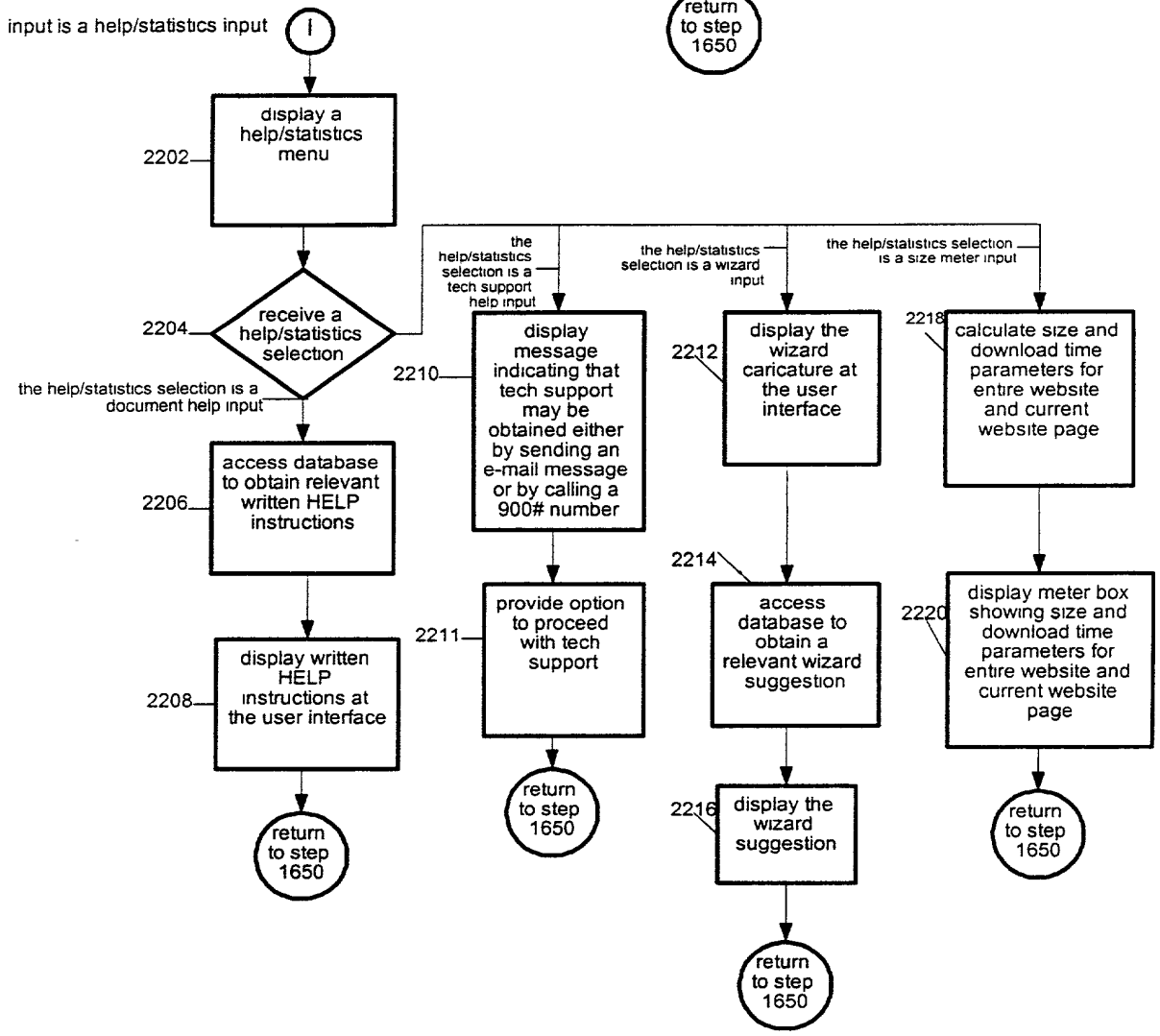
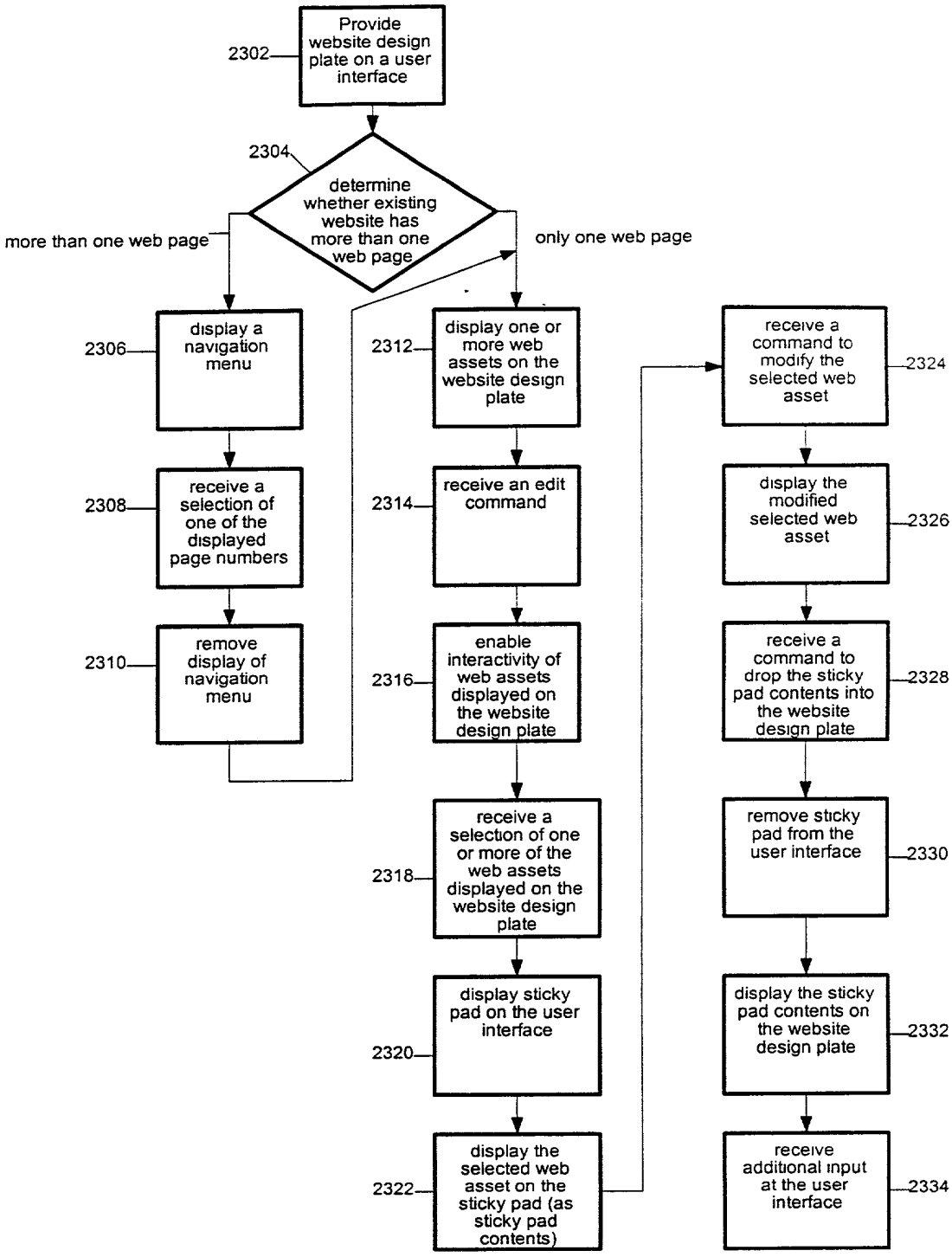


FIG. 23

(Re-entry, Navigation and Edit)



DOCKET NUMBER: 6676-11

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS

the specification of which (check one)

_X_ is attached hereto.

____ was filed on _____
under Attorney's Docket Number _____
as Application Serial No. _____
and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed
_____ (Number)	_____ (Country)	_____ (Filing Date)	____ Yes ___No
_____ (Number)	_____ (Country)	_____ (Filing Date)	____ Yes ___No

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

_____ (Appln. Serial No.)	_____ (Filing Date)	_____ (Status)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Express Mail Label No. EK575132689US

QBWPB\160933.1

DOCKET NUMBER 6676-11

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/589,551	06/07/2000	Thomas L. DiStefano III	6676-11

CONFIRMATION NO. 8542

OC000000014162484

OC000000014162484

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Date Mailed: 10/21/2004

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/04/2004.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

Patricia Lewis

PATRICIA F LEWIS
3600 (703) 308-6053

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OIPE JC4 FEB 10 2005 PATENT & TRADEMARK OFFICE

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A

PATENT

Certificate of Mailing (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date set forth below.

Peggy Shock	Peggy Shock	February 8, 2005
Name of Person Mailing Paper	Signature of Person Mailing Paper	Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number:	09/589,551
Filing Date:	06/07/2000
Applicant(s):	Thomas L. DiStefano III
Entitled:	METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS
Examiner:	Lastra, Daniel
Group Art Unit:	3622
Attorney Docket No.:	1115-7U

RECEIVED
FEB 23 2005
GROUP 3600

Mail Stop Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

In response to the Non-Final Office Action dated November 8, 2004 (the "Office Action"), please amend the above-referenced patent application (the "Patent Application") as follows, and please further consider the following remarks establishing the patentability of the amended and un-amended claims as recited herein.

Amendments to the claims are reflected in the listing of claims which begins on Page 3 of this response to the Office Action (the "Response").

Remarks and Arguments begin on page 12 of the Response.

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AMENDMENTS TO THE CLAIMS

1. (Original) A method of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the internet, the method comprising:

during design of the first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed;

saving the information at a first database that is coupled to the user interface;

obtaining the element for marketing of the type indicated; and

causing the display of the element for marketing at the second website when the first website is activated with respect to the internet, wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website.

2. (Original) The method of claim 1, further comprising, prior to receiving the information indicating the type of the element and the information specifying the second website:

receiving at the user interface information concerning at least one of the website designer, a business of the website designer, and the first website;

performing a search of information on a second database having information concerning at least one of a plurality of third party website designers, a plurality of third party businesses and a plurality of third party websites;

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identifying from the search at least one third party website to which the first website should be coupled for marketing purposes; and

providing information concerning the at least one third party website at the user interface.

3. (Original) The method of claim 1, further comprising:

during design of the first website, receiving information specifying a plurality of additional third party websites at which it is desirable to have the element displayed;

saving the information at the first database; and

causing the display of the element for marketing at each of the plurality of additional third party websites when the first website is activated with respect to the internet.

4. (Original) The method of claim 1, further comprising:

determining whether a reciprocal site for the display of at least one marketing element of a third party website exists in the first website being designed; and

creating the reciprocal site for the display of the at least one marketing element of the third party website when the reciprocal site does not yet exist in the first website being designed.

5. (Original) The method of claim 4, further comprising:

when the element for marketing the first website is a banner ad concerning the first website, causing the sequential display at the reciprocal site of the first website of a plurality banner ads respectively concerning a plurality of third party websites, when the first website is activated with respect to the internet.

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6. (Original) The method of claim 4, further comprising:

when the element for marketing the first website is a link to the first website, causing the display at the reciprocal site of the first website of a plurality of links to the plurality of third party websites, when the first website is activated with respect to the internet.

7. (Original) The method of claim 1, wherein the element for marketing is the banner ad concerning the first website, further comprising:

determining whether the banner ad for the first website has already been designed; and

when it is determined that the banner ad for the first website has not yet been designed, displaying a message at the user interface indicating the necessity of designing the banner ad.

8. (Original) The method of claim 7, further comprising, when it is determined that the banner ad for the first website has not yet been designed:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements;

receiving a search request for available banner ad designs at the user interface;

performing a search of information concerning a plurality of available elements stored on a second database in response to the search request, wherein a search engine program performs the search;

displaying results of the search on the user interface; and

receiving a selection command at the user interface to select a first banner ad design from the results.

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9. (Original) The method of claim 8, further comprising:

providing a second display region on the user interface, the second display region being capable of displaying the plurality of elements;

displaying the first banner ad design in the second display region;

receiving a first command to modify the first banner ad design in the second display region;

modifying the first banner ad design in response to the first command;

terminating the display of the second display region;

displaying the modified first banner ad design in the first display region, wherein the first display region is capable of displaying the first banner ad design in an interactive manner; and

saving the modified first banner ad design.

10. (Original) The method of claim 9, further comprising:

receiving at the user interface a command to preview the modified first banner ad design; and

providing a preview of the modified first banner ad design, wherein the preview allows for the display of all visual effects of the modified first banner ad design, and allows for the sounding of all sonic effects of the modified first banner ad design.

11. (Original) The method of claim 9, further comprising, prior to the saving of information concerning the modified first banner ad design:

displaying a prompt concerning payment;

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receiving credit card processing information at the user interface; and

determining the adequacy of the credit card processing information.

12. (Currently Amended) The method of claim 1, further comprising, prior to receiving the information indicating the type of the element and the information specifying the second website:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements;

receiving a selection of a ~~the~~ smart agent option at the user interface, the selection of which is indicative of a desire to establish the arrangement between the first website being designed by the website designer and the second website in order to market the first website at the second website upon the activation of the first website on the internet;

displaying a smart agent menu having a suggested marketing locations option, a create links option and a banner ad rotations option, wherein the create links option and the banner ad rotations option can be selected to indicate the type of the element for marketing.

13. (Original) A method of assisting a website designer in establishing an e-commerce feature on a first website being designed by the website designer for access by third parties upon the activation of the first website on the internet, the method comprising:

receiving at a user interface a selection of the e-commerce feature that is desired to be implemented on the first website, wherein the e-commerce feature is at least one of a shopping cart and an auction;

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receiving at the user interface information concerning a picture of a product desired to be sold using the e-commerce feature;

receiving at the user interface information concerning a written description of the product;

receiving at the user interface information concerning a price of the product;

receiving at the user interface information concerning an identification number of the product; and

when the first website is activated on the internet, displaying the e-commerce feature on the first website, wherein display of the e-commerce feature includes the display of at least some of the picture, written description, price and identification information of the product.

14. (Original) The method of claim 13, further comprising, prior to receiving at the user interface the selection of the e-commerce feature that is desired to be implemented:

displaying a list of at least one of a plurality of shopping carts and a plurality of auctions.

15. (Original) The method of claim 13, wherein the e-commerce feature that is selected is an auction, and the information concerning the price of the product concerns a reserve price.

16. (Original) The method of claim 13, wherein the information concerning the picture of the product is uploaded from a memory device at a website designer computer, and wherein the information concerning the written description, price and identification number of the product is received at the user interface into a form field.

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17. (Original) The method of claim 13, further comprising, after the receiving of the information concerning the identification number of the product:

prompting for an input of a merchant account identifier;

when the merchant account identifier is received, saving the information concerning the selected e-commerce feature, the received information concerning the picture, written description, price and identification number of the product, and the merchant account identifier;

when an indication that no merchant account identifier exists is received, providing a merchant account information form, receiving merchant account information at the user interface, and sending the merchant account information to a merchant account vendor,

wherein, the e-commerce feature is only displayed on the internet when both the first website is activated on the internet and the merchant account identifier has been received.

18. (Original) The method of claim 13, further comprising:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements;

displaying the selected e-commerce feature including at least some of the information concerning the picture, written description, price and identification number of the product on the first display region,

wherein the first display region is capable of displaying the e-commerce feature in an interactive manner.

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19. (Original) A computer-readable storage medium containing computer executable code for instructing at least one computer to perform the steps of:

during design of a first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at a second website, and information specifying the second website at which the element is to be displayed;

saving the information at a first database that is coupled to the user interface;

obtaining an element for marketing of the type indicated; and

causing the display of the element for marketing at the second website when the first website is activated with respect to the internet,

wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website.

20. (Original) A computer-readable storage medium containing computer executable code for instructing at least one computer to perform the steps of:

receiving at a user interface a selection of an e-commerce feature that is desired to be implemented on a first website, wherein the e-commerce feature is at least one of a shopping cart and an auction;

receiving at the user interface information concerning a picture of a product desired to be sold using the e-commerce feature;

receiving at the user interface information concerning a written description of the product;

receiving at the user interface information concerning a price of the product;

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receiving at the user interface information concerning an identification number of the product; and

when the first website is activated on the internet, displaying the e-commerce feature on the first website, wherein display of the e-commerce feature includes the display of at least some of the picture, written description, price and identification information of the product.

21. (Original) An internet-based system for assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the internet, the system including;

a server computer accessible by a plurality of registered user computers and a plurality of unregistered computers using the internet, wherein the server computer:

receives at a user interface displayed at one of the registered user computers information indicating a type of an element for marketing that is to be displayed at the second website, and

information specifying the second website at which the element is to be displayed;

saves the information at a first database that is coupled to the server computer;

obtains an element for marketing;

hosts the second website;

activates the first website on the internet by hosting the first website on the internet;

provides a web page for the second website to one of the unregistered computers; and

displays the element for marketing on the web page.

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REMARKS

These remarks are set forth in response to the Office Action". As this amendment has been timely filed within the three-month statutory period, neither an extension of time nor a fee is required. Presently, claims 1 through 21 are pending in the Patent Application. In paragraph 3 of the Office Action, claim 12 has been rejected as lacking antecedent basis under 35 U.S.C. §112, second paragraph. In response, the Applicant has amended claim 12 to overcome the Examiner's rejection. In paragraph 4 of the Office Action, claims 1, 4-6, 12-14, 16-18 and 20-21 have been rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,330,575 to Moore et al. ("Moore"). Finally, in paragraph 5 of the Office Action, claims 2, 3, 7-11, 15 and 19 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Moore alone and in combination in view of United States Patent No. 5,960,409 to Wexler and in view of United States Patent No. 6,058,417 to Hess.

In response, the Applicant respectfully traverses the rejections on the art as the Applicants believe that each of the cited references, whether considered alone or in combination with on another, fail to teach each and every recited limitation of the independent and dependent claims of the Patent Application. Prior to a more in depth discussion of the rejections on the art, however, a brief review of the Applicants' invention is appropriate. The Applicant has invented a method, system, and apparatus for assisting a website designer in establishing an arrangement between a first Web site being designed by the Web site designer and a second Web site. *The arrangement is established to market the first Web site at the second Web site upon activation of the first Web site on the Internet.*

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During the design of the first Web site, information indicating a type of marketing element can be received through a user interface. The information can specify, for example, marketing elements such as banner ads, links, or the like. The received information also can specify or identify the second Web site, at which the marketing element being described is to be displayed. The received information is saved within a database that is coupled to the user interface through which the information was received. The marketing element, particularly one of the type indicated by the received information, can be obtained. Thus, if a banner ad was indicated, a banner ad marketing element can be obtained. In any case, the marketing element is displayed at the second Web site when the first Web site is activated with respect to the Internet. That is, when the first Web site being developed is activated, the second Web site is altered to display the marketing element(s) specified by the developer when developing the first Web site.

Another embodiment of the present invention concerns a method of assisting a Web designer in establishing an e-commerce feature on a first Web site. A selection of an e-commerce feature – particularly at least one of a shopping cart or an auction – is received through a user interface. Further information such as information concerning a picture of a product to be sold, information concerning a written description of the product to be sold, information regarding the price of the product to be sold, and information regarding identification of the product can be received as well. When the first Website is activated on the Internet, the e-commerce feature is displayed. The display also can include at least some of the pictures, written description, price, and identification information for the product.

Turning now to the rejections on the art, Moore relates to a method for designing a Web page to be hosted on a Web page server. The development tool utilized in Moore can provide an

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object-oriented, template-driven interface for a customer or merchant to utilize in the design of a Web page or a complete Web site. The Web site produced allows the merchant to become a part of a distributed electronic commerce system or Internet commerce system for doing business on the Web.

Notably, column 3, lines 30 through 40 of the Moore reference succinctly describe an aspect of the Moore technology at issue in the present Office Action. Specifically, in Moore a commerce system can be provided which can include a Web page server and a second server. The server can be electrically coupled to each other and the Web page server can host the Web page. The method of use of the commerce system can include creating a link to the second server; designing the Web page such that the link can be embedded into the Web page; and embedding the link into the Web page. Column 8, lines 39 through 50 further describe the advantages of the Moore commerce system which can include allowing a merchant to design, build, and publish a Web site in a short period of time.

Importantly, Moore completely lacks a critical element claimed within the Patent Application--specifically, during design of a first Web site, Moore fails to teach the receipt of information at a user interface which indicates a type of an element for marketing that is to be displayed at a second Web site, and information specifying the second Web site at which the element is to be displayed. Moore further fails to teach the step of causing the display of the element for marketing at the second Web site when the first Web site is activated with respect to the Internet. These fundamental claim limitations resonate throughout all of the claims of the Patent Application.

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Hence, Moore is inapplicable under the present circumstances and cannot satisfy the basic requirements of the MPEP section 2131 which states, "A claim is anticipated *only if each and every element as set forth in the claim is found*, either expressly or inherently described in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628 (Fed. Cir. 1987). The Examiner will also note that, as required by Section 2143 of the MPEP, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references when combined must reach or suggest all the claim limitations. Yet it will be clear to the Examiner that no reference, including Wexler and Hess, when combined with Moore can satisfy the three basic criteria of Section 2143 at least because of the failings of Moore as a reference. Thus, Moore cannot support a rejection under 35 U.S.C. § 103(a).

In sum, the Applicants believe that the originally filed claims 1-21 distinguish over the cited art and stand patentable and ready for an indication of allowance. As such, the Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. §§ 102(e) and 103(a) based upon the foregoing remarks. This entire application is now believed to be in condition for allowance. Consequently, such action is respectfully requested. The Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

TikTok Inc. EX1005
TikTok Inc. v. Distefano Website Innovations, LLC
IPR2025-01061
Page 114 of 712

Respectfully submitted,

Date: February 8, 2005

Steven M. Greenberg
Reg. No.: 44,725
Attorney for Applicant(s)
Christopher & Weisberg, P.A.
200 East Las Olas Boulevard, Suite 2040
Fort Lauderdale, Florida 33301
Customer No. 31292
Tel: (954) 828-1488
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TikTok Inc. EX1005
TikTok Inc. v. Distefano Website Innovations, LLC
IPR2025-01061
Page 115 of 712

OIPE JC48
FEB 10 2005
PATENT & TRADEMARK OFFICE

CHRISTOPHER & WEISBERG, P.A.
200 East Las Olas Boulevard - Suite 2040
Fort Lauderdale, Florida 33301
Telephone: (954) 828-1488; Facsimile: (954) 828-9122

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

Re:	Application No:	09/589,551	Examiner:	Daniel Lastra
	Applicant(s):	Thomas L. DiStefano III	Group Art Unit:	3622
	Filing Date:	6/7/2000		
	Entitled:	DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS		
	Attorney Docket No.	1115-7U		

Certificate of Mailing (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service Post Office as first-class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date set forth below.

February 8, 2005	Peggy Shock	Peggy Shock
Date of Signature and Mail Deposit	Name of Person Signing	Signature

Sir:

Transmitted herewith is a Reply to the Office Action mailed November 8, 2004.

The following checked items are applicable:

☐ _____ sheets of formal drawings, FIGS. _____ .

☒ Applicant Initiated Interview Request Form.

☐ A Petition for Extension of Time and the small-entity extension fee of $60.00 for filing a response within the first month is herewith enclosed.

☐ Copy of Notice of Change of Correspondence Address is enclosed.

CLAIMS AFTER AMENDMENT:	MINUS PRIOR PAID CLAIMS:	EQUALS PRESENT EXTRA CLAIMS:	RATE:	ADDITIONAL FEE:
Independent: 5	5	0	x $ 200.00 =	$ 0
Total: 21	21	0	x $ 50. 00 =	$ 0
Multiple Dependent Claims (1st presentation)			+ $ 360.00=	$ 0
		SUBTOTAL ADDITIONAL FEE		$ 0
Small Entity filing, divide by 2.				$ 0
		TOTAL ADDITIONAL FEE		$ 0

☐ The fee has been calculated above; enclosed is a check in the amount of $

☒ A self-addressed, stamped postcard for verification and receipt is enclosed.

☒ The Commissioner is hereby authorized to credit overpayments or charge payment of any additional fees associated with this communication to Deposit Account No. 502104.

Date: February 8, 2005

Attorney of Record: Steven M. Greenberg
Registration No: 44,725
Customer No.: 31292

29654

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FEB 23 2005
GROUP 3600

OIPE JC48 FEB 10 2005 PATENT & TRADEMARK OFFICE

PTOL-413A (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 09/589,551 First Named Applicant: Thomas L. DiStefano III
Examiner: Daniel Lastra Art Unit: 3622 Status of Application: Rejected

Tentative Participants:
(1) Steven M. Greenberg (2) _____

(3) _____ (4) _____

Proposed Date of Interview: March/April 2005 **Proposed Time:** AM **(AM/PM)**

Type of Interview Requested:
(1) [ ] Telephonic (2) [X] Personal (3) [ ] Video Conference

Exhibit To Be Shown or Demonstrated: [ ] YES [X] NO
If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) Rejection	1-21	Moore	[ ]	[ ]	[ ]
(2)			[ ]	[ ]	[ ]
(3)			[ ]	[ ]	[ ]
(4)			[ ]	[ ]	[ ]

[ ] Continuation Sheet Attached

Brief Description of Arguments to be Presented:
See attached Response Under 37 CFR 1.111

RECEIVED
FEB 23 2005
GROUP 3600

An interview was conducted on the above-identified application on _____.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Applicant/Applicant's Representative Signature

Steven M. Greenberg
Typed/Printed Name of Applicant or Representative

44,725
Registration Number, if applicable

Examiner/SPE Signature

This collection of information is required by 37 CFR 1.133. 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 21 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.

TikTok Inc. EX1005
Website Innovations, LLC
IPR2025-01061
Page 117 of 712

OIPE JC48
FEB 10 2005
PATENT & TRADEMARK OFFICE

CHRISTOPHER & WEISBERG, P.A.
200 East Las Olas Boulevard - Suite 2040
Fort Lauderdale, Florida 33301
Telephone: (954) 828-1488; Facsimile: (954) 828-9122

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Multiple Dependent Claims (1st presentation)			+ $ 360.00=	$ 0
		SUBTOTAL ADDITIONAL FEE		$ 0
Small Entity filing, divide by 2.				$ 0
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Date: February 8, 2005

Attorney of Record: Steven M. Greenberg
Registration No: 44,725
Customer No.: 31292

29654

RECEIVED
FEB 23 2005
GROUP 3600

OIPE JC48
FEB 10 2005
PATENT & TRADEMARK OFFICE

PTOL-413A (09-04)
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Steven M. Greenberg
Typed/Printed Name of Applicant or Representative

44,725
Registration Number, if applicable

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Approved for use through 7/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number: 09/589,551

CLAIMS 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))					$	OR		$
TOTAL CLAIMS (37 CFR 1.16(c))	21	minus 20 =	* 21	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(b))	5	minus 3 =	* 5	X $ =		OR	X $ =	
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d))				+ $ =		OR	+ $ =	
* If the difference in column 1 is less than zero, enter "0" in column 2				TOTAL	-0-	OR	TOTAL	-0-

CLAIMS 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(c))	*	Minus	**	=	X $ =		OR	X $ =	
	Independent (37 CFR 1.16(b))	*	Minus	***	=	X $ =		OR	X $ =	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))					+ $ =		OR	+ $ =	
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
AMENDMENT B	Total (37 CFR 1.16(c))	*	Minus	**	=	X $ =		OR	X $ =	
	Independent (37 CFR 1.16(b))	*	Minus	***	=	X $ =		OR	X $ =	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))					+ $ =		OR	+ $ =	
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
AMENDMENT C	Total (37 CFR 1.16(c))	*	Minus	**	=	X $ =		OR	X $ =	
	Independent (37 CFR 1.16(b))	*	Minus	***	=	X $ =		OR	X $ =	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))					+ $ =		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 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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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number

CLAIMS 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))					$	OR		$
TOTAL CLAIMS (37 CFR 1.16(c))	31	minus 20 =	* 31	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(b))	1	minus 3 =	* 1	X $ =		OR	X $ =	
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d))				+ $ =		OR	+ $ =	
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL	-0-	OR	TOTAL	-0-

CLAIMS 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(c))	*	Minus	**	=	X $ =		OR	X $ =	
	Independent (37 CFR 1.16(b))	*	Minus	***	=	X $ =		OR	X $ =	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))					+ $ =		OR	+ $ =	
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
AMENDMENT B	Total (37 CFR 1.16(c))	*	Minus	**	=	X $ =		OR	X $ =	
	Independent (37 CFR 1.16(b))	*	Minus	***	=	X $ =		OR	X $ =	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))					+ $ =		OR	+ $ =	
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
AMENDMENT C	Total (37 CFR 1.16(c))	*	Minus	**	=	X $ =		OR	X $ =	
	Independent (37 CFR 1.16(b))	*	Minus	***	=	X $ =		OR	X $ =	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))					+ $ =		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 number found in the appropriate box in column 1.

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

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

Jc1
JC526

Class	Subclass	ISSUE CLASSIFICATION

PATENT NUMBER

U.S. UTILITY Patent Application

O.I.P.E.	PATENT DATE
SCANNED JL Q.A. CS	

APPLICATION NO.	CONT/PRIOR	CLASS	SUBCLASS	ART UNIT	EXAMINER
09/589551		~~705~~ ~~707~~	~~14~~	~~2781~~ ~~2176~~ 3622	~~LASTRA~~

APPLICANTS: Thomas DiStefano

TITLE: Method for developing electronic documents providing e-commerce tools

PTO-2040
12/99

ISSUING CLASSIFICATION

ORIGINAL		CROSS REFERENCE(S)	
CLASS	SUBCLASS	CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)
INTERNATIONAL CLASSIFICATION			
			☐ Continued on Issue Slip Inside File Jacket

☐ TERMINAL DISCLAIMER	DRAWINGS			CLAIMS ALLOWED	
	Sheets Drwg.	Figs. Drwg.	Print Fig.	Total Claims	Print Claim for O.G.
☐ The term of this patent subsequent to _____ (date) has been disclaimed.				NOTICE OF ALLOWANCE MAILED	
☐ The term of this patent shall not extend beyond the expiration date of U.S Patent. No. _____				ISSUE FEE	
				Amount Due	Date Paid
☐ The terminal ____months of this patent have been disclaimed.				ISSUE BATCH NUMBER	

(Assistant Examiner) (Date)

(Primary Examiner) (Date)

(Legal Instruments Examiner) (Date)

WARNING:
The information disclosed herein may be restricted. Unauthorized disclosure may be prohibited by the United States Code Title 35, Sections 122, 181 and 368. Possession outside the U.S. Patent & Trademark Office is restricted to authorized employees and contractors only.

Form PTO-436A
(Rev. 6/99)

FILED WITH: ☐ DISK (CRF) ☐ FICHE ☐ CD-ROM
(Attached in pocket on right inside flap)

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(FACE)

SEARCHED

Class	Sub.	Date	Exmr.
705	14;26;27	11/4/03	D.L
updated	above	8/16/04	DL

INTERFERENCE SEARCHED

Class	Sub.	Date	Exmr.

SEARCH NOTES
(INCLUDING SEARCH STRATEGY)

	Date	Exmr.
East	11/4/03	D.L
Dialogue	11/4/03	D.L
East	8/16/04	DL
Dialogue	8/16/04	DL

(RIGHT OUTSIDE)

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ISSUE SLIP STAPLE AREA (for additional cross references)

POSITION	INITIALS	ID NO.	DATE
FEE DETERMINATION	MW	7152	06-14-00
O.I.P.E. CLASSIFIER		8	6-20-00
FORMALITY REVIEW	HL	526	8/2/00
RESPONSE FORMALITY REVIEW			

INDEX OF CLAIMS

✔ ..... Rejected
= ..... Allowed
— (Through numeral)... Canceled
÷ ..... Restricted
N ..... Non-elected
I ..... Interference
A ..... Appeal
O ..... Objected

laim Original	Date
1	11/16-03 ✓ 8/16-04 ✓
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If more than 150 claims or 10 actions staple additional sheet here

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06-08-00

A

PATENT APPLICATION TRANSMITTAL LETTER

TO THE COMMISSIONER OF [redacted]ENTS AND TRADEMARKS [redacted] Docket No. 6676-11

Transmitted herewith for filing of the patent application of:

Thomas L. DiStefano, III

METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS

06/07/00 for U.S. PTO JC851

JC833 U.S. PTO 09/589551 06/07/00

Enclosed are:

- X Application
- X Declaration
- 23 Sheets of drawing (3 sets)
- X Verified Statement Claiming Small Entity Status
- X An assignment of the invention to: The Perfect Web Corporation
- X Other: 2 postcards

CLAIMS AS FILED			Small Entity		Other than a Small Entity	
FOR	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
Basic Fee				$345		$
Total Claims	-21-	1	x $9 =	9	x $18 =	$
Indep Claims	-5-	2	x $39 =	$ 78	x $78 =	$
multiple dependent claim present			x $135 =	$	x $270 =	$
If the difference in Col. 1 is less than zero, enter "0" in Col. 2			TOTAL	$432.00	TOTAL	$
		assignment recordal fee		$ 40.00		$

___ Please charge my Deposit Account No. 17-0055 in the amount of $ _____.

X A check in the amount of $472.00 is enclosed.

X The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 17-0055. A duplicate of this sheet is enclosed.

- X Any additional filing fees required under 37 C.F.R. 1.16.
- X Any patent application processing fees under 37 C.F.R. 1.17.

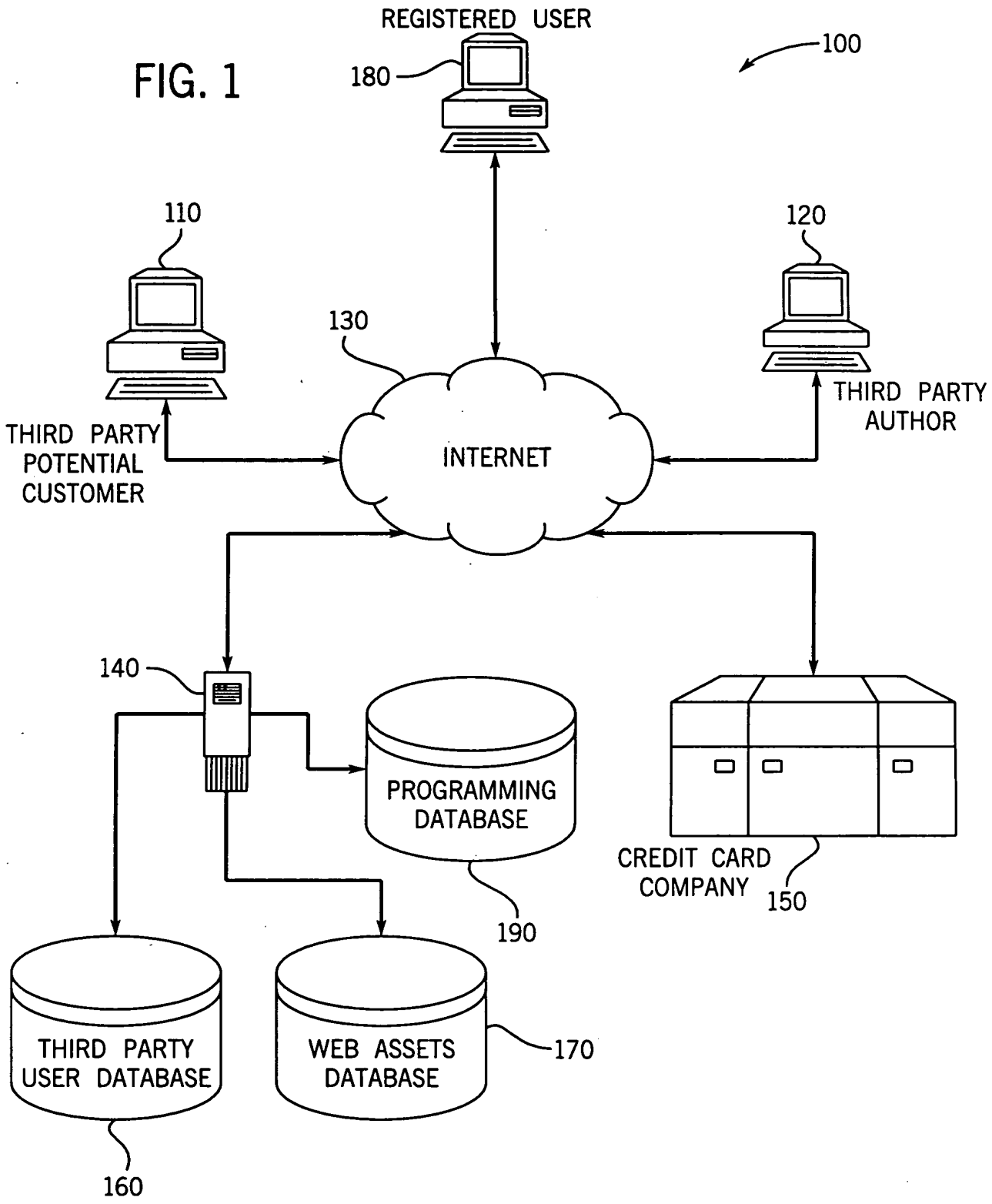
6.7.00
Date

Signature

QBWPB\161160.1

EXPRESS MAIL LABEL No. EK576132689US Filed: June 7, 2000 Defendant's Website Page

FIG. 1



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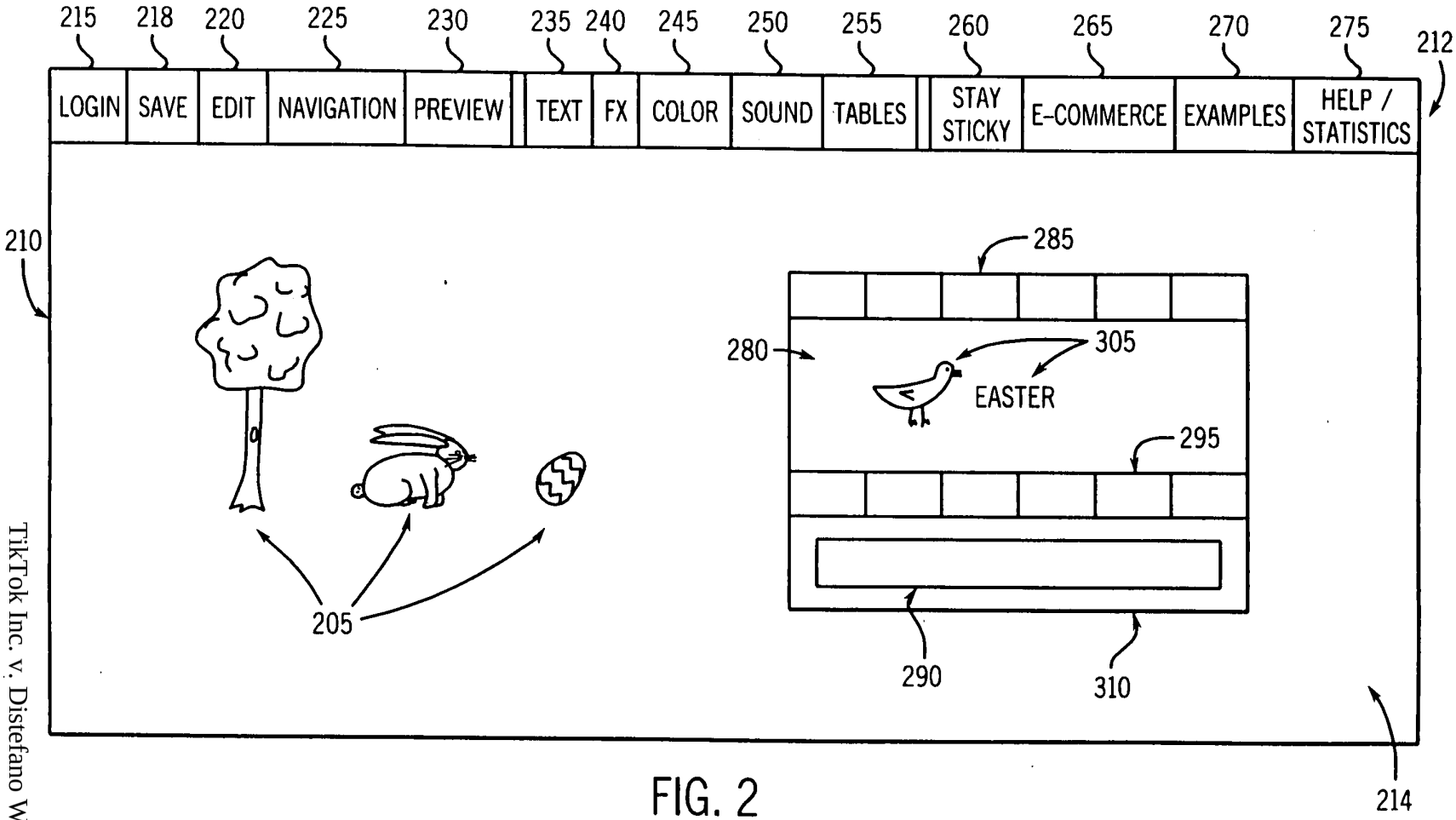
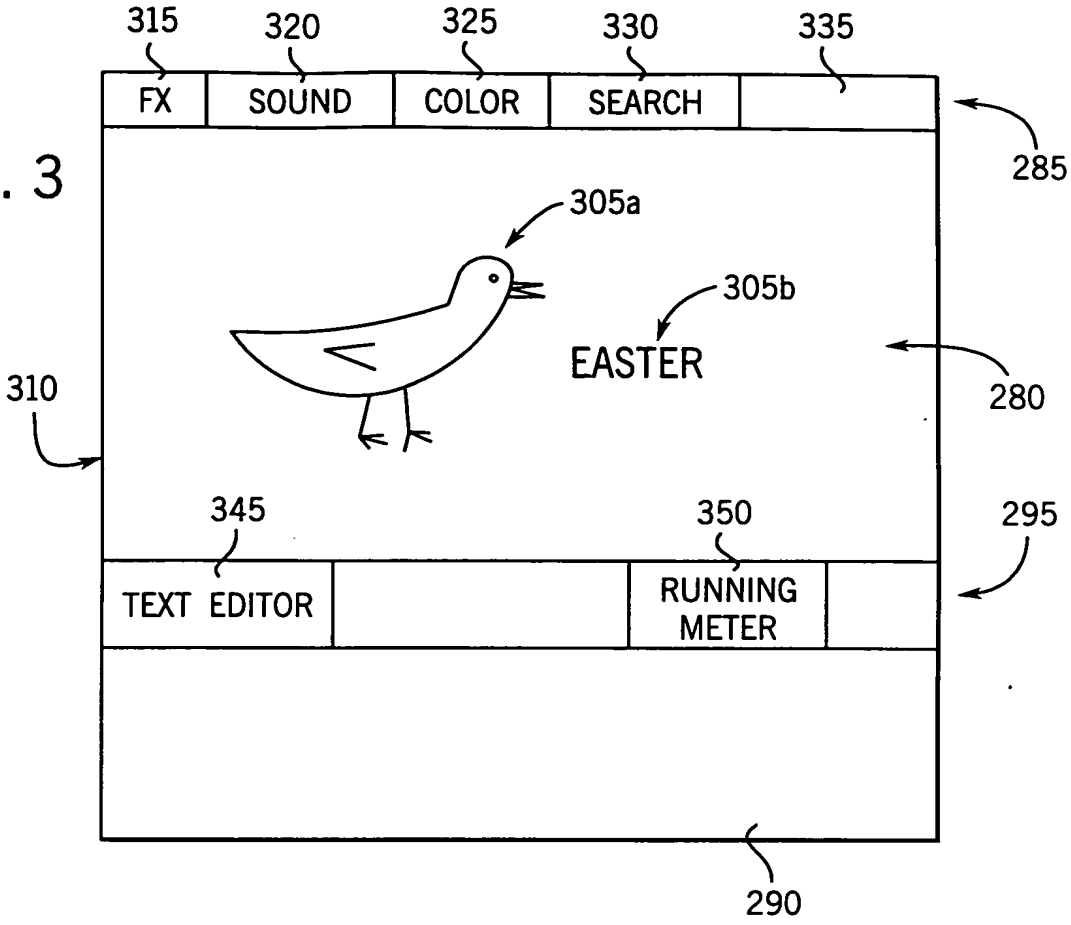


FIG. 2

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FIG. 3



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FIG. 4

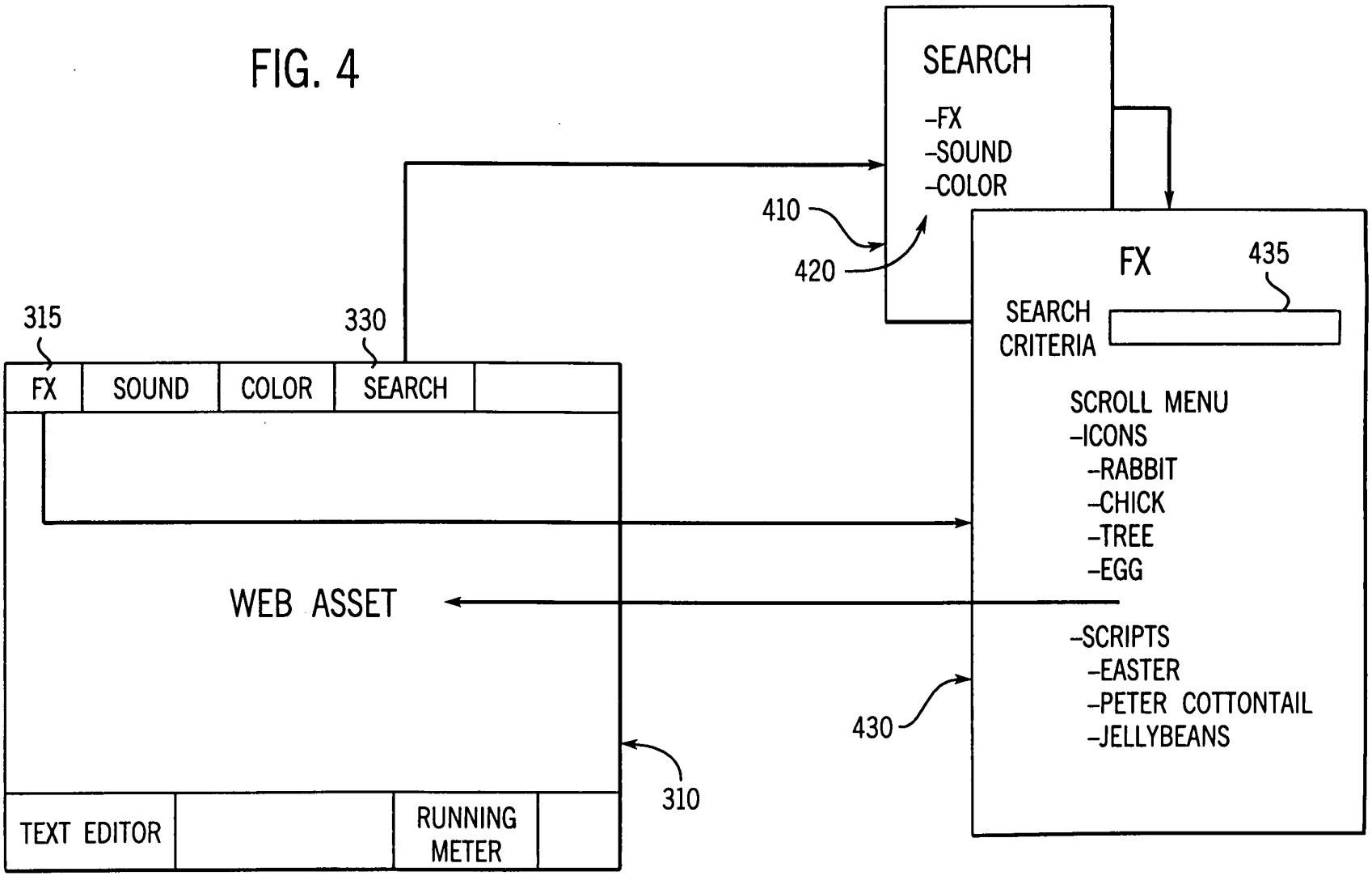
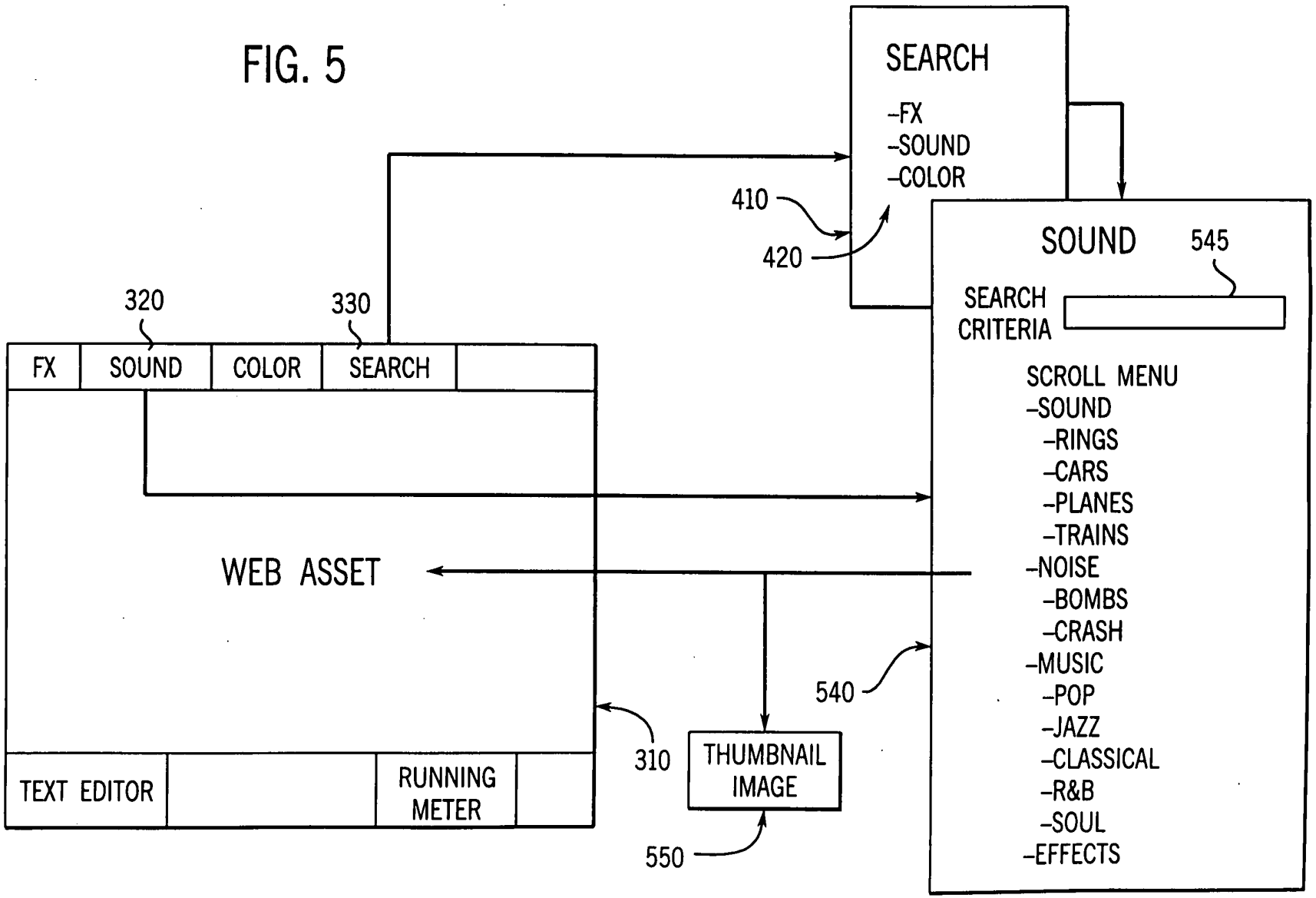


FIG. 5



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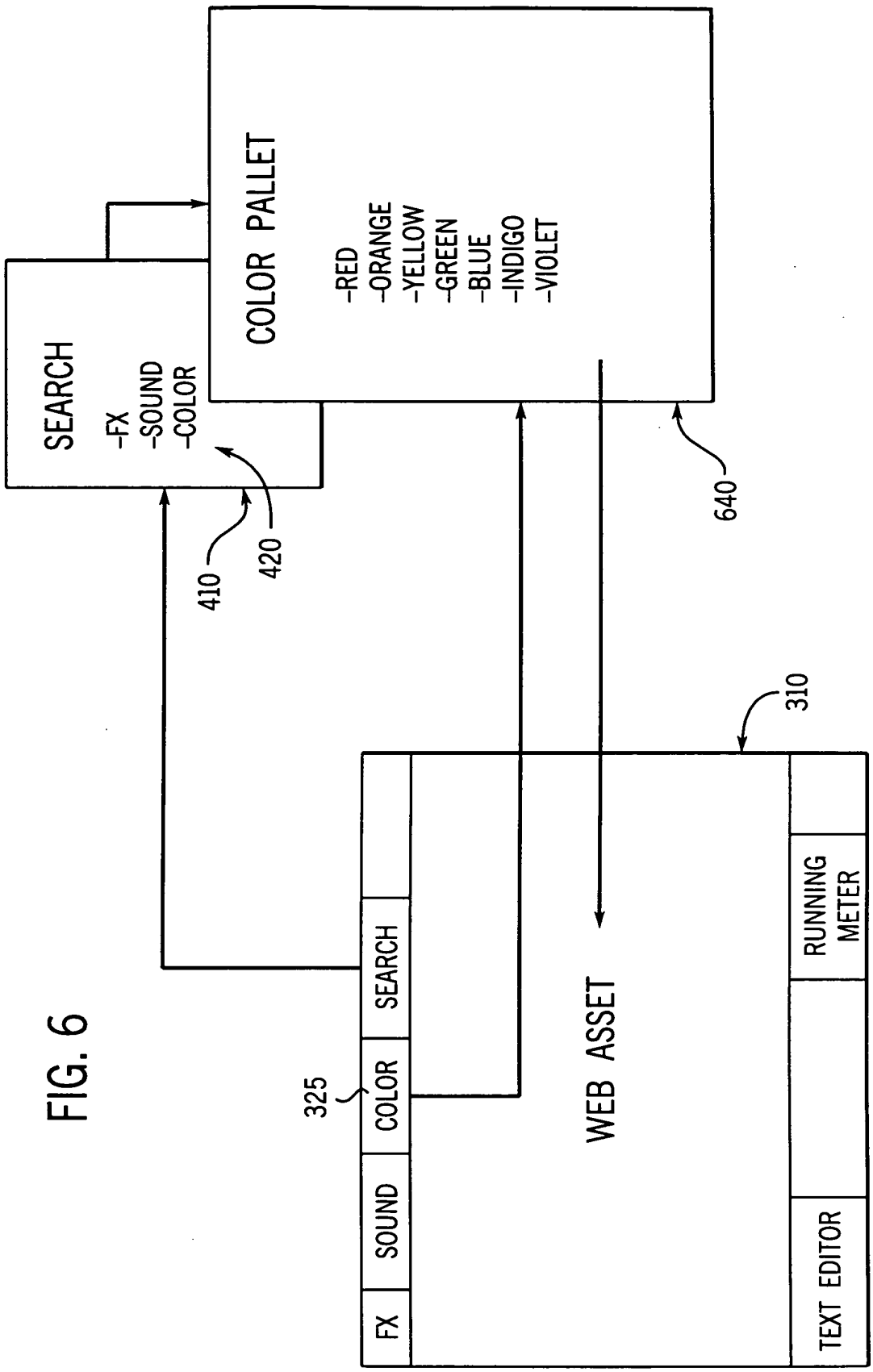
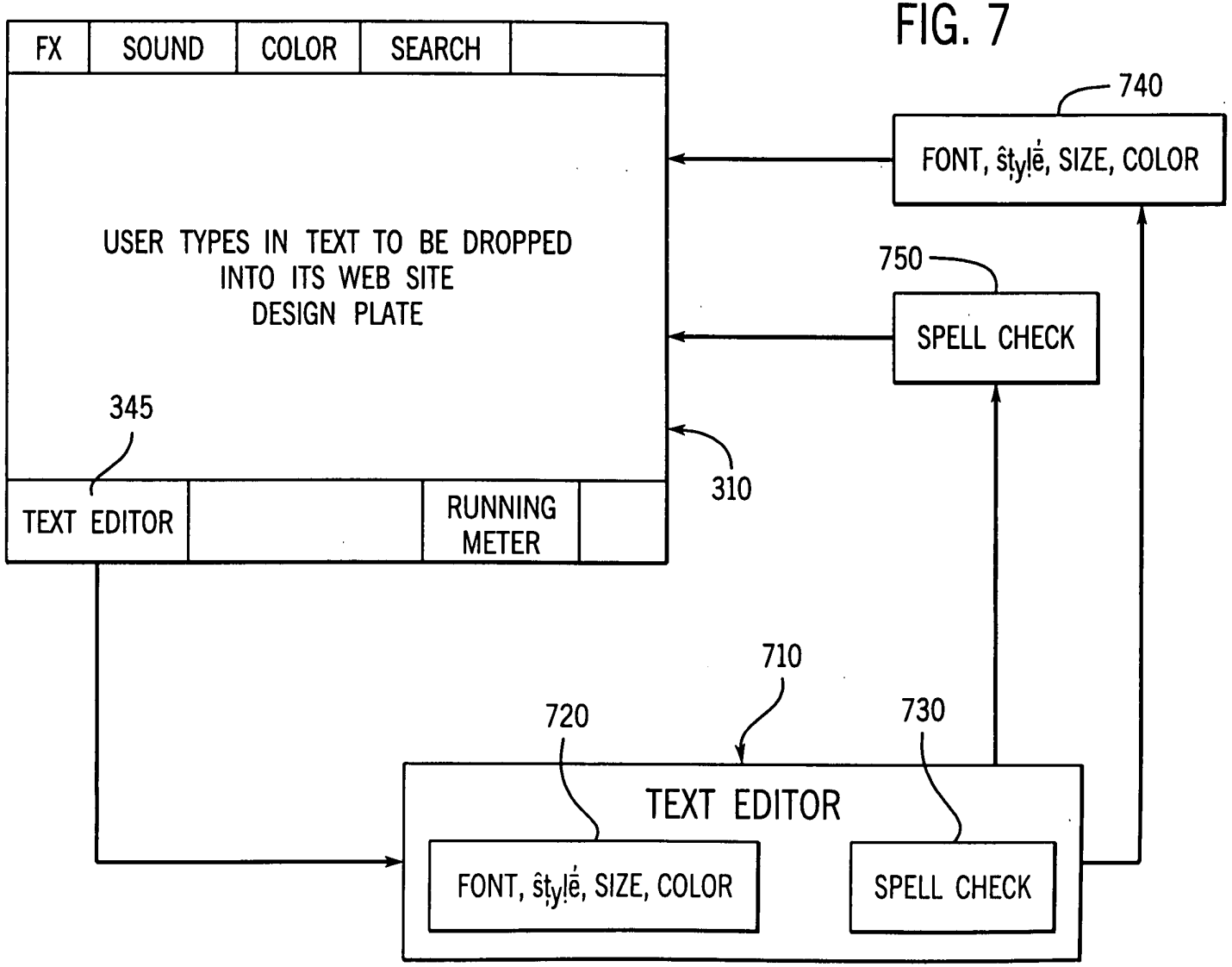


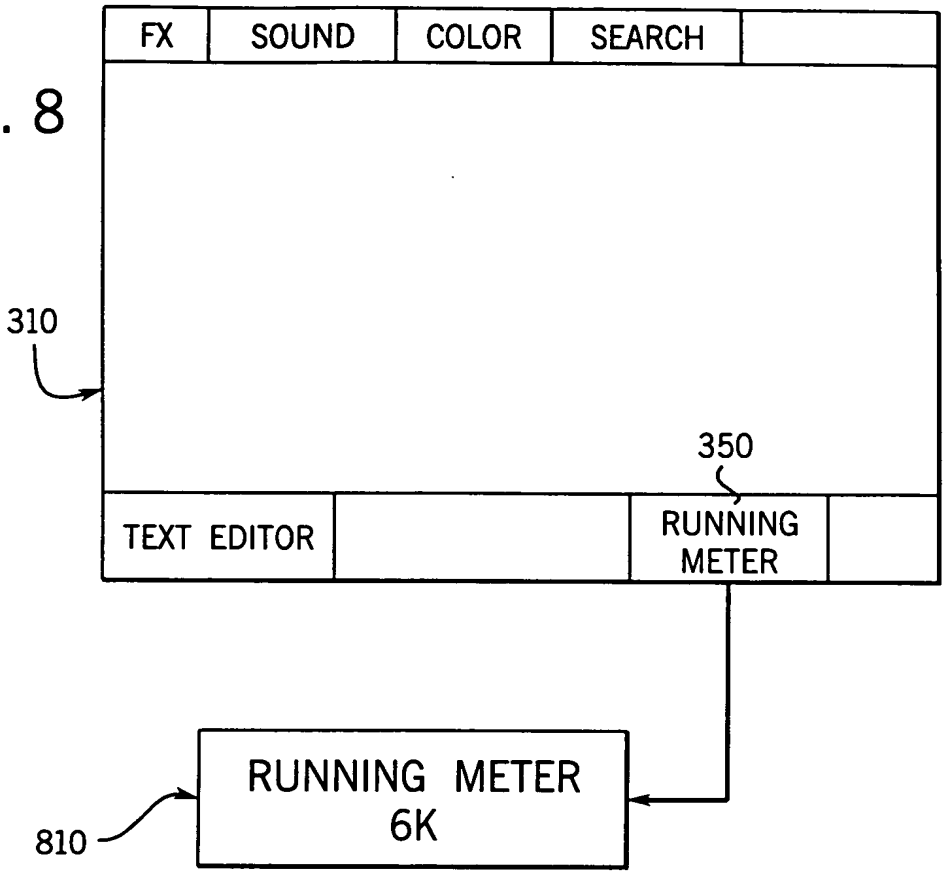
FIG. 6

FIG. 7



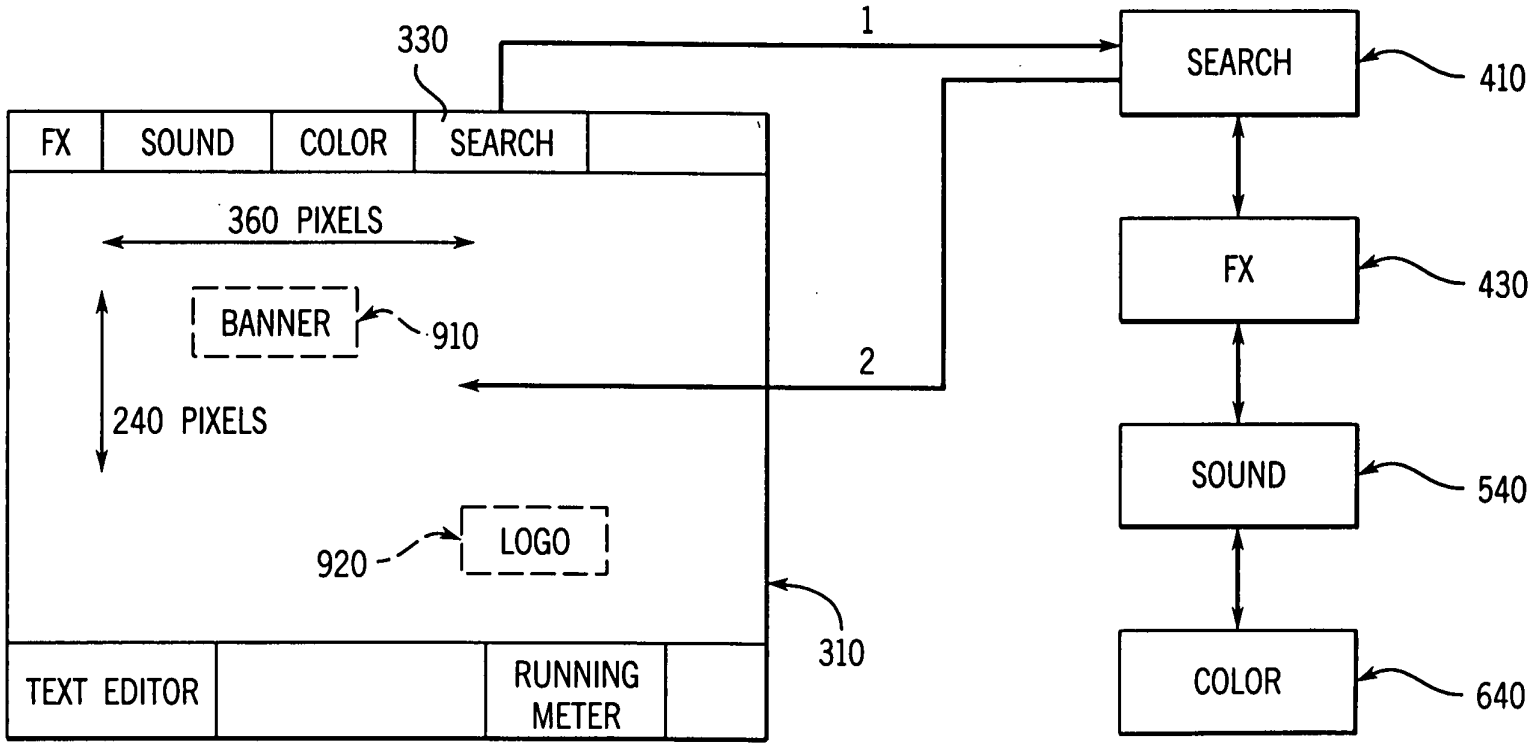
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FIG. 8



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FIG. 9



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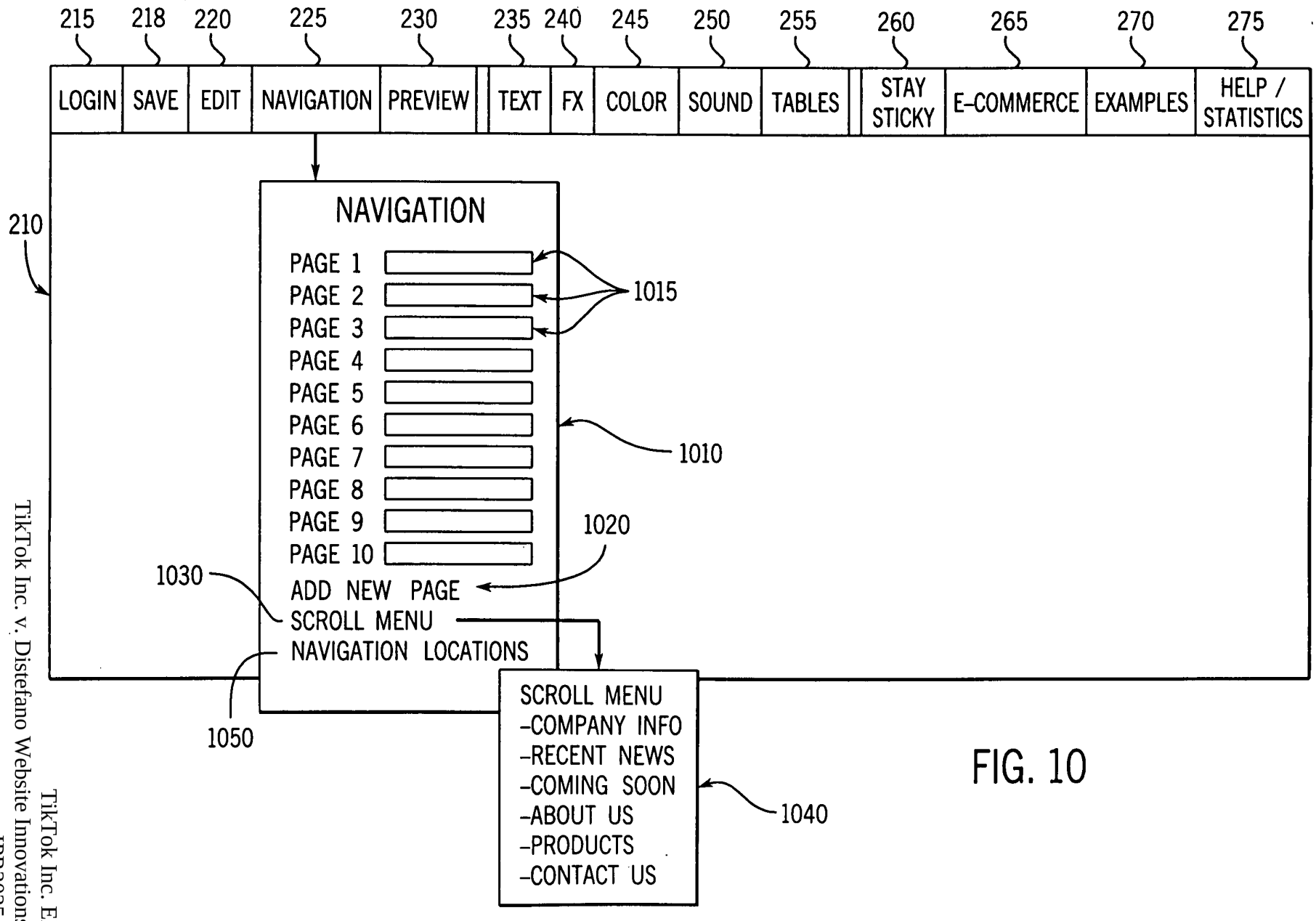


FIG. 10

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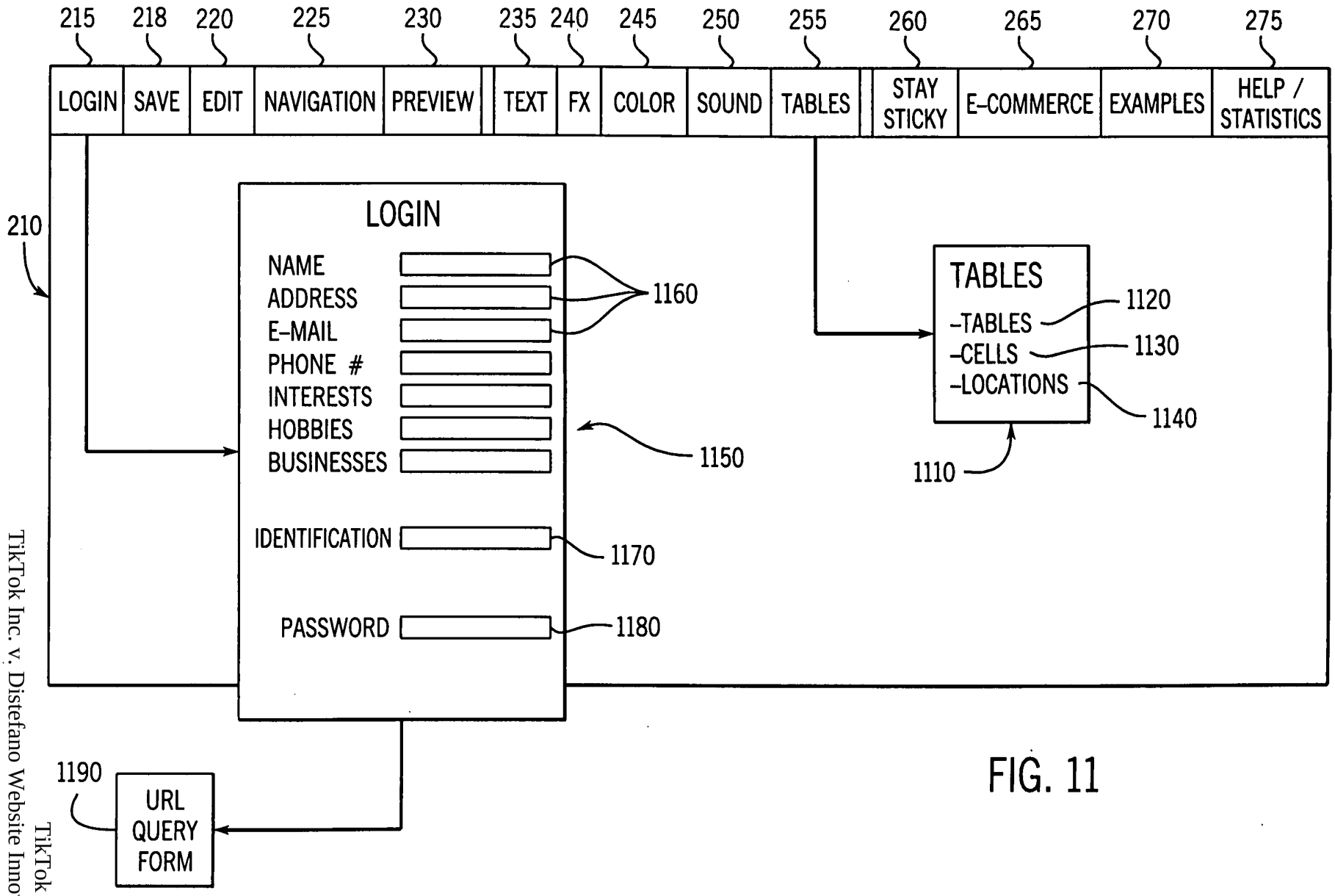


FIG. 11

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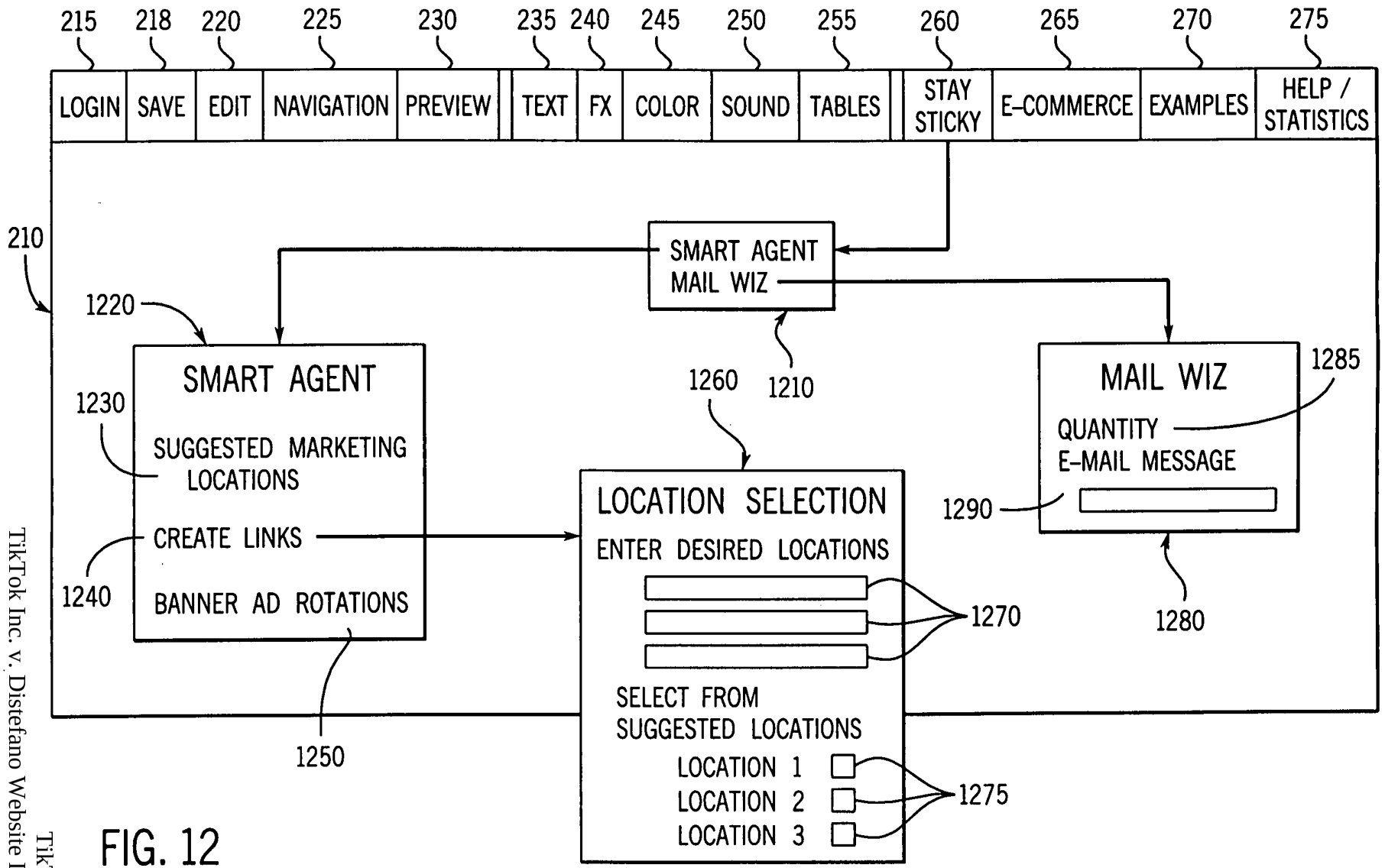


FIG. 12

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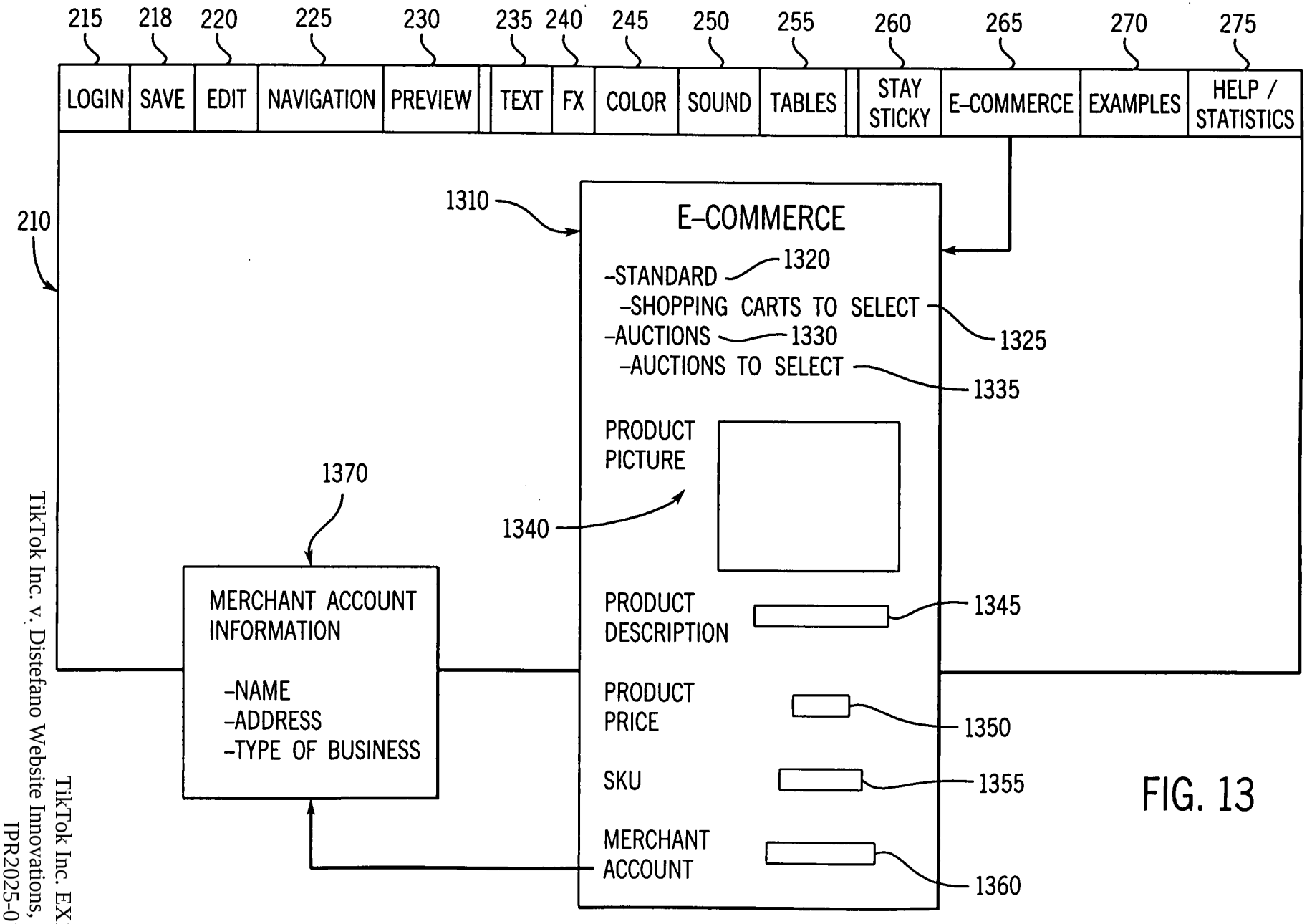


FIG. 13

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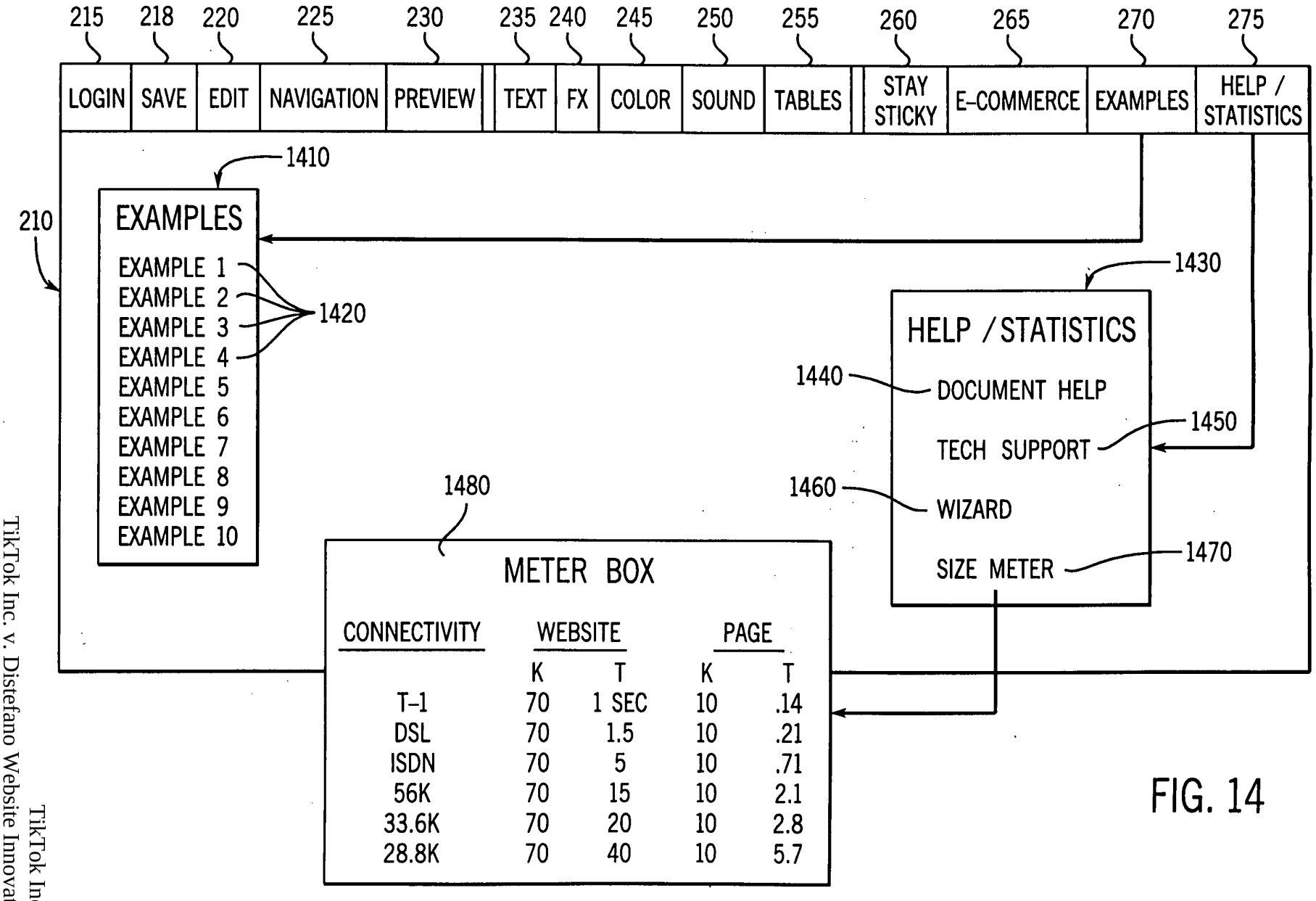


FIG. 14

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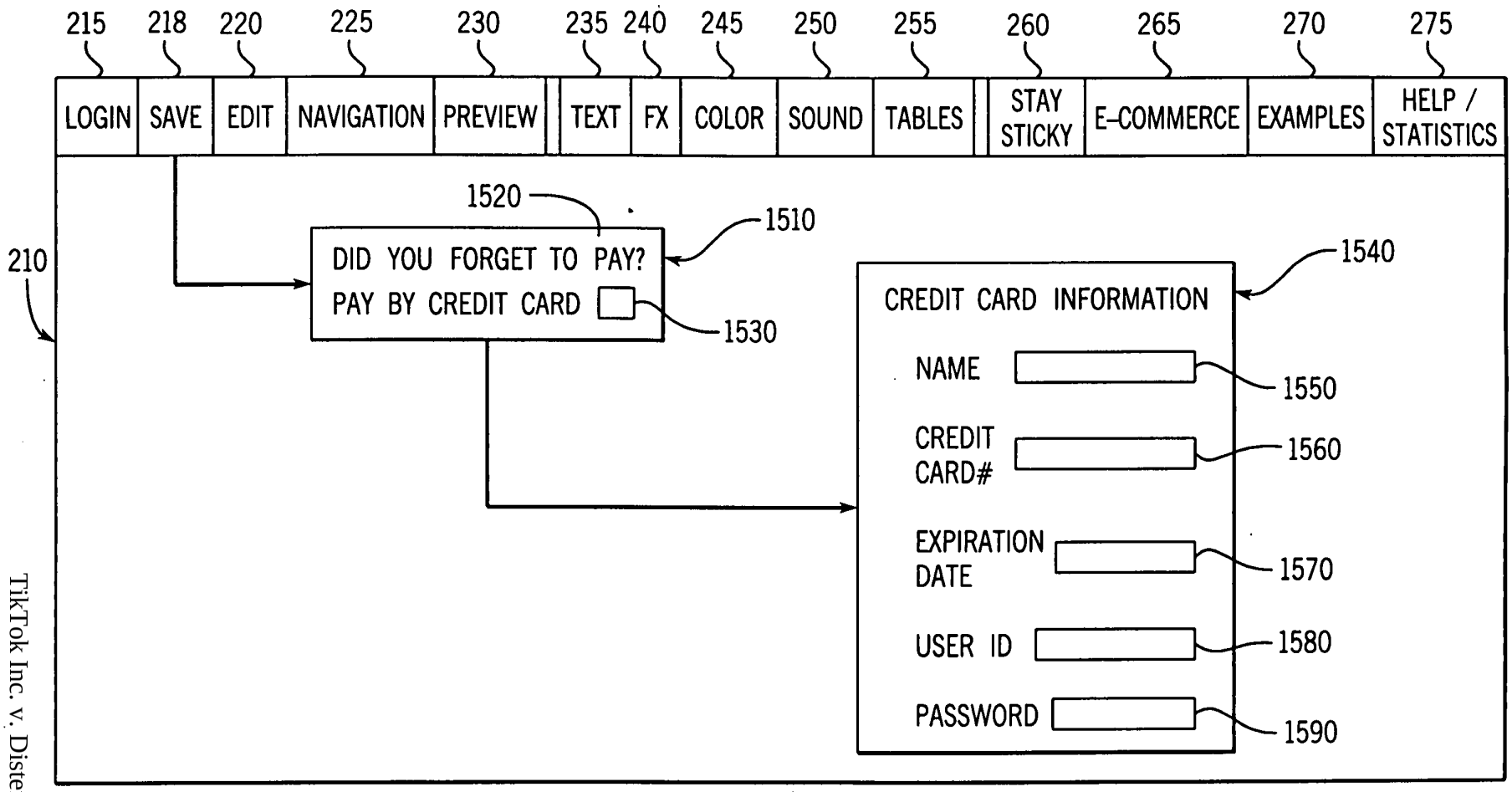
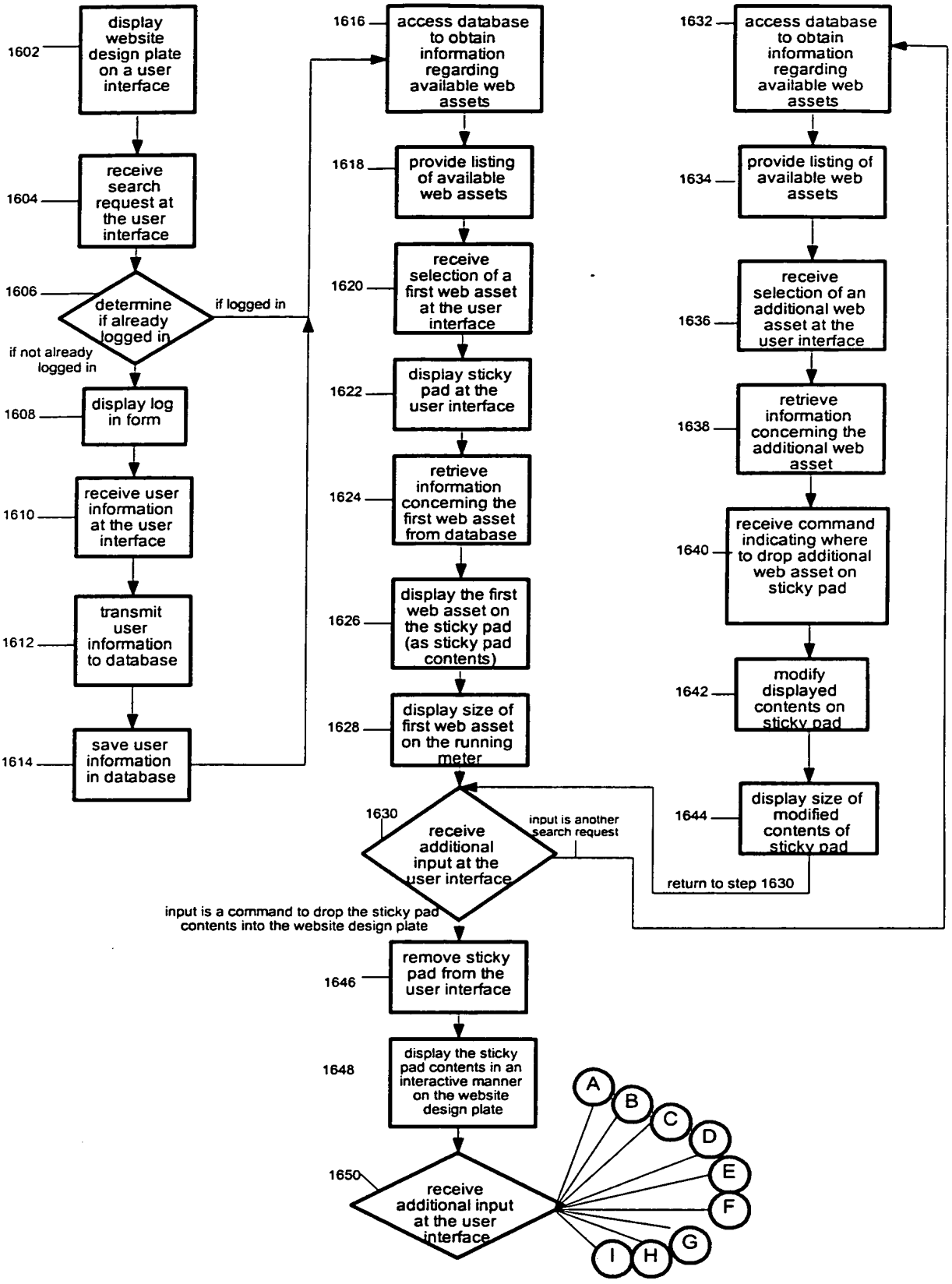


FIG. 15

FIG. 16



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FIG. 17A

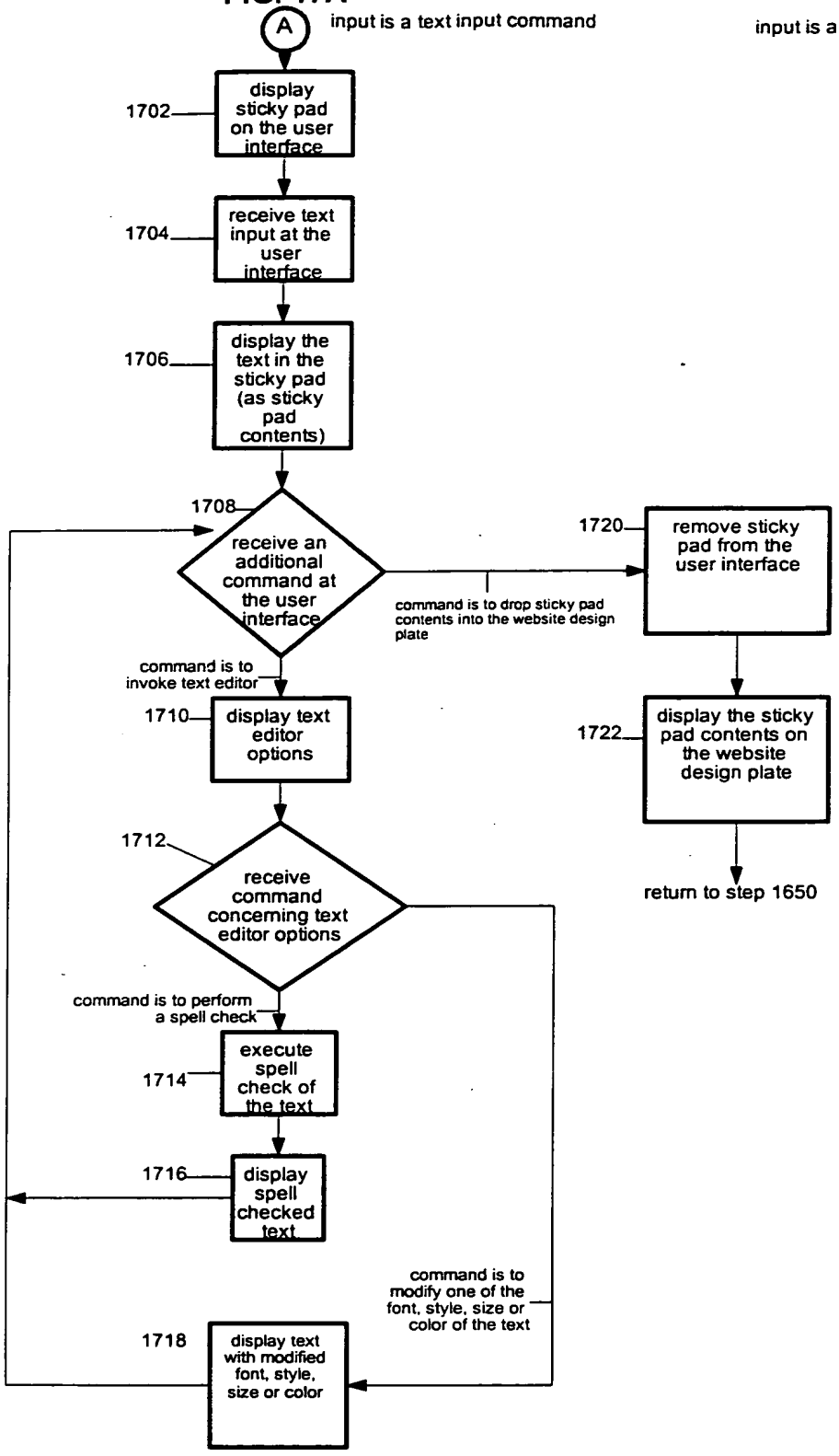


FIG. 17B

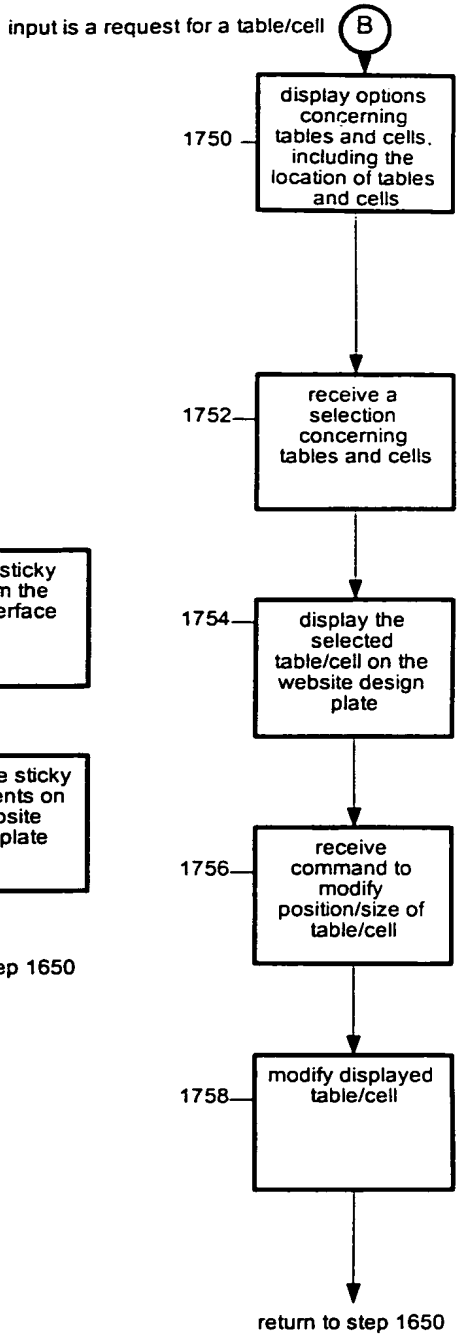


FIG. [redacted]A

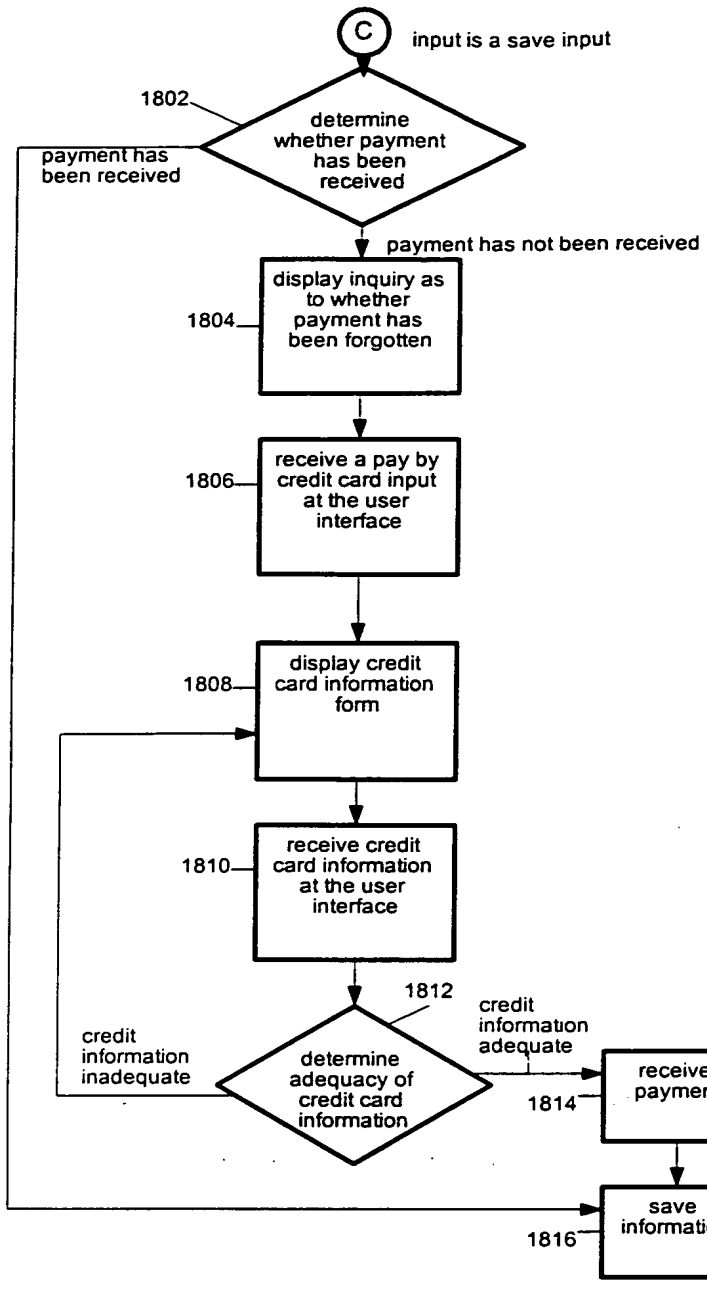
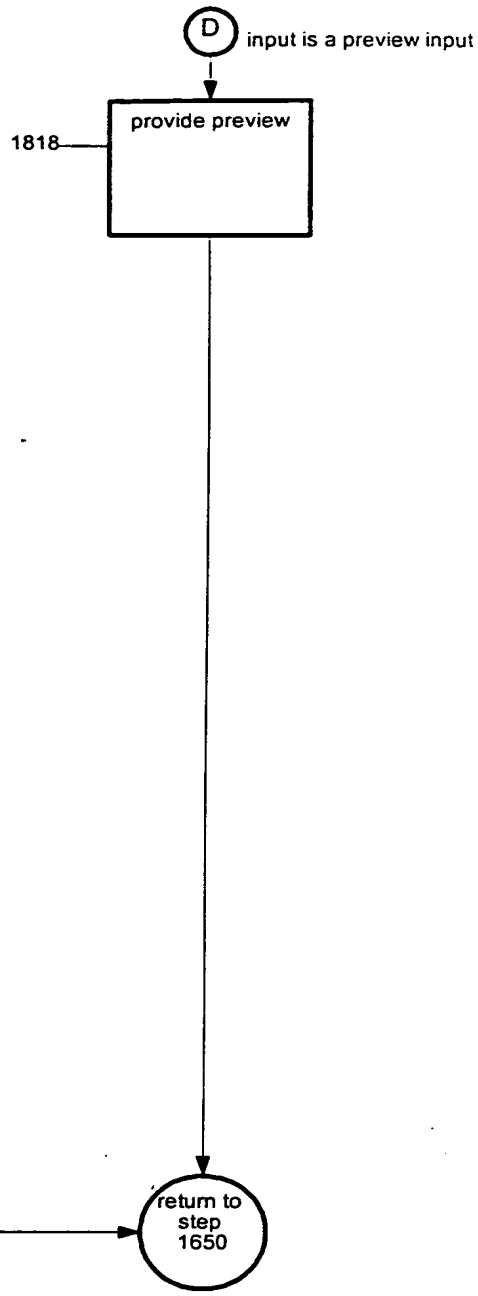
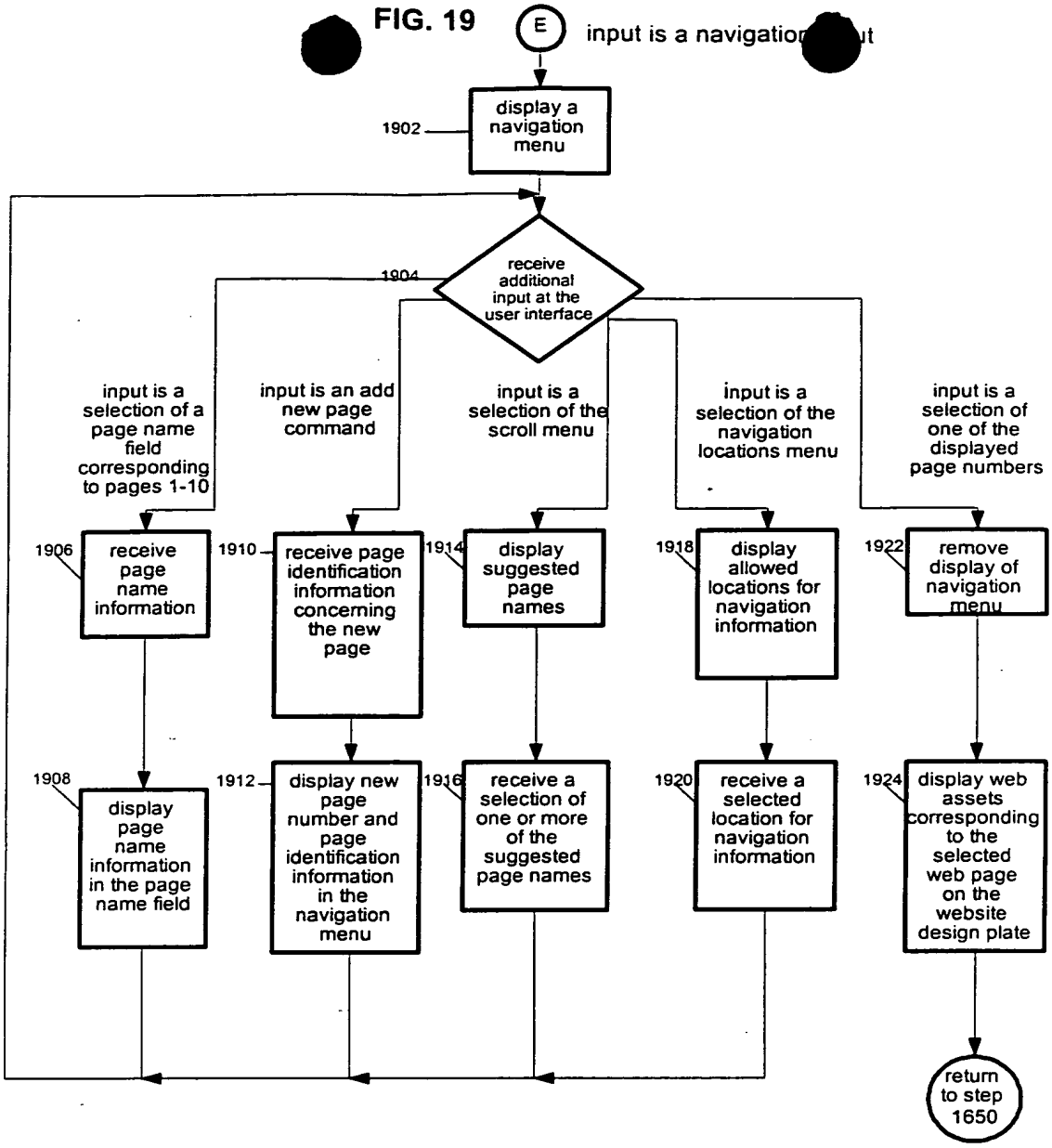


FIG. [redacted]. 18B



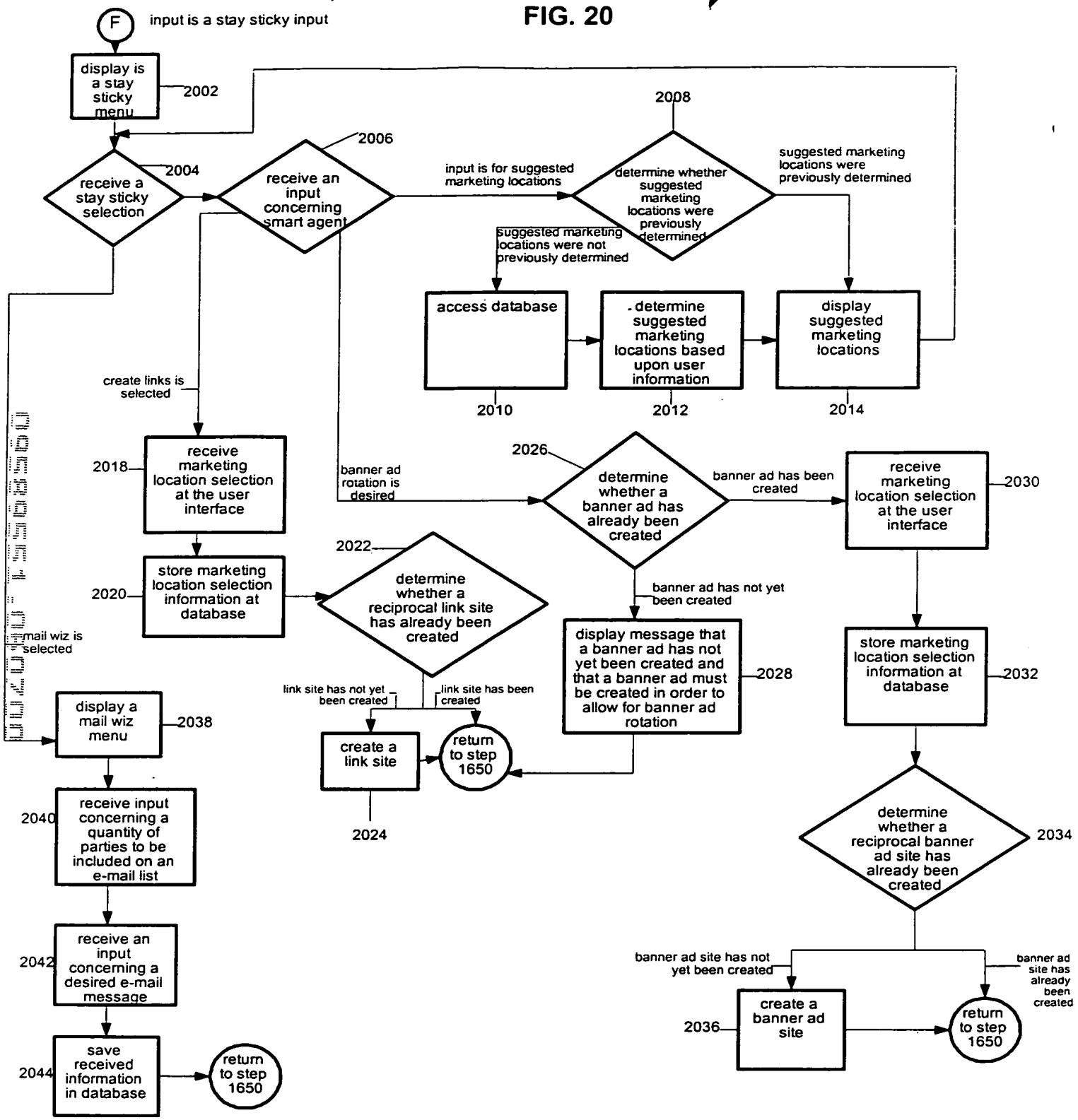
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FIG. 19



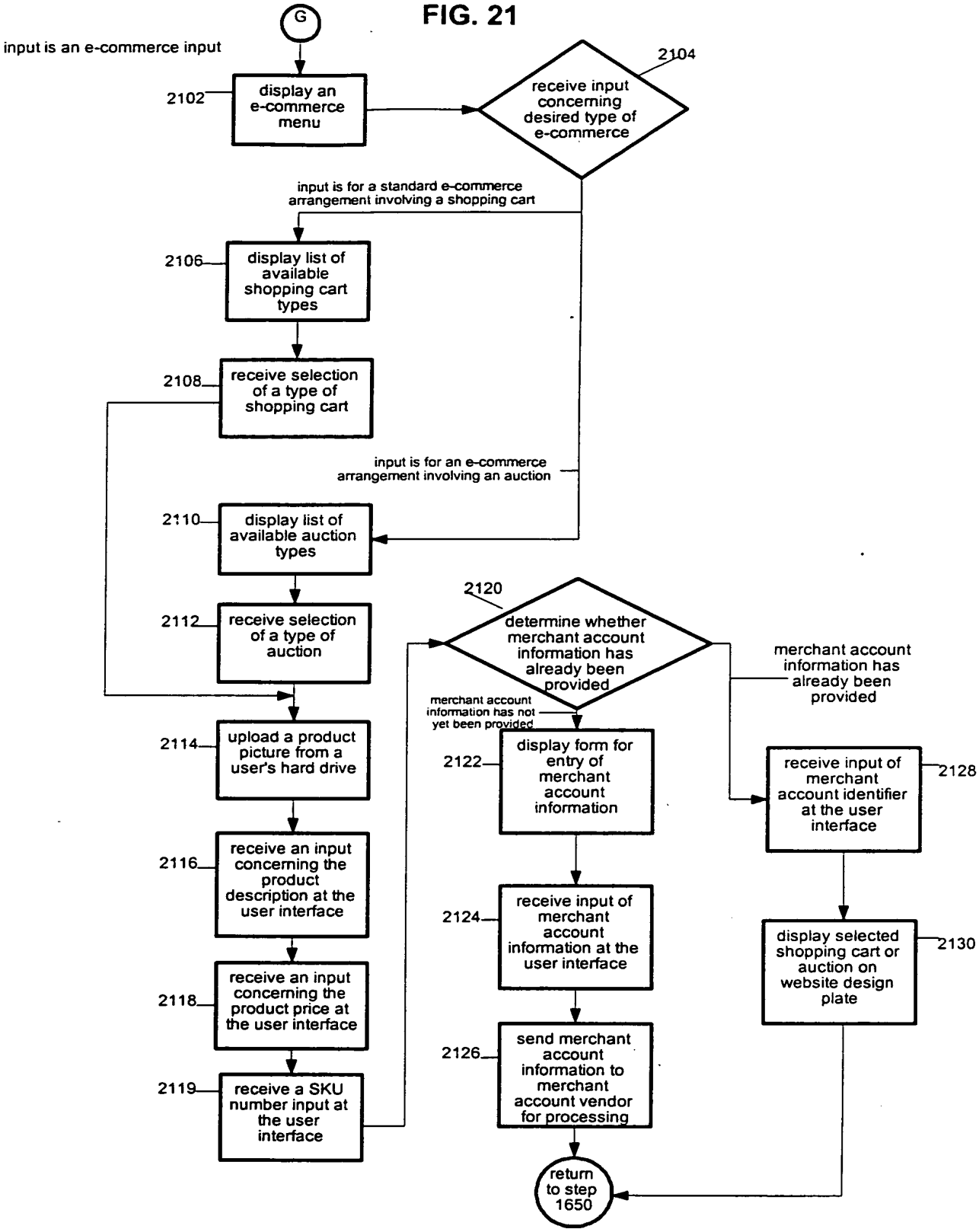
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FIG. 20



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FIG. 21



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FIG. 22A

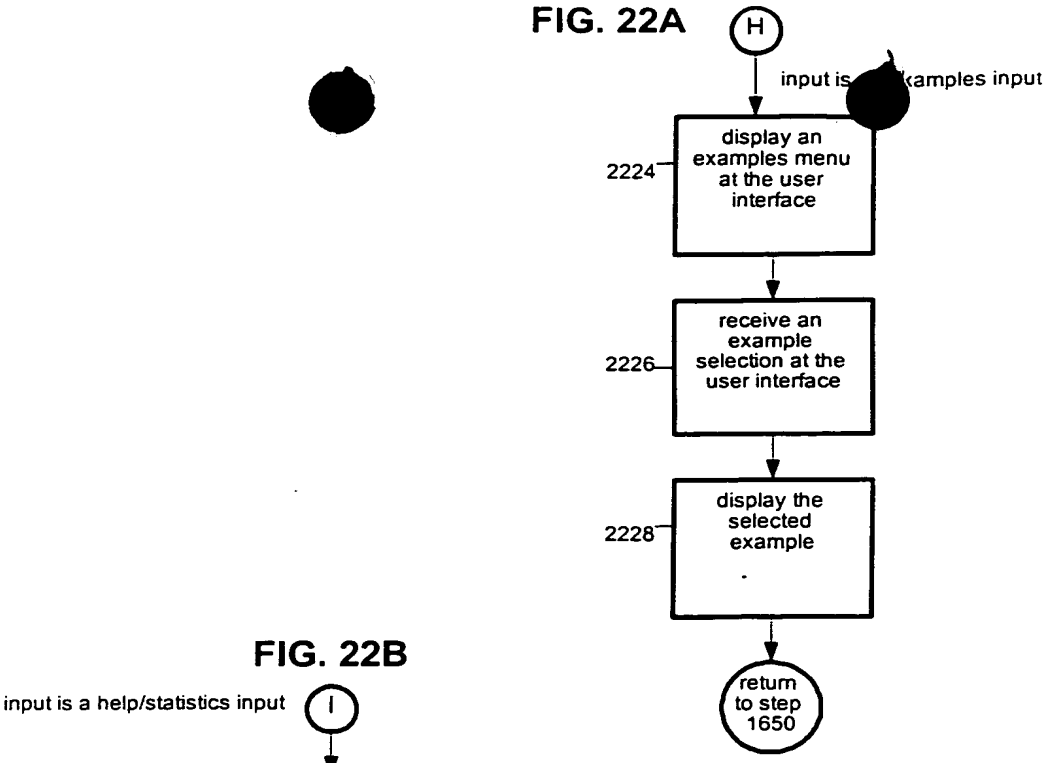
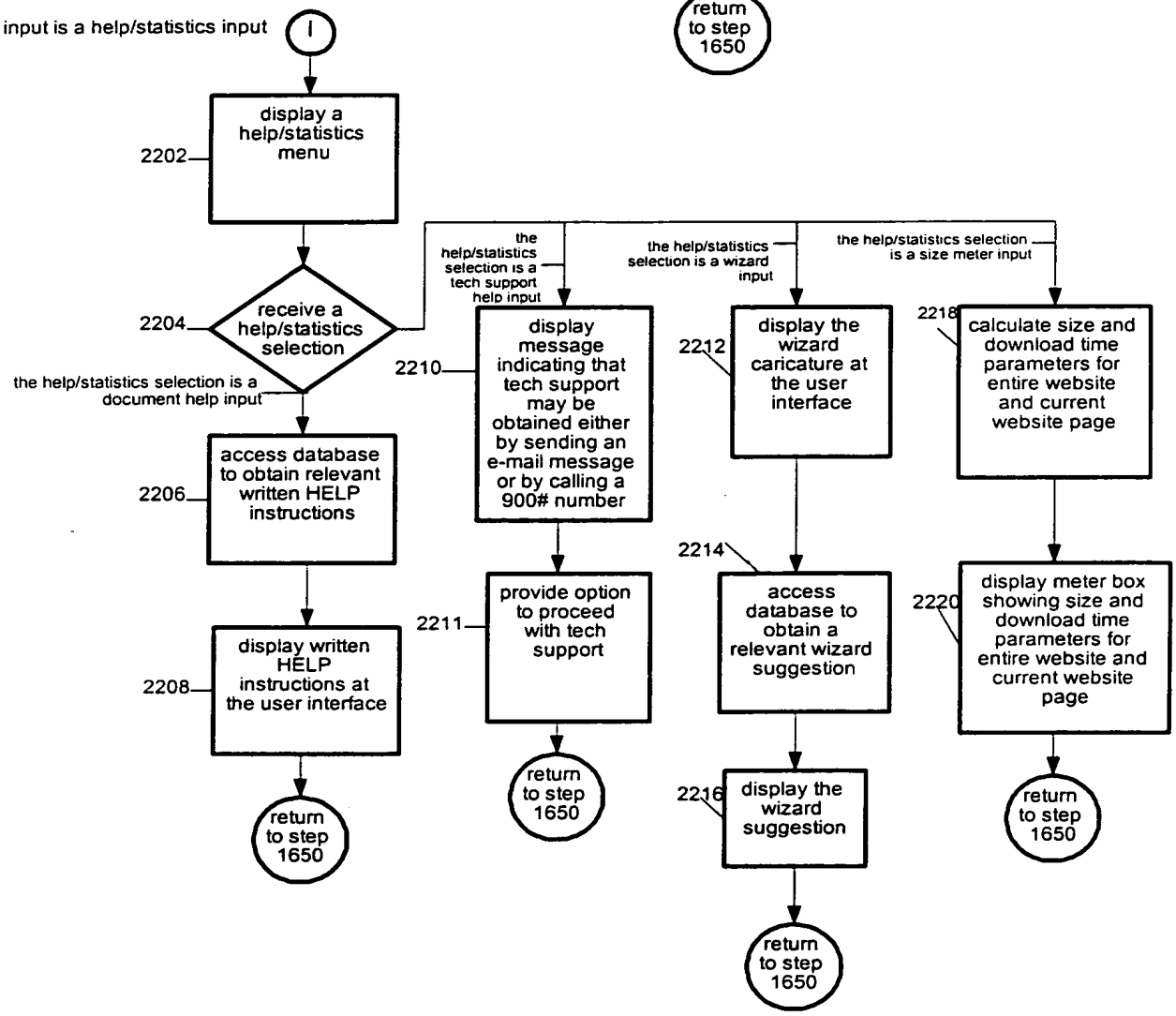


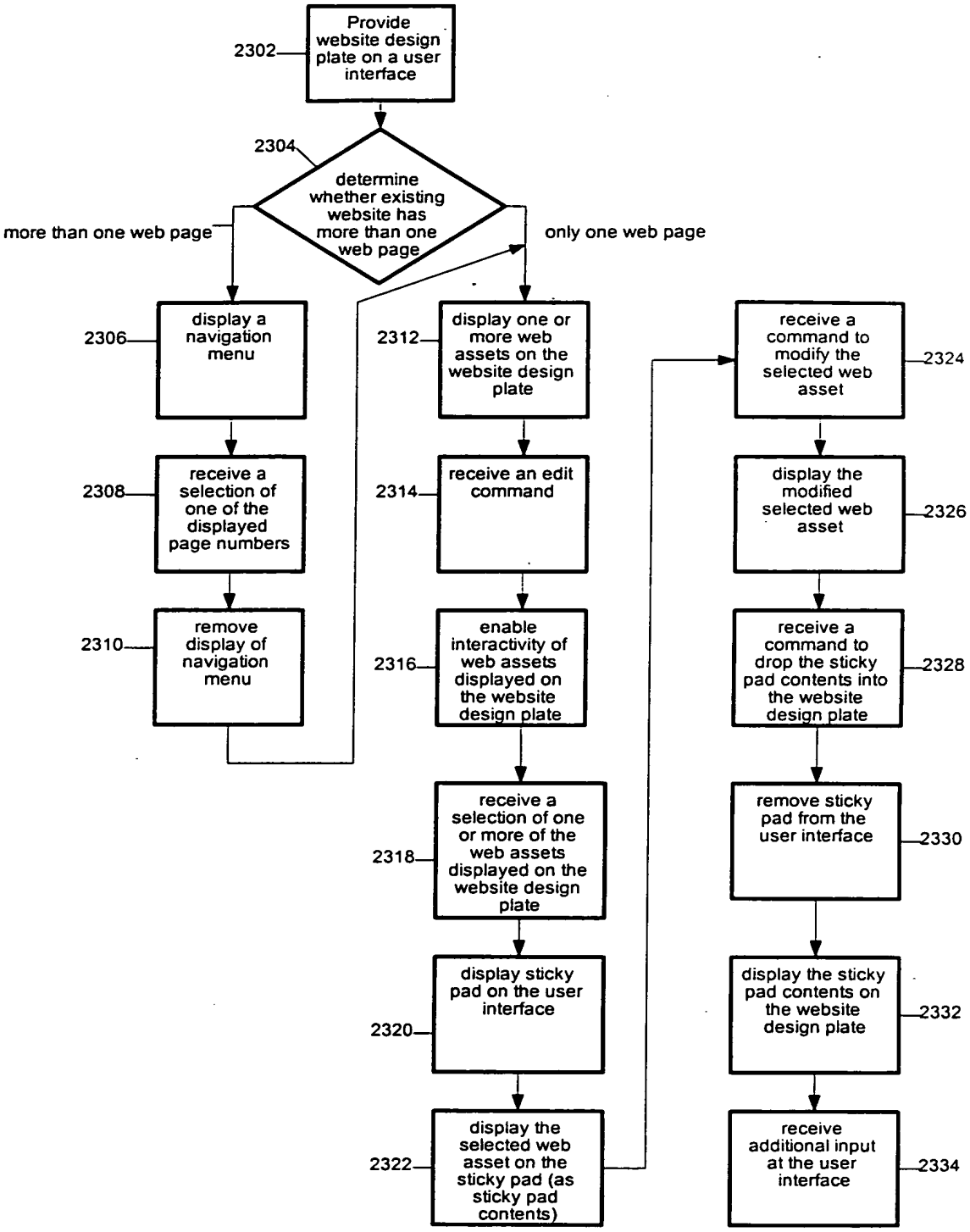
FIG. 22B



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FIG. 23

(Re-entry, Navigation and Edit)



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09569554.090900

METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS

Inventor: Thomas L. DiStefano III

The Perfect Web Corporation

Express Mail Label No. EK375152689US

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METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS

STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT

(Not Applicable)

FIELD OF THE INVENTION

The present invention relates generally to creating and posting web pages to the internet, and more specifically, to a method for more easily developing web pages through the use of a graphical user interface.

BACKGROUND OF THE INVENTION

The World Wide Web (web) has rapidly become an invaluable tool to individuals and businesses. Not only can an individual or business post information on the web, but it can also use the web to transact business. Because the public is acutely aware of the web's business and personal benefits, millions of web pages are being added to the web each year.

Typically, a web page is defined by a document containing HyperText Markup Language (HTML) code. An HTML document suitable for posting on the internet includes both "content" and "markup." The content is information which describes a web page's text or other information for display or playback on a computer's monitor, speakers, etc. The markup is information which describes the web page's behavioral characteristics, such as how the content is displayed and how other information can be accessed via the web page.

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In order to provide web-based information and services over the internet, the web employs "client" computers, "browser" software, and "server" computers. A client computer is a computer used by an individual to connect to the internet and access web pages. A browser is a software application, located on a client computer, which requests, via the internet, a web page from a server computer. After receiving the web page, the browser displays the web page on the client computer's monitor. A server computer is a computer which stores web page information, retrieves that information in response to a browser's request, and sends the information, via the internet, to the client computer. Thus, after a web page is created, the page must be "posted" to a particular server computer which "hosts" the page, so that the page can be accessed over the internet.

In order to have one's web page hosted by a server, the individual must contract with an internet service provider (ISP) associated with the server. This contract specifies, among other things, the duration of the time that the ISP will host the page, and how much the individual will pay for that hosting service.

Even though the idea of having one's own web page is appealing, the average individual has little or no knowledge about how to create a web page. Particularly, the average individual does not know how to create an HTML document or to post that document to a server computer. Unless that individual is willing to learn how to create and post their own web page, that individual is faced with few options.

The most commonly used avenue for an individual to get his web page on the internet is to employ one of numerous companies to provide, for a fee, web page/website development services. After contacting such a website

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development company, the individual would meet with one of the company's web page designers to explain the individual's concept for his web page. The designer would then create the associated HTML document. After approval by the individual, the designer may provide the service of posting the web page to a server. The server typically is not associated with the website development company. Thus, the individual must separately contract with an ISP associated with the server to host the web page. Typically, this web page creation and posting process is time consuming and expensive, because it requires the individual and the designer to spend a significant amount of time together working on a particular page design. In addition, the process is inefficient because the individual must work separately with a website development company and an ISP.

The difficulties and expense associated with web page creation and design are exacerbated by the fact that many individuals who desire to set up web pages are doing so for commercial reasons, i.e., the individuals desire to conduct business or "e-commerce" over the internet using their web pages. Developing a web page/website suitable for e-commerce typically requires at least two types of features above and beyond those required for a standard (non-commercial) web page/website. First, an e-commerce website typically requires marketing features. As noted, there are millions of web pages already existing on the interest, and so the success of an internet-based business employing a website depends critically upon whether consumers on the internet are aware of, and can easily access, the website.

With respect to these marketing features, a common way of marketing a website on the internet is to have other websites display advertising messages

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("banner ads") concerning the website. A second way of marketing a particular website on the internet is simply to have other websites display selectable commands ("links") which, if selected by a person accessing the other websites using his browser, cause the browser to access the particular website. Although the use of such banner ads and links is very common, the setting up of such mechanisms is not always easy. In particular, other websites typically do not display banner ads and links for a particular website without contractual arrangements, including payment, which can be difficult for a novice web designer to arrange and expensive to arrange via a website development company.

In addition to marketing features, an e-commerce website typically also requires features that allow the conducting of sales transactions, i.e., features for executing transactions involving the buying and selling of goods and/or services. Such features typically include a sales mechanism, i.e., a "shopping cart" mechanism or an "auction." Further, such features typically include a payment arrangement, i.e., an arrangement allowing for transfers from a purchaser's credit card to a merchant account associated with the e-commerce website. The setting up of such sales mechanisms and payment arrangements also can be difficult for a novice web designer and expensive if performed by a website development company.

What is needed, therefore, is a method for enabling an individual to conveniently design a web page without requiring that individual to learn HTML or to interact extensively with a web page designer at a website development company. What is further needed is a streamlined method for web page/website development and, in particular, a method of facilitating the

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development of e-commerce websites having key marketing and sales transaction features.

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SUMMARY OF INVENTION

The present invention relates to a method of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the internet. The method includes, during design of the first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed. The method further includes saving the information at a first database that is coupled to the user interface, obtaining the element for marketing of the type indicated, and causing the display of the element for marketing at the second website when the first website is activated with respect to the internet. The element for marketing includes at least one of a banner ad concerning the first website and a link to the first website.

The present invention additionally relates to a method of assisting a website designer in establishing an e-commerce feature on a first website being designed by the website designer for access by third parties upon the activation of the first website on the internet. The method includes receiving at a user interface a selection of the e-commerce feature that is desired to be implemented on the first website, wherein the e-commerce feature is at least one of a shopping cart and an auction. The method further includes receiving at the user interface information concerning a picture of a product desired to be sold using the e-commerce feature, receiving at the user interface information concerning a written description of the product, receiving at the user interface information concerning a price of the product, and receiving at the user interface

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information concerning an identification number of the product. The method additionally includes, when the first website is activated on the internet, displaying the e-commerce feature on the first website. The display of the e-commerce feature includes the display of at least some of the picture, written description, price and identification information of the product.

The present invention further relates to a computer-readable storage medium containing computer executable code for instructing at least one computer to perform several steps. In particular, the computer executable code instructs the computer to perform the step of, during design of a first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at a second website, and information specifying the second website at which the element is to be displayed. The steps further include saving the information at a first database that is coupled to the user interface, obtaining an element for marketing of the type indicated, and causing the display of the element for marketing at the second website when the first website is activated with respect to the internet. The element for marketing includes at least one of a banner ad concerning the first website and a link to the first website.

The present invention additionally relates to a computer-readable storage medium containing computer executable code for instructing at least one computer to perform several steps. In particular, the computer executable code instructs the computer to perform the step of receiving at a user interface a selection of an e-commerce feature that is desired to be implemented on a first website, wherein the e-commerce feature is at least one of a shopping cart and an auction. The computer executable code further instructs the computer to

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perform the steps of receiving at the user interface information concerning a picture of a product desired to be sold using the e-commerce feature, receiving at the user interface information concerning a written description of the product, receiving at the user interface information concerning a price of the product, receiving at the user interface information concerning an identification number of the product and, when the first website is activated on the internet, displaying the e-commerce feature on the first website. The display of the e-commerce feature includes the display of at least some of the picture, written description, price and identification information of the product.

The present invention further relates to an internet-based system for assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the internet. The system includes a server computer accessible by a plurality of registered user computers and a plurality of unregistered computers using the internet. The server computer receives at a user interface displayed at one of the registered user computers information indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed. The server computer additionally saves the information at a first database that is coupled to the server computer, and obtains an element for marketing. The server computer further hosts the second website, activates the first website on the internet by hosting the first website on the internet, provides a web page of the second website to one of the unregistered computers, and displays the element for marketing on the web page.

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BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 illustrates a system in which the method of the present invention can be practiced;

FIG. 2 illustrates an exemplary graphical user interface (GUI), including a website design plate and a STICKY PAD™, which is employed in performing the method of the present invention;

FIG. 3 illustrates in greater detail the STICKY PAD™ of the GUI of FIG. 2;

FIG. 4 illustrates searching for graphic images ("web assets" or "fx") using the STICKY PAD™;

FIG. 5 illustrates searching for sounds using the STICKY PAD™;

FIG. 6 illustrates searching for colors using the STICKY PAD™;

FIG. 7 illustrates text editing using the STICKY PAD™;

FIG. 8 illustrates the operation of a running meter on the STICKY PAD™;

FIG. 9 illustrates the creation of a banner ad and a logo using the STICKY PAD™;

FIG. 10 illustrates the generation of a website outline using the navigation feature of the website design plate;

FIG. 11 illustrates providing log in information and generating a table/cell at the website design plate;

FIG. 12 illustrates the operation of STAY STICKY™ features, including smart agent and MAIL WIZ™ features;

FIG. 13 illustrates the development of website e-commerce mechanisms, including shopping carts and auctions, as well as the setting-up of a merchant account, using the e-commerce feature of the website design plate;

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FIG. 14 illustrates the operation of examples and help/statistics features (including a size meter/meter box) of the website design plate;

FIG. 15 illustrates providing payment (including credit card) information when attempting to save website information assembled on the website design plate;

FIG. 16 illustrates a flowchart with method steps for developing a web page of a website, in accordance with one embodiment of the present invention;

FIG. 17 illustrates a flowchart with method steps for providing text and tables/cells into a web page of a website that is being developed, including text editing, which can be performed as part of the flowchart of FIG. 16;

FIG. 18 illustrates flowcharts with method steps for saving website information and previewing website operation, which can be performed as part of the flowchart of FIG. 16;

FIG. 19 illustrates a flowchart with method steps for generating a website outline using a navigation feature, which can be performed as part of the flowchart of FIG. 16;

FIG. 20 illustrates a flowchart with method steps for performing STAY STICKY™ features, including smart agent features and MAIL WIZ™ features, which can be performed as part of the flowchart of FIG. 16;

FIG. 21 illustrates a flowchart with method steps for performing e-commerce features, which can be performed as part of the flowchart of FIG. 16;

FIG. 22 illustrates a flowchart with method steps for performing examples and help/statistics features, which can be performed as part of the flowchart of FIG. 16; and

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FIG. 23 illustrates a flowchart with method steps for recommencing development of, and editing, a website that has already been partially developed using the GUI of FIG. 2.

DETAILED DESCRIPTION OF THE INVENTION

It is to be understood that the phraseology or terminology employed herein is for the purpose of description, and not of limitation. Accordingly, the invention is intended to embrace all such alternatives, modifications, equivalents, and variations as fall within the spirit and broad scope of the appended claims. The present invention is a method for developing a website through the use of a graphical user interface. Figure 1 is a block diagram illustrating a generalized computer/internet system 100 in which the method of the present invention can be practiced. Specifically, the preferred system 100 includes a server computer 140 operably connected to the internet 130 using standard techniques well-known in the art, for instance the TCP/IP protocol. The method preferably can be implemented through the use of the server computer 140 using standard computer programming techniques well-known in the art. As an example, the server computer 140 can preferably be programmed using the Java™ programming language distributed by Sun Microcomputer Corp. of Palo Alto, California.

Three types of other parties can interact with the server computer 140. First, registered users who have logged in with respect to the server computer 140, as discussed with reference to FIG. 11, can fully access the server computer at one or more registered users computers 180. Second, third party potential customers who have not yet logged in with respect to the server computer 140 can obtain limited access to the server computer at one or more third party potential customers computers 110. Finally, third party authors who

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contribute web assets for use in web pages created by registered users can access the server computer 140, from one or more third party author computers 120, for the limited purpose of uploading web assets to the server computer for distribution. Registered users computers 180, third party potential customers computers 110 and third party authors computers 120 are home computers or other interface devices (not necessarily complete computers) that are capable of accessing the server computer 140 through the internet 130 using standard web-browsers, well-known in the art.

The server computer 140 preferably has or is coupled to a third party user database 160, a web assets database 170, and a programming database 190. The third party user database 160 preferably includes a listing of all third party users registered to access the server computer 140. Specifically, information provided during the log in process by registered users is included in the third party user database 160. Also, information regarding websites that have been or are being designed by registered users can be saved (as discussed with reference to FIG. 15) in the third party user database 160. Moreover, third party user database 160 preferably includes a listing of third party authors who have uploaded web assets to the web assets database 170 for use by the registered users in creating their websites, and who have been authorized by the system 100 to receive payment for the use of their web assets by the registered users. Web assets database 170 stores a catalog of web assets uploaded by third party authors. In addition, web assets that are stored in web assets database 170 can include web assets that are derived from other sources, such as web assets designed by the operator of the server computer 140. System 100 automatically compensates a third party author whose uploaded web asset has been distributed to a registered user. When system 100 posts a web page having a

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web asset uploaded by a third party author on behalf of a registered user, the system 100 credits the credit card account of the third party author in compensation for the use of the web asset. Specifically, the server computer 140 contacts the credit card company 150 corresponding to the third party author's credit card and submits a credit over the internet 130 to the credit card company 150.

Referring to FIG. 2, the present invention employs a graphical user interface (GUI) to allow a registered user to easily develop a website comprising one or more web pages. In one embodiment, all or nearly all of the programming required to operate the GUI is stored on programming database 190, and is accessed by potential customers and registered users by way of their web browsers (and is viewed via the internet 130 when needed by those potential customers and registered users). However, in the preferred embodiment, the programming required to operate the GUI is provided to potential customers and registered users as software (i.e., on a floppy disk or a CD-ROM), and is stored directly in the programming database 190. Potential customers are capable of interacting with the GUI to perform certain website design functions by logging into computer 140. However, key functions such as searching for web assets, and saving/submitting a fully-designed website for posting on the internet 130, can only be performed once the potential customers have logged into the server computer 140 and become registered users such that they have full access to the server computer 140 via the internet 130. Hereinafter (except with respect to FIG. 11 concerning the log in process), all discussion regarding use of the GUI will concern use of the GUI by registered users at registered user computers 180; however, it should be understood that

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third party potential customers can also perform limited functions with respect to the GUI before logging into the system 100.

The GUI is provided on a display at the registered user computer 180 and includes a primary display screen, which is termed a STICKY WEB™ website design plate 210 (or web design plate) (STICKY WEB™ is a trademark of the Perfect Web Corporation, of Delray Beach, Florida). Website design plate 210 has a plurality of selection buttons 212, which in the preferred embodiment include a log in button 215, a save button 218, an edit button 220, a navigation button 225, a preview button 230, a text button 235, an fx button 240, a color button 245, a sound button 250, a tables button 255, a STAY STICKY™ button 260, an e-commerce button 265, an examples button 270 and a help/statistics button 275. In one embodiment, a registered user selects or actuates selection buttons 212 by pointing at the buttons using a mouse of the registered user computer 180, and clicking on the mouse. In alternate embodiments, a registered user can select or actuate selection buttons 212 by providing appropriate keystrokes on a keyboard of the registered user computer 180, by appropriately touching a touch screen of the registered user computer, or by providing an input signal at another conventional type of input device known in the art.

In addition to selection buttons 212, website design plate 210 further includes a design space 214 in which can be displayed one or more web assets 205, which together form a web page. Web assets can include JAVA applets, scripts (including moving scripts and scripts written in a variety of internet languages such as PERL, CGI, SQL, JAVA, XML and HTML), stock art, clip art, digital art, background images, textures, GIF, JPEG, TIF, BMP, chat rooms, message boards, web objects, buttons, templates, themes, fading color, mouse

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over effects, borders, buttons, shadows, icons, internet designs, sounds, music, etc. In general, web assets are graphic images, including text and related color, sound and animation features, which can be displayed on a website. When displayed for a registered user who has logged into the system 100 (as discussed with reference to FIG. 11), the web assets are interactive, i.e., information can be exchanged between the registered user and the system 100 via the web assets.

As shown in FIG. 2, during design of a website using the GUI, a second display screen, termed a STICKY PAD™ 310, is often shown within (or over) website design plate 210 (STICKY PAD™ is a trademark of the Perfect Web Corporation, of Delray Beach, Florida). STICKY PAD™ 310 includes a design space 280 on which one or more web assets 305 can be displayed. Web assets 305 can be manipulated on the STICKY PAD™ 310, which acts as the editing platform for the registered user and appears when it is necessary to edit or otherwise modify web assets. STICKY PAD™ 310 further includes a plurality of selection buttons 285, 295, which are selected by a registered user in the same manner as selection buttons 212 are selected. As shown in FIG. 3, buttons 285 include an fx button 315, a sound button 320, a color button 325 and a search button 330, and buttons 295 include a text editor button 345 and a running meter button 350, in one embodiment of the invention. Buttons 285, 295 are described in further detail with reference to FIGS. 4-9. STICKY PAD™ 310 additionally includes, in certain embodiments, a banner bar 290. Banner bar 290 is capable of displaying one or more banner ads corresponding to other websites designed by other registered users through the use of system 100, which allow for marketing of those websites. Also, banner bar 290 is capable of displaying banner ads corresponding to outside advertisers.

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A registered user can interact with STICKY PAD™ 310 to perform a variety of operations. The registered user can select (by way of a mouse or other input device) any of the web assets 305 that are currently shown on the STICKY PAD™ 310, move the web assets relative to one another, and alter the size of the web assets. Referring to FIGS. 4-6, the registered user also can select search button 330 to identify and obtain new web assets and other elements, including sound elements and color elements, which can be added to the website that is being developed. Upon selecting search button 330, a search menu 410 appears having selectable options 420 for fx (web assets), sound and color. As shown in FIG. 4, if the registered user selects fx (web assets) from search menu 410, an fx menu 430 appears. As shown in FIG. 5, if the registered user selects sound from search menu 410, a sound menu 540 appears. As shown in FIG. 6, if the registered user selects color from search menu 410, a color pallet 640 appears. To streamline operation of the STICKY PAD™ 310, the STICKY PAD™ further includes individual fx, sound and color buttons 315, 320 and 325 which, when selected, result in the immediate display of fx menu 430, sound menu 540 and color pallet 640.

In the preferred embodiment, fx (web assets) menu 430 includes a search entry field 435 in which the registered user can enter keywords or other search criteria indicative of the type of web assets that the registered user desires to implement within its website. Upon receiving search criteria from the registered user, the system 100 (particularly the server computer 140) searches the web assets database 170 for web assets that meet the search criteria. System 100 employs any of a number of conventional search engines to perform the searches. Upon the commanding of a search by the registered user, the fx menu 430 lists all available web assets that meet the search criteria in a scroll menu, as

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shown in FIG. 4. Also in the preferred embodiment, sound menu 540 includes a search entry field 545 in which the registered user can enter keywords or other search criteria indicative of the type of sounds that the registered user desires to implement within its website. Upon receiving search criteria from the registered user, the system 100 performs a search for sounds meeting the search criteria and then lists all available sound elements that meet the search criteria in a scroll menu, as shown in FIG. 5.

Fx menu 430 and sound menu 540 typically list available elements in categories. For example, for fx/web assets, the categories can include icons, scripts, chat rooms and message boards and, for sound elements, the categories can include general sounds, noises, music and sound effects. Although in the preferred embodiment, fx menu 430 and sound menu 540 list web assets and sound elements that are identified based upon searches of web assets database 170 and meet search criteria specified in search entry fields 435, 545, in alternate embodiments searches need not be performed. In such embodiments, fx menu 430 and sound menu 540 directly list all available web assets and sound elements that are available for implementation into a website, without receiving search criteria from the registered user. Further, with respect to color pallet 640, in the preferred embodiment the color pallet lists all available colors without receiving search criteria from the registered user or performing any searches to narrow down the list of available colors. However, in alternate embodiments, color pallet 640 can include a search entry field for receiving search criteria from the registered user and, upon performing a search, display colors that meet the specified search criteria.

Once fx menu 430, sound menu 540 and color pallet 640 list available web assets, sound elements and color elements, respectively, the registered user

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can select one or more of the elements for implementation in the registered user's website (i.e., by selecting one or more of the elements using a mouse). The registered user can, upon selecting a web asset, sound or color, cause the selected element to appear within design space 280 of STICKY PAD™ 310 (i.e., by double-clicking on the element using a mouse). The registered user also can apply selected web assets, sound elements or color elements to existing web assets or other elements within STICKY PAD™ 310. The registered user applies the selected elements to existing elements within the STICKY PAD™ 310 by dragging and dropping the selected elements onto the existing elements. In the preferred embodiment, sound and color elements can be dragged, dropped and otherwise manipulated around the STICKY PAD™ 310 in the same manner as web assets; when the registered user selects a sound or color element, the selected sound or color element is displayed as an icon or thumbnail image 550.

For example, once a chick icon has been selected from fx menu 430 and is displayed in design space 280 as web asset 305a (as shown in FIG. 3), the registered user can further modify the chick to make a peep or other noise by selecting the desired noise from sound menu 540, dragging the noise to the chick, and dropping the noise onto the chick. If the color of the chick as obtained from fx menu 430 is not the desired color, i.e., the color is white and not yellow, the registered user can further modify the color of the chick by selecting the color yellow from color pallet 640, dragging the color to the chick, and dropping the color onto the chick. Although in the preferred embodiment, sound and color elements can be dragged and dropped in the same manner as web assets, in alternate embodiments, a registered user can instead apply a particular sound or color element to an existing element within the STICKY

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PAD™ 310 simply by selecting the existing element before (or immediately after) selecting the particular sound or color element. The web assets, sound elements and color elements displayed in fx menu 430, sound menu 540 and color pallet 640, respectively, are provided from server computer 140, which accesses web assets database 170. Web assets database 170 stores web assets that are provided from a variety of sources including internet companies, publishers, geeks, designers, and artists. In the preferred embodiment, some of the web assets stored on web assets database 170 are provided from independent third party authors who access system 100 by way of third party author computers 120. System 100 compensates the independent third party authors when their web assets are utilized by registered users in designing websites. Web assets can also be provided under license from major digital and stock art publishers (i.e., Adobe, Corel, Com Stock, etc.). Although the system 100 is designed to allow the registered user to obtain web assets and sound and color elements from web assets database 170, the system also allows the registered user to obtain web assets from other sources. For example, the registered user can upload its own web assets from a memory device (i.e., the hard drive) of registered user computer 180. Also, in certain embodiments, the registered user can obtain web assets by independently accessing third party websites via the internet, and selecting web assets displayed on those websites.

The web assets that can be selected from fx menu 430 include web assets that consist partly, or even entirely, of text. However, STICKY PAD™ 310 further allows a registered user to enter text directly into the STICKY PAD™ by typing in the desired text at a keyboard at registered user computer 180. The text is displayed within design space 280 of the STICKY PAD™ 310 once the registered user hits the "enter" key on the keyboard. In certain embodiments,

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text that is desired for entry into the STICKY PAD™ 310 can be uploaded from a memory associated with registered user computer 180 rather than typed in by the registered user. Once the text is displayed within the design space 280, the text can be selected by the registered user and moved around within design space 280 like any other web asset. The text can also be edited if the registered user selects the text editor button 345. As shown in FIG. 7, upon the selection of text editor button 345, a text editor menu 710 appears. Displayed on text editor menu 710 are a font/style/size/color button 720 and a spell check button 730. Upon selection of the font/style/size/color button 720, a font/style/size/color menu 740 appears, from which the registered user can select a plurality of fonts, styles and colors for the text as well as select a size setting for the text.

Upon selection of the spell check button 730, a spell check is performed using computer algorithms that are well known in the art. In one embodiment, a spell check result box 750 appears once the spell check has been performed in relation to the text, and suggested changes to the text appear in the spell check result box. In alternate embodiments, the spell check is executed without the display of any spell check result box. For example, if a spelling error is detected in the text, the spelling error is highlighted in the text itself. The registered user can identify which text is to be edited in a variety of ways. In one embodiment, the registered user must select the text (i.e., highlight the text, using a mouse) that is to be edited, and then subsequently select text editor button 710. In another embodiment, the registered user first selects text editor button 710 and then subsequently selects the text that is to be edited.

Referring to FIG. 8, STICKY PAD™ 310 additionally includes running meter button 350. Upon being selected by the registered user, running meter

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button 350 provides a running meter block 810 that shows an indication of the size of the web asset(s) that are displayed on STICKY PAD™ 310. As shown in FIG. 8, in one embodiment, the indication provided by running meter block 810 is an indication (preferably displayed on a single line of text) of the memory required for storing the web assets. In alternate embodiments, other or additional information can be displayed by running meter block 810, e.g., the time required to download or execute the web assets. In the preferred embodiment, this other information is not displayed by way of selecting running meter button 350 of STICKY PAD™ 310, but is displayed by way of help/statistics button 275 of website design plate 210, as described below with reference to FIG. 14. Although in the present embodiment, size information is only displayed when running meter button 350 is selected by the registered user, in alternate embodiments the running meter button is replaced by a running meter display region, which always displays the total size of all web assets currently being displayed in display region 280.

In the preferred embodiment, the web assets that are selectable by a registered user are standardized to facilitate the registered user's creation of a website that operates in an efficient and user-friendly manner and, in particular, does not require too much memory or require excessive time to be downloaded from the internet. Thus, in the preferred embodiment, an authenticating team reviews all web assets that are provided from third party authors before the web assets are stored on web assets database 170 and accessible by registered users in designing their websites. The authenticating team only allows web assets that do not exceed a maximum kilobytes (K) allowed per web asset and web page to be stored on the web assets database 170. In addition to storing information concerning the characteristics of the web assets, web assets database 170 also

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stores accounting information regarding the usage of the web assets stored on the web assets database. At the end of each time period (i.e., month or quarter), the server computer 140 reviews the accounting information and determines the amount of usage of each of the web assets by each registered user. The web asset usage is assigned a cash amount per use so that a total amount of money owed by each registered user can be calculated (and charged to each respective registered user).

Turning to FIG. 9, a registered user can utilize STICKY PAD™ 310 to design a banner ad 910 to be used to advertise the registered user's website. The registered user can search for a desired banner ad design by selecting search button 330 and then selecting fx from search menu 410 (or simply by selecting fx button 315), to obtain fx menu 430, at which a search can be requested. In the fx menu 430, all available banner ads have standard size configurations, namely 240X360 pixels or 240X240 pixels. As with respect to other web assets that are displayed within STICKY PAD™ 310, the banner ad 910 that is being developed using the STICKY PAD™ can be moved within the design space 280 and modified through the addition of other web assets (including text), which are obtained by selecting search button 330 (or fx button 315) and bringing up fx menu 430. Also, the banners can be modified through the addition of sounds and colors, which are obtained by selecting search button 330 (or by selecting sound and color buttons 320 and 325, respectively) to bring up sound menu 540 and color pallet 640, respectively.

Also as shown in FIG. 9, the registered user can utilize STICKY PAD™ 310 to design a logo 920 for the registered user's website. As with respect to the design of banner ads, the registered user can search for a desired logo design in, and select the desired logo design from, fx menu 430. Alternatively, the

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registered user can upload an already-designed logo from a memory device at registered user computer 180 (e.g., the registered user's hard drive) into STICKY PAD™ 310. The selected or uploaded logo can then be further edited and modified within the STICKY PAD™ 310, for example, through the addition of other web assets (including text), sounds and colors. Although in the present embodiment logos and banner ads are designed using the same searching and design procedures that are employed in the design of other website elements, in other embodiments STICKY PAD™ 310 and/or website design plate 210 have specific "logo design" and "banner design" buttons that the registered user can select to design logos and banner ads, respectively.

When the registered user finishes developing and modifying the web assets in the design space 280 of the STICKY PAD™ 310, the registered user drags and drops (i.e., using a mouse) the web assets into website design plate 210. In alternate embodiments, the registered user can provide a command to the system 100 to terminate the display of the STICKY PAD™ 310, at which time all of the elements being displayed in the STICKY PAD™ appear in the website design plate 210. When the web assets are dropped into website design plate 210, the web assets become interactive (as long as the registered user has logged in to the system 100, as discussed with reference to FIG. 11). That is, the web assets become functional so that the registered user is able to exchange information with respect to the web assets, i.e., interact with system 100 through the use of the web assets. When dropped into website design plate 210, the web assets form or are added to a particular web page of the website being developed.

A website that is being developed typically will have more than one web page. As shown in FIG. 10, the registered user can provide information to the

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system 100 indicating the number of web pages in the website, as well as determine the web page that is currently being displayed by website design plate 210, by selecting navigation button 225 on website design plate 210. Upon selecting navigation button 225, a navigation menu 1010 appears. Navigation menu 1010 includes a list of web pages 1 through 10. In alternate embodiments, navigation menu 1010 can list fewer or greater than ten web pages. Adjacent to the web page numbers are fields 1015 for inputting names/identifiers for the respective web pages. The registered user can input a name/identifier corresponding to each of web pages 1-10 by selecting the respective field 1015 (i.e., by way of a mouse) and typing in the name/identifier. The registered user determines which web page is currently being displayed by website design plate 210 by selecting one of the page numbers in the list. In certain embodiments of the invention, the website design plate 210 always displays a web page number indication corresponding to the web page that is currently being displayed, for example, at a corner of design space 214.

Websites that are designed using the system 100 are not limited to ten web pages. As shown in FIG. 10, the registered user can select an add new page button 1020 on navigation menu 1010 to add additional pages (and to provide names/identifiers corresponding to those additional pages). Also, although the registered user can type in original names/identifiers corresponding to the web pages (e.g., in fields 1015), the registered user can also utilize standard names/identifiers by selecting a scroll menu button 1030. Upon selecting scroll menu button 1030, a scroll menu 1040 appears that lists various standard web page names/identifiers such as, for example, Company Information, Recent News, Coming Soon, About Us, Products, and Contact Us. Navigation menu 1010 further includes a navigation locations button 1050. Upon selecting the

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navigation locations button 1050, the registered user is able to determine where a navigation bar or website map/outline will be positioned on one or more web pages of the website (e.g., at the top, bottom, left or right). The navigation bar or website map/outline allows website users to visualize the website as a whole and the various web pages that are available for access by the website users.

As discussed, the STICKY PAD™ 310 acts as the editing platform for the registered user, and appears when it is necessary to edit or otherwise modify web assets. During development of a website, the registered user can select (by way of a mouse or other input device) one or more of the web assets 205 that are displayed on website design plate 210 to activate STICKY PAD™ 310 and allow editing of the selected web assets, which appear in design space 280. If an item of text within the design space 214 is selected by the registered user, both the STICKY PAD™ 310 and then the text editor menu 710 appear to allow for editing of the text. STICKY PAD™ 310 also appears when the registered user proceeds with a search to obtain a desired web asset by selecting the fx button 240. Upon the selecting of the fx button 240 by the registered user, the fx menu 430 appears, and the registered user can search for and select a desired web asset. Once the registered user selects a desired web asset from the fx menu 430, the STICKY PAD™ 310 appears with the selected web asset being displayed in design space 280.

Additionally, STICKY PAD™ 310 appears when either the color or sound buttons 245, 250 are selected by the registered user. Upon the selecting of the color or sound buttons 245, 250 by the registered user, the color pallet 640 or sound menu 540 appear, respectively. Once the registered user selects a desired color or sound from the color pallet or sound menu, respectively, the STICKY PAD™ 310 appears with a thumbnail image 550 representing the

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selected color or sound being displayed in design space 280. Further, STICKY PAD™ 310 appears when the text button 235 of website design plate 210 is selected. When text button 235 is selected, the STICKY PAD™ 310 immediately appears and the registered user is allowed to type in text at the keyboard of registered user computer 180. Text editor button 345 can then be selected by the registered user from the STICKY PAD™ 310 to edit the text.

In addition to web assets (from fx menu 430), sounds, colors and text, the GUI of system 100 is also capable of adding tables and cells to the website being designed in order to provide depth and perception to the website. As shown in FIG. 11, when tables button 255 is selected by the registered user, a tables menu 1110 appears. The registered user can then select from the tables menu 1110 one or more tables 1120 and cells 1130, and also specify the locations of the tables/cells on a web page by selecting a locations button 1140. In one embodiment, the possible locations of tables/cells on a web page include a top location, a bottom location, a left location and a right location. Unlike the editing of web assets, sounds, colors and text, in the preferred embodiment STICKY PAD™ 310 does not appear upon the selection of tables button 255. Rather, once a table/cell is selected, the registered user can drag and drop the selected table/cell directly into website design plate 210.

Upon being dropped into the website design plate 210, the table/cell automatically aligns at an edge of the design space 214, with the appropriate edge being determined by the location selected by the registered user. Also upon being dropped into the website design plate 210, the table/cell becomes interactive. The registered user can move the table/cell from its original location, and also can adjust the size of the table/cell by selecting the table/cell (i.e., by way of a mouse) and stretching or contracting the boundaries of the

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table/cell. Web assets and other elements can be dragged and dropped both from STICKY PAD™ 310 and from other locations on website design plate 210 into tables and cells, and the color of tables/cells can be modified by selecting color button 245. Tables differ from cells in that cells typically form enclosed areas within tables. Cells cannot be moved outside of (or moved to overlap) a table boundary enclosing the cells. In alternate embodiments, tables/cells can be created and modified by way of the STICKY PAD™ 310.

Further shown in FIG. 11 is a log in menu 1150 that appears upon the selection of log in button 215 by a potential customer. In the preferred embodiment of the invention, several features of the GUI can be operated before completion of the log in process, such as uploading web assets from a hard drive of a third party potential customer computer 110 into the website design plate 210. However, key functions such as searching for web assets, and saving/submitting a fully-designed website for posting on the internet can only be performed by registered users who have full access to the server computer 140 via the internet. To obtain full access to the server computer 140 and perform such functions, log in information must be provided to the system 100. By requiring this log in information, the system 100 can monitor the activity of the registered users and bill the registered users for their usage of the system, including their usage of web assets provided from third party author computers 120 and saved on web assets database 170. Additionally, the information provided by registered users during the log in process can be used by the system 100 to determine appropriate markets for the registered users' websites. The use of this market information is discussed further in reference to FIG. 12.

As shown in FIG. 11, the selection of log in button 215 brings up log in menu 1150. The log in menu 1150 includes a scroll and input form with

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multiple fields 1160 that must be filled in to complete the log in process. The fields 1160 can include, for example, fields for the potential customer's (i.e., prospective registered user's) name, address, e-mail address, telephone number, interests, hobbies and businesses. Upon the completing of fields 1160, a desired identification name is further provided into an identification field 1170 and a desired password is provided into a password field 1180. The information from fields 1160-1180 is then provided from the third party potential customer (i.e., prospective registered user) computer 110 via the internet 130 to the server computer 140, where the information is processed and then provided for storage on third party user database 160. Although in the preferred embodiment, the identification name and/or password are chosen by the potential customer, in alternate embodiments, the identification name and password are assigned by the system 100.

Assuming that the information provided into the fields 1160-1180 of log in menu 1150 is not rejected by the server computer 140 (e.g., because information was not entered for some of the fields, or because the e-mail address that was entered is invalid), the server computer logs in the potential customer as a registered user and allows the new registered user to access all of the functionality of the system 100. Also upon successfully logging in the new registered user, the system prompts the new registered user regarding a web address for the registered user's website by displaying a URL query form 1190. The web address typically concludes with any top-level domain name, i.e., .com, .net, etc. The query form is licensed for use on the system 100 from Internic and/or the other five URL registrants. Further, upon successfully logging in to the system 100, the new registered user can thereafter bypass the full log in process when reentering the system by simply inputting its

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identification name and password into the identification and password fields 1170, 1180. Upon reentering the system 100, the registered user selects edit button 220 on website design plate 210 to cause the registered user's website (in its current state of development) to become interactive. Additionally, upon selecting edit button 220, the registered user can modify any element of the website that is shown within design space 214 by selecting that element (i.e., by clicking on the element using a mouse) to bring up STICKY PAD™ 310, and then modifying the element within the STICKY PAD™ as discussed above.

Turning to FIG. 12, website design plate 210 further includes STAY STICKY™ button 260, which brings up a STAY STICKY™ menu 1210 when selected by the registered user (STAY STICKY™ is a trademark of the Perfect Web Corporation of Delray Beach, Florida). STAY STICKY™ menu 1210 lists STAY STICKY™ features that are available to the registered user in designing and marketing its website. The STAY STICKY™ features provide the registered user with special information concerning, and marketing opportunities with respect to, other registered users who have designed their websites using the system 100. That is, the STAY STICKY™ features provide special marketing benefits to registered users of the system 100 vis-a-vis one another. Specifically, the registered user can select from two options on the STAY STICKY™ menu 1210, smart agent and MAIL WIZ™ (MAIL WIZ™ is a trademark of the Perfect Web Corporation of Delray Beach, Florida). Upon the selection of the smart agent option from the STAY STICKY™ menu 1210, a smart agent menu 1220 appears. The registered user can select (e.g., by way of a mouse) from among three options on the smart agent menu 1220, a suggested marketing locations option 1230, a create links option 1240, and a banner ad rotations option 1250.

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When the registered user selects suggested marketing locations option 1230, the server computer 140 determines the best possible places to market the registered user's website on the internet. That is, the server computer 140 determines other websites on which it would be most beneficial to display a link to, or banner concerning, the registered user's website. The server computer 140 makes this determination based upon the information provided by the registered user during the log in process, particularly the information provided in fields 1160 as described with reference to FIG. 11. Using this information, the server computer 140 searches the information stored in third party user database 160 to identify other websites on which it would be desirable to market the registered user's website. Server computer 140 can utilize any one of a number of search engines that are currently well known in the art to identify such websites using the log in information provided by the registered user. In alternate embodiments, server computer 140 can also access other information other than that within third party user database 160, including information concerning websites or other marketing locations that were not developed through the use of the system 100. Upon determining desirable marketing locations, the system 100 can display the identified marketing locations to the registered user.

Upon selection by the registered user of the create links option 1240, the GUI provides a location selection menu 1260, in which the registered user can identify addresses for websites to which the registered user desires its website to be linked. In the preferred embodiment, the websites can be selected from among the websites that have been created by other registered users using the system 100. Location selection menu 1260 includes several open fields 1270 in which the registered user can specify desired websites. Further, location

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selection menu 1260 lists the suggested websites that were identified in the search performed by server computer 140 upon selection of the suggested marketing locations option 1230. The list includes selection boxes 1275 that the registered user can check to indicate its selection of the various suggested websites. If the registered user has not yet selected suggested marketing locations option 1230, the server computer 140 performs the search for suggested websites when it generates location selection menu 1260. Once the registered user has selected its desired marketing locations on location selection menu 1260, the system 100 has sufficient information to create links to the registered user's website at other websites.

The registered user can further select the banner ad rotations option 1250 from the smart agent menu 1220. Upon the selecting of banner ad rotations option 1250, the system 100 determines whether the registered user has already designed (or uploaded or otherwise provided to the system) a banner ad, as discussed with reference to FIG. 9. If the registered user has not already designed a banner ad, the system displays a message indicating that it is necessary to create a banner ad in order to participate in banner ad rotations. The system 100 also provides banner ad design options from which the registered user can select a desired banner design. The design options can be obtained by the registered user by using fx menu 430 to perform a search for banner ads. Following selection of a desired banner ad design, STICKY PAD™ 310 appears, allowing the registered user to further modify and then complete its design of the banner ad. Once a banner ad design is completed, a location selection menu identical to location selection menu 1260 appears following selection of the banner ad rotations option 1250. The location selection menu allows the registered user to specify the websites at which the registered user

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desires its banner ad to appear. Once the registered user has selected its desired locations on the location selection menu, the system 100 has sufficient information to create banner ads advertising the registered user's website at other websites.

By completing these steps relating to the create links option 1240 and/or the banner ad rotations option 1250, the registered user causes its website to participate in linking and/or banner ad display functions with other websites that also were created using the system 100 by registered users who opted to participate in these linking and/or banner ad display functions. Once the design of the new website by the registered user is completed and the new website is posted/activated, the system 100 causes the selected websites of other registered users (i.e., the websites selected during the design of the new website) to display a link and/or banner ad concerning the new website. In the preferred embodiment, each website that is developed by a registered user who opts to participate in the linking functions can display unlimited links to other registered users' websites. If the number of links to be displayed exceeds the available display space on the display screen, links can be rotated on and off the screen. Each website that is developed by a registered user who opts to participate in the banner ad display functions can rotate an unlimited number of banner ads for other registered users' websites. The banner ads can be shown sequentially over a period of time at the registered user's website.

System 100 will cause each website that is designed to participate in the linking and/or banner ad functions to include, on at least one web page of the website, a link region and/or a banner ad region for the display of links to and/or banner ads for other websites. The links displayed in the link region of a given website can change as new websites are created using the system 100 by

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registered users, or as old websites are deactivated. In certain embodiments, a registered user is allowed to change its selections of desired marketing locations after the posting of its website; in such embodiments, it can be the case that a link displayed at a given marketing location is removed from display because the registered user who selected the link changed its preferences. Likewise, the banner ads that are sequentially shown in the banner ad rotation region of a given website can change as new websites are created, old websites are deactivated or marketing location preferences change. System 100 charges the registered user's website a fee for participation in the linking and/or banner ad functions whenever links to the registered user's website are shown on other websites, or whenever the banner ad for the registered user's website is shown on other websites. For the registered user's website to participate in the linking and/or banner ad functions, the registered user must complete the website design process and save the selected locations for links and/or banner ads (as well as, in the case of participation in the banner ad functions, save the banner ad design for the registered user's website) at the server computer 140. In some embodiments, credit card (and payment) information must be provided by the registered user when the registered user is setting up the linking and/or banner ad rotation functions, i.e., after the registered user specifies the locations at which the registered user desires links and/or banner ads for its website to appear. The amount of payment can depend upon the number of links and/or banner ads to be displayed, i.e., the number of desired marketing locations.

Upon selection of the mail wiz option from the STAY STICKY™ menu 1210, a MAIL WIZ™ menu 1280 appears, which provides the registered user with a field 1285 for entering a desired quantity 1285 of e-mail messages to be sent out, and also provides an e-mail message field 1290 in which the registered

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user can input a desired e-mail message. Once the registered user completes the design of the website, and the website is posted/activated, the system 100 sends the specified e-mail message to other registered users (or their websites), whose e-mail addresses are located in third party user database 160. In certain embodiments, e-mail messages are only sent to selected locations that are specified by the registered user during development of the website, for example, the locations specified by the registered user in location selection menu 1260. In other embodiments, e-mail messages are also sent to the e-mail addresses of parties who are not registered users. In still further embodiments, the system 100 determines suggested e-mail addresses based upon the log in information provided by the registered user and the information in third party user database 160. In the preferred embodiment, the number of e-mail messages that are sent from the registered user's website to other e-mail addresses is recorded in a statistic log, and the number of e-mail messages that are received by the registered user's website is also recorded in the statistic log. Further in the preferred embodiment, the registered user provides payment to the system 100 for the quantity of e-mail messages to be sent as specified on MAIL WIZ™ menu 1280. System 100 continues to send e-mail messages on behalf of the registered user's website to other e-mail messages until the specified number of e-mail messages has been sent.

Turning to FIG 13, the registered user can select e-commerce button 265 to add to its website various features that allow for e-commerce (i.e., allow for the selling of goods and services over the internet). Upon the selecting of e-commerce button 265, an e-commerce menu 1310 appears. In the preferred embodiment, the registered user can select from two different types of e-commerce features, a standard e-commerce feature 1320 and an auction feature

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1330. Upon selecting the standard e-commerce feature 1320, the registered user then can select one or more shopping carts from a shopping carts to select list 1325. Upon selecting the auction feature 1330, the registered user can select one or more types of auction features from an auction to select list 1335. After determining the type of e-commerce feature to be implemented on its website, the registered user then can upload (i.e., from a memory device at registered user computer 180) a picture of the product to be sold on the registered user's website, at product picture field 1340. Further, in a product description field 1345, a product price field 1350 and a SKU field 1355, a registered user can respectively input a description of the product to be sold at its website, the product's price and a SKU number correlating to the product. In the case where an auction feature has been selected, the product price entered in product price field 1350 is a reserve price. Also, in certain embodiments, the creation of an auction feature further requires the input of information, by the registered user, concerning starting and finishing times for the holding of auctions.

Finally, the registered user must input a merchant account identifier in a merchant account field 1360 indicating a merchant account that will apply to sales conducted using the shopping cart/auction of the registered user's website. If a merchant account relationship has not yet been established such that the registered user cannot enter a merchant account identifier, a merchant account information form 1370 appears, at which the registered user can enter necessary information for setting up a merchant account relationship. This information can include, for example, the name of the registered user's business, the address of the business, and the business type, among other types of information. In the preferred embodiments, the merchant account information form 1370 is a standard form that is provided by a credit card and/or merchant account

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provider. The credit card and/or merchant account provider providing the merchant account information form 1370 in certain embodiments pays a licensing or other fee to the system 100 in order to display its merchant account information form using the system. When the registered user has completed filling out the merchant account information form 1370, the filled out form is sent to the credit card and/or merchant account provider. The merchant account provider eventually responds back to the registered user with follow-up information concerning the setting up of the merchant account. The registered user cannot activate any of the e-commerce functions (i.e., functions employing a shopping cart or auction) without having completed the setting up of a merchant account with a merchant account provider. Once the merchant account is set up, however, the registered user enters the merchant account identification information into field 1360 and the e-commerce functionality can be activated.

Referring to FIG 14, the system 100 is also capable of providing several types of assistance to the registered user during design of its website. The registered user can select the examples button 270 to bring up an examples menu 1410, which in the preferred embodiment lists ten examples 1420 that can be selected by the registered user. Each of the examples 1420, upon being selected by the registered user, shows how a web page, banner, logo, or other element can be designed using website design plate 210, STICKY PAD™ 310, and other features of the system 100. In the preferred embodiment, selection of an example 1420 produces a visual demonstration of an example website being taken apart and then put back together. While the example website is being put back together, a tutorial program runs that instructs the registered user on operating website design plate 210, STICKY PAD™ 310, and other features of

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system 100 to allow for the creation, saving, and posting/activation of a website using the system. In certain embodiments, the system 100 will conduct contests among registered users concerning the registered users' prowess in designing websites.

The registered user can also select the help/statistics button 275 to bring up a help/statistics menu 1430. Help/statistics menu 1430 lists four different options that are selectable by the registered user: a document help option 1440; a tech support option 1450, a wizard option 1460, and a size meter option 1470. Upon the selection of the document help option 1440, the GUI displays written instructions concerning various features of the system 100. For example, the GUI can display explanation messages concerning the purposes and operation of the various buttons 215-275 when the registered user selects any of those buttons (or, in certain embodiments, merely positions a cursor or other selection marker over one of those buttons). Also, for example, the GUI can display instructions as to how a web asset can be modified if that web asset is positioned within website design plate 210 or STICKY PAD™ 310.

With respect to tech support option 1450, the registered user can reach tech support for the system 100 by telephoning a particular telephone number (i.e., a 900 number), or by sending an e-mail to tech support. Then, by selecting tech support option 1450, tech support personnel for the system 100 can view the registered user's website online and provide the registered user with any needed website design information or other assistance either by way of telephone or e-mail while viewing the registered user's website online. Upon selection of the wizard option 1460, a wizard caricature appears that offers helpful hints and suggestions to the registered user during different steps in the website design process. The information provided by the wizard is similar to

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that provided in connection with document help option 1440, although the text shown is typically in a shortened form so that the text can be provided in a caption along side the wizard caricature. In alternate embodiments, the helpful hints and suggestions from the wizard caricature are verbalized using speech synthesis technology.

The registered user can further select size meter option 1470 to obtain information regarding how well the registered user's website, as currently designed, will perform upon posting. Upon the selection of the size meter option 1470, a meter box 1480 appears, in which a variety of information regarding the operability of the current website design is provided. In one embodiment, as shown in FIG 14, the meter box 1480 includes information regarding each of the size of the entire website currently being designed, the time required to download the entire website via the internet (to a computer accessing the website using a browser) the size of the current web page that is being displayed on website design plate 210, and the time for downloading that particular web page. Further in the preferred embodiment, each of these types of information is provided for the website when operating on different types of internet systems with different connectivities, such as internet systems using a T-1 communication link, a DSL or ISDN communication link, or modems having operation speeds of 56K, 33.6K or 28.8K. In certain embodiments, the registered user has an option to select the desired/expected connectivity of the website and to obtain information for that connectivity only.

In certain embodiments of the invention, meter box 1480 can contain less or more information concerning the expected operation of the website being designed. For example, in certain embodiments, the meter box 1480 only includes size information. In other embodiments, meter box 1480 includes not

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only size information regarding the entire website and individual web pages, but also provides a breakdown of the sizes of each web asset or other element on a given web page. In certain embodiments, running meter block 810 displayed in conjunction with STICKY PAD™ 310 contains the same information that is displayed in meter box 1480. Although in one embodiment, the meter box 1480 is only displayed when the size meter option 1470 is selected , in alternate embodiments, the meter box 1480 (or at least some of the information displayed in meter box 1480) is always displayed on website design plate 210. In such embodiments, the information being displayed that corresponds to the particular web page that is being edited varies as the registered user changes from editing one web page to editing a different web page using navigation button 225. The information can be shown on multiple lines or be provided in a single-line format to save display space. In the preferred embodiment, the information provided in meter box 1480 changes whenever a new web asset or other element is dropped into website design plate 210.

Further, in the preferred embodiment, the system 100 always monitors the current sizes of the website and web pages that are being designed, and provides a warning message whenever the website as a whole or individual web pages have exceeded maximum limits for size and download times (e.g., "Your site has exceeded download time parameters."). When the website being designed exceeds maximum size and/or download time parameters, the system 100 automatically displays relevant help message to provide the registered user with suggestions for reducing the size and/or download time of the website/web page. These warning and help messages can be provided by the wizard feature discussed above. If the registered user does not heed the warning concerning the size and/or download time of the website/web page, the system

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100 automatically restricts the ability of the registered user to add additional web assets and other elements to the website/web page and thereby guarantees that the website, when completed, will be within acceptable size and download time guidelines.

At any time during the course of the design of a website using website design plate 210 (assuming the log in process has been completed, as discussed with reference to FIG. 11), the registered user can select preview button 230 to view the operation of the website in its current state of design. The registered user can view the operation of the website as it would appear using a variety of different internet browsers, e.g., the Netscape Navigator™ browser or the Microsoft Internet Explorer™ browser. Previewing the website does not save the website for activation, but rather gives the registered user a "snapshot" of the website in its current state, and allows the registered user to view the alignment, color schemes and other features of the website before the website is saved and activated. Further, at any time during the design of a website (assuming the log in process has been completed, as discussed with reference to FIG. 11), the registered user can select save button 218 to save the website in its present form at server computer 140 (specifically at third party user database 160). If the website design has been completed and the website is ready for submission and activation on the internet, the registered user can provide such an indication (in certain embodiments, an additional submit button is displayed on website design plate 210 to allow the registered user to immediately submit a completed website for activation on the internet).

If the registered user selects the save button 218 but has not yet provided payment information concerning the manner in which the registered user will be paying for its use of system 100, a payment box 1510 appears. Within

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payment box 1510, a message 1520 is provided to the registered user indicating that payment information is necessary (e.g., "Did you forget to pay?") and the registered user is provided with an option 1530 to pay by credit card. When the pay by credit card option 1530 is selected, a credit card information menu 1540 appears, in which the registered user can provided the necessary information for enabling credit card payment to the system 100 from the registered user's credit card. In one embodiment, the registered user must enter its name, credit card number, and expiration date in a name field 1550, a credit card number field 1560, and an expiration date field 1570, respectively. Once the credit card information is received at, and approved by, the system 100, the registered user can save its website design information. In the preferred embodiment, the registered user provides the same user identification and password information that were provided during the log in process at a user identification field 1580 and a password field 1590, respectively, for additional security. In addition to requiring credit card information for allowing the saving and submission of website design information by the registered user, the system 100 also requires credit card information to be provided before allowing the registered user to access certain other features. For example, tech support will only be provided when the registered user has provided credit card information or contacts tech support via the 900 number or e-mail. Also, the system 100 does not accept web addresses specified by the registered user for the purpose of creating links or participating in banner ad rotation unless the registered user has provided credit card information.

FIGS. 16-23 provide flow charts showing exemplary steps of operation of the system 100 as it is used by the registered user to design a website. In particular, the flow charts concern the operation of the GUI, i.e., website design

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plate 210 and STICKY PAD™ 310. The flow charts of FIGS. 16-22 can be combined together to form a larger collection of steps. Referring to FIG. 16, the operation of the GUI of the system 100 begins with the display of the website design plate 210 on a user interface at step 1602. The user interface can be a computer monitor, a television screen or any other input/output device that includes a display screen that is known in the art. Next, at step 1604, a search request is received at the user interface. At step 1606, the system 100 determines if the party accessing the system has already logged into the system. If the registered party has not already logged in (i.e., the party is a potential customer rather than a registered user), the system proceeds to step 1608, in which a login form such as that discussed with reference to FIG. 11 is displayed. At step 1610, the system 100 receives user information at the user interface (i.e., in the login form). At steps 1612 and 1614, respectively, the user information is transmitted to and saved at a database of the system, i.e., third party user database 160.

Upon completing the log in process (such that the potential customer is now a registered user), or if it was determined in step 1606 that the registered user was already logged in, the system proceeds to step 1616, at which the system accesses a database to obtain information regarding web assets or other elements. The information that is obtained is responsive to the search request entered at step 1604; that is, the information concerns web assets, if the search request was made via fx menu 430, concerns sound elements if the search request was made via sound menu 540 and concerns color elements if the search request was made via color pallet 640. The information concerning the web assets or other elements comes from web assets database 170. At step 1618, the GUI provides a listing of the available web assets or other elements, in fx menu

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430, sound menu 540 or color pallet 640 depending upon the type of search request that was received at step 1604. At step 1620, the system 100 receives a selection indication from the registered user at the user interface that indicates a first web asset or other element that the registered user desires to implement in its website. Upon receiving this selection of a web asset or other element, the STICKY PAD™ 310 is displayed at the user interface. At step 1624, any further information that is necessary to display the selected web asset or other element is obtained from web assets database 170, and then, at step 1626, the selected web asset or other element is displayed on the STICKY PAD™ 310. In step 1628, the size of the selected web asset or other element is displayed on the STICKY PAD™ in the running meter block 810, which in alternate embodiments can also display the download time or other information regarding the selected web asset or other element.

At step 1630, the system 100 receives an additional input at the user interface from the registered user. If the additional input is another search request (as in step 1604), the system 100 again accesses web assets database 170 to obtain information regarding available web assets or other elements, at step 1632. At step 1634, the system 100 again provides a listing of available web assets or other elements that is responsive to the search request. At step 1636, the system 100 receives an input from the registered user indicating which of the listed web assets or other elements is desired for implementation in the registered user's website. Then, in step 1638, the system 100 retrieves information concerning the selected web asset or other element. Further, at step 1640, the system 100 receives an additional input from the registered user that is a command indicating where to position the newly selected web asset or other element on the STICKY PAD™ 310. The input can be a command to

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drag and drop the selected web asset or other element onto the first web asset or other element that is already positioned within the STICKY PAD™ 310, or can be merely a command to display the selected web asset or other element at some location within design space 280 of STICKY PAD™ 310. In response to this input command, the displayed contents of the STICKY PAD™ 310 are modified to include the newly selected web asset or other element at step 1642. Upon modifying the displayed contents of the STICKY PAD™ 310, the size of the modified contents of the STICKY PAD™ is displayed (i.e., updated) at the running meter block 810 of the STICKY PAD™, at step 1644. The program then returns to step 1630.

The additional input received at the user interface at step 1630 can also be a command to drop the STICKY PAD™ contents into the website design plate 210. If this occurs, the STICKY PAD™ 310 is removed from the user interface, i.e., is no longer displayed, at step 1646. Then, at step 1648, the STICKY PAD™ contents are displayed in an interactive manner on the website design plate 210. The system 100 then is ready to receive an additional input at the user interface, at step 1650. In certain embodiments in which the GUI can display both website design plate 210 and STICKY PAD™ 310 simultaneously (e.g., on different parts of the display screen of the user interface), the STICKY PAD™ 310 need not be removed from display. Rather, the contents of the STICKY PAD™ 310 need only be moved or copied to the website design plate 210.

Referring to FIG. 17A, if the input received at the user interface at step 1650 is a text input command, the system 100 immediately displays STICKY PAD™ 310 again on the user interface at step 1702. The text input command is a selection of text button 235. Once STICKY PAD™ 310 is displayed, the registered user can input text by typing text at the user interface, which is

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received by the system 100 at step 1704. The text that is input at the user interface by the registered user is displayed in the STICKY PAD™ 310, at step 1706. Then, at step 1708, the system 100 receives an additional command at the user interface. If the command is to invoke the text editor, i.e., the registered user selects text editor button 345 of STICKY PAD™ 310, the system 100 proceeds to step 1710, and displays text editor options.

At step 1712, the system 100 receives a command concerning the text editor options. If the registered user provides a command to perform a spell check, the system 100 then executes a spell check of the text at step 1714 and displays the spell checked text at step 1716, before returning to step 1708 to receive an additional command. If the received command at step 1712 is to modify one of the font, style, size or color of the text, the system 100 performs the requested modification and then displays the modified text at step 1718 before returning to step 1708 to receive an additional command. The command to modify the font, style, size or color of the text can include a selection of a change font, change style, change size or change color button, followed by a selection of a desired font, style, size or color to be applied to the text being edited. At step 1708, it is also possible to receive a command to drop the STICKY PAD™ contents back into the website design plate 210. If such a command is received, the STICKY PAD™ 310 is removed from the user interface (i.e., is no longer displayed) at step 1720, and then the STICKY PAD™ contents are displayed on the website design plate 210, at step 1722. The program then returns to step 1650 for receipt of an additional input at the user interface.

Referring to FIG. 17B, the additional input received at step 1650 can also be the selection of tables button 255 of the website design plate 210 by the

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registered user, indicating that the registered user wishes to generate a table or cell. Upon selection of the tables button 255, the system 100 displays the options concerning the creation of tables and cells, including their location within a website (i.e., by displaying tables menu 1110), at step 1750. At step 1752, the system 100 receives a selection concerning the tables and cells from the registered user at the user interface. At step 1754, the selected table or cell is displayed on the website design plate 210. Next, at step 1756, a command can be received to modify the position or size of the table or cell. Upon receiving such a command, the table or cell is appropriately adjusted in position and/or size at step 1758. The command to modify the position or size of the table or cell at step 1756 can include a command or selection input concerning the location of the table or cell within the website or on a web page (i.e., by way of locations button 1140). Upon completion of the table or cell, the system 100 returns to step 1650.

Turning to FIGS. 18A and 18B, the additional input received at the user interface at step 1650 can be a save input or a preview input, which the registered user can provide by selecting save button 218 or preview button 230 of the website design plate 210, respectively. Upon receiving the save input, the system 100 determines in step 1802 whether payment has been received from the registered user. If payment has not yet been received from the registered user, the system 100 displays at the user interface an inquiry as to whether payment has been forgotten at step 1804. Upon receiving a pay by credit card input at the user interface, at step 1806, the system displays a credit card information form at step 1808 (i.e., credit card information menu 1540). In step 1810, credit card information is received from the registered user at the user interface and, at step 1812, the system 100 determines whether the information

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provided is adequate. If the credit card information is inadequate, the system 100 returns to step 1808 and the credit card information form is again displayed. If the credit card information is adequate, the system 100 proceeds to step 1814, in which payment is received from the registered user's credit card by way of a standard e-commerce credit card transaction. Upon receiving payment at step 1814, or having determined that payment was already received at step 1802, the system 100 saves all of the website design information that is currently existing in website design plate 210 at the server computer 140, at step 1816. The saved website design information can then be used to post/activate an operational website on the internet. Upon saving the information, the system 100 returns to step 1650. With respect to FIG. 18B, if the input at step 1650 is a preview input, the system 100 proceeds to step 1818, at which a preview of the website's operation given its current state of development is provided. This allows for the registered user to view a simulation of the operation of its website, before the website is saved or activated on the internet. After providing this preview or simulation, the system 100 returns to step 1650.

Referring to FIG. 19, the additional input received at step 1650 can also be a navigation input, which the registered user provides by selecting navigation button 225 of website design plate 210. Upon receiving the navigation input, the system 100 displays a navigation menu (i.e., navigation menu 1010), and then receives an additional input at the user interface, at steps 1902 and 1904, respectively. If the additional input received at the user interface at step 1904 is a selection of a page name field corresponding to pages 1-10 (i.e., fields 1015), the system 100 receives page name information from the registered user at step 1906 and then displays the page name information in the page name field at step 1908, before returning to step 1904 to receive an additional input at the user

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interface. If the input received at step 1904 is an add new page command (i.e., provided by selecting add new page button 1020), the system 100 receives page identification information concerning the newly added page at step 1910 and displays the new page number and page identification information on the navigation menu at step 1912 before returning to step 1904.

If the input at step 1904 is a selection of the scroll menu (i.e., provided by selecting scroll menu button 1030), the system 100 displays suggested page names at step 1914, and then receives a selection of one or more of the suggested page names from the registered user at step 1916 before returning to step 1904. If the input received at step 1904 is a selection of the navigation locations menu (i.e. selection of navigation locations button 1050), the system 100 displays a list of locations within a web page at which navigation information can be displayed, at step 1918. Upon receiving a selected location for the navigation information from the registered user at step 1920, the system returns to step 1904. Further, if the input received at step 1904 is a selection of one of the displayed page numbers on the navigation menu 1010, the display of the navigation menu is ended at step 1922, and the selected web page is displayed on the website design plate 210 at step 1924. The system 100 then returns to step 1650.

Referring to FIG. 20, the registered user can provide a STAY STICKY™ input at step 1650 by selecting STAY STICKY™ button 260. Upon receiving such an input, the system 100 displays STAY STICKY™ menu 1210 at step 2002 and then receives a STAY STICKY™ selection at step 2004. If the received selection is for the smart agent feature, the system 100 then receives an input concerning the smart agent feature at smart agent menu 1220, at step 2006. If the received input is a request for suggested marketing locations, the system 100

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checks third party user database 160 to determine whether suggested marketing locations had previously been determined, at step 2008. If suggested marketing locations had been previously determined, these suggested marketing locations are then displayed at the user interface, at step 2014. If suggested marketing locations had not been previously determined, the system 100 accesses third party user database 160 to obtain the registered user's log in information, and then determines suggested marketing locations based upon this log in information, at steps 2010 and 2012, respectively. Once the suggested marketing locations are determined, these suggested marketing locations are then displayed at step 2014. Following display of the suggested marketing locations at step 2014, the system 100 returns to step 2004.

If the STAY STICKY™ selection received at step 2004 is to create links, the system 100 then receives marketing location selections at the user interface at step 2018. The marketing location selection information can be provided by the registered user at location selection menu 1260. Upon receiving the marketing location selection information, the marketing location selection information is stored at third party user database 160 at step 2020. This stored information is later used to generate links at the selected marketing locations (i.e., websites) when the registered user's website is activated. The system 100 then proceeds to step 2022, at which the system determines whether a reciprocal link site has already been created in the registered user's website, for displaying links to other websites. If a link site has not yet been created, the system creates a link site on the registered user's website, at step 2024 before returning to step 1650. Otherwise, the system 100 immediately returns to step 1650.

If the STAY STICKY™ selection received at step 2004 is for banner ad rotation, the system 100 proceeds to step 2026, at which the system determines

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whether a banner ad has already been created by the registered user. If a banner ad has not yet been created, the system 100 proceeds to step 2028, in which the system displays at the user interface a message indicating that a banner ad needs to be created by the registered user in order to participate in banner ad rotation, before returning to step 1650. A banner ad can then be created by the registered user using he capabilities of the website design plate 210 and the STICKY PAD™ 310, including the search capabilities. If it is determined at step 2026 that a banner ad has already been created by the registered user, the system 100 proceeds to step 2030, at which it receives marketing location selection information at the user interface. The marketing location selection information can be provided at location selection menu 1260 or a similar menu, and can include marketing location selections that were determined by the system at step 2012.

At step 2032, the marketing location selection information provided from the registered user is stored in third party user database 160, where it can be later accessed upon activation of the registered user's website. The system 100 then proceeds to step 2034, at which it determines whether a reciprocal banner ad site has already been created on the registered user's website, so that banner ads from other websites can be displayed on the registered user's website once it is activated. If a banner ad site has not yet been created, the system 100 creates a banner ad site at step 2036 before returning to step 1650. Otherwise, if a banner ad site has already been created, the system 100 immediately returns to step 1650. Upon activation of the registered user's website, the registered user's website can display an unlimited number of banner ads from other websites on its reciprocal banner ad site, and the system 100 also displays the registered

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user's banner ad at the marketing locations (websites) that the registered user specified at step 2030.

If, at step 2004, the STAY STICKY™ selection is for the MAIL WIZ™ feature, the system 100 proceeds to step 2038 and displays MAIL WIZ™ menu 1280. The system 100 then receives an input from the registered user concerning the number of parties that the registered user desires to be included on the registered user's e-mail list, at step 2040. Further, at step 2042, the system 100 receives an input at the user interface concerning the registered user's desired e-mail message. All of the received information is then saved in third party user database 160, before the system 100 returns to step 1650. Upon activation of the registered user's website, e-mail messages are sent to other registered user's websites, and the number of e-mail messages sent is monitored by the system 100. Although not shown in FIG. 20, in some embodiments credit card information (and payment) must be received by the system 100 in order to set up and activate the STAY STICKY™ features, i.e., banner ad rotation, links creation, and MAIL WIZ™. In such embodiments, the system 100 performs steps 1808-1814 (shown with respect to FIG. 18) during or immediately following its performance of steps 2018-2024, 2026-2036 and 2038-2044 concerning links creation, banner ad rotation and MAIL WIZ™, respectively.

Referring to FIG. 21, the registered user can provide an e-commerce input at step 1650 by selecting e-commerce button 265 from website design plate 210. Upon receiving the e-commerce input, the system 100 displays e-commerce menu 1310, at step 2102. The system 100 then receives at step 2104 an input from the registered user concerning the desired type of e-commerce. If the received input indicates that the registered user desires to employ a standard

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e-commerce arrangement involving a shopping cart, the system 100 displays a list of available shopping cart types at step 2106. The system then receives a selection of a type of shopping cart from the registered user at step 2108, before proceeding to step 2114. If the received input at step 2104 is for an e-commerce arrangement involving an auction, the system 100 displays a list of available auction types at step 2110, and then receives a selection of a type of auction from the registered user at step 2112 before proceeding to step 2114. At step 2114, the system 100 uploads a product picture provided from the registered user, i.e., from the hard drive of the registered user computer 180. Then, the system 100 further receives inputs concerning the product description, the product price and the product SKU number at the user interface, at steps 2116, 2118, and 2119, respectively. If the e-commerce arrangement selected by the registered user involves an auction, the product price information received from the registered user at step 2118 concerns a reserved price.

Next, at step 2120, the system 100 determines whether merchant account information has already been provided from the registered user. If merchant account information has not yet been provided, the system 100 displays merchant account information form 1370, at step 2122. Upon receiving merchant account information at the user interface from the registered user at step 2124, the system 100 then sends the merchant account information to the merchant account vendor for processing at step 2126, before returning to step 1650. Although, because the registered user has not yet concluded its merchant account arrangement, the system 100 cannot finalize the registered user's e-commerce arrangement, the information provided by the registered user in steps 2104 to 2119 can be saved and utilized again once the registered user's merchant account arrangement has been finalized. If, at step 2120, it is

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determined that the merchant account information has already been provided by the registered user, the system 100 receives a merchant account identification number or other identifier at the user interface, at step 2128, and then proceeds to display the finalized shopping cart or auction feature at website design plate 210. The system 100 then returns to step 1650.

Turning to FIG. 22A, the registered user can provide an examples input by selecting examples button 270 from website design plate 210. Upon such a selection, the system 100 displays an examples menu at the user's interface, at step 2124. The system 100 then receives an example selection by the registered user at the user interface, at step 2226, and then displays the selected example, at step 2228, before returning to step 1650. With respect to FIG. 22B, if the registered user provides a help/statistics input by selecting help/statistics button 275 of the web design plate 210 at step 1650, the system 100 proceeds to display help/statistics menu 1430, at step 2202. The system 100 then receives a help/statistics selection at step 2204. If the help/statistics selection is a document help input, the system 100 accesses programming database 190 to obtain relevant written help instructions, at step 2206, and then displays the written help instructions at the user interface, at step 2208, before returning to step 1650. If the received help/statistics selection concerns tech support, the system 100 displays a message indicating that tech support can be obtained either by sending an e-mail message or by telephone, at step 2210. The system 100 then provides the registered user with an option to proceed with tech support, which option must be selected by the registered user in order for a tech support specialist to view the current status of the registered user's GUI and provide assistance, at step 2211. Once assistance has been provided, the system 100 returns to step 1650.

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If the received help/statistics selection concerns a wizard input, the system 100 displays the wizard caricature at the user interface, at step 2212. The system 100 then accesses programming database 190 to obtain any relevant wizard suggestions, at step 2214, and then displays the relevant wizard suggestions, at step 2216, before returning to step 1650. If the help/statistics selection received at step 2204 is a size meter input, then the system calculates size and download time parameters for the registered user's website, as well as for the current web page being displayed by website design plate 210, at step 2218. Then, at step 2220, the system 100 displays at the user interface meter box 1480, which shows the size and download time parameters for the registered user's website and the currently displayed web page, before returning to step 1650.

Turning to FIG. 23, an additional flow chart is provided showing operation of the system 100 when the registered user is returning to the system to complete a website design that was previously begun. At step 2302, website design plate 210 is provided at the user interface. If the system 100 determines that the registered user's website in its current state of development has more than one web page, at step 2304, the system 100 displays navigation menu 1010 at step 2306. The system 100 then receives a selection of one of the web page numbers displayed on navigation menu 1010, at step 2308. Upon receiving a selected web page number, the system 100 removes navigation menu 1010 from the user interface, at step 2310, and displays the one or more web assets and other elements of the selected web page on the website design plate 210, at step 2312. Further, if the system 100 determines, at step 2304, that the registered user's website in its current state of development has only web page, the system

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displays the one or more web assets or other elements of that web page on the website design plate 210, at step 2312.

Next, at step 2314, the system 100 receives an edit command provided by the registered user by selecting edit button 220. Upon receiving the edit command, the system 100 causes each of the web assets and other elements that are displayed on the website design plate 210 to become interactive, at step 2316. The system 100 then receives a selection of one or more of the web assets or other elements displayed on the website design plate, at step 2318. In response to this selection, the system 100 displays STICKY PAD™ 310 on the user interface, at step 2320, and further displays the selected web asset or other element on the STICKY PAD™ as the STICKY PAD™ contents, at step 2322. At step 2324, the system 100 receives a command to modify the selected web asset or other element displayed within STICKY PAD™ 310. This command can involve adding additional web assets, sounds or colors to the selected web asset or to the design space 280 surrounding the selected web asset, as well as involve moving the selected web asset within design space 280 or resizing the selected web asset, among other modifications.

At step 2326, the modified web asset or other element, or modified contents of the STICKY PAD™ 310, are displayed within the STICKY PAD™. At step 2328, the system 100 receives a command to drop the contents of the STICKY PAD™ 310 into the website design plate 210. Next, at step 2330, the STICKY PAD™ 310 is removed from the user interface (i.e., is no longer displayed) and the contents of the STICKY PAD™ 310 are moved onto the website design plate 210, at step 2332. The design of the registered user's website can continue with the receiving of additional inputs from the registered user at the user interface, at step 2334.

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While the foregoing specification illustrates and describes the preferred embodiments of this invention, it is to be understood that the invention is not limited to the precise construction herein disclosed. The invention can be embodied in other specific forms without departing from the spirit or essential attributes. Accordingly, reference should be made to the following claims, rather than to the foregoing specification, as indicating the scope of the invention.

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WHAT IS CLAIMED IS:

1. A method of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the internet, the method comprising:

during design of the first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed;

saving the information at a first database that is coupled to the user interface;

obtaining the element for marketing of the type indicated; and

causing the display of the element for marketing at the second website when the first website is activated with respect to the internet,

wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website.

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2. The method of claim 1, further comprising, prior to receiving the information indicating the type of the element and the information specifying the second website:

receiving at the user interface information concerning at least one of the website designer, a business of the website designer, and the first website;

performing a search of information on a second database having information concerning at least one of a plurality of third party website designers, a plurality of third party businesses and a plurality of third party websites;

identifying from the search at least one third party website to which the first website should be coupled for marketing purposes; and

providing information concerning the at least one third party website at the user interface.

3. The method of claim 1, further comprising

during design of the first website, receiving information specifying a plurality of additional third party websites at which it is desirable to have the element displayed;

saving the information at the first database; and

causing the display of the element for marketing at each of the plurality of additional third party websites when the first website is activated with respect to the internet.

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4. The method of claim 1, further comprising:

determining whether a reciprocal site for the display of at least one marketing element of a third party website exists in the first website being designed; and

creating the reciprocal site for the display of the at least one marketing element of the third party website when the reciprocal site does not yet exist in the first website being designed.

5. The method of claim 4, further comprising:

when the element for marketing the first website is a banner ad concerning the first website, causing the sequential display at the reciprocal site of the first website of a plurality banner ads respectively concerning a plurality of third party websites, when the first website is activated with respect to the internet.

6. The method of claim 4, further comprising:

when the element for marketing the first website is a link to the first website, causing the display at the reciprocal site of the first website of a plurality of links to the plurality of third party websites, when the first website is activated with respect to the internet.

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7. The method of claim 1, wherein the element for marketing is the banner ad concerning the first website, further comprising:

determining whether the banner ad for the first website has already been designed; and

when it is determined that the banner ad for the first website has not yet been designed,

displaying a message at the user interface indicating the necessity of designing the banner ad.

8. The method of claim 7, further comprising, when it is determined that the banner ad for the first website has not yet been designed:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements;

receiving a search request for available banner ad designs at the user interface;

performing a search of information concerning a plurality of available elements stored on a second database in response to the search request, wherein a search engine program performs the search;

displaying results of the search on the user interface; and

receiving a selection command at the user interface to select a first banner ad design from the results.

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9. The method of claim 8, further comprising:

providing a second display region on the user interface, the second display region being capable of displaying the plurality of elements;

displaying the first banner ad design in the second display region;

receiving a first command to modify the first banner ad design in the second display region;

modifying the first banner ad design in response to the first command;

terminating the display of the second display region;

displaying the modified first banner ad design in the first display region, wherein the first display region is capable of displaying the first banner ad design in an interactive manner; and

saving the modified first banner ad design.

10. The method of claim 9, further comprising:

receiving at the user interface a command to preview the modified first banner ad design; and

providing a preview of the modified first banner ad design, wherein the preview allows for the display of all visual effects of the modified first banner ad design, and allows for the sounding of all sonic effects of the modified first banner ad design.

11. The method of claim 9, further comprising, prior to the saving of information concerning the modified first banner ad design:

displaying a prompt concerning payment;

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receiving credit card processing information at the user interface; and

determining the adequacy of the credit card processing information.

12. The method of claim 1, further comprising, prior to receiving the information indicating the type of the element and the information specifying the second website:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements;

receiving a selection of the smart agent option at the user interface, the selection of which is indicative of a desire to establish the arrangement between the first website being designed by the website designer and the second website in order to market the first website at the second website upon the activation of the first website on the internet;

displaying a smart agent menu having a suggested marketing locations option, a create links option and a banner ad rotations option, wherein the create links option and the banner ad rotations option can be selected to indicate the type of the element for marketing.

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13. A method of assisting a website designer in establishing an e-commerce feature on a first website being designed by the website designer for access by third parties upon the activation of the first website on the internet, the method comprising:

receiving at a user interface a selection of the e-commerce feature that is desired to be implemented on the first website, wherein the e-commerce feature is at least one of a shopping cart and an auction;

receiving at the user interface information concerning a picture of a product desired to be sold using the e-commerce feature;

receiving at the user interface information concerning a written description of the product;

receiving at the user interface information concerning a price of the product;

receiving at the user interface information concerning an identification number of the product; and

when the first website is activated on the internet, displaying the e-commerce feature on the first website, wherein display of the e-commerce feature includes the display of at least some of the picture, written description, price and identification information of the product.

14. The method of claim 13, further comprising, prior to receiving at the user interface the selection of the e-commerce feature that is desired to be implemented:

displaying a list of at least one of a plurality of shopping carts and a plurality of auctions.

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15. The method of claim 13, wherein the e-commerce feature that is selected is an auction, and the information concerning the price of the product concerns a reserve price.

16. The method of claim 13, wherein the information concerning the picture of the product is uploaded from a memory device at a website designer computer, and wherein the information concerning the written description, price and identification number of the product is received at the user interface into a form field.

17. The method of claim 13, further comprising, after the receiving of the information concerning the identification number of the product:

prompting for an input of a merchant account identifier;

when the merchant account identifier is received, saving the information concerning the selected e-commerce feature, the received information concerning the picture, written description, price and identification number of the product, and the merchant account identifier;

when an indication that no merchant account identifier exists is received, providing a merchant account information form, receiving merchant account information at the user interface, and sending the merchant account information to a merchant account vendor,

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wherein, the e-commerce feature is only displayed on the internet when both the first website is activated on the internet and the merchant account identifier has been received.

18. The method of claim 13, further comprising:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements;

displaying the selected e-commerce feature including at least some of the information concerning the picture, written description, price and identification number of the product on the first display region,

wherein the first display region is capable of displaying the e-commerce feature in an interactive manner.

19. A computer-readable storage medium containing computer executable code for instructing at least one computer to perform the steps of:

during design of a first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at a second website, and information specifying the second website at which the element is to be displayed;

saving the information at a first database that is coupled to the user interface;

obtaining an element for marketing of the type indicated; and

causing the display of the element for marketing at the second website when the first website is activated with respect to the internet,

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wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website.

20. A computer-readable storage medium containing computer executable code for instructing at least one computer to perform the steps of:

receiving at a user interface a selection of an e-commerce feature that is desired to be implemented on a first website, wherein the e-commerce feature is at least one of a shopping cart and an auction;

receiving at the user interface information concerning a picture of a product desired to be sold using the e-commerce feature;

receiving at the user interface information concerning a written description of the product;

receiving at the user interface information concerning a price of the product;

receiving at the user interface information concerning an identification number of the product; and

when the first website is activated on the internet, displaying the e-commerce feature on the first website, wherein display of the e-commerce feature includes the display of at least some of the picture, written description, price and identification information of the product.

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21. An internet-based system for assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the internet, the system including:

a server computer accessible by a plurality of registered user computers and a plurality of unregistered computers using the internet, wherein the server computer:

receives at a user interface displayed at one of the registered user computers information indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed;

saves the information at a first database that is coupled to the server computer;

obtains an element for marketing;

hosts the second website;

activates the first website on the internet by hosting the first website on the internet;

provides a web page of the second website to one of the unregistered computers; and

displays the element for marketing on the web page.

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ABSTRACT

A method of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the internet is provided. The method includes, during design of the first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed; saving the information at a first database that is coupled to the user interface; obtaining the element for marketing of the type indicated; and causing the display of the element for marketing at the second website when the first website is activated with respect to the internet. The element for marketing includes at least one of a banner ad concerning the first website and a link to the first website. Further provided is a method of assisting a website designer in establishing an e-commerce feature on a first website being designed by the website designer for access by third parties upon the activation of the first website on the internet, wherein the e-commerce feature is at least one of a shopping cart and an auction.

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VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) and 1.27(c))--SMALL BUSINESS

Docket Number (Optional) 6676-11

Applicant or Patentee: Thomas L. DiStefano, III

Serial or Patent No.: _____

Filed or Issued: Herewith

Title: METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS

I hereby declare that I am

[ ] the owner of the small business concern identified below:

[X] an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: The Perfect Web Corporation

ADDRESS OF SMALL BUSINESS CONCERN: 411 East Atlantic Avenue, #6, Delray Beach, FL 33483

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

[X] the specification filed herewith with the title as listed above.

[ ] the application identified above.

[ ] the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention must file separate verified statements averring to their status as small entities and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each such person, concern or organization having rights in the invention is listed below:

[ ] No such person, concern, or organization exists.

[ ] Each such person, concern or organization is listed below.

FULL NAME _____

ADDRESS _____

[ ] Individual [ ] Small Business Concern [ ] Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Thomas L. DiStefano, III

TITLE OF PERSON OTHER THAN OWNER Chairman

ADDRESS OF PERSON SIGNING 411 East Atlantic Avenue, #6, Delray Beach, FL 33483

SIGNATURE _____ DATE 6-3-00

Express Mail Label No. EK575132689US

Burden Hour Statement: This form is estimated to take .3 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

TikTok Inc. EX1005
TikTok Inc. v. Distefano Website Innovations, LLC
IPR2025-01061
Page 219 of 712

DOCKET NUMBER: 6676-11

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am are the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS

the specification of which (check one)

_X_ is attached hereto.

____ was filed on _____
under Attorney's Docket Number _____
as Application Serial No. _____
and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed
_____ (Number)	_____ (Country)	_____ (Filing Date)	____ Yes ____No
_____ (Number)	_____ (Country)	_____ (Filing Date)	____ Yes ____No

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

_____ (Appln. Serial No.)	_____ (Filing Date)	_____ (Status)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Express Mail Label No. EK575132689US

QBWPB\160933.1

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TikTok Inc. v. Distefano Website Innovations, LLC
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Page 220 of 712

DOCKET NUMBER 6676-11

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

J. Rodman Steele, Jr.	Reg. No. 25,931
Gregory A. Nelson	Reg. No. 30,577
Joseph W. Bain	Reg. No. 34,290
Robert J. Sacco	Reg. No. 35,667
Stanley Kim	Reg. No. 42,730
Mark D. Passler	Reg. No. 40,764
Steven Greenberg	Reg. No. 44,725

Send correspondence to Gregory A. Nelson, Quarles & Brady LLP, 222 Lakeview Avenue, Fourth Floor, P.O. Box 3188, West Palm Beach, Florida 33402-3188 and direct all telephone calls to Gregory A. Nelson at (561) 653-5000.

FULL NAME OF INVENTOR: Thomas L. DiStefano, III

INVENTOR'S SIGNATURE: _____ DATE: 6-3-02

RESIDENCE: 2898 N.W. 26th Court
Boca Raton, FL 33434

CITIZENSHIP: U.S.A.

POST OFFICE ADDRESS: 2898 N.W. 26th Court
Boca Raton, FL 33434

DOCKET ALARM

TikTok Inc. EX1005
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Bib Data Sheet

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
09/589,551	06/07/2000 RULE	705	~~2701~~ 2167	6676-11

APPLICANTS

Thomas L. DiStefano III, Boca Raton, FL ;

** CONTINUING DATA **********

** FOREIGN APPLICATIONS **********

IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** SMALL ENTITY **
** 08/02/2000

Foreign Priority claimed	STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS
☐ yes ☐ no	FL	23	21	5
35 USC 119 (a-d) conditions met ☐ yes ☐ no ☐ Met after Allowance				
Verified and Acknowledged Examiner's Signature Initials				

ADDRESS

Gregory A Nelson
Quarles & Brady LLP
Fourth Floor 222 Lakeview Avenue
P O Box 3188
West Palm Beach ,FL 33402-3188

TITLE

Method for developing electronic documents providing e-commerce tools

FILING FEE RECEIVED	FEES: Authority has been given in Paper	
432	No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

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PATENT APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

06/14/2000 NVILLARI 00000047 09589551

01 FC:201	345.00 OP
02 FC:202	78.00 OP
03 FC:203	9.00 OP

PTO-1556
(5/87)

*U.S. GPO: 1999-459-082/19144

PATENT APPLICATION FEE DETERMINATION RECORD
Effective December 29, 1999

Application or Docket Number: 09/589,557

CLAIMS AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA
BASIC FEE	[redacted]	
TOTAL CLAIMS	21 minus 20=	* 1
INDEPENDENT CLAIMS	5 minus 3 =	* 2
MULTIPLE DEPENDENT CLAIM PRESENT		

* If the difference in column 1 is less than zero, enter "0" in column 2

SMALL ENTITY TYPE 2		OR	OTHER THAN SMALL ENTITY	
RATE	FEE		RATE	FEE
[redacted]	345.00	OR	[redacted]	690.00
X$ 9=	9	OR	X$18=	
X39=	78	OR	X78=	
+130=		OR	+260=	
TOTAL	432	OR	TOTAL	

CLAIMS AS AMENDED - PART II

AMENDMENT A

	(Column 1) [redacted]	CLAIMS REMAINING AFTER AMENDMENT	(Column 2) [redacted]	HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	*		Minus	**	=
Independent	*		Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM					

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 9=		OR	X$18=	
X39=		OR	X78=	
+130=		OR	+260=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

AMENDMENT B

	(Column 1) [redacted]	CLAIMS REMAINING AFTER AMENDMENT	(Column 2) [redacted]	HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	*		Minus	**	=
Independent	*		Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM					

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
X$ 9=		OR	X$18=	
X39=		OR	X78=	
+130=		OR	+260=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

AMENDMENT C

	(Column 1) [redacted]	CLAIMS REMAINING AFTER AMENDMENT	(Column 2) [redacted]	HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	*		Minus	**	=
Independent	*		Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM					

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
X$ 9=		OR	X$18=	
X39=		OR	X78=	
+130=		OR	+260=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."
***If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

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FORM PTO-447A
(Rev. 7-98)

Staple to face of Application

U.S. DEPARTMENT OF COMMERCE
PATENT & TRADEMARK OFFICE

APPLICATION TRANSFER REQUEST FOR S.N. 09/589,351

Bui

Date 4/10/02

Section I. TRANSFER REQUEST BY (PRINT NAME) _____

TO: Art Unit 2176 Class/sub 707/501 530 **FROM:** A.U. 2167 Class 705

REASON:

A method of designing a Website is claimed

Gatekeeper concurrence _____ Hand carried: Personally accepted by _____

Section II a. DISPOSITION BY RECEIVING TC By: Thu Huynh A.U. 2176 Date 05/24/02

☐ ACCEPTED BY RECEIVING T.C.

NOT ACCEPTED ☑ Forward to receiving TC Post Classifier

☐ Non-classification issue/other, return to Originating TC/AU _____

REASON:

Using GUI to design a website. See claims 13-21.

345/738 ?

Section II b. DISPOSITION BY RECEIVING TC POST CLASSIFIER

☐ This dispute was resolved. Forward to TC/AU 2176 Class/Sub 707/513 Post Classifier Kim Bui Date 6/19/02

Concurring _____ Date _____

☐ This dispute was not resolved, forward to DISPUTE RESOLUTION PANEL

Post Classifier Assessment: Not GUI per se. Claims 13-21 recite a method for designing website by information received from a user. Not business e-commerce because there is no transaction involved. The claims recite method for designing a website, that is a document or a structure. Thus is proper for 707/513. See pat 6330575 which discloses method for designing e-commerce web page

Gatekeeper Concurrence _____ Post Classifier _____ Date _____

Section III. DISPOSITION BY DISPUTE RESOLUTION PANEL Date _____

Panel Decision: Forward to Technology Center / Art Unit _____ Class/sub _____

REASON:

Panel Member _____ Concurring Panel Member _____

☐ This application MAY NOT be returned to the dispute resolution panel. THIS IS A FINAL DISPOSITION.

5/3/02

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.
09/589,551	06/07/2000	Thomas L. DiStefano III	6676-11	8542

7590 11/28/2003

Gregory A Nelson
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EXAMINER	
LASTRA, DANIEL	

ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 11/28/2003

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

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Office Action Summary	Application No.	Applicant(s)	
	09/589,551	DISTEFANO, THOMAS L.	
	Examiner	Art Unit	
	DANIEL LASTRA	3622	

-- 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 MONTH(S) 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 the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- 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 *07 June 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ 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

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ 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).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

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

a)☐ All b)☐ Some * c)☐ None of:

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.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

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DETAILED ACTION

1. Claims 1-21 have been examined. Application 09/589,551 has a filing date 06/07/2000.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Wexler (U.S. 5,960,409).

As per claim 1, Wexler teaches:

A method of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the Internet, the method comprising:

during design of the first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed (see column 3, lines 35-45);

saving the information at a first database that is coupled to the user interface (see column 3, lines 23-35);

obtaining the element for marketing of the type indicated (see column 4, lines 10-17); and

causing the display of the element for marketing at the second website when the first website is activated with respect to the Internet, wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website (see column 1, lines 49-60; column 3, lines 35-58; column 4, lines 10-17).

As per claim 2, Wexler teaches:

The method of claim 1, further comprising, prior to receiving the information indicating the type of the element and the information specifying the second website:

receiving at the user interface information concerning at least one of the website designer, a business of the website designer, and the first website (see column 4, lines 27-36);

performing a search of information on a second database having information concerning at least one of a plurality of third party website designers, a plurality of third party businesses and a plurality of third party websites (see column 4, lines 36-54; column 5, lines 24-44);

identifying from the search at least one third party website to which the first website should be coupled for marketing purposes (see column 5, line 45 – column 6, line 10); and

providing information concerning the at least one third party website at the user interface (see column 6, lines 1-10).

As per claim 3, Wexler teaches:

The method of claim 1, further comprising

during design of the first website, receiving information specifying a plurality of additional third party websites at which it is desirable to have the element displayed (see column 5, lines 24-26);

saving the information at the first database and causing the display of the element for marketing at each of the plurality of additional third party websites when the first website is activated with respect to the Internet (see column 5, lines 24-44).

As per claim 4, Wexler teaches:

The method of claim 1, further comprising:

determining whether a reciprocal site for the display of at least one marketing element of a third party website exists in the first website being designed (see column 5, lines 45-65); and

creating the reciprocal site for the display of the at least one marketing element of the third party website when the reciprocal site does not yet exist in the first website being designed (see column 5, lines 45-65).

As per claim 5, Wexler teaches:

The method of claim 4, further comprising:

when the element for marketing the first website is a banner ad concerning the first website, causing the sequential display at the reciprocal site of the first website of a

plurality banner ads respectively concerning a plurality of third party websites, when the first website is activated with respect to the internet (see column 5, line 24 – column 6, line 20).

As per claim 6, Wexler teaches:

The method of claim 4, further comprising:

when the element for marketing the first website is a link to the first website, causing the display at the reciprocal site of the first website of a plurality of links to the plurality of third party websites, when the first website is activated with respect to the Internet (see column 5, line 24 – column 6, line 20).

Claim 19 contains the same limitations as claim 1 therefore the same rejection is applied.

Claims 13-18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hess et al (U.S. 6,058,417).

As per claim 13, Hess et al teach:

A method of assisting a website designer in establishing an e-commerce feature on a first website being designed by the website designer for access by third parties upon the activation of the first website on the Internet, the method comprising:

receiving at a user interface a selection of the e-commerce feature that is desired to be implemented on the first website, wherein the e-commerce feature is at least one of a shopping cart and an auction (see figures 6A-B,9A);

receiving at the user interface information concerning a picture of a product desired to be sold using the e-commerce feature (see figure 6B);

receiving at the user interface information concerning a written description of the product (see figure 6B);

receiving at the user interface information concerning a price of the product (see figure 6B);

receiving at the user interface information concerning an identification number of the product (see column 7, lines 24-31); and

when the first website is activated on the Internet, displaying the e-commerce feature on the first website, wherein display of the e-commerce feature includes the display of at least some of the picture, written description, price and identification information of the product (see figure 9A).

As per claim 14, Hess et al teach:

The method of claim 13, further comprising, prior to receiving at the user interface the selection of the e-commerce feature that is desired to be implemented:

displaying a list of at least one of a plurality of shopping carts and a plurality of auctions (see figure 6A).

As per claim 15, Hess et al teach:

The method of claim 13, wherein the e-commerce feature that is selected is an auction, and the information concerning the price of the product concerns a reserve price (see figure 6B).

As per claim 16, Hess et al teach:

The method of claim 13, wherein the information concerning the picture of the product is uploaded from a memory device at a website designer computer, and

wherein the information concerning the written description, price and identification number of the product is received at the user interface into a form field (see figure 6B).

As per claim 17, Hess et al teach:

The method of claim 13, further comprising, after the receiving of the information concerning the identification number of the product:

prompting for an input of a merchant account identifier (see column 7, lines 15-20);

when the merchant account identifier is received, saving the information concerning the selected e-commerce feature, the received information concerning the picture, written description, price and identification number of the product, and the merchant account identifier (see column 7, lines 15-32);

when an indication that no merchant account identifier exists is received, providing a merchant account information form, receiving merchant account information at the user interface, and sending the merchant account information to a merchant account vendor, wherein, the e-commerce feature is only displayed on the internet when both the first website is activated on the internet and the merchant account identifier has been received (see column 7, lines 15-40).

As per claim 18, Hess et al teach:

The method of claim 13, further comprising:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements (see figure 6B);

displaying the selected e-commerce feature including at least some of the information concerning the picture, written description, price and identification number of the product on the first display region, wherein the first display region is capable of displaying the e-commerce feature in an interactive manner (see figure 6B, 9A).

Claim 20 contains the same limitations as claim 13 therefore the same rejection is applied.

Claim Rejections - 35 USC § 103

3. 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.

Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wexler (U.S. 5,960,409) in view of Underwood et al (U.S. 6,601,057).

As per claim 7, Wexler fails to teach:

The method of clam 1, wherein the element for marketing is the banner ad concerning the first website, further comprising:

determining whether the banner ad for the first website has already been designed; and when it is determined that the banner ad for the first website has not yet been designed, displaying a message at the user interface indicating the necessity of designing the banner ad. However, Underwood teaches a system that modifies and creates web sites and insert and edit advertisements (see figures 25-27; column 52, lines 23-30). Therefore, it would have been obvious to a person of ordinary skill in the

art at the time the application was made, to know that Wexler would use the Underwood system to create and edit banner advertisements, and when it is determined that the banner ad for the first website has not yet been designed, displaying a message at the user interface indicating the necessity of designing the banner ad. There would be no purpose in creating a website if nobody knows that it exists.

As per claim 8, Wexler fails to teach:

The method of claim 7, further comprising, when it is determined that the banner ad for the first website has not yet been designed:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements;

receiving a search request for available banner ad designs at the user interface;

performing a search of information concerning a plurality of available elements stored on a second database in response to the search request, wherein a search engine program performs the search;

displaying results of the search on the user interface; and

receiving a selection command at the user interface to select a first banner ad design from the results.

However, Underwood teaches:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements (see figure 14);

receiving a search request for available banner ad designs at the user interface (see figures 24-26);

performing a search of information concerning a plurality of available elements stored on a second database in response to the search request, wherein a search engine program performs the search (see figures 24-26);

displaying results of the search on the user interface (see figures 24-26); and

receiving a selection command at the user interface to select a first banner ad design from the results (see figure 25).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Wexler would use the Underwood system to create and edit banner advertisements. There would be no purpose in creating a website if nobody knows that it exists.

As per claim 9, Wexler fails to teach:

The method of claim 8, further comprising:

providing a second display region on the user interface, the second display region being capable of displaying the plurality of elements;

displaying the first banner ad design in the second display region;

receiving a first command to modify the first banner ad design in the second display region;

modifying the first banner ad design in response to the first command;

terminating the display of the second display region;

displaying the modified first banner ad design in the first display region, wherein the first display region is capable of displaying the first banner ad design in an interactive manner; and saving the modified first banner ad design.

However, Underwood teaches that one of the current trends in web site development products is the ability to drag objects and position them anywhere on the screen (see column 2, lines 38-40). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Wexler would use the Underwood system to design banners ads and that it would use the whole computer display to edit the banners and see how banners would be arranged, as taught by Underwood. This feature would give users a dynamic display where the users can edit and update their images or banners and would make it easier for the website designer to edit and create the advertisements.

As per claim 10, Wexler fails to teach:

The method of claim 9, further comprising:

receiving at the user interface a command to preview the modified first banner ad design; and

providing a preview of the modified first banner ad design, wherein the preview allows for the display of all visual effects of the modified first banner ad design, and allows for the sounding of all sonic effects of the modified first banner ad design.

However, Underwood teaches about a system that allows the user to see previews of the website element created and also includes audio or audio video (see figure 61, item 6125 and column 9, lines 11-25). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Wexler would use the Underwood system to preview the banners advertisements created and would also preview the elements if they contain audio or video. This feature

would allow the web designer to determine how the banner ads would look when they are published over the Internet.

As per claim 11, Wexler fails to teach:

The method of claim 9, further comprising, prior to the saving of information concerning the modified first banner ad design:

displaying a prompt concerning payment;

receiving credit card processing information at the user interface; and determining the adequacy of the credit card processing information.

However, Underwood teaches a system that modifies and creates web sites with credit card processing (see column 52, lines 23-67; column 55). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Wexler would include credit card processing, as taught by Underwood, to be able to charge customers for the use of his system. This feature would simplify the payment process by eliminating the need to mail checks for payments.

As per claim 12, Wexler fail to teach:

The method of claim 1, further comprising, prior to receiving the information indicating the type of the element and the information specifying the second website:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements;

receiving a selection of the smart agent option at the user interface, the selection of which is indicative of a desire to establish the arrangement between the first website

being designed by the website designer and the second website in order to market the first website at the second website upon the activation of the first website on the internet;

displaying a smart agent menu having a suggested marketing locations option, a create links option and a banner ad rotations option, wherein the create links option and the banner ad rotations option can be selected to indicate the type of the element for marketing.

Wexler analyzes the number of clicks on the banner, the percentage of clicks that result form the banner being displayed in a particular banner publisher's Web page and other statistics to determine which banner should be advertise in the corresponding publisher. Underwood teaches a system that edits and creates the elements of a website (see column 5, lines 38-67). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Wexler would use the Underwood system to create banners advertisements and would use his statistic system to determine the success of the advertisements. This feature would help the advertisers to determine if the money spent in ads is producing good results or not.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wexler (U.S. 5,960,409).

As per claim 21, Wexler teaches:

An internet-based system for assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a

second website in order to market the first website at the second website upon the activation of the first website on the Internet, the system including:

receives at a user interface displayed at one of the registered user computers information indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed (see column 3, lines 35-45);

saves the information at a first database that is coupled to the server computer (see column 4, lines 27-35);

obtains an element for marketing (see column 4, lines 37-40);

hosts the second website (see column 5, lines 55-60);

activates the first website on the Internet by hosting the first website on the Internet (see column 5, lines 24-30);

provides a web page of the second website to one of the unregistered computers (see column 4, lines 28-36); and

displays the element for marketing on the web page (see column 4, lines 28-36). Wexler does not expressly teach a server computer accessible by a plurality of registered user computers and a plurality of unregistered computers using the Internet. However, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that in order for an advertiser to publish banners advertisements in the publisher website, it would obviously make good business sense to ask that the advertisers register so the publisher can charged a fee for publishing

their ads (see column 2, lines 10-14). The fee charged would be the revenue that would allow the publisher to maintain a web presence in the Internet.

Conclusion

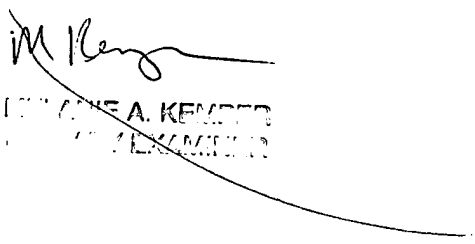
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 703-306-5933. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W STAMBER can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

D.L.

Daniel Lastra
October 17, 2003



Notice of References Cited	Application/Control No. 09/589,551	Applicant(s)/Patent Under Reexamination DISTEFANO, THOMAS L.	
	Examiner DANIEL LASTRA	Art Unit 3622	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,058,417	05-2000	HESS ET AL	709/219
	B	US-5,960,409	09-1999	WEXLER	705/14
	C	US-6,601,057	07-2003	UNDERWOOD ET AL	707/1
	D	US-			
	E	US-			
	F	US-			
	G	US-			
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	J	US-			
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FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
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	P					
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	R					
	S					
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NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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*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.

TikTok Inc. EX1005
TikTok Inc. v. Distefano Website Innovations, LLC
IPR2025-01061
Page 242 of 712

Appln. No.	:	09/589,551
Applicant	:	DiStefano III, Thomas L.
Filed	:	June 7, 2000
TC/A.U.	:	3622
Examiner	:	Lastra, Daniel
Docket No.	:	6676-11

Confirmation No. 8542

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TRANSMITTAL LETTER

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VIA FACSIMILE (18 PAGES)
Fax No. 703-872-9306

MAIL STOP NON-FEE AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please find enclosed for filing:

1. Response under 37 C.F.R. §1.111; and
2. Please charge any deficiencies or credit any overpayment to Deposit Account No. 50-0951.

This Transmittal Letter is submitted in duplicate.

Respectfully submitted,

Date: 3/1/04

J. Rodman Steele, Jr., Registration No. 25,931
Kevin T. Cuenot, Registration No. 46,283
AKERMAN SENTERFITT
Post Office Box 3188
West Palm Beach, FL 33402-3188
Telephone: (561) 653-5000

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being transmitted via facsimile transmission to Commissioner for Patents at 703-872-9306 on

3/1/04

Kevin T. Cuenot, Reg. No. 46,283
Kevin T. Cuenot, Esquire

PAGE 1/2 * RCVD AT 3/1/2004 11:52:26 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/4 * DNIS:8729306 * CSID:5616596313 * DURATION (mm-ss):04-54

Akerman Senterfitt
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West Palm Beach, Florida 33402-3188
www.akerman.com
561 653 5000 *tel* 561 659 6313 *fax*

FAX COVER SHEET

From: Alaine Allison, secretary to Kevin T. Cuenot, Esquire Date: June 3, 2004

PLEASE DELIVER __20_ PAGE(S) (including cover sheet) TO:

Name: **Examiner Daniel Lastra** **Fax Number:** **703-746-5541**
Company: USPTO Phone Number: 746-5541

Please call 561-653-5000, ext. 3434 if you do not receive all the pages.

Comments/Special Instructions

Appln. No.	:	**09/589,551**	**Confirmation No. 8542**
Applicant	:	**DiStefano III, Thomas L.**	
Filed	:	**June 7, 2000**	
TC/A.U.	:	**3622**	
Examiner	:	**Lastra, Daniel**	
Docket No.	:	**6676-11**	

Pursuant to your telephone call, attached hereto is the response filed with the USPTO on March 1, 2004 via facsimile transmission, together with this office's successful transmission notice. Please call if you require additional information. Again, thank you for your call today.

The information contained in this transmission may be a confidential attorney-client communication or may otherwise be privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this transmittal is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original transmittal to us by mail. Thank you.

Client/Matter No: 110345 Equitrac ID: _____

{WP183139;1}

TikTok Inc. EX1005
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IPR2025-01061
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MEMORY TRANSMISSION REPORT

TIME : MAR-01-04 12:00PM
TEL NUMBER1: 5616596313
TEL NUMBER2:
NAME . AKERMAN SENTERFITT

FILE NUMBER	:	473
DATE	:	MAR-01 11:50AM
TO	.	71-111916-17038729306
DOCUMENT PAGES	:	18
START TIME	:	MAR-01 11:50AM
END TIME	:	MAR-01 12:00PM
SENT PAGES	:	18

FILE NUMBER 473 *** SUCCESSFUL TX NOTICE ***

Appln. No : 09/589,351 Confirmation No. 8542
Applicant : DiStefano III, Thomas L.
Filed : June 7, 2000
TC/A.U. : 3622
Examiner : Lastra, Daniel
Docket No. : 6676-11

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P.O Box 1450
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Sir,

Please find enclosed for filing:

1. Response under 37 C.F.R. §1.111; and
2. Please charge any deficiencies or credit any overpayment to Deposit Account No 50-0951.

This Transmittal Letter is submitted in duplicate.

Respectfully submitted,

Date: 3/1/04

J. Rodman Steele, Jr., Registration No. 23,931
Kevin T. Cuenot, Registration No. 46,283
AKERMAN SENTERFITT
Post Office Box 3188
West Palm Beach, FL 33402-3188
Telephone: (561) 653-5000

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Kevin T. Cuenot, Reg. No. 46,283

TikTok Inc. EX1005
TikTok Inc. v. Distefano Website Innovations, LLC
IPR2025-01061
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Appln. No.	:	09/589,551	Confirmation No. 8542
Applicant	:	DiStefano III, Thomas L.	
Filed	:	June 7, 2000	
TC/A.U.	:	3622	
Examiner	:	Lastra, Daniel	
Docket No.	:	6676-11	

TRANSMITTAL LETTER

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Alexandria, VA 22313-1450

Sir:

Please find enclosed for filing:

1. Response under 37 C.F.R. §1.111; and
2. Please charge any deficiencies or credit any overpayment to Deposit Account No. 50-0951.

This Transmittal Letter is submitted in duplicate.

Respectfully submitted,

Date: 3/1/04

J. Rodman Steele, Jr., Registration No. 25,931
Kevin T. Cuenot, Registration No. 46,283
AKERMAN SENTERFITT
Post Office Box 3188
West Palm Beach, FL 33402-3188
Telephone: (561) 653-5000

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Date

, Reg. No. 46,283
Kevin T. Cuenot, Esquire

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CHRISTOPHER & WEISBERG, P.A.
ATTORNEYS AT LAW

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TELEPHONE (954) 828-1488 FACSIMILE (954) 828-9122

FAX COVER SHEET

DATE:	August 30, 2004		
TO:	Examiner Daniel Lastra	FROM:	Steven M. Greenberg
FIRM:	USPTO	FAX NO.:	(954) 828-9122
FAX NO.:	703-746-5541	PHONE NO.:	(954) 828-1488
PHONE NO.:		E-MAIL	sgreenberg@cwcip.com
FILE NO.	1115-7U	PAGES, INCLUDING COVER	

Examiner Lastra:

Serial No.: 09/589,551
Applicant: Thomas L. DiStefano, III
Filing Date: June 7, 2000
Title: METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING 3-COMMERCE TOOLS

Per our telephone conversation, attached is a copy of the Revocation of Power of Attorney and Appointment of New Attorney Under 37 C.F.R. Section 1.36.

We appreciate your kind assistance.

Peggy Shock, Paralegal to Steven M. Greenberg

Confidentiality Notice: The information contained in this transmission is legally privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you receive this communication in error, please notify us immediately by telephone (collect) and return the original message to us at the above listed address via the U.S. Postal Service. We will reimburse you for postage and/or telephone expenses involved.

TikTok Inc. EX1005
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Thomas L. DiStefano III
Application No.:	09/589,551
Filing Date:	June 7, 2000
Entitled:	METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS
Examiner:	Daniel Lastra
Group Art Unit:	3622
Attorney Docket No.:	6676-11(1115-7U)

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

REVOCATION OF POWER OF ATTORNEY
AND APPOINTMENT OF NEW ATTORNEY UNDER 37 C.F.R. §1.36

Dear Sir/Madam:

Applicant(s) hereby revoke the previous power of attorney and appoint:

John Christopher, Registration No. 37,596
Alan M. Weisberg, Registration No. 43,982
Erdal R. Dervis, Registration No. 51,612
Jeffrey H. Kamenetsky, Registration No. 44,179
Steven M. Greenberg, Registration No. 44,725
Adam C. Underwood, Registration No. 45,169

all located at the firm of Christopher & Weisberg, P.A., and all members of the Bar of the State of Florida, whose postal address is 200 East Las Olas Boulevard, Suite 2040, Fort Lauderdale, Florida 33301, telephone number (954) 828-1488, fax number (954) 828-9122, as its attorney(s) to prosecute this application, to make alterations and amendments therein, and to transact all business in the Patent and

TikTok Inc. EX1005
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Trademark Office, or the Courts, in connection therewith, with full powers of substitution, revocation and addition. Please address all future communications to:

Steven M. Greenberg, Esq.
CHRISTOPHER & WEISBERG, P.A.
200 East Las Olas Boulevard - Suite 2040
Fort Lauderdale, Florida 33301
Tel: (954) 828-1488 - Fax: (954) 828-9122

OIL

Date: 4.29.04

Thomas L. DiStefano III

check dated

19602

PAGE 3/3 * RCVD AT 10/4/2004 3:50:58 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-2/3 * DNIS:7465541 * CSID:Christopher-Weisberg * DURATION (mm-ss):01-34

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Appln. No.	:	09/589,551	Confirmation No. 8542
Applicant	:	DiStefano III, Thomas L.	
Filed	:	June 7, 2000	
TC/A.U.	:	3622	
Examiner	:	Lastra, Daniel	
Docket No.	:	6676-11	

Aff
4/a w cm
6-9-04

OFFICIAL RESPONSE TO OFFICE ACTION

MAIL STOP NON-FEE AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the office action mailed November 28, 2003, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this submission.

Remarks/Arguments begin on page 10 of this submission.

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being transmitted via facsimile transmission to Commissioner for Patents at 703-872-9306 on

3/1/04
Date

Kevin T. Cuenot, Reg. No. 46,283
Kevin T. Cuenot, Esquire

{WP169661.1}

TikTok Inc. EX1005
TikTok Inc. v. Distefano Website Innovations, LLC
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Amendments to the Claims:

This listing of claims will replace all prior versions and listings of claims in the instant application:

Listing of Claims:

1. (Original) A method of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the internet, the method comprising:

during design of the first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed;

saving the information at a first database that is coupled to the user interface;

obtaining the element for marketing of the type indicated; and

causing the display of the element for marketing at the second website when the first website is activated with respect to the internet,

wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website.

2. (Original) The method of claim 1, further comprising, prior to receiving the information indicating the type of the element and the information specifying the second website:

receiving at the user interface information concerning at least one of the website designer, a business of the website designer, and the first website;

performing a search of information on a second database having information concerning at least one of a plurality of third party website designers, a plurality of third party businesses and a plurality of third party websites;

identifying from the search at least one third party website to which the first website should be coupled for marketing purposes; and

PAGE 6/20 * RCVD AT 6/3/2004 2:56:07 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-2/0 * DNIS:7465541 * CSID:5616596313 * DURATION (mm-ss):05-48

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providing information concerning the at least one third party website at the user interface.

3. (Original) The method of claim 1, further comprising

during design of the first website, receiving information specifying a plurality of additional third party websites at which it is desirable to have the element displayed;

saving the information at the first database; and

causing the display of the element for marketing at each of the plurality of additional third party websites when the first website is activated with respect to the internet.

a1

4. (Original) The method of claim 1, further comprising:

determining whether a reciprocal site for the display of at least one marketing element of a third party website exists in the first website being designed; and

creating the reciprocal site for the display of the at least one marketing element of the third party website when the reciprocal site does not yet exist in the first website being designed.

5. (Original) The method of claim 4, further comprising:

when the element for marketing the first website is a banner ad concerning the first website, causing the sequential display at the reciprocal site of the first website of a plurality banner ads respectively concerning a plurality of third party websites, when the first website is activated with respect to the internet.

6. (Original) The method of claim 4, further comprising:

when the element for marketing the first website is a link to the first website, causing the display at the reciprocal site of the first website of a plurality of links to the plurality of third party websites, when the first website is activated with respect to the internet.

7. (Original) The method of claim 1, wherein the element for marketing is the banner ad concerning the first website, further comprising:

PAGE 7/20 * RCVD AT 6/3/2004 2:56:07 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-2/0 * DNIS:7465541 * CSID:5616596313 * DURATION (mm-ss):05-48

TikTok Inc. EX1005
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determining whether the banner ad for the first website has already been designed; and

when it is determined that the banner ad for the first website has not yet been designed, displaying a message at the user interface indicating the necessity of designing the banner ad.

8. (Original) The method of claim 7, further comprising, when it is determined that the banner ad for the first website has not yet been designed:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements;

receiving a search request for available banner ad designs at the user interface;

performing a search of information concerning a plurality of available elements stored on a second database in response to the search request, wherein a search engine program performs the search;

displaying results of the search on the user interface; and

receiving a selection command at the user interface to select a first banner ad design from the results.

9. (Original) The method of claim 8, further comprising:

providing a second display region on the user interface, the second display region being capable of displaying the plurality of elements;

displaying the first banner ad design in the second display region;

receiving a first command to modify the first banner ad design in the second display region;

modifying the first banner ad design in response to the first command;

terminating the display of the second display region;

displaying the modified first banner ad design in the first display region, wherein the first display region is capable of displaying the first banner ad design in an interactive manner; and

saving the modified first banner ad design.

PAGE 8/20 * RCVD AT 6/3/2004 2:56:07 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-2/0 * DNIS:7465541 * CSID:5616596313 * DURATION (mm-ss):05-48

TikTok Inc. EX1005
TikTok Inc. v. Distefano Website Innovations, LLC
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10. (Original) The method of claim 9, further comprising:

receiving at the user interface a command to preview the modified first banner ad design; and

providing a preview of the modified first banner ad design, wherein the preview allows for the display of all visual effects of the modified first banner ad design, and allows for the sounding of all sonic effects of the modified first banner ad design.

11. (Original) The method of claim 9, further comprising, prior to the saving of information concerning the modified first banner ad design:

displaying a prompt concerning payment;

receiving credit card processing information at the user interface; and

determining the adequacy of the credit card processing information.

12. (Original) The method of claim 1, further comprising, prior to receiving the information indicating the type of the element and the information specifying the second website:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements;

receiving a selection of the smart agent option at the user interface, the selection of which is indicative of a desire to establish the arrangement between the first website being designed by the website designer and the second website in order to market the first website at the second website upon the activation of the first website on the internet;

displaying a smart agent menu having a suggested marketing locations option, a create links option and a banner ad rotations option, wherein the create links option and the banner ad rotations option can be selected to indicate the type of the element for marketing.

13. (Original) A method of assisting a website designer in establishing an e-commerce feature on a first website being designed by the website designer for access by third parties upon the activation of the first website on the internet, the method comprising:

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TikTok Inc. EX1005
TikTok Inc. v. Distefano Website Innovations, LLC
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receiving at a user interface a selection of the e-commerce feature that is desired to be implemented on the first website, wherein the e-commerce feature is at least one of a shopping cart and an auction;

receiving at the user interface information concerning a picture of a product desired to be sold using the e-commerce feature;

receiving at the user interface information concerning a written description of the product;

receiving at the user interface information concerning a price of the product;

receiving at the user interface information concerning an identification number of the product; and

when the first website is activated on the internet, displaying the e-commerce feature on the first website, wherein display of the e-commerce feature includes the display of at least some of the picture, written description, price and identification information of the product.

14. (Original) The method of claim 13, further comprising, prior to receiving at the user interface the selection of the e-commerce feature that is desired to be implemented:

displaying a list of at least one of a plurality of shopping carts and a plurality of auctions.

15. (Original) The method of claim 13, wherein the e-commerce feature that is selected is an auction, and the information concerning the price of the product concerns a reserve price.

16. (Original) The method of claim 13, wherein the information concerning the picture of the product is uploaded from a memory device at a website designer computer, and wherein the information concerning the written description, price and identification number of the product is received at the user interface into a form field.

17. (Original) The method of claim 13, further comprising, after the receiving of the information concerning the identification number of the product:

prompting for an input of a merchant account identifier;

PAGE 10/20 * RCVD AT 6/3/2004 2:56:07 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-2/0 * DNIS:7465541 * CSID:5616596313 * DURATION (mm-ss):05-48

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when the merchant account identifier is received, saving the information concerning the selected e-commerce feature, the received information concerning the picture, written description, price and identification number of the product, and the merchant account identifier;

when an indication that no merchant account identifier exists is received, providing a merchant account information form, receiving merchant account information at the user interface, and sending the merchant account information to a merchant account vendor,

wherein, the e-commerce feature is only displayed on the internet when both the first website is activated on the internet and the merchant account identifier has been received.

a1

18. (Original) The method of claim 13, further comprising:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements;

displaying the selected e-commerce feature including at least some of the information concerning the picture, written description, price and identification number of the product on the first display region,

wherein the first display region is capable of displaying the e-commerce feature in an interactive manner.

19. (Original) A computer-readable storage medium containing computer executable code for instructing at least one computer to perform the steps of:

during design of a first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at a second website, and information specifying the second website at which the element is to be displayed;

saving the information at a first database that is coupled to the user interface;

obtaining an element for marketing of the type indicated; and

causing the display of the element for marketing at the second website when the first website is activated with respect to the internet,

wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website.

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20. (Original) A computer-readable storage medium containing computer executable code for instructing at least one computer to perform the steps of:

receiving at a user interface a selection of an e-commerce feature that is desired to be implemented on a first website, wherein the e-commerce feature is at least one of a shopping cart and an auction;

receiving at the user interface information concerning a picture of a product desired to be sold using the e-commerce feature;

receiving at the user interface information concerning a written description of the product;

receiving at the user interface information concerning a price of the product;

receiving at the user interface information concerning an identification number of the product; and

when the first website is activated on the internet, displaying the e-commerce feature on the first website, wherein display of the e-commerce feature includes the display of at least some of the picture, written description, price and identification information of the product.

21. (Original) An internet-based system for assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the internet, the system including;

a server computer accessible by a plurality of registered user computers and a plurality of unregistered computers using the internet, wherein the server computer:

receives at a user interface displayed at one of the registered user computers information indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed;

saves the information at a first database that is coupled to the server computer;

obtains an element for marketing;

hosts the second website;

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activates the first website on the internet by hosting the first website on the internet; provides a web page for the second website to one of the unregistered computers; and displays the element for marketing on the web page.

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REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of November 28, 2003 (Office Action). As this response is timely filed within the three-month shortened statutory period for reply, no fee is believed due.

In paragraph 1 of the Office Action, claims 1-6 and 19 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,960,409 to Wexler (Wexler). Claims 13-18 and 20 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,058,417 to Hess *et al.* (Hess). In paragraph 3, claims 7-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wexler in view of U.S. Patent No. 6,601,057 to Underwood *et al.* (Underwood).

Prior to addressing the rejections on the art, a brief review of the Applicant's invention is appropriate. The Applicant has invented a method, system, and apparatus for assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website. The arrangement is established to market the first website at the second website upon activation of the first website on the internet.

During the design of the first website, information indicating a type of marketing element can be received through a user interface. The information can specify, for example, marketing elements such as banner ads, links, or the like. The received information also can specify or identify the second website, at which the marketing element being described is to be displayed.

The received information is saved within a database that is coupled to the user interface through which the information was received. The marketing element, particularly one of the type indicated by the received information, can be obtained. Thus, if a banner ad was indicated, a banner ad marketing element can be obtained. In any case, the marketing element is displayed at the second website when the first website is activated with respect to the internet. That is, when the first website being developed is activated, the second website is altered to display the marketing element(s) specified by the developer when developing the first website.

Another embodiment of the present invention concerns a method of assisting a web designer in establishing an e-commerce feature on a first website. A selection of an e-commerce feature – particularly at least one of a shopping cart or an auction – is received through a user

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interface. Further information such as information concerning a picture of a product to be sold, information concerning a written description of the product to be sold, information regarding the price of the product to be sold, and information regarding identification of the product can be received as well When the first website is activated on the internet, the e-commerce feature is displayed. The display also can include at least some of the pictures, written description, price, and identification information for the product.

Turning to the rejections on the art, claims 1-6 and 19 have been rejected 35 U.S.C. § 102(e) as being anticipated by Wexler. Wexler teaches a system and method for providing on-line third party accounting and statistical information. Wexler, however, does not disclose a method or system that causes a second website to display a banner ad that markets a first website being designed by a web designer.

Regarding claims 1 and 19, the Examiner asserts that Wexler teaches the following step:

- during design of the first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed.

In support, the Examiner has cited column 3, lines 35-45. The cited passage, however, teaches only that a user's web browser can establish a link or connection with a website of an entity displaying a banner. This passage teaches nothing more than downloading a banner and displaying the banner in a user's browser. Importantly, Wexler is silent with respect to the notion that information is received during the design of the first website as explicitly stated by claim 1. Moreover, the language of claims 1 and 19 explicitly requires the existence of two websites – a first website being designed and a second website that displays the element specified by the information received through the user interface when designing the first website. Column 1, lines 35-45 note the existence of only a single website.

The Examiner further asserts that Wexler teaches the step of "saving the information at a first database that is coupled to the user interface". In support, column 3, lines 23-35 have been cited. The cited paragraph has been reproduced below:

> Moreover, for clarity of explanation, this specification contains terminology and conventions familiar to those skilled in the art. Such terminology is often more metaphorical than literal in nature. For example, while those skilled in the art may

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> refer to "visiting" a particular Web site, it should be appreciated that a user does not actually travel to the web site. Rather, a source file that is operable, in conjunction with the user's Web browser, to generate a Web page on a user's computer monitor is downloaded to the user's computer. Those skilled in the art are familiar with such metaphorical terminology and have an understanding of its literal implications and implementations.

As is clear, the above passage includes absolutely no reference to storing information within a database. Instead, Wexler teaches only that a file can be transferred, i.e. downloaded, to a user's computer, but provides no teaching that a database is used. Further, the above passage indicates that information received from a website is downloaded, i.e. a source file such as a web page. In contrast, the Applicant's claim specifically states that the information that is stored is the information received at a user interface that specifies a marketing element to be displayed at a second website.

Finally, with regard to claims 1 and 19, the Examiner contends that Wexler teaches the following steps:

- obtaining the element for marketing of the type indicated; and
- causing the display of the element for marketing at the second website when the first website is activated with respect to the internet, wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website.

Column 4, lines 10-17 of the Wexler specification have been cited for the proposition that Wexler teaches the step of obtaining the element for marketing of the type indicated. The cited passage states:

> If enticed by the banner 9, the user can "click" on it, assuming the banner has a link associated with it. In the prior art, a banner typically points to the Web site 17 of the advertiser. A download request signal 19a is sent from the user's Web browser 3 to the advertiser's Web site 17. The Web site 17 downloads information, indicated by the reference numeral 19b, to the user's Web browser 3. The downloaded information is a copy of a hypertext source file operable to generate a Web page of the advertiser.

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Thus, Wexler teaches nothing more than common banner advertising where a user clicks on a banner ad causing the user's browser to be redirected to another web address associated with the banner.

In contrast, the Applicant's claim states that the element itself is obtained. More specifically, the element described by the information received through the user interface is obtained. For example, the banner ad object is obtained. Wexler fails to teach such a step.

Wexler also fails to teach that the element for marketing is caused to be displayed at a second website when the first website is activated with respect to the internet. Column 1, lines 49-60 of the Wexler specification teach only that users can click on banner ads and that browsers can be redirected to addresses associated with the banner ads. Column 3, lines 35-58 provide only a brief description of banner advertising. Column 4, lines 10-17, again, describe how a browser is redirected to an advertiser's website after a user clicks on the advertiser's banner ad.

Importantly, the step of "causing the display of the element for marketing at the second website when the first website is activated with respect to the internet" is not describing a generic banner advertising scheme where a user selects a banner ad and is redirected to the advertiser's website. Rather, the claim states that an element for marketing, i.e. a link, a banner ad, or the like, is caused to be displayed at a second website, when the first website being developed is activated on the internet. This allows a web designer to market a website being developed at other different websites. Wexler is absolutely silent with respect to the process described in claims 1 and 19.

In light of the above discussion, withdrawal of the 35 U.S.C. § 102(e) rejection with respect to claims 1-6 and 19 is respectfully requested.

Claims 13-18 and 20 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Hess. Hess teaches a method and system for information presentation and management in an online trading environment. Claim 13, however, is directed to a method of assisting a web designer establish an e-commerce feature on a first website. As recited, a selection of an e-commerce feature – at least one of a shopping cart or an auction – is received through a user interface. Further information can be received such that when the first website is activated on the internet, the e-commerce feature can be displayed along with the other received information.

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While Hess discloses several web pages that include pictures of products, descriptions of products, and product pricing information, Hess does not teach or suggest that a user can make a selection of either an auction e-commerce feature or a shopping cart e-commerce feature to be included in a website that is under development. Hess also fails to teach that the selected e-commerce feature is displayed on a website when that website is activated on the internet. Accordingly, withdrawal of the 35 U.S.C. § 102(e) rejection with regard to claims 13-18 and 20 is respectfully requested.

In paragraph 3, claims 7-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wexler in view of Underwood. The Examiner concedes that Wexler fails to teach the limitations of claim 7, but asserts that Underwood teaches a system that modifies and creates websites and inserts and edits advertisements. In consequence, it is asserted that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Wexler with those of Underwood.

Underwood, however, fails to cure the deficiencies of Wexler. In particular Underwood, like Wexler, does not teach or suggest that a marketing element can be indicated during the design of a first website, wherein the marketing element is displayed upon a second website when the first website is activated on the internet. In other words, Wexler does not allow a designer to specify websites (second website) at which the first website – the site being developed by the designer – will be advertised upon activation of the first website on the internet. Thus, the Applicant's invention allows one to place banner ads or links directed to a website being developed on other website(s). The banner ads or links can be displayed on the other website(s) when the first site is activated. Moreover, Underwood does not teach or suggest that a determination can be made as to whether the banner ad for the first website has been designed as recited in claim 7.

Regarding claim 9, the Examiner notes that at column 2, lines 38-40, Underwood states that "[o]ne of the current trends in website development products is the ability to drag objects and position them anywhere on the screen." The cited passage provides no teaching or suggestion related to the 7 individual steps recited in claim 9. The Applicant respectfully

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requests that the Examiner indicate, with particularity, where each feature of claim 9 is disclosed or suggested within Underwood.

Regarding claim 11, it is asserted that Underwood teaches a system that modifies and creates websites with credit card processing. While Underwood teaches credit card processing, Underwood does not teach or suggest that users are charged in connection with the modification of banner ads.

Regarding claim 12, the Examiner contends that Wexler's ability to analyze the number of clicks on a banner and Underwood's teaching of a system to edit and create elements on a website render the features of claim 12 obvious. The Applicant respectfully disagrees. In particular, the ability to count clicks on a banner has no bearing on the features recited in claim 12. Claim 12 states that a first display area is provided and that a selection of a smart agent option is received that indicates a desire to establish an arrangement between a first website being designed and a second website to market the first website. Notably, it is the first website that is being designed that will be advertised by the second website.

Also, claim 12 states that a smart agent menu is displayed that has a suggested marketing locations option. As noted, the marketing location options allow the designer to specify websites at which the first site – the site being developed by the designer – will be advertised. Thus, the Applicant's invention allows one to place banner ads that advertise the website being developed in websites other than the one being developed.

As neither Wexler, Underwood, nor any combination thereof teach or suggest the Applicant's invention as claimed, withdrawal of the 35 U.S.C. § 103(a) rejection with regard to claims 7-12 is respectfully requested.

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The Applicant believes that this application is now in full condition for allowance, which action is respectfully requested. The Applicant requests that the Examiner call the undersigned if clarification is needed on any matter within this Response, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Date: 3/1/04

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PAGE 20/20 * RCVD AT 6/3/2004 2:56:07 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-2/0 * DNIS:7465541 * CSID:5616596313 * DURATION (mm-ss):05-48

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L Number	Hits	Search Text	DB	Time stamp
1	2	6330575.pn.	USPAT; US-PGPUB; EPO; DERWENT; IBM_TDB	2004/08/16 15:13
2	2	5960409.pn.	USPAT; US-PGPUB; EPO; DERWENT; IBM_TDB	2004/08/16 15:46
3	5894	705/14,26,27.ccls.	USPAT; US-PGPUB; EPO; DERWENT; IBM_TDB	2004/08/16 15:46

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?show files;ds
File  16:Gale Group PROMT(R) 1990-2004/Aug 16
         (c) 2004 The Gale Group
File 160:Gale Group PROMT(R) 1972-1989
         (c) 1999 The Gale Group
File 148:Gale Group Trade & Industry DB 1976-2004/Aug 16
         (c)2004 The Gale Group
File 621:Gale Group New Prod.Annou.(R) 1985-2004/Aug 16
         (c) 2004 The Gale Group
File 275:Gale Group Computer DB(TM) 1983-2004/Aug 16
         (c) 2004 The Gale Group
File  15:ABI/Inform(R) 1971-2004/Aug 16
         (c) 2004 ProQuest Info&Learning
File   9:Business & Industry(R) Jul/1994-2004/Aug 13
         (c) 2004  The Gale Group
File 623:Business Week 1985-2004/Aug 13
         (c) 2004 The McGraw-Hill Companies Inc
File 810:Business Wire 1986-1999/Feb 28
         (c) 1999 Business Wire
File 624:McGraw-Hill Publications 1985-2004/Aug 13
         (c) 2004 McGraw-Hill Co. Inc
File 636:Gale Group Newsletter DB(TM) 1987-2004/Aug 16
         (c) 2004 The Gale Group
File 813:PR Newswire 1987-1999/Apr 30
         (c) 1999 PR Newswire Association Inc
File  20:Dialog Global Reporter 1997-2004/Aug 16
         (c) 2004 The Dialog Corp.
File  35:Dissertation Abs Online 1861-2004/May
         (c) 2004 ProQuest Info&Learning
File 583:Gale Group Globalbase(TM) 1986-2002/Dec 13
         (c) 2002 The Gale Group
File  65:Inside Conferences 1993-2004/Aug W2
         (c) 2004 BLDSC all rts. reserv.
File   2:INSPEC 1969-2004/Aug W2
         (c) 2004 Institution of Electrical Engineers
File 233:Internet & Personal Comp. Abs. 1981-2003/Sep
         (c) 2003 EBSCO Pub.
File  99:Wilson Appl. Sci & Tech Abs 1983-2004/Jul
         (c) 2004 The HW Wilson Co.
File 473:FINANCIAL TIMES ABSTRACTS 1998-2001/APR 02
         (c) 2001 THE NEW YORK TIMES
File 474:New York Times Abs 1969-2004/Aug 15
         (c) 2004 The New York Times
File 475:Wall Street Journal Abs 1973-2004/Aug 13
         (c) 2004 The New York Times
File 634:San Jose Mercury  Jun 1985-2004/Aug 14
         (c) 2004 San Jose Mercury News
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         (c)2004 Info.Sources Inc
File 348:EUROPEAN PATENTS 1978-2004/Aug W02
         (c) 2004 European Patent Office
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         (c) 2004 WIPO/Univentio
File 635:Business Dateline(R) 1985-2004/Aug 14
         (c) 2004 ProQuest Info&Learning
File 570:Gale Group MARS(R) 1984-2004/Aug 16
         (c) 2004 The Gale Group
File 476:Financial Times Fulltext 1982-2004/Aug 17
         (c) 2004 Financial Times Ltd
File 477:Irish Times 1999-2004/Jul 30
         (c) 2004 Irish Times
File 710:Times/Sun.Times(London) Jun 1988-2004/Aug 14
         (c) 2004 Times Newspapers
File 711:Independent(London) Sep 1988-2004/Aug 16
         (c) 2004 Newspaper Publ. PLC
File 756:Daily/Sunday Telegraph 2000-2004/Aug 16
         (c) 2004 Telegraph Group
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File 757:Mirror Publicati[redacted]Independent Newspapers 2000-2004/Aug 16
         (c) 2004
File 387:The Denver Post 1994-2004/Aug 13
         (c) 2004 Denver Post
File 471:New York Times Fulltext 90-Day 2004/Aug 16
         (c) 2004 The New York Times
File 492:Arizona Repub/Phoenix Gaz 19862002/Jan 06
         (c) 2002 Phoenix Newspapers
File 494:St LouisPost-Dispatch 1988-2004/Aug 15
         (c) 2004 St Louis Post-Dispatch
File 498:Detroit Free Press 1987-2004/Aug 07
         (c) 2004 Detroit Free Press Inc.
File 631:Boston Globe 1980-2004/Aug 15
         (c) 2004 Boston Globe
File 633:Phil.Inquirer 1983-2004/Aug 11
         (c) 2004 Philadelphia Newspapers Inc
File 638:Newsday/New York Newsday 1987-2004/Aug 15
         (c) 2004 Newsday Inc.
File 640:San Francisco Chronicle 1988-2004/Aug 15
         (c) 2004 Chronicle Publ. Co.
File 641:Rocky Mountain News Jun 1989-2004/Aug 12
         (c) 2004 Scripps Howard News
File 702:Miami Herald 1983-2004/Aug 13
         (c) 2004 The Miami Herald Publishing Co.
File 703:USA Today 1989-2004/Aug 14
         (c) 2004 USA Today
File 704:(Portland)The Oregonian 1989-2004/Aug 15
         (c) 2004 The Oregonian
File 713:Atlanta J/Const. 1989-2004/Aug 15
         (c) 2004 Atlanta Newspapers
File 714:(Baltimore) The Sun 1990-2004/Aug 16
         (c) 2004 Baltimore Sun
File 715:Christian Sci.Mon. 1989-2004/Aug 16
         (c) 2004 Christian Science Monitor
File 725:(Cleveland)Plain Dealer Aug 1991-2004/Aug 15
         (c) 2004 The Plain Dealer
File 735:St. Petersburg Times 1989- 2004/Aug 13
         (c) 2004 St. Petersburg Times
File 347:JAPIO Nov 1976-2004/Apr(Updated 040802)
         (c) 2004 JPO & JAPIO
File 610:Business Wire 1999-2004/Aug 16
         (c) 2004 Business Wire.
File 613:PR Newswire 1999-2004/Aug 16
         (c) 2004 PR Newswire Association Inc

Set     Items   Description
S1          0   (WEB (4N) DESIGN$) AND BANNER
S2       1310   WEB AND BANNER AND BROWSER AND EDITOR
S3        629   S2 AND LINKS
S4        305   S3 AND INTERACTIVE
S5        225   RD S4 (unique items)
?
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/589,551	06/07/2000	Thomas L. DiStefano III	6676-11

CONFIRMATION NO. 8542

OC000000014162558

OC000000014162558

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Date Mailed: 10/21/2004

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/04/2004.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Patricia F Lewis

PATRICIA F LEWIS
3600 (703) 308-6053

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/589,551	06/07/2000	Thomas L. DiStefano III	6676-11

CONFIRMATION NO. 8542

OC000000014162484

OC000000014162484

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Date Mailed: 10/21/2004

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/04/2004.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

PATRICIA F LEWIS
3600 (703) 308-6053

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,551	06/07/2000	Thomas L. DiStefano III	6676-11	8542

7590 11/08/2004

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EXAMINER	
LASTRA, DANIEL	

ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 11/08/2004

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

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Office Action Summary	Application No.	Applicant(s)	
	09/589,551	DISTEFANO, THOMAS L.	
	Examiner	Art Unit	
	DANIEL LASTRA	3622	

-- 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 MONTH(S) 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 the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- 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 *01 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ 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

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ 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).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

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).

a)☐ All b)☐ Some * c)☐ None of:

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) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

TikTok Inc. EX1005
TikTok Inc. v. Distefano Website Innovations, LLC
IPR2025-01061
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DETAILED ACTION

1. Claims 1-21 have been examined. Application 09/589,551 has a filing date 06/07/2000.

Response to Amendment

2. In response to Office Action dated 11/28/03, the Applicant filed a request for reconsideration. No claims were added or cancel.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> 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.

Claim 12 recites the limitation "the smart agent option". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-6, 12-14, 16-18 and 20-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Moore et al (U.S. 6,330,575).

As per claim 1, Moore teaches:

A method of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the Internet, the method comprising:

during design of the first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed (see column 3, lines 30-40; column 8, lines 27-61);

saving the information at a first database that is coupled to the user interface (see column 10, lines 25-59);

obtaining the element for marketing of the type indicated (see column 10, lines 44-59); and

causing the display of the element for marketing at the second website when the first website is activated with respect to the Internet (see column 8, lines 27-60),

wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website (see column 6, lines 7-67; figure 16).

As per claim 4, Moore teaches:

The method of claim 1, further comprising:

determining whether a reciprocal site for the display of at least one marketing element of a third party website exists in the first website being designed (see figure 7); and

creating the reciprocal site for the display of the at least one marketing element of the third party website when the reciprocal site does not yet exist in the first website being designed (see figure 7).

As per claim 5, Moore teaches:

The method of claim 4, further comprising:

when the element for marketing the first website is a banner ad concerning the first website, causing the sequential display at the reciprocal site of the first website of a plurality banner ads respectively concerning a plurality of third party websites, when the first website is activated with respect to the internet (see column 10, line 59 – column 11, line 15; figure 6).

As per claim 6, Moore teaches:

The method of claim 4, further comprising:

when the element for marketing the first website is a link to the first website, causing the display at the reciprocal site of the first website of a plurality of links to the plurality of third party websites, when the first website is activated with respect to the Internet (see column 10, line 59 – column 11, line 15; figure 6).

As per claim 12, Moore teaches:

The method of claim 1, further comprising, prior to receiving the information indicating the type of the element and the information specifying the second website:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements (see column 8, lines 28-61);

receiving a selection of the smart agent option at the user interface, the selection of which is indicative of a desire to establish the arrangement between the first website being designed by the website designer and the second website in order to market the first website at the second website upon the activation of the first website on the internet (see column 8, lines 27-65);

displaying a smart agent menu having a suggested marketing locations option, a create links option and a banner ad rotations option, wherein the create links option and the banner ad rotations option can be selected to indicate the type of the element for marketing (see column 8, lines 27-61; column 10, line 44 – column 11, line 15; figure 13).

As per claim 13, Moore teaches:

A method of assisting a website designer in establishing an e-commerce feature on a first website being designed by the website designer for access by third parties upon the activation of the first website on the Internet, the method comprising:

receiving at a user interface a selection of the e-commerce feature that is desired to be implemented on the first website, wherein the e-commerce feature is at least one of a shopping cart and an auction (see column 7, lines 60-67; column 8, lines 40-55);

receiving at the user interface information concerning a picture of a product desired to be sold using the e-commerce feature (see figure 7);

receiving at the user interface information concerning a written description of the product (see figures 7-10);

receiving at the user interface information concerning a price of the product (see figures 15 and 16);

receiving at the user interface information concerning an identification number of the product (see figures 15 and 16); and

when the first website is activated on the Internet, displaying the e-commerce feature on the first website, wherein display of the e-commerce feature includes the display of at least some of the picture, written description, price and identification information of the product (see figure 16).

As per claim 14, Moore teaches:

The method of claim 13, further comprising, prior to receiving at the user interface the selection of the e-commerce feature that is desired to be implemented:

displaying a list of at least one of a plurality of shopping carts and a plurality of auctions (see figure 16).

As per claim 16, Moore teaches:

The method of claim 13, wherein the information concerning the picture of the product is uploaded from a memory device at a website designer computer, and wherein the information concerning the written description, price and identification number of the product is received at the user interface into a form field (see figure 15).

As per claim 17, Moore teaches:

The method of claim 13, further comprising, after the receiving of the information concerning the identification number of the product:

prompting for an input of a merchant account identifier (see column 11, lines 62-67);

when the merchant account identifier is received, saving the information concerning the selected e-commerce feature, the received information concerning the picture, written description, price and identification number of the product, and the merchant account identifier (see column 12, lines 1-46);

when an indication that no merchant account identifier exists is received, providing a merchant account information form, receiving merchant account information at the user interface, and sending the merchant account information to a merchant account vendor, wherein, the e-commerce feature is only displayed on the internet when both the first website is activated on the internet and the merchant account identifier has been received (see column 11, line 60 – column 12, line 45).

As per claim 18, Moore teaches:

The method of claim 13, further comprising:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements (see figure 9);

displaying the selected e-commerce feature including at least some of the information concerning the picture, written description, price and identification number of the product on the first display region, wherein the first display region is capable of displaying the e-commerce feature in an interactive manner (see figures 10-13).

Claim 19 contains the same limitations as claim 1 therefore the same rejection is applied.

Claim 20 contains the same limitations as claim 13 therefore the same rejection is applied.

As per claim 21, Moore teaches:

An internet-based system for assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the Internet, the system including:

a server computer accessible by a plurality of registered user computers and a plurality of unregistered computers using the Internet (see column 6, lines 12-23; column 8, lines 29-55).

receives at a user interface displayed at one of the registered user computers information indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed (see column 8, lines 27-61; column 10, line 44 – column 11, line 15);

saves the information at a first database that is coupled to the server computer (see column 8, lines 27-61);

obtains an element for marketing (see column 8, lines 27-61; column 10, line 44 – column 11, line 15);

hosts the second website (see column 8, lines 39-53);

activates the first website on the Internet by hosting the first website on the Internet (see column 8, lines 27-61; column 10, line 44 – column 11, line 15);

provides a web page of the second website to one of the unregistered computers (see column 6, lines 12-44); and

displays the element for marketing on the web page (see column 8, lines 27-61; column 10, line 44 – column 11, line 15).

Claim Rejections - 35 USC § 103

5. 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.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al (U.S. 6,330,575) in view of Wexler (U.S. 5,960,409).

As per claim 2, Moore fails to teach:

The method of claim 1, further comprising, prior to receiving the information indicating the type of the element and the information specifying the second website:

receiving at the user interface information concerning at least one of the website designer, a business of the website designer, and the first website;

performing a search of information on a second database having information concerning at least one of a plurality of third party website designers, a plurality of third party businesses and a plurality of third party websites;

identifying from the search at least one third party website to which the first website should be coupled for marketing purposes; and

providing information concerning the at least one third party website at the user interface.

However, Wexler teaches that "advertisers may wish to advertise at more than one location, i.e., more than one banner-publishing site. If so, the advertiser will presumably want to know, among other statistics, the effectiveness of each of the publishing sites, i.e., which site generates the most visits to the advertiser's Web site. Likewise, a banner-publishing site may wish to display the advertising, i.e., banner, of more than one advertiser" (see column 5, lines 24-45). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Moore would use the Wexler system to search for third party websites which would be desirable to have the advertisements displayed. This feature would increase the probability that the advertisements would be viewed by the intended target.

As per claim 3, Moore fails to teach:

The method of claim 1, further comprising

during design of the first website, receiving information specifying a plurality of additional third party websites at which it is desirable to have the element displayed;

saving the information at the first database and causing the display of the element for marketing at each of the plurality of additional third party websites when the first website is activated with respect to the Internet.

However, the same rejection applied to claim 2 is applied to claim 3.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al (U.S. 6,330,575) in view of Hess et al (U.S. 6,058,417).

As per claim 15, Moore fails to teach:

The method of claim 13, wherein the e-commerce feature that is selected is an auction, and the information concerning the price of the product concerns a reserve price. However, Hess teaches the creation of an auction site (see figure 6B). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Moore would use his Website creation tool to design an electronic commerce auction site, as taught Hess. The auction site would be another method use by the Moore system to sell and advertise products.

Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al (U.S. 6,330,575).

As per claim 7, Moore does not expressly teach:

The method of clam 1, wherein the element for marketing is the banner ad concerning the first website, further comprising:

determining whether the banner ad for the first website has already been designed; and when it is determined that the banner ad for the first website has not yet been designed, displaying a message at the user interface indicating the necessity of designing the banner ad. However, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Moore would create and edit banner advertisements, and when it is determined that the banner ad for the first website has not yet been designed, displaying a message at the user interface indicating the necessity of designing the banner ad. There would be no purpose in creating a website if nobody knows that it exists.

As per claim 8, Moore teaches:

The method of claim 7, further comprising, when it is determined that the banner ad for the first website has not yet been designed:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements (see figure 9;

receiving a search request for available banner ad designs at the user interface (see column 8, lines 39-62; column 10, line 44 – column 11, line 15; figure 6);

performing a search of information concerning a plurality of available elements stored on a second database in response to the search request, wherein a search engine program performs the search (see column 10, line 44 – column 11, line 15);

displaying results of the search on the user interface (see figure 6); and

receiving a selection command at the user interface to select a first banner ad design from the results (see figure 6; column 10, line 44 – column 11, line 15).

As per claim 9, Moore teaches:

The method of claim 8, further comprising:

providing a second display region on the user interface, the second display region being capable of displaying the plurality of elements (see column 11, lines 50-60; figure 9);

displaying the first banner ad design in the second display region (see column 11, lines 50-60);

receiving a first command to modify the first banner ad design in the second display region (see column 11, lines 50-60);

modifying the first banner ad design in response to the first command (see column 11, lines 50-60);

terminating the display of the second display region (see column 11, lines 50-60);

displaying the modified first banner ad design in the first display region, wherein the first display region is capable of displaying the first banner ad design in an interactive manner; and saving the modified first banner ad design (see column 11, lines 50-60).

As per claim 10, Moore teaches:

The method of claim 9, further comprising:

receiving at the user interface a command to preview the modified first banner ad design (see column 11, lines 50-60); and

providing a preview of the modified first banner ad design, wherein the preview allows for the display of all visual effects of the modified first banner ad design, and allows for the sounding of all sonic effects of the modified first banner ad design (see column 11, lines 50-60; figure 13).

As per claim 11, Moore teaches:

The method of claim 9, further comprising, prior to the saving of information concerning the modified first banner ad design:

displaying a prompt concerning payment (see column 12, lines 1-25);

receiving credit card processing information at the user interface and determining the adequacy of the credit card processing information (see column 6, lines 63-67).

Response to Arguments

6. Applicant's arguments, filed 03/01/04, with respect to the rejection(s)of claim(s) 1-21 under Wexler have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Moore et al (U.S. 6,330,575).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 703-306-5933. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W STAMBER can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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).

DL

Daniel Lastra
August 16, 2004

JAMES W. MYHRE
PRIMARY EXAMINER

Notice of References Cited	Application/Control No. 09/589,551	Applicant(s)/Patent Under Reexamination DISTEFANO, THOMAS L.	
	Examiner DANIEL LASTRA	Art Unit 3622	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,330,575	12-2001	Moore et al.	715/513
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	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.

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IPR2025-01061
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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,551	06/07/2000	Thomas L. DiStefano III	6676-11	8542

7590 06/06/2005

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EXAMINER	
LASTRA, DANIEL	
ART UNIT	**PAPER NUMBER**
3622	

DATE MAILED: 06/06/2005

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

TikTok Inc. EX1005
TikTok Inc. v. Distefano Website Innovations, LLC
IPR2025-01061
Page 287 of 712

Office Action Summary	Application No.	Applicant(s)	
	09/589,551	DISTEFANO, THOMAS L.	
	Examiner	Art Unit	
	DANIEL LASTRA	3622	

-- 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 MONTH(S) 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 the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- 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 *10 February 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ 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

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ 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).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

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).

a)☐ All b)☐ Some * c)☐ None of:

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) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

TikTok Inc. EX1005
TikTok Inc. v. Distefano Website Innovations, LLC
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DETAILED ACTION

1. Claims 1-21 have been examined. Application 09/589,551 has a filing date 06/07/2000.

Response to Amendment

2. In response to Non Final Rejection filed 11/08/2004, the Applicant filed an Amendment on 02/10/2005, which amended claim 12. Applicant amendment overcame the Section 112 rejection.

Claim Rejections - 35 USC § 103

3. 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.

Claims 1, 4-13 and 16-21 rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al (U.S. 6,330,575).

As per claims 1 and 19, Moore teaches:

A method of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the Internet, the method comprising:

during design of the first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second

website, and information specifying the second website at which the element is to be displayed (see column 3, lines 30-40; column 8, lines 27-61);

saving the information at a first database that is coupled to the user interface (see column 10, lines 25-59);

obtaining the element for marketing of the type indicated (see column 10, lines 44-59; see "price URL"; column 6, lines 11-25); and

causing the display of the element for marketing (i.e. price URL) at the second website (see column 8, lines 27-19-26,59-61). Moore teaches that the merchant can even totally remove the web storefront, and simply post the price URLs on news group or on another web site (see column 8, lines 59-60). Moore does not expressly teach that said display of said element is done when the first website is activated with respect to the Internet. However, Applicant's specification page 33, lines 10-13 discloses that "posting" a website" and "activating a website" are equivalent terms. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Moore's merchant website (i.e. first website) would be activated with respect to the Internet when said merchant website would post a price URLs (i.e. marketing element) at a second website. There is no purpose of posting a price URL in another website, if the location from which the price URL is sent (i.e. typically a page from the merchant website) is not active, as customers would not be able to hyperlink to said price URL address.

wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website (see column 6, lines 7-67; figure 16; column 8, lines 20-26; "price URL).

As per claim 4, Moore teaches:

The method of claim 1, further comprising:

determining whether a reciprocal site for the display of at least one marketing element of a third party website exists in the first website being designed (see figure 7; the page includes a link to another Internet web site); and

creating the reciprocal site for the display of the at least one marketing element of the third party website when the reciprocal site does not yet exist in the first website being designed (see figure 7).

As per claim 5, Moore teaches:

The method of claim 4, further comprising:

when the element for marketing the first website is a banner ad concerning the first website, causing the sequential display at the reciprocal site of the first website of a plurality banner ads respectively concerning a plurality of third party websites, when the first website is activated with respect to the internet (see column 10, line 59 – column 11, line 15; figures 6 and 7; page include a link to another Internet website).

As per claim 6, Moore teaches:

The method of claim 4, further comprising:

when the element for marketing the first website is a link to the first website, causing the display at the reciprocal site of the first website of a plurality of links to the

plurality of third party websites, when the first website is activated with respect to the Internet (see column 10, line 59 – column 11, line 15; figure 6).

As per claim 7, Moore does not expressly teach:

The method of clam 1, wherein the element for marketing is the banner ad concerning the first website, further comprising:

determining whether the banner ad for the first website has already been designed; and when it is determined that the banner ad for the first website has not yet been designed, displaying a message at the user interface indicating the necessity of designing the banner ad. However, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Moore would create and edit banner advertisements, and when it is determined that the banner ad for the first website has not yet been designed, displaying a message at the user interface indicating the necessity of designing the banner ad. There would be no purpose in creating a website if nobody knows that it exists.

As per claim 8, Moore teaches:

The method of claim 7, further comprising, when it is determined that the banner ad for the first website has not yet been designed:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements (see figure 9;

receiving a search request for available banner ad designs at the user interface (see column 8, lines 39-62; column 10, line 44 – column 11, line 15; figure 6);

performing a search of information concerning a plurality of available elements stored on a second database in response to the search request, wherein a search engine program performs the search (see column 10, line 44 – column 11, line 15);

displaying results of the search on the user interface (see figure 6); and

receiving a selection command at the user interface to select a first banner ad design from the results (see figure 6; column 10, line 44 – column 11, line 15).

As per claim 9, Moore teaches:

The method of claim 8, further comprising:

providing a second display region on the user interface, the second display region being capable of displaying the plurality of elements (see column 11, lines 50-60; figure 9);

displaying the first banner ad design in the second display region (see column 11, lines 50-60);

receiving a first command to modify the first banner ad design in the second display region (see column 11, lines 50-60);

modifying the first banner ad design in response to the first command (see column 11, lines 50-60);

terminating the display of the second display region (see column 11, lines 50-60);

displaying the modified first banner ad design in the first display region, wherein the first display region is capable of displaying the first banner ad design in an interactive manner; and saving the modified first banner ad design (see column 11, lines 50-60).

As per claim 10, Moore teaches:

The method of claim 9, further comprising:

receiving at the user interface a command to preview the modified first banner ad design (see column 11, lines 50-60); and

providing a preview of the modified first banner ad design, wherein the preview allows for the display of all visual effects of the modified first banner ad design, and allows for the sounding of all sonic effects of the modified first banner ad design (see column 11, lines 50-60; figure 13).

As per claim 11, Moore teaches:

The method of claim 9, further comprising, prior to the saving of information concerning the modified first banner ad design:

displaying a prompt concerning payment (see column 12, lines 1-25);

receiving credit card processing information at the user interface and determining the adequacy of the credit card processing information (see column 6, lines 63-67).

As per claim 12, Moore teaches:

The method of claim 1, further comprising, prior to receiving the information indicating the type of the element and the information specifying the second website:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements (see column 8, lines 28-61);

receiving a selection of a smart agent option at the user interface, the selection of which is indicative of a desire to establish the arrangement between the first website being designed by the website designer and the second website in order to market the

first website at the second website upon the activation of the first website on the internet (see column 8, lines 27-65);

displaying a smart agent menu having a suggested marketing locations option, a create links option and a banner ad rotations option, wherein the create links option and the banner ad rotations option can be selected to indicate the type of the element for marketing (see column 8, lines 27-61; column 10, line 44 – column 11, line 15; figure 13).

As per claims 13 and 20, Moore teaches:

A method of assisting a website designer in establishing an e-commerce feature on a first website being designed by the website designer for access by third parties upon the activation of the first website on the Internet, the method comprising:

receiving at a user interface a selection of the e-commerce feature that is desired to be implemented on the first website, wherein the e-commerce feature is at least one of a shopping cart and an auction (see column 7, lines 60-67; column 8, lines 40-55);

receiving at the user interface information concerning a picture of a product desired to be sold using the e-commerce feature (see figure 7);

receiving at the user interface information concerning a written description of the product (see figures 7-10);

receiving at the user interface information concerning a price of the product (see figures 15 and 16);

receiving at the user interface information concerning an identification number of the product (see figures 15 and 16); and

displaying the e-commerce feature on the first website, wherein display of the e-commerce feature includes the display of at least some of the picture, written description, price and identification information of the product (see figure 16). Moore does not expressly teach the displaying of said e-commerce feature on the first website when the first website is activated on the Internet. However, Applicant's specification page 33, lines 10-13 discloses that "posting" a website" and "activating a website" are equivalent terms. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Moore's merchant website (i.e. first website) would be activated with respect to the Internet when said merchant website would post a price URLs (i.e. marketing element) at a second website. There is no purpose of posting a price URL in another website, if the location from which the price URL is sent (i.e. typically a page from the merchant website) is not active, as customers would not be able to hyperlink to said price URL address.

As per claim 16, Moore teaches:

The method of claim 13, wherein the information concerning the picture of the product is uploaded from a memory device at a website designer computer, and wherein the information concerning the written description, price and identification number of the product is received at the user interface into a form field (see figure 15).

As per claim 17, Moore teaches:

The method of claim 13, further comprising, after the receiving of the information concerning the identification number of the product:

prompting for an input of a merchant account identifier (see column 11, lines 62-67);

when the merchant account identifier is received, saving the information concerning the selected e-commerce feature, the received information concerning the picture, written description, price and identification number of the product, and the merchant account identifier (see column 12, lines 1-46);

when an indication that no merchant account identifier exists is received, providing a merchant account information form, receiving merchant account information at the user interface, and sending the merchant account information to a merchant account vendor, wherein, the e-commerce feature is only displayed on the internet when both the first website is activated on the internet and the merchant account identifier has been received (see column 11, line 60 – column 12, line 45).

As per claim 18, Moore teaches:

The method of claim 13, further comprising:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements (see figure 9);

displaying the selected e-commerce feature including at least some of the information concerning the picture, written description, price and identification number of the product on the first display region, wherein the first display region is capable of displaying the e-commerce feature in an interactive manner (see figures 10-13).

As per claim 21, Moore teaches:

An internet-based system for assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the Internet, the system including:

a server computer accessible by a plurality of registered user computers and a plurality of unregistered computers using the Internet (see column 6, lines 12-23; column 8, lines 29-55).

receives at a user interface displayed at one of the registered user computers information indicating a type of an element for marketing (i.e. price URL) that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed (see column 8, lines 27-61; column 10, line 44 – column 11, line 15);

saves the information at a first database that is coupled to the server computer (see column 8, lines 27-61);

obtains an element for marketing (see column 8, lines 27-61; column 10, line 44 – column 11, line 15; price URL);

hosts the second website (see column 8, lines 39-53);

activates the first website on the Internet by hosting the first website on the Internet (see column 8, lines 27-61; column 10, line 44 – column 11, line 15);

provides a web page of the second website to one of the unregistered computers (see column 6, lines 12-44); and

displays the element for marketing on the web page (see column 8, lines 27-61; column 10, line 44 – column 11, line 15).

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al (U.S. 6,330,575) in view of Wexler (U.S. 5,960,409).

As per claim 2, Moore fails to teach:

The method of claim 1, further comprising, prior to receiving the information indicating the type of the element and the information specifying the second website:

receiving at the user interface information concerning at least one of the website designer, a business of the website designer, and the first website;

performing a search of information on a second database having information concerning at least one of a plurality of third party website designers, a plurality of third party businesses and a plurality of third party websites;

identifying from the search at least one third party website to which the first website should be coupled for marketing purposes; and

providing information concerning the at least one third party website at the user interface.

However, Wexler teaches that "advertisers may wish to advertise at more than one location, i.e., more than one banner-publishing site. If so, the advertiser will presumably want to know, among other statistics, the effectiveness of each of the publishing sites, i.e., which site generates the most visits to the advertiser's Web site. Likewise, a banner-publishing site may wish to display the advertising, (i.e., banner), of more than one advertiser" (see column 5, lines 24-45). Therefore, it would have been

obvious to a person of ordinary skill in the art at the time the application was made, to know that Moore would use the Wexler system to search for third party websites, which would be desirable to have the advertisements (i.e. price URL; see column 8, lines 59-61) displayed. This feature would increase the probability that the advertisements would be viewed by the intended target.

As per claim 3, Moore fails to teach:

The method of claim 1, further comprising

during design of the first website, receiving information specifying a plurality of additional third party websites at which it is desirable to have the element displayed;

saving the information at the first database and causing the display of the element for marketing at each of the plurality of additional third party websites (see column 8, lines 59-61) but does not expressly teach when the first website is activated with respect to the Internet. However, Applicant's specification page 33, lines 10-13 discloses that "posting" a website" and "activating a website" are equivalent terms. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Moore's merchant website (i.e. first website) would be activated with respect to the Internet when said merchant website would post a price URLs (i.e. marketing element) at a second website. There is no purpose of posting a price URL in another website, if the location from which the price URL is sent (i.e. typically a page from the merchant website) is not active, as customers would not be able to hyperlink to said price URL address.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al (U.S. 6,330,575) in view of Hess et al (U.S. 6,058,417).

As per claim 14, Moore teaches:

The method of claim 13, further comprising, prior to receiving at the user interface the selection of the e-commerce feature that is desired to be implemented:

displaying a list of at least one of a plurality of shopping carts (see figure 16) but fails to teach and a plurality of auctions. However, Hess teaches the creation of an auction site (see figure 6B). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Moore would use his Website creation tool to design an electronic commerce auction site, as taught Hess. The auction site would be another method use by the Moore system to sell and advertise products.

As per claim 15, Moore teaches:

The method of claim 13, but fails to teach wherein the e-commerce feature that is selected is an auction, and the information concerning the price of the product concerns a reserve price. However, Hess teaches the creation of an auction site (see figure 6B). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Moore would use his Website creation tool to design an electronic commerce auction site, as taught Hess. The auction site would be another method use by the Moore system to sell and advertise products.

Response to Arguments

4. Applicant's arguments filed 02/10/2005 have been fully considered but they are not persuasive. The Applicant argues that Moore fails to teach the receipt of information at a user interface, which indicates a type of an element for marketing that is to be displayed at a second web site, and information specifying the second Web site at which the element is to be displayed. The Examiner answers that Moore teaches in column 8, lines 59-62 "The merchant can even totally remove the Web storefront, and simply post the price URLs on news groups or on another web site". Therefore, Moore identifies the type of marketing of element that is to be displayed, which is the price URL and also Moore specifies the second web site at which said element would be displayed, which are news groups or another website.

Applicant further argues that Moore fails to teach the step of causing the display of the element for marketing at the second Web site when the first Web site is activated with respect to the Internet. The Examiner answers that Applicant's specification page 33, lines 10-13 discloses that "posting" a website" and "activating a website" are equivalent terms. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Moore's merchant website (i.e. first website) would be activated with respect to the Internet when said merchant website would post a price URLs (i.e. marketing element) at a second website. There is no purpose of posting a price URL in another website, if the location from which the price URL is sent (i.e. typically a page from the merchant website) is not active, as customers would not be able to hyperlink to said price URL address.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Bezos teaches an internet-based customer referral system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W STAMBER can be reached on 571-272-6724. The Rightfax for the Examiner is 571-273-6720.

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).

DL

Daniel Lastra
May 21, 2005

Yehdega Retta
RETTA YEHDEGA
PRIMARY EXAMINER

Notice of References Cited	Application/Control No. 09/589,551	Applicant(s)/Patent Under Reexamination DISTEFANO, THOMAS L.	
	Examiner DANIEL LASTRA	Art Unit 3622	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,029,141	02-2000	Bezos et al.	705/27
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	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.

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Index of Claims

Application No.	Applicant(s)	
09/589,551	DISTEFANO, THOMAS L.	
Examiner	**Art Unit**	
DANIEL LASTRA	3622	

√	Rejected	–	(Through numeral) Cancelled	N	Non-Elected	A	Appeal
=	Allowed	+	Restricted	I	Interference	O	Objected

Claim		Date
Final	Original	5/22/05
	1	√
	2	√
	3	√
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Search Notes

Application No.	Applicant(s)	
09/589,551	DISTEFANO, THOMAS L.	
Examiner	**Art Unit**	
DANIEL LASTRA	3622	

SEARCHED			
Class	Subclass	Date	Examiner
705	14	5/22/2005	DL

INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
	DATE	EXMR
EAST	5/22/2005	DL

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Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	2869	705/14.ccls.	US-PGPUB; USPAT; EPO; DERWENT; IBM_TDB	OR	ON	2005/05/23 13:20

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Interview Summary	Application No.	Applicant(s)	
	09/589,551	DISTEFANO, THOMAS L.	
	Examiner	Art Unit	
	DANIEL LASTRA	3622	

All participants (applicant, applicant's representative, PTO personnel):

(1) *DANIEL LASTRA*. (3)_____.

(2) *STEVEN M. GREENBERG*. (4)_____.

Date of Interview: *14 July 2005*.

Type: a)☐ Telephonic b)☐ Video Conference
c)☒ Personal [copy given to: 1)☐ applicant 2)☐ applicant's representative]

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

Claim(s) discussed: *1*.

Identification of prior art discussed: *Moore (US 6,330,575)*.

Agreement with respect to the claims f)☐ was reached. g)☒ was not reached. h)☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: *The Applicant's representative explained to the Examiner his claimed invention but no agreement was reached. Later,the Examiner discussed the case with the Primary Examiner and the Primary did not find any novelty feature in the claimed invention*.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

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 ONE MONTH 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. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

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Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)
In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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

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

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

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

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

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

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

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

Examiner to Check for Accuracy

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

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PATENT & TRADEMARK OFFICE

PATENT

Certificate of Mailing (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date set forth below.

Peggy Shock	Peggy Shock	September 6, 2005
Name of Person Mailing Paper	Signature of Person Mailing Paper	Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number:	09/589,551
Filing Date:	06/07/2000
Applicant(s):	Thomas L. DiStefano III
Entitled:	METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS
Examiner:	Lastra, Daniel
Group Art Unit:	3622
Attorney Docket No.:	1115-7U

Mail Stop AF
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Appellants request that a Panel Review of the final rejection be performed in the above identified application.

REMARKS

These remarks are set forth in response to the Final Office Action of June 6, 2005 and in accordance with the instant Pre-Appeals Brief Request for Review. As these remarks have been timely filed within the three-month statutory period and in conjunction with a Notice of Appeal, neither an extension of time nor a fee is required.

STATUS OF THE APPLICATION

Presently, claims 1 through 21 are pending in the Patent Application. In paragraph 3 of the Final Office Action, claims 1, 4-6, 12-14 and 16-21 have been rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 6,330,575 to Moore et al. ("Moore"). Also, in paragraph 3 of the Final Office Action, claims 2 and 3 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Moore in view of United States Patent No. 5,960,409 to Wexler. Finally, in paragraph 3 of the Final Office Action, claims 14 and 15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Moore in view of United States Patent No. 6,058,417 to Hess.

STATEMENT OF THE INVENTION

The Applicant has invented a method, system, and apparatus for assisting a website designer in establishing an arrangement between a first Web site being designed by the Web site designer and a second Web site. *The arrangement is established to market the first Web site at the second Web site upon activation of the first Web site on the Internet.* During the design of the first Web site, information indicating a type of marketing element can be received through a user interface. The information can specify, for example, marketing elements such as banner ads, links, or the like. The received information also can specify or identify the second Web site,

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at which the marketing element being described is to be displayed. The received information is saved within a database that is coupled to the user interface through which the information was received.

The marketing element, particularly one of the type indicated by the received information, can be obtained. Thus, if a banner ad was indicated, a banner ad marketing element can be obtained. In any case, the marketing element is displayed at the second Web site when the first Web site is activated with respect to the Internet. That is, when the first Web site being developed is activated, the second Web site is altered to display the marketing element(s) specified by the developer when developing the first Web site.

THE CITED ART

Moore relates to a method for designing a Web page to be hosted on a Web page server. The development tool utilized in Moore can provide an object-oriented, template-driven interface for a customer or merchant to utilize in the design of a Web page or a complete Web site. The Web site produced allows the merchant to become a part of a distributed electronic commerce system or Internet commerce system for doing business on the Web. Notably, column 3, lines 30 through 40 of the Moore reference succinctly describe an aspect of the Moore technology at issue in the Final Office Action.

Specifically, in Moore a commerce system can be provided which can include a Web page server and a second server. The server can be electrically coupled to each other and the Web page server can host the Web page. The method of use of the commerce system can include creating a link to the second server; designing the Web page such that the link can be embedded into the Web page; and embedding the link into the Web page.

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ARGUMENT

Importantly, Moore completely lacks at least two critical elements claimed within the Patent Application--specifically, during design of a first Web site, Moore fails to teach the receipt of information at a user interface which indicates a type of an element for marketing that is to be displayed at a second Web site, and information specifying the second Web site at which the element is to be displayed. Moore further fails to teach the step of causing the display of the element for marketing at the second Web site when the first Web site is activated with respect to the Internet. These fundamental claim limitations resonate throughout all of the claims of the Patent Application.

The Examiner has stated in paragraph 4 of the Final Office Action that column 8, lines 59-62 of Moore teach these missing steps. Column 8, lines 59-62 are reproduced verbatim herein:

> "The merchant can even totally remove the Web storefront, and simply post the price URLs on news groups or on another web site."

Clearly, this citation includes no text which can even remotely be considered to teach "during design of the first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed." Rather, this citation only teaches the removal of an entire Web site and the placement of information at a different location. The Examiner seems to have completely ignored important terms recited in the claims including "during the design of the first website" and "receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website".

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The Examiner also cited column 8, lines 27 through 61 of Moore as the sole support for the argument that Moore teaches the limitation "causing the display of the element for marketing at the second website when the first website is activated with respect to the internet". A careful review of column 8, lines 27 through 61 of Moore, however, will reveal no teaching directed to this limitation when every word of the claimed limitation is considered (especially "when the first website is activated"). The Examiner further has completely ignored the claimed limitation "wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website".

The rejection of claims 1 through 21, in its current form, stands in contravention of MPEP 2143.03 (ALL CLAIM LIMITATIONS MUST BE TAUGHT OR SUGGESTED). The Examiner yet further has proffered only an arbitrary motivation to combine Moore with Wexler and Hess without reference to any specific motivation to combine stated within any portion of cited art as expressly required by MPEP 2143.01 (THE PRIOR ART MUST SUGGEST THE DESIREABILITY OF THE CLAIMED INVENTION). Accordingly, the rejections of claims 1 through 21 based upon Moore, Wexler and Hess cannot stand.

Respectfully submitted,

Date: September 6, 2005

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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES	Docket Number (Optional) 1115-7U	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on Signature Peggy Shock Typed or printed name PEGGY SHOCK 9-6-05	In re Application of Thomas L. DiStefano III	
	Application Number 09/589,551	Filed 6/7/2000
	For: Method for Developing Electronic Documents Providing E-Commerce Tools	
	Art Unit 3622	Examiner Daniel Lastra

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

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

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: $250.00

☐ 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. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 502104. I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

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/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record. Registration number 44,725

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

Signature: _____

Steven M. Greenberg
Typed or printed name

954-828-1488
Telephone number

September 6, 2005
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ Total of 1 form is submitted.

This collection of information is required by 37 CFR 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.

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

Re:	Application No:	09/589,551	Examiner:	Lastra, Daniel
	Applicant(s):	Thomas L. DiStefano III	Group Art Unit:	3622
	Filing Date:	6/7/2000		
	Entitled:	DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS		
	Attorney Docket No.	1115-7U		

Certificate of Mailing (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service Post Office as first-class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date set forth below.

September 6, 2005	Peggy Shock	Peggy Shock
Date of Signature and Mail Deposit	Name of Person Signing	Signature

Sir:
Transmitted herewith is a Pre-Appeal Brief Request for Review.

The following checked items are applicable:

☒ Notice of Appeal.

☒ PTO-2038 for $250.

☒ A self-addressed, stamped postcard for verification and receipt is enclosed.

☒ The Commissioner is hereby authorized to credit overpayments or charge payment of any additional fees associated with this communication to Deposit Account No. 502104.

Date: September 6, 2005

Attorney of Record: Steven M. Greenberg
Registration No: 44,725
Customer No.: 31292

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,551	06/07/2000	Thomas L. DiStefano III	6676-11	8542

7590 12/13/2005

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EXAMINER	
LASTRA, DANIEL	

ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 12/13/2005

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

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Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination	
	09/589,551	DISTEFANO, THOMAS L.	
	Eric W. Stamber	Art Unit 3622	

Document Code - AP.PRE.DEC

Notice of Panel Decision from Pre-Appeal Brief Review

This is in response to the Pre-Appeal Brief Request for Review filed 9/6/05.

1. ☐ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
☐ The request does not include reasons why a review is appropriate.
☐ A proposed amendment is included with the Pre-Appeal Brief request.
☐ Other:

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☒ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

☒ The panel has determined the status of the claim(s) is as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: *1-21*.
Claim(s) withdrawn from consideration: _____.

3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☐ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) *Eric W. Stamber*. EWS

(2) *Daniel Lastra*. DL

(3) *James Myhre*. JM

(4)_____.

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OIPE IAP54 JAN 17 2006 PATENT & TRADEMARK OFFICE

Docket No. 1115-007U

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number:	09/589,551
Filing Date:	June 7, 2000
Appellant:	Thomas L. DiStefano III
Title:	METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS
Examiner:	Lastra, Daniel Group Art Unit: 3622
Attorney Docket No:	1115-007U

TRANSMITTAL OF APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is Appellant's Appeal Brief in support of the Notice of Appeal filed September 6, 2005, and in response to the Notice of Panel Decision from Pre-Appeal Brief Review dated December 13, 2005.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due under 37 C.F.R. §§ 1.17, 41.20, and in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

Date: January 13, 2006

Respectfully submitted,

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OIPE IAP54 JAN 17 2006 PATENT & TRADEMARK OFFICE

Docket No. 1115-007U **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number:	09/589,551
Filing Date:	June 7, 2000
Appellant:	Thomas L. DiStefano III
Title:	METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS
Examiner:	Lastra, Daniel Group Art Unit: 3622
Attorney Docket No:	1115-007U

Certificate of Mailing (37 C.F.R. 1.8(a))

I hereby certify that the following documents are being deposited with the United States Postal Service Post Office as first-class mail in an envelope addressed to Mail Stop Appeal Brief – Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 13th day of January, 2006.

Respectfully submitted,

Peggy Shock

Peggy Shock, Paralegal to
Steven M. Greenberg, Reg. No. 44,725 and
Scott D. Paul, Reg. No. 42,984
CUSTOMER NUMBER 31292

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OIPE
JAN 17 2006
PATENT & TRADEMARK OFFICE
IAP54

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number:	09/589,551
Filing Date:	June 7, 2000
Appellant:	Thomas L. DiStefano III
Title:	METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS
Examiner:	Lastra, Daniel
Group Art Unit:	3622
Attorney Docket No:	1115-007U

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed September 6, 2005, and in response to the Notice of Panel Decision from Pre-Appeal Brief Review dated December 13, 2005, wherein Appellant appeals from the Examiner's rejection of claims 1-21.

I. REAL PARTY IN INTEREST

This application is assigned to IBM Corporation by assignment recorded on August 22, 2000, at Reel 011152, Frame 0250.

II. RELATED APPEALS AND INTERFERENCES

Appellant is unaware of any related appeals and interferences.

III. STATUS OF CLAIMS

Claims 1-21 are pending and finally rejected in this Application. It is from the final rejection of claims 1-21 that this Appeal is taken.

IV. STATUS OF AMENDMENTS

The claims have not been amended subsequent to the imposition of the Final Office Action dated June 6, 2005.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claims 1, 13, and 19-21 are respectively directed to methods, computer program products, and a system for assisting a website designer establish an arrangement between a first website being designed and a second website. *The arrangement is established to market the first Web site at the second website upon activation of the first website on the Internet.* During the design of the first website, information indicating a type of marketing element can be received through a user interface. The information can specify, for example, marketing elements such as banner ads, links, or the like. The received information also can specify or identify the second website, at which the marketing element being described is to be displayed. The received information is saved within a database that is coupled to the user interface through which the information was received.

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The marketing element, particularly one of the type indicated by the received information, can be obtained. Thus, if a banner ad was indicated, a banner ad marketing element can be obtained. In any case, the marketing element is displayed at the second website when the first website is activated with respect to the Internet. That is, when the first website being developed is activated, the second website is altered to display the marketing element(s) specified by the developer when developing the first website.

VI. ISSUES TO BE REVIEWED ON APPEAL

1. Claims 1, 4-13 and 16-21 were rejected under 35 U.S.C. § 103 for obviousness based upon Moore et al., U.S. Patent No. 6,330,575 (hereinafter Moore);

2. Claims 2 and 3 were rejected under 35 U.S.C. § 103 for obviousness based upon Moore in view of Wexler et al., U.S. Patent No. 5,960,409 (hereinafter Wexler); and

3. Claims 14 and 15 were rejected under 35 U.S.C. § 103 for obviousness based upon Moore in view of Hess et al., U.S. Patent No. 6,058,417 (hereinafter Hess).

VII. THE ARGUMENT

THE REJECTION OF CLAIMS 1, 4-13 AND 16-21 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON MOORE

For convenience of the Honorable Board in addressing the rejections, claims 3-4, 6, 13, 16-21 stand or fall together with independent claim 1. Claims 5, 7-8, and 11-12 each stand or fall alone. Claim 10 stands or falls together with dependent claim 9.

Claims 1, 13, and 19-21

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Failure to clearly designate teachings in applied prior art

At the outset, Appellant respectfully submits that the Examiner has failed to clearly designate the teachings in Moore being relied upon the statement of the rejection. In this regard, the Examiner's rejection under 35 U.S.C. § 103 also fails to comply with 37 C.F.R. § 1.104(c), which provides:

> In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

The Examiner has not designated the particular parts of Moore being relied "as nearly as practicable." Instead, the Examiner's statement of rejection reproduces entire paragraphs of the claims and asserts that all the limitations in the particular paragraph are disclosed by certain cited passages within Moore. Although broadly identifying where the Examiner believes the claimed limitations are disclosed in Moore, the statement of the rejection fails to clearly identify many of the specific elements within Moore being relied upon in the rejection.

Failure to teach "during design of a first Web site"

Independent method claims 1 and 19 recites "*during design of the first website*, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed," and to teach this particular limitation the Examiner has cited column 3, lines 30-40 and column 8, lines 27-61 of Moore. Although column 8, lines 27-61 of Moore refers to a "Development Tool," which "allows the merchant to design, build, and publish a web site," Moore is silent as to when information is received at a user interface indicating a type of

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element for marketing that is to be displayed at a second website, as recited in claim 1. Independent claims 13 and 20-21 also recite a similar limitation in that these claims recite that the method occurs when "a first website being designed."

Moreover, in response to a prior Argument by Appellant that the cited portions of Moore fails to teach these limitations, on page 15 of the Final Office Action the Examiner asserted that these features are disclosed in column 8, lines 59-62, which for ease of reference, is reproduced below:

> The merchant can even totally remove the Web storefront, and simply post the price URLs on news groups or on another web site.

Instead, this cited portion of Moore only teaches the removal of an entire Web site and the placement of information at a different location. Therefore, the Examiner has failed to establish that Moore either explicitly or inherently teaches the following recited limitations: "during the design of the first website" and "receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website."[1]

Failure to establish a proper motivation to modify Moore

Claims 1 and 19 recite "causing the display of the element for marketing at the second website when the first website is activated with respect to the internet," and the Examiner admitted on page 3 of the Final Office Action that "Moore does not expressly teach that said display of said element is done when the first website is activated with respect to the Internet." Independent claims 13 and 20-21 recite the similar limitation of "when the first website is

[1] It is legally erroneous to ignore any claim limitation. Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988).

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activated on the internet ...". In attempting to establish a prima facie case of obviousness to modify Moore, the Examiner asserted the following with regard to claim 1:

> However, Applicant's specification page 33, lines 10-13 discloses that "posting" a website" [sic] and "activating a website" are equivalent terms. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Moore's merchant website (i.e., first website) would be activated with respect to the Internet when said merchant website would post a price URLs (i.e., marketing element) at the second website. There is no purpose of posting a price URL in another website, if the location from which the price URL is sent (i.e., typically a page from the merchant website) is not active, as customers would not be able to hyperlink to said price URL address.

The Examiner's logic is flawed for several reasons. The Examiner has misinterpreted Appellant's specification. The Examiner has improperly relied upon Appellant's specification for the motivation to modify Moore, and the Examiner has failed to establish a factual basis within the applied prior art for a realistic motivation to modify Moore.

The Examiner relied upon page 33, lines 10-13 of Appellant's specification, and page 10, lines 9-13 are reproduced below:

> Once the design of the new website by the registered user is completed and the new website is posted/activated, the system 100 causes the selected websites of other registered users (i.e., the websites selected during the design of the new website) to display a link and/or banner ad concerning the new website.

It is readily apparent that one skilled in the art would not consider the terms "posted" and "activated" to be necessarily "equivalent," as asserted by the Examiner. For example, a website that is posted may not necessarily be activated since a separate activation step may be required after the website is posted. Thus, Appellant used the terms "posted" and "activated" as alternatives and not as equivalents (i.e., necessarily meaning the same thing).

Notwithstanding what Appellant has taught in the specification with regard to the relative meanings of the terms "activated" and "posted," the Examiner has improperly relied upon

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Appellant's disclosure. In rejecting a claim under 35 U.S.C. § 103, the Examiner is required to identify a source in the applied prior art for: (1) claim limitations and (2) the motivation to modify a reference in the reasonable expectation of achieving a particular benefit.[2] The Examiner, however, has failed to point to any teaching within Moore that supports the Examiner's asserted motivation to modify Moore. The Examiner's assertion that "[t]here is no purpose of posting a price URL in another website, if the location from which the price URL is sent ... is not active" is not supported by the applied prior art. As stated by the Federal Circuit in In re Zurko, "the [Patent Office] cannot simply reach conclusions based on its own understanding or experience - or on its assessment of what would be basic knowledge or common sense. Rather, the [Patent Office] must point to some concrete evidence in the record in support of these findings."[3]

Therefore, for the reasons stated above, the Examiner's statement of the rejection fails to establish that Moore teaches or suggests the claimed invention, as recited in claims1, 13, and 19-21, within the meaning of 35 U.S.C. § 103.

Claim 5

Dependent claim 5 recites, in part, the following limitation: "causing the sequential display at the reciprocal site of the first website of a plurality banner ads respectively concerning a plurality of third party websites." On page 4 of the Final Office Action the Examiner asserted that this limitation is disclosed in Figures 6 and 7 and in column 10, line 59 through column 11, line 15 of Moore. The Examiner also includes the assertion "page include a link to another Internet website."

---

[2] Smiths Industries Medical System v. Vital Signs Inc., 183 F.3d 1347, 51 USPQ2d 1415 (Fed. Cir. 1999).
[3] 258. F.3d 1379, 1386, 59 USPQ2d 1693, 1697 (Fed. Cir. 2001).

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Upon reviewing the figures and passages cited by the Examiner, however, Appellant is unable to determine where Moore teaches the above-identified limitation. Specifically, there is no apparent disclosure within Moore of the claimed "sequential display" or "a plurality of banners ads respectively concerning a plurality of third party websites." Thus, the Examiner's statement of the rejection fails to establish that Moore teaches or suggests the claimed invention, as recited in claim 5, within the meaning of 35 U.S.C. § 103.

Claim 7

Dependent claim 7 recites the following limitations:

> determining whether the banner ad for the first website has already been designed; and
>
> when it is determined that the banner ad for the first website has not yet been designed, displaying a message at the user interface indicating the necessity of designing the banner ad.

In the statement of the rejection, the Examiner admits that Moore fails to teach these limitations. The Examiner then asserted the following:

> However, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Moore would create and edit banner advertisements, and when it is determined that the banner ad for the first website has not yet been designed, displaying a message at the user interface indicating the necessity of designing the banner ad. There would be no purpose in creating a website if nobody knows that it exists.

Not only is the Examiner's logic flawed, the Examiner has failed to supply any factual support for the Examiner motivation to modify Moore. Instead, the Examiner appears to be

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engaging in impermissible hindsight reconstruction of the claimed invention using Appellant's claims as a roadmap.[4]

Furthermore, even *assuming arguendo* that the Examiner's assertion that "[t]here would be no purpose in creating a website if nobody knows that it exists" is correct, the Examiner's assertion does not necessarily lead to the claimed invention. Other methods besides creating a banner ad exist to inform potential viewers that a website exists (e.g., registering the site with a search engine). Thus, one having ordinary skill in the art would not necessarily arrived at the claimed invention based upon the Examiner's reasoning. Thus, the Examiner's statement of the rejection fails to establish that Moore teaches or suggests the claimed invention, as recited in claim 7, within the meaning of 35 U.S.C. § 103.

Claim 8

On page 5 of the Final Office Action, the Examiner cited column 8, lines 39-62, column 10, line 44 through column 11, line 15, and Figure 6 to teach "receiving a search request for available banner ad designs at the user interface," as recited in claim 8. A review of these cited passages and figure fails to yield any mention of a banner ad. Thus, the Examiner's statement of the rejection fails to establish that Moore teaches or suggests the claimed invention, as recited in claim 8, within the meaning of 35 U.S.C. § 103.

Claims 9 and 10

[4] "Determination of obviousness cannot be based on the hindsight combination of components selectively culled from the prior art to fit the parameters of the patented invention." ATD Corp. v. Lydall, Inc., 159 F.3d 534, 546, 48 USPQ2d 1321, 1329 (Fed. Cir. 1998).

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On page 6 of the Final Office Action, the Examiner asserted that each of the five different steps recited in claim 9 are disclosed in column 11, lines 50-60 of Moore, which for ease of reference is reproduced below:

> Each page created by the merchant can, as mentioned earlier, be modified. Style components can be added, deleted, moved, resized, etc. Another feature of the Development Tool is that it presents the page just as a Web customer will see it. This feature, called WYSIWYG for "what you see is what you get" allows the merchant to see, without publishing and browsing, what the published page will look like when it is published. Additionally, the Development Tool also provides a previewing option which uploads all of the pages and allows the merchant to view the entire Web site with a Web browser.

Upon reviewing this passage, Appellant is unable to determine where in this passage Moore discloses all of the limitations recited in claim 9. For example, this passage is silent as to display regions, and thus, cannot teach the claimed first and second display regions.

With regard to claim 10, in addition to citing the same passage, the Examiner also cited Figure 13. However, Appellant is unable to determine where in this passage and figure Moore discloses each of the limitations recited in claim 10. For example, the citations are silent as to "sonic effects." Thus, the Examiner's statement of the rejection fails to establish that Moore teaches or suggests the claimed invention, as recited in claims 9 and 10, within the meaning of 35 U.S.C. § 103.

Claim 11

Claim 11 depends from claim 9 and concerns features recited in claim 9. However, the passages cited by the Examiner to teach the limitations recited in claim 11 appear to be unrelated to the teachings the Examiner cited to teach the limitations recited in claim 9, and the Examiner has not described the interdependency between these citations for claims 9 and 11. Therefore, the Examiner has failed to consider the claimed invention as a whole. Thus, the Examiner's

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statement of the rejection fails to establish that Moore teaches or suggests the claimed invention, as recited in claim 11, within the meaning of 35 U.S.C. § 103.

Claim 12

With regard to claim 12, the Examiner cited column 8, lines 27-65, column 10, line 44 through column 11, line 15, and Figure 13 to teach the limitations recited therein. Upon reviewing these passages, Appellant is unable to determine where Moore discloses each of the limitations recited in claim 12. Thus, the Examiner's statement of the rejection fails to establish that Moore teaches or suggests the claimed invention, as recited in claim 12, within the meaning of 35 U.S.C. § 103.

THE REJECTION OF CLAIMS 2 AND 3 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON MOORE IN VIEW OF WEXLER

For convenience of the Honorable Board in addressing the rejections, claims 2 and 3 stand or fall together with independent claim 1.

Claims 2 and 3 depend from independent claim 1, and Appellant incorporates herein the arguments previously advanced in traversing the imposed rejection of claim 1 for obviousness based upon Moore. The Examiner's secondary reference of Wexler does not cure the argued deficiencies of Moore. Accordingly, the proposed combination of references would not yield the claimed invention. Appellant, therefore, respectfully submits that the imposed rejection of claims 2 and 3 under 35 U.S.C. § 103 for obviousness based upon Moore in view of Wexler is not viable and, hence, solicits withdrawal thereof.

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THE REJECTION OF CLAIMS 14 AND 15 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON MOORE IN VIEW OF HESS

For convenience of the Honorable Board in addressing the rejections, claims 14 and 15 stand or fall together with independent claim 13.

Claims 14 and 15 depend from independent claim 13, and Appellant incorporates herein the arguments previously advanced in traversing the imposed rejection of claim 13 for obviousness based upon Moore. The Examiner's secondary reference of Hess does not cure the argued deficiencies of Moore. Accordingly, the proposed combination of references would not yield the claimed invention. Appellant, therefore, respectfully submits that the imposed rejection of claims 14 and 15 under 35 U.S.C. § 103 for obviousness based upon Moore in view of Hess is not viable and, hence, solicits withdrawal thereof.

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Conclusion

Based upon the foregoing, Appellant respectfully submits that the Examiner's rejections under 35 U.S.C. § 103 are not factually or legally viable. Appellant, therefore, respectfully solicits the Honorable Board to reverse the Examiner's rejections under 35 U.S.C. § 103.

Date: January 13, 2006

Respectfully submitted,

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VIII. CLAIMS APPENDIX

1. A method of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the internet, the method comprising:

during design of the first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed;

saving the information at a first database that is coupled to the user interface;

obtaining the element for marketing of the type indicated; and

causing the display of the element for marketing at the second website when the first website is activated with respect to the internet, wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website.

2. The method of claim 1, further comprising, prior to receiving the information indicating the type of the element and the information specifying the second website:

receiving at the user interface information concerning at least one of the website designer, a business of the website designer, and the first website;

performing a search of information on a second database having information concerning at least one of a plurality of third party website designers, a plurality of third party businesses and a plurality of third party websites;

identifying from the search at least one third party website to which the first website should be coupled for marketing purposes; and

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providing information concerning the at least one third party website at the user interface.

3. The method of claim 1, further comprising:

during design of the first website, receiving information specifying a plurality of additional third party websites at which it is desirable to have the element displayed;

saving the information at the first database; and

causing the display of the element for marketing at each of the plurality of additional third party websites when the first website is activated with respect to the internet.

4. The method of claim 1, further comprising:

determining whether a reciprocal site for the display of at least one marketing element of a third party website exists in the first website being designed; and

creating the reciprocal site for the display of the at least one marketing element of the third party website when the reciprocal site does not yet exist in the first website being designed.

5. The method of claim 4, further comprising:

when the element for marketing the first website is a banner ad concerning the first website, causing the sequential display at the reciprocal site of the first website of a plurality banner ads respectively concerning a plurality of third party websites, when the first website is activated with respect to the internet.

6. (Original) The method of claim 4, further comprising:

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when the element for marketing the first website is a link to the first website, causing the display at the reciprocal site of the first website of a plurality of links to the plurality of third party websites, when the first website is activated with respect to the internet.

7. The method of claim 1, wherein the element for marketing is the banner ad concerning the first website, further comprising:

determining whether the banner ad for the first website has already been designed; and

when it is determined that the banner ad for the first website has not yet been designed, displaying a message at the user interface indicating the necessity of designing the banner ad.

8. The method of claim 7, further comprising, when it is determined that the banner ad for the first website has not yet been designed:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements;

receiving a search request for available banner ad designs at the user interface;

performing a search of information concerning a plurality of available elements stored on a second database in response to the search request, wherein a search engine program performs the search;

displaying results of the search on the user interface; and

receiving a selection command at the user interface to select a first banner ad design from the results.

9. The method of claim 8, further comprising:

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providing a second display region on the user interface, the second display region being capable of displaying the plurality of elements;

displaying the first banner ad design in the second display region;

receiving a first command to modify the first banner ad design in the second display region;

modifying the first banner ad design in response to the first command;

terminating the display of the second display region;

displaying the modified first banner ad design in the first display region, wherein the first display region is capable of displaying the first banner ad design in an interactive manner; and

saving the modified first banner ad design.

10. The method of claim 9, further comprising:

receiving at the user interface a command to preview the modified first banner ad design; and

providing a preview of the modified first banner ad design, wherein the preview allows for the display of all visual effects of the modified first banner ad design, and allows for the sounding of all sonic effects of the modified first banner ad design.

11. The method of claim 9, further comprising, prior to the saving of information concerning the modified first banner ad design:

displaying a prompt concerning payment;

receiving credit card processing information at the user interface; and

determining the adequacy of the credit card processing information.

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12. The method of claim 1, further comprising, prior to receiving the information indicating the type of the element and the information specifying the second website:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements;

receiving a selection of a smart agent option at the user interface, the selection of which is indicative of a desire to establish the arrangement between the first website being designed by the website designer and the second website in order to market the first website at the second website upon the activation of the first website on the internet;

displaying a smart agent menu having a suggested marketing locations option, a create links option and a banner ad rotations option, wherein the create links option and the banner ad rotations option can be selected to indicate the type of the element for marketing.

13. A method of assisting a website designer in establishing an e-commerce feature on a first website being designed by the website designer for access by third parties upon the activation of the first website on the internet, the method comprising:

receiving at a user interface a selection of the e-commerce feature that is desired to be implemented on the first website, wherein the e-commerce feature is at least one of a shopping cart and an auction;

receiving at the user interface information concerning a picture of a product desired to be sold using the e-commerce feature;

receiving at the user interface information concerning a written description of the product;

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receiving at the user interface information concerning a price of the product;

receiving at the user interface information concerning an identification number of the product; and

when the first website is activated on the internet, displaying the e-commerce feature on the first website, wherein display of the e-commerce feature includes the display of at least some of the picture, written description, price and identification information of the product.

14. The method of claim 13, further comprising, prior to receiving at the user interface the selection of the e-commerce feature that is desired to be implemented:

displaying a list of at least one of a plurality of shopping carts and a plurality of auctions.

15. The method of claim 13, wherein the e-commerce feature that is selected is an auction, and the information concerning the price of the product concerns a reserve price.

16. The method of claim 13, wherein the information concerning the picture of the product is uploaded from a memory device at a website designer computer, and wherein the information concerning the written description, price and identification number of the product is received at the user interface into a form field.

17. The method of claim 13, further comprising, after the receiving of the information concerning the identification number of the product:

prompting for an input of a merchant account identifier;

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when the merchant account identifier is received, saving the information concerning the selected e-commerce feature, the received information concerning the picture, written description, price and identification number of the product, and the merchant account identifier;

when an indication that no merchant account identifier exists is received, providing a merchant account information form, receiving merchant account information at the user interface, and sending the merchant account information to a merchant account vendor,

wherein, the e-commerce feature is only displayed on the internet when both the first website is activated on the internet and the merchant account identifier has been received.

18. The method of claim 13, further comprising:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements;

displaying the selected e-commerce feature including at least some of the information concerning the picture, written description, price and identification number of the product on the first display region,

wherein the first display region is capable of displaying the e-commerce feature in an interactive manner.

19. A computer-readable storage medium containing computer executable code for instructing at least one computer to perform the steps of:

during design of a first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at a second website, and information specifying the second website at which the element is to be displayed;

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saving the information at a first database that is coupled to the user interface;

obtaining an element for marketing of the type indicated; and

causing the display of the element for marketing at the second website when the first website is activated with respect to the internet,

wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website.

20. A computer-readable storage medium containing computer executable code for instructing at least one computer to perform the steps of:

receiving at a user interface a selection of an e-commerce feature that is desired to be implemented on a first website, wherein the e-commerce feature is at least one of a shopping cart and an auction;

receiving at the user interface information concerning a picture of a product desired to be sold using the e-commerce feature;

receiving at the user interface information concerning a written description of the product;

receiving at the user interface information concerning a price of the product;

receiving at the user interface information concerning an identification number of the product; and

when the first website is activated on the internet, displaying the e-commerce feature on the first website, wherein display of the e-commerce feature includes the display of at least some of the picture, written description, price and identification information of the product.

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21. An internet-based system for assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the internet, the system including;

a server computer accessible by a plurality of registered user computers and a plurality of unregistered computers using the internet, wherein the server computer:

receives at a user interface displayed at one of the registered user computers information indicating a type of an element for marketing that is to be displayed at the second website, and

information specifying the second website at which the element is to be displayed;

saves the information at a first database that is coupled to the server computer;

obtains an element for marketing;

hosts the second website;

activates the first website on the internet by hosting the first website on the internet;

provides a web page for the second website to one of the unregistered computers; and

displays the element for marketing on the web page.

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IX. EVIDENCE APPENDIX

No evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 of this title or of any other evidence entered by the Examiner has been relied upon by Appellant in this Appeal, and thus no evidence is attached hereto.

X. RELATED PROCEEDINGS APPENDIX

Since Appellant is unaware of any related appeals and interferences, no decision rendered by a court or the Board is attached hereto.

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,551	06/07/2000	Thomas L. DiStefano III	6676-11	8542

7590 05/19/2006

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EXAMINER	
ART UNIT	PAPER NUMBER

DATE MAILED: 05/19/2006

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

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No.	Applicant(s)	
	09/589,551	DISTEFANO, THOMAS L.	
	Examiner	Art Unit	
	DANIEL LASTRA	3622	

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

The Appeal Brief filed on *17 January 2006* is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file anamended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.

2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).

3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).

4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).

5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi))

6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).

7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).

8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).

9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).

10. ☒ Other (including any explanation in support of the above items):

_____.

Yehdega Retta
RETTA YEHDEGA
PRIMARY EXAMINER

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Appellants filed an Appeal brief under the rules set forth in 37 CFR § 1.192(c). However, the rules under 37 CFR § 1.192(c) were abolished on September 13, 2004, and replaced by 37 CFR § 41.37(c). For more information on board new rules, please see the webpage entitled "More information on the Rules of Practice Before the BPAI" Final rule at :http//www.uspto.gov/web/offices/dcom/bpai/fr2004/moreinfo.html. The brief must contain the following items (§ 41.37(c)):

vi. Grounds of rejection to be reviewed on appeal (replacing "issues for review" and "grouping of claims").

Example: Claims 1 to 10 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. X.

ix. Evidence appendix (new)

Copies of any evidence entered and relied upon in the appeal.

x. Related proceedings appendix (new)

Copies of decisions rendered by a court or the Board in any proceeding identified in the related appeals and interferences section.

The Applicant needs to change the title of part VI. "Issues to be reviewed on Appeal" to "Grounds of rejection to be reviewed on appeal" and also change the title "The Argument" to "Argument".

Also, the Applicant needs to put in a new page the section IX. Evidence appendix and also in a new page the section with the heading X. Related proceeding appendix. Proper correction is required.

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) (Small Entity)	Docket No. 1115-007U

In Re Application Of: **Thomas DESTEFANO III**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/589,551	06/07/2000	D. Lastra	29973	3622	8542

Invention: **METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS**

COMMISSIONER FOR PATENTS:

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of 05/19/2006 (*Date*) in the above-identified application.

The requested extension is as follows (check time period desired):

☒ One month ☐ Two months ☐ Three months ☐ Four months ☐ Five months

from: June 19, 2006 (*Date*) until: July 19, 2006 (*Date*)

☒ Applicant claims small entity status. See 37 CFR 1.27

The fee for the extension of time is $60 and is to be paid as follows:

☐ A check in the amount of the fee is enclosed.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 503839

☐ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 503839

☐ Payment by credit card. Form PTO-2038 is attached.

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.

Signature

Dated: July 19, 2006

Steven M. Greenberg
Carey, Rodriguez, Greenberg & Paul, LLP
CUSTOMER NO. 29973

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

_____ (*Date*)

Signature of Person Mailing Correspondence

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P129MALL/REV08

Doc Code:

PTO/SB/122 (01-06)
Approved for use through 12/31/2008. OMB 0651-0035
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Application

Address to:
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Application Number	09/589,551
Filing Date	06-07-2000
First Named Inventor	Thomas L. Distefano III
Art Unit	3622
Examiner Name	Daniel Lastra
Attorney Docket Number	6676-11 (1115-7U)

Please change the Correspondence Address for the above-identified application to:

☒ The address associated with Customer Number: 29973

OR

☐ Firm *or* Individual Name					
Address					
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I am the:

☐ Applicant/Inventor

☐ Assignee of record of the entire interest.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ Attorney or Agent of record. Registration Number 44,725.

☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number _____.

Signature	
Typed or Printed	Steven M. Greenberg
Date 07-17-06	Telephone 561-922-3845

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. 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 1.33. 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 on 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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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	:	Customer Number: 29973
Thomas DISTEFANO III	:	Confirmation Number: 8542
Application No.: 09/589,551	:	Group Art Unit: 3622
Filed: June 7, 2000	:	Examiner: D. Lastra

For: METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS

TRANSMITTAL OF SUPPLEMENTAL APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is Appellant's Appeal Brief in support of the Notice of Appeal filed September 6, 2005, and in response to the Notice of Non-Compliant Appeal Brief dated May 19, 2006.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due under 37 C.F.R. §§ 1.17, 41.20, and in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-3839, and please credit any excess fees to such deposit account.

Date: July 19, 2006

Respectfully submitted,

Scott D. Paul
Registration No. 42,984
Steven M. Greenberg
Registration No. 44,725
CUSTOMER NUMBER 29973

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Docket No. 1115-007U **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	:	Customer Number: 29973
Thomas DISTEFANO III	:	Confirmation Number: 8542
Application No.: 09/589,551	:	Group Art Unit: 3622
Filed: June 7, 2000	:	Examiner: D. Lastra

For: METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS

SUPPLEMENTAL APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed September 6, 2005, in response to the Notice of Panel Decision from Pre-Appeal Brief Review dated December 13, 2005, and in response to the Notice of Non-Compliant Appeal Brief dated May 19, 2006, wherein Appellant appeals from the Examiner's rejection of claims 1-21.

I. REAL PARTY IN INTEREST

This application is assigned to The Perfect Web Corporation by assignment recorded on June 7, 2000, at Reel 010861, Frame 0100.

II. RELATED APPEALS AND INTERFERENCES

Appellant is unaware of any related appeals and interferences.

III. STATUS OF CLAIMS

Claims 1-21 are pending and finally rejected in this Application. It is from the final rejection of claims 1-21 that this Appeal is taken.

IV. STATUS OF AMENDMENTS

The claims have not been amended subsequent to the imposition of the Final Office Action dated June 6, 2005.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claims 1, 13, and 19-21 are respectively directed to methods, computer program products, and a system for assisting a website designer establish an arrangement between a first website being designed and a second website. *The arrangement is established to market the first Web site at the second website upon activation of the first website on the Internet.* During the design of the first website, information indicating a type of marketing element can be received through a user interface. The information can specify, for example, marketing elements such as banner ads, links, or the like. The received information also can specify or identify the second website, at which the marketing element being described is to be displayed. The received information is saved within a database that is coupled to the user interface through which the information was received.

The marketing element, particularly one of the type indicated by the received information, can be obtained. Thus, if a banner ad was indicated, a banner ad marketing element can be obtained. In any case, the marketing element is displayed at the second website when the first website is activated with respect to the Internet. That is, when the first website being

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developed is activated, the second website is altered to display the marketing element(s) specified by the developer when developing the first website.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1, 4-13 and 16-21 were rejected under 35 U.S.C. § 103 for obviousness based upon Moore et al., U.S. Patent No. 6,330,575 (hereinafter Moore);

2. Claims 2 and 3 were rejected under 35 U.S.C. § 103 for obviousness based upon Moore in view of Wexler et al., U.S. Patent No. 5,960,409 (hereinafter Wexler); and

3. Claims 14 and 15 were rejected under 35 U.S.C. § 103 for obviousness based upon Moore in view of Hess et al., U.S. Patent No. 6,058,417 (hereinafter Hess).

VII. ARGUMENT

THE REJECTION OF CLAIMS 1, 4-13 AND 16-21 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON MOORE

For convenience of the Honorable Board in addressing the rejections, claims 3-4, 6, 13, 16-21 stand or fall together with independent claim 1. Claims 5, 7-8, and 11-12 each stand or fall alone. Claim 10 stands or falls together with dependent claim 9.

Claims 1, 13, and 19-21

Failure to clearly designate teachings in applied prior art

At the outset, Appellant respectfully submits that the Examiner has failed to clearly designate the teachings in Moore being relied upon the statement of the rejection. In this regard,

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the Examiner's rejection under 35 U.S.C. § 103 also fails to comply with 37 C.F.R. § 1.104(c), which provides:

> In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

The Examiner has not designated the particular parts of Moore being relied "as nearly as practicable." Instead, the Examiner's statement of rejection reproduces entire paragraphs of the claims and asserts that all the limitations in the particular paragraph are disclosed by certain cited passages within Moore. Although broadly identifying where the Examiner believes the claimed limitations are disclosed in Moore, the statement of the rejection fails to clearly identify many of the specific elements within Moore being relied upon in the rejection.

Failure to teach "during design of a first Web site"

Independent method claims 1 and 19 recites "*during design of the first website*, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed," and to teach this particular limitation the Examiner has cited column 3, lines 30-40 and column 8, lines 27-61 of Moore. Although column 8, lines 27-61 of Moore refers to a "Development Tool," which "allows the merchant to design, build, and publish a web site," Moore is silent as to when information is received at a user interface indicating a type of element for marketing that is to be displayed at a second website, as recited in claim 1. Independent claims 13 and 20-21 also recite a similar limitation in that these claims recite that the method occurs when "a first website being designed."

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Moreover, in response to a prior Argument by Appellant that the cited portions of Moore fails to teach these limitations, on page 15 of the Final Office Action the Examiner asserted that these features are disclosed in column 8, lines 59-62, which for ease of reference, is reproduced below:

> The merchant can even totally remove the Web storefront, and simply post the price URLs on news groups or on another web site.

Instead, this cited portion of Moore only teaches the removal of an entire Web site and the placement of information at a different location. Therefore, the Examiner has failed to establish that Moore either explicitly or inherently teaches the following recited limitations: "during the design of the first website" and "receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website."[1]

Failure to establish a proper motivation to modify Moore

Claims 1 and 19 recite "causing the display of the element for marketing at the second website when the first website is activated with respect to the internet," and the Examiner admitted on page 3 of the Final Office Action that "Moore does not expressly teach that said display of said element is done when the first website is activated with respect to the Internet." Independent claims 13 and 20-21 recite the similar limitation of "when the first website is activated on the internet ...". In attempting to establish a prima facie case of obviousness to modify Moore, the Examiner asserted the following with regard to claim 1:

> However, Applicant's specification page 33, lines 10-13 discloses that "posting" a website" [sic] and "activating a website" are equivalent terms. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Moore's merchant website (i.e., first website) would be activated with respect to the Internet when said

[1] It is legally erroneous to ignore any claim limitation. Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988).

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> merchant website would post a price URLs (i.e., marketing element) at the second website. There is no purpose of posting a price URL in another website, if the location from which the price URL is sent (i.e., typically a page from the merchant website) is not active, as customers would not be able to hyperlink to said price URL address.

The Examiner's logic is flawed for several reasons. The Examiner has misinterpreted Appellant's specification. The Examiner has improperly relied upon Appellant's specification for the motivation to modify Moore, and the Examiner has failed to establish a factual basis within the applied prior art for a realistic motivation to modify Moore.

The Examiner relied upon page 33, lines 10-13 of Appellant's specification, and page 33, lines 9-13 are reproduced below:

> Once the design of the new website by the registered user is completed and the new website is posted/activated, the system 100 causes the selected websites of other registered users (i.e., the websites selected during the design of the new website) to display a link and/or banner ad concerning the new website.

It is readily apparent that one skilled in the art would not consider the terms "posted" and "activated" to be necessarily "equivalent," as asserted by the Examiner. For example, a website that is posted may not necessarily be activated since a separate activation step may be required after the website is posted. Thus, Appellant used the terms "posted" and "activated" as alternatives and not as equivalents (i.e., necessarily meaning the same thing).

Notwithstanding what Appellant has taught in the specification with regard to the relative meanings of the terms "activated" and "posted," the Examiner has improperly relied upon Appellant's disclosure. In rejecting a claim under 35 U.S.C. § 103, the Examiner is required to identify a source in the applied prior art for: (1) claim limitations and (2) the motivation to modify a

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reference in the reasonable expectation of achieving a particular benefit.[2] The Examiner, however, has failed to point to any teaching within Moore that supports the Examiner's asserted motivation to modify Moore. The Examiner's assertion that "[t]here is no purpose of posting a price URL in another website, if the location from which the price URL is sent ... is not active" is not supported by the applied prior art. As stated by the Federal Circuit in In re Zurko, "the [Patent Office] cannot simply reach conclusions based on its own understanding or experience - or on its assessment of what would be basic knowledge or common sense. Rather, the [Patent Office] must point to some concrete evidence in the record in support of these findings."[3]

Therefore, for the reasons stated above, the Examiner's statement of the rejection fails to establish that Moore teaches or suggests the claimed invention, as recited in claims1, 13, and 19-21, within the meaning of 35 U.S.C. § 103.

Claim 5

Dependent claim 5 recites, in part, the following limitation: "causing the sequential display at the reciprocal site of the first website of a plurality banner ads respectively concerning a plurality of third party websites." On page 4 of the Final Office Action the Examiner asserted that this limitation is disclosed in Figures 6 and 7 and in column 10, line 59 through column 11, line 15 of Moore. The Examiner also includes the assertion "page include a link to another Internet website."

[2] Smiths Industries Medical System v. Vital Signs Inc., 183 F.3d 1347, 51 USPQ2d 1415 (Fed. Cir. 1999).
[3] 258. F.3d 1379, 1386, 59 USPQ2d 1693, 1697 (Fed. Cir. 2001).

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Upon reviewing the figures and passages cited by the Examiner, however, Appellant is unable to determine where Moore teaches the above-identified limitation. Specifically, there is no apparent disclosure within Moore of the claimed "sequential display" or "a plurality of banners ads respectively concerning a plurality of third party websites." Thus, the Examiner's statement of the rejection fails to establish that Moore teaches or suggests the claimed invention, as recited in claim 5, within the meaning of 35 U.S.C. § 103.

Claim 7

Dependent claim 7 recites the following limitations:

> determining whether the banner ad for the first website has already been designed; and
>
> when it is determined that the banner ad for the first website has not yet been designed, displaying a message at the user interface indicating the necessity of designing the banner ad.

In the statement of the rejection, the Examiner admits that Moore fails to teach these limitations. The Examiner then asserted the following:

> However, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Moore would create and edit banner advertisements, and when it is determined that the banner ad for the first website has not yet been designed, displaying a message at the user interface indicating the necessity of designing the banner ad. There would be no purpose in creating a website if nobody knows that it exists.

Not only is the Examiner's logic flawed, the Examiner has failed to supply any factual support for the Examiner motivation to modify Moore. Instead, the Examiner appears to be

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engaging in impermissible hindsight reconstruction of the claimed invention using Appellant's claims as a roadmap.[4]

Furthermore, even *assuming arguendo* that the Examiner's assertion that "[t]here would be no purpose in creating a website if nobody knows that it exists" is correct, the Examiner's assertion does not necessarily lead to the claimed invention. Other methods besides creating a banner ad exist to inform potential viewers that a website exists (e.g., registering the site with a search engine). Thus, one having ordinary skill in the art would not necessarily arrived at the claimed invention based upon the Examiner's reasoning. Thus, the Examiner's statement of the rejection fails to establish that Moore teaches or suggests the claimed invention, as recited in claim 7, within the meaning of 35 U.S.C. § 103.

Claim 8

On page 5 of the Final Office Action, the Examiner cited column 8, lines 39-62, column 10, line 44 through column 11, line 15, and Figure 6 to teach "receiving a search request for available banner ad designs at the user interface," as recited in claim 8. A review of these cited passages and figure fails to yield any mention of a banner ad. Thus, the Examiner's statement of the rejection fails to establish that Moore teaches or suggests the claimed invention, as recited in claim 8, within the meaning of 35 U.S.C. § 103.

[4] "Determination of obviousness cannot be based on the hindsight combination of components selectively culled from the prior art to fit the parameters of the patented invention." ATD Corp. v. Lydall, Inc., 159 F.3d 534, 546, 48 USPQ2d 1321, 1329 (Fed. Cir. 1998).

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Claims 9 and 10

On page 6 of the Final Office Action, the Examiner asserted that each of the five different steps recited in claim 9 are disclosed in column 11, lines 50-60 of Moore, which for ease of reference is reproduced below:

> Each page created by the merchant can, as mentioned earlier, be modified. Style components can be added, deleted, moved, resized, etc. Another feature of the Development Tool is that it presents the page just as a Web customer will see it. This feature, called WYSIWYG for "what you see is what you get" allows the merchant to see, without publishing and browsing, what the published page will look like when it is published. Additionally, the Development Tool also provides a previewing option which uploads all of the pages and allows the merchant to view the entire Web site with a Web browser.

Upon reviewing this passage, Appellant is unable to determine where in this passage Moore discloses all of the limitations recited in claim 9. For example, this passage is silent as to display regions, and thus, cannot teach the claimed first and second display regions.

With regard to claim 10, in addition to citing the same passage, the Examiner also cited Figure 13. However, Appellant is unable to determine where in this passage and figure Moore discloses each of the limitations recited in claim 10. For example, the citations are silent as to "sonic effects." Thus, the Examiner's statement of the rejection fails to establish that Moore teaches or suggests the claimed invention, as recited in claims 9 and 10, within the meaning of 35 U.S.C. § 103.

Claim 11

Claim 11 depends from claim 9 and concerns features recited in claim 9. However, the passages cited by the Examiner to teach the limitations recited in claim 11 appear to be unrelated to the teachings the Examiner cited to teach the limitations recited in claim 9, and the Examiner has not described the interdependency between these citations for claims 9 and 11. Therefore,

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the Examiner has failed to consider the claimed invention as a whole. Thus, the Examiner's statement of the rejection fails to establish that Moore teaches or suggests the claimed invention, as recited in claim 11, within the meaning of 35 U.S.C. § 103.

Claim 12

With regard to claim 12, the Examiner cited column 8, lines 27-65, column 10, line 44 through column 11, line 15, and Figure 13 to teach the limitations recited therein. Upon reviewing these passages, Appellant is unable to determine where Moore discloses each of the limitations recited in claim 12. Thus, the Examiner's statement of the rejection fails to establish that Moore teaches or suggests the claimed invention, as recited in claim 12, within the meaning of 35 U.S.C. § 103.

THE REJECTION OF CLAIMS 2 AND 3 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON MOORE IN VIEW OF WEXLER

For convenience of the Honorable Board in addressing the rejections, claims 2 and 3 stand or fall together with independent claim 1.

Claims 2 and 3 depend from independent claim 1, and Appellant incorporates herein the arguments previously advanced in traversing the imposed rejection of claim 1 for obviousness based upon Moore. The Examiner's secondary reference of Wexler does not cure the argued deficiencies of Moore. Accordingly, the proposed combination of references would not yield the claimed invention. Appellant, therefore, respectfully submits that the imposed rejection of claims 2 and 3

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under 35 U.S.C. § 103 for obviousness based upon Moore in view of Wexler is not viable and, hence, solicits withdrawal thereof.

THE REJECTION OF CLAIMS 14 AND 15 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON MOORE IN VIEW OF HESS

For convenience of the Honorable Board in addressing the rejections, claims 14 and 15 stand or fall together with independent claim 13.

Claims 14 and 15 depend from independent claim 13, and Appellant incorporates herein the arguments previously advanced in traversing the imposed rejection of claim 13 for obviousness based upon Moore. The Examiner's secondary reference of Hess does not cure the argued deficiencies of Moore. Accordingly, the proposed combination of references would not yield the claimed invention. Appellant, therefore, respectfully submits that the imposed rejection of claims 14 and 15 under 35 U.S.C. § 103 for obviousness based upon Moore in view of Hess is not viable and, hence, solicits withdrawal thereof.

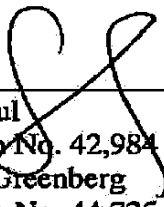
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Conclusion

Based upon the foregoing, Appellant respectfully submits that the Examiner's rejections under 35 U.S.C. § 103 are not factually or legally viable. Appellant, therefore, respectfully solicits the Honorable Board to reverse the Examiner's rejections under 35 U.S.C. § 103.

Date: July 19, 2006

Respectfully submitted,



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VIII. CLAIMS APPENDIX

1. A method of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the internet, the method comprising:

during design of the first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed;

saving the information at a first database that is coupled to the user interface;

obtaining the element for marketing of the type indicated; and

causing the display of the element for marketing at the second website when the first website is activated with respect to the internet, wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website.

2. The method of claim 1, further comprising, prior to receiving the information indicating the type of the element and the information specifying the second website:

receiving at the user interface information concerning at least one of the website designer, a business of the website designer, and the first website;

performing a search of information on a second database having information concerning at least one of a plurality of third party website designers, a plurality of third party businesses and a plurality of third party websites;

identifying from the search at least one third party website to which the first website should be coupled for marketing purposes; and

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providing information concerning the at least one third party website at the user interface.

3. The method of claim 1, further comprising:

during design of the first website, receiving information specifying a plurality of additional third party websites at which it is desirable to have the element displayed;

saving the information at the first database; and

causing the display of the element for marketing at each of the plurality of additional third party websites when the first website is activated with respect to the internet.

4. The method of claim 1, further comprising:

determining whether a reciprocal site for the display of at least one marketing element of a third party website exists in the first website being designed; and

creating the reciprocal site for the display of the at least one marketing element of the third party website when the reciprocal site does not yet exist in the first website being designed.

5. The method of claim 4, further comprising:

when the element for marketing the first website is a banner ad concerning the first website, causing the sequential display at the reciprocal site of the first website of a plurality banner ads respectively concerning a plurality of third party websites, when the first website is activated with respect to the internet.

6. (Original) The method of claim 4, further comprising:

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when the element for marketing the first website is a link to the first website, causing the display at the reciprocal site of the first website of a plurality of links to the plurality of third party websites, when the first website is activated with respect to the internet.

7. The method of claim 1, wherein the element for marketing is the banner ad concerning the first website, further comprising:

determining whether the banner ad for the first website has already been designed; and

when it is determined that the banner ad for the first website has not yet been designed, displaying a message at the user interface indicating the necessity of designing the banner ad.

8. The method of claim 7, further comprising, when it is determined that the banner ad for the first website has not yet been designed:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements;

receiving a search request for available banner ad designs at the user interface;

performing a search of information concerning a plurality of available elements stored on a second database in response to the search request, wherein a search engine program performs the search;

displaying results of the search on the user interface; and

receiving a selection command at the user interface to select a first banner ad design from the results.

9. The method of claim 8, further comprising:

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providing a second display region on the user interface, the second display region being capable of displaying the plurality of elements;

displaying the first banner ad design in the second display region;

receiving a first command to modify the first banner ad design in the second display region;

modifying the first banner ad design in response to the first command;

terminating the display of the second display region;

displaying the modified first banner ad design in the first display region, wherein the first display region is capable of displaying the first banner ad design in an interactive manner; and

saving the modified first banner ad design.

10. The method of claim 9, further comprising:

receiving at the user interface a command to preview the modified first banner ad design; and

providing a preview of the modified first banner ad design, wherein the preview allows for the display of all visual effects of the modified first banner ad design, and allows for the sounding of all sonic effects of the modified first banner ad design.

11. The method of claim 9, further comprising, prior to the saving of information concerning the modified first banner ad design:

displaying a prompt concerning payment;

receiving credit card processing information at the user interface; and

determining the adequacy of the credit card processing information.

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12. The method of claim 1, further comprising, prior to receiving the information indicating the type of the element and the information specifying the second website:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements;

receiving a selection of a smart agent option at the user interface, the selection of which is indicative of a desire to establish the arrangement between the first website being designed by the website designer and the second website in order to market the first website at the second website upon the activation of the first website on the internet;

displaying a smart agent menu having a suggested marketing locations option, a create links option and a banner ad rotations option, wherein the create links option and the banner ad rotations option can be selected to indicate the type of the element for marketing.

13. A method of assisting a website designer in establishing an e-commerce feature on a first website being designed by the website designer for access by third parties upon the activation of the first website on the internet, the method comprising:

receiving at a user interface a selection of the e-commerce feature that is desired to be implemented on the first website, wherein the e-commerce feature is at least one of a shopping cart and an auction;

receiving at the user interface information concerning a picture of a product desired to be sold using the e-commerce feature;

receiving at the user interface information concerning a written description of the product;

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receiving at the user interface information concerning a price of the product;

receiving at the user interface information concerning an identification number of the product; and

when the first website is activated on the internet, displaying the e-commerce feature on the first website, wherein display of the e-commerce feature includes the display of at least some of the picture, written description, price and identification information of the product.

14. The method of claim 13, further comprising, prior to receiving at the user interface the selection of the e-commerce feature that is desired to be implemented:

displaying a list of at least one of a plurality of shopping carts and a plurality of auctions.

15. The method of claim 13, wherein the e-commerce feature that is selected is an auction, and the information concerning the price of the product concerns a reserve price.

16. The method of claim 13, wherein the information concerning the picture of the product is uploaded from a memory device at a website designer computer, and wherein the information concerning the written description, price and identification number of the product is received at the user interface into a form field.

17. The method of claim 13, further comprising, after the receiving of the information concerning the identification number of the product:

prompting for an input of a merchant account identifier;

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when the merchant account identifier is received, saving the information concerning the selected e-commerce feature, the received information concerning the picture, written description, price and identification number of the product, and the merchant account identifier;

when an indication that no merchant account identifier exists is received, providing a merchant account information form, receiving merchant account information at the user interface, and sending the merchant account information to a merchant account vendor,

wherein, the e-commerce feature is only displayed on the internet when both the first website is activated on the internet and the merchant account identifier has been received.

18. The method of claim 13, further comprising:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements;

displaying the selected e-commerce feature including at least some of the information concerning the picture, written description, price and identification number of the product on the first display region,

wherein the first display region is capable of displaying the e-commerce feature in an interactive manner.

19. A computer-readable storage medium containing computer executable code for instructing at least one computer to perform the steps of:

during design of a first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at a second website, and information specifying the second website at which the element is to be displayed;

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saving the information at a first database that is coupled to the user interface;

obtaining an element for marketing of the type indicated; and

causing the display of the element for marketing at the second website when the first website is activated with respect to the internet,

wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website.

20. A computer-readable storage medium containing computer executable code for instructing at least one computer to perform the steps of:

receiving at a user interface a selection of an e-commerce feature that is desired to be implemented on a first website, wherein the e-commerce feature is at least one of a shopping cart and an auction;

receiving at the user interface information concerning a picture of a product desired to be sold using the e-commerce feature;

receiving at the user interface information concerning a written description of the product;

receiving at the user interface information concerning a price of the product;

receiving at the user interface information concerning an identification number of the product; and

when the first website is activated on the internet, displaying the e-commerce feature on the first website, wherein display of the e-commerce feature includes the display of at least some of the picture, written description, price and identification information of the product.

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21. An internet-based system for assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the internet, the system including;

a server computer accessible by a plurality of registered user computers and a plurality of unregistered computers using the internet, wherein the server computer:

receives at a user interface displayed at one of the registered user computers information indicating a type of an element for marketing that is to be displayed at the second website, and

information specifying the second website at which the element is to be displayed;

saves the information at a first database that is coupled to the server computer;

obtains an element for marketing;

hosts the second website;

activates the first website on the internet by hosting the first website on the internet;

provides a web page for the second website to one of the unregistered computers; and

displays the element for marketing on the web page.

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IX. EVIDENCE APPENDIX

No evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 of this title or of any other evidence entered by the Examiner has been relied upon by Appellant in this Appeal, and thus no evidence is attached hereto.

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X. RELATED PROCEEDINGS APPENDIX

Since Appellant is unaware of any related appeals and interferences, no decision rendered by a court or the Board is attached hereto.

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Electronic Patent Application Fee Transmittal

Application Number:	09589551
Filing Date:	07-Jun-2000
Title of Invention:	Method for developing electronic documents providing e-commerce tools
First Named Inventor:	Thomas L. DiStefano
Filer:	Steven M. Greenberg/Peggy Shock
Attorney Docket Number:	6676-11

Filed as Small Entity

Utility Filing Fees

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:				
Extension - 1 month with $0 paid	2251	1	60	60

TikTok Inc. EX1005
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IPR2025-01061

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
			Total in USD ($)	**60**

Electronic Acknowledgement Receipt

EFS ID:	1119516
Application Number:	09589551
Confirmation Number:	8542
Title of Invention:	Method for developing electronic documents providing e-commerce tools
First Named Inventor:	Thomas L. DiStefano
Correspondence Address:	STEVEN M. GREENBERG CHRISTOPHER & WEISBERG, P.A. 200 EAST LAS OLAS BOULEVARD SUITE 2040 FORT LAUDERDALE FL 33301 US 954-828-1488 -
Filer:	Steven M. Greenberg/Peggy Shock
Filer Authorized By:	Steven M. Greenberg
Attorney Docket Number:	6676-11
Receipt Date:	19-JUL-2006
Filing Date:	07-JUN-2000
Time Stamp:	16:03:14
Application Type:	Utility
International Application Number:	

Payment information:

Submitted with Payment	yes
Payment was successfully received in RAM	$60

TikTok Inc. EX1005
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RAM confirmation Number	163
Deposit Account	503839
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 and 1.17	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part	Pages
1	Petition for review by the Office of Petitions.	1115-007U_XOT.pdf	128050	no	1
Warnings:					
Information:					
2	Change of Address	1115-007U_COA.pdf	148864	no	1
Warnings:					
Information:					
3	Supplemental Appeal Brief	1115-007U_Supp_Appeal_Brief.pdf	2343159	no	26
Warnings:					
Information:					
4	Fee Worksheet (PTO-875)	fee-info.pdf	8162	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	2628235		

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.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,551	06/07/2000	Thomas L. DiStefano III	6676-11	8542

7590 11/16/2006

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EXAMINER	
ART UNIT	PAPER NUMBER

DATE MAILED: 11/16/2006

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

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Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No.	Applicant(s)	
	09/589,551	DISTEFANO, THOMAS L.	
	Examiner	Art Unit	
	DANIEL LASTRA	3622	

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

The Appeal Brief filed on *19 July 2006* is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file anamended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.

2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).

3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).

4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).

5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi))

6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).

7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).

8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).

9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).

10. ☐ Other (including any explanation in support of the above items):

The Appeal Brief is defective because the Summary of Claimed Subject Matter needs to refer to the Specification by page and line number and to the drawings, if any, by reference characters. .

RETTA YEHDEGA
PRIMARY EXAMINER

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Docket No. 1115-007U **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	:	Customer Number: 29973
Thomas DISTEFANO III	:	Confirmation Number: 8542
Application No.: 09/589,551	:	Group Art Unit: 3622
Filed: June 7, 2000	:	Examiner: D. Lastra

For: METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS

SUPPLEMENTAL APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed September 6, 2005, in response to the Notice of Panel Decision from Pre-Appeal Brief Review dated December 13, 2005, and in response to the Notice of Non-Compliant Appeal Brief dated November 16, 2006, wherein Appellant appeals from the Examiner's rejection of claims 1-21.

I. REAL PARTY IN INTEREST

This application is assigned to The Perfect Web Corporation by assignment recorded on June 7, 2000, at Reel 010861, Frame 0100.

II. RELATED APPEALS AND INTERFERENCES

Appellant is unaware of any related appeals and interferences.

III. STATUS OF CLAIMS

Claims 1-21 are pending and finally rejected in this Application. It is from the final rejection of claims 1-21 that this Appeal is taken.

IV. STATUS OF AMENDMENTS

The claims have not been amended subsequent to the imposition of the Final Office Action dated June 6, 2005.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claims 1, 13, and 19-21 are respectively directed to methods, computer program products, and a system for assisting a website designer establish an arrangement between a first website being designed and a second website. *The arrangement is established to market the first Web site at the second website upon activation of the first website on the Internet.* During the design of the first website, information indicating a type of marketing element can be received through a user interface. The information can specify, for example, marketing elements such as banner ads, links, or the like. The received information also can specify or identify the second website, at which the marketing element being described is to be displayed. The received information is saved within a database that is coupled to the user interface through which the information was received.

The marketing element, particularly one of the type indicated by the received information, can be obtained. Thus, if a banner ad was indicated, a banner ad marketing element can be obtained. In any case, the marketing element is displayed at the second website when the first website is activated with respect to the Internet. That is, when the first website being

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developed is activated, the second website is altered to display the marketing element(s) specified by the developer when developing the first website.

Referring to specifically to Figure 20 and also to claims 1, 19, and 21, a method and system of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website is disclosed. The arrangement is established to market the first website at the second website upon the activation of the first website on the internet. At step 2006, during design of the first website, information indicating a type of an element for marketing is received at a user interface (page 49, line 23 through page 50, line 2 of Appellant's disclosure). At step 2020, the information specifies the second website at which the element is to be displayed. The information is saved at a first database that is coupled to the user interface (page 50, lines 15-17). The element for marketing of the type indicated is obtained, and the element for marketing is displayed at the second website when the first website is activated with respect to the internet (page 50, lines 17-19). The element for marketing includes at least one of a banner ad concerning the first website and a link to the first website (page 50 line 25 through page 51, line 13)..

Referring to claim 5, the element for marketing the first website is a banner ad concerning the first website, causing the sequential display at the reciprocal site of the first website of a plurality banner ads respectively concerning a plurality of third party websites, when the first website is activated with respect to the internet (page 51, line 23 through page 52, line 2). Referring to claim 7, in step 2026, a determination is made as to whether banner ad for the first website has already been designed (page 50, line 26 through page 51, line 2). In step 2028, a message is displayed at the user interface indicating the necessity of designing the banner ad (page 51, lines 1-4).

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Referring to claim 8, a first display region is provided on the user interface that is capable of displaying a plurality of elements. A search request is received for available banner ad designs at the user interface, and a search is performed of information concerning a plurality of available elements stored on a second database in response to the search request, wherein a search engine program performs the search. The results of the search are displayed on the user interface, and a selection command is received at the user interface to select a first banner ad design from the results (page 51, lines 5-7).

Referring to Figure 21 and also to claims 13 and 20, a method of assisting a website designer in establishing an e-commerce feature on a first website being designed by the website designer for access by third parties upon the activation of the first website on the internet is disclosed. In step 2104, a selection of the e-commerce feature that is desired to be implemented on the first website is received at a user interface, and the e-commerce feature is at least one of a shopping cart and an auction (page 52, line 24 through page 53, line 14). In step 2114, information concerning a picture of a product desired to be sold using the e-commerce feature is received at the user interface (page 53, lines 8-9). In step 2116, information concerning a written description of the product is received at the user interface (page 53, lines 10-12). In step 2118, information concerning a price of the product is received at the user interface (page 53, lines 10-12). In step 2119, information concerning an identification number of the product is received at the user interface (page 53, lines 10-12). When the first website is activated on the internet, the e-commerce feature is displayed on the first website. The display of the e-commerce feature includes the display of at least some of the picture, written description, price and identification information of the product.

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VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1, 4-13 and 16-21 were rejected under 35 U.S.C. § 103 for obviousness based upon Moore et al., U.S. Patent No. 6,330,575 (hereinafter Moore);

2. Claims 2 and 3 were rejected under 35 U.S.C. § 103 for obviousness based upon Moore in view of Wexler et al., U.S. Patent No. 5,960,409 (hereinafter Wexler); and

3. Claims 14 and 15 were rejected under 35 U.S.C. § 103 for obviousness based upon Moore in view of Hess et al., U.S. Patent No. 6,058,417 (hereinafter Hess).

VII. ARGUMENT

THE REJECTION OF CLAIMS 1, 4-13 AND 16-21 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON MOORE

For convenience of the Honorable Board in addressing the rejections, claims 4, 6, 13, 16-21 stand or fall together with independent claim 1. Claims 5, 7-8, and 11-12 each stand or fall alone. Claim 10 stands or falls together with dependent claim 9.

Claims 1, 13, and 19-21

Failure to clearly designate teachings in applied prior art

At the outset, Appellant respectfully submits that the Examiner has failed to clearly designate the teachings in Moore being relied upon the statement of the rejection. In this regard, the Examiner's rejection under 35 U.S.C. § 103 also fails to comply with 37 C.F.R. § 1.104(c), which provides:

> In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions

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> other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

The Examiner has not designated the particular parts of Moore being relied "as nearly as practicable." Instead, the Examiner's statement of rejection reproduces entire paragraphs of the claims and asserts that all the limitations in the particular paragraph are disclosed by certain cited passages within Moore. Although broadly identifying where the Examiner believes the claimed limitations are disclosed in Moore, the statement of the rejection fails to clearly identify many of the specific elements within Moore being relied upon in the rejection.

Failure to teach "during design of a first Web site"

Independent method claims 1 and 19 recites "*during design of the first website*, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed," and to teach this particular limitation the Examiner has cited column 3, lines 30-40 and column 8, lines 27-61 of Moore. Although column 8, lines 27-61 of Moore refers to a "Development Tool," which "allows the merchant to design, build, and publish a web site," Moore is silent as to when information is received at a user interface indicating a type of element for marketing that is to be displayed at a second website, as recited in claim 1. Independent claims 13 and 20-21 also recite a similar limitation in that these claims recite that the method occurs when "a first website being designed."

Moreover, in response to a prior Argument by Appellant that the cited portions of Moore fails to teach these limitations, on page 15 of the Final Office Action, the Examiner asserted that

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these features are disclosed in column 8, lines 59-62, which for ease of reference, is reproduced below:

> The merchant can even totally remove the Web storefront, and simply post the price URLs on news groups or on another web site.

Instead, this cited portion of Moore only teaches the removal of an entire Web site and the placement of information at a different location. Therefore, the Examiner has failed to establish that Moore either explicitly or inherently teaches the following recited limitations: "during the design of the first website" and "receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website."[1]

Failure to establish a proper motivation to modify Moore

Claims 1 and 19 recite "causing the display of the element for marketing at the second website when the first website is activated with respect to the internet," and the Examiner admitted on page 3 of the Final Office Action that "Moore does not expressly teach that said display of said element is done when the first website is activated with respect to the Internet." Independent claims 13 and 20-21 recite the similar limitation of "when the first website is activated on the internet ...". In attempting to establish a prima facie case of obviousness to modify Moore, the Examiner asserted the following with regard to claim 1:

> However, Applicant's specification page 33, lines 10-13 discloses that "posting" a website" [sic] and "activating a website" are equivalent terms. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Moore's merchant website (i.e., first website) would be activated with respect to the Internet when said merchant website would post a price URLs (i.e., marketing element) at the second website. There is no purpose of posting a price URL in another website, if the location from which the price URL is sent (i.e., typically a page from the merchant website) is not active, as customers would not be able to hyperlink to said price URL address.

[1] It is legally erroneous to ignore any claim limitation. Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988).

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The Examiner's logic is flawed for several reasons. The Examiner has misinterpreted Appellant's specification. The Examiner has improperly relied upon Appellant's specification for the motivation to modify Moore, and the Examiner has failed to establish a factual basis within the applied prior art for a realistic motivation to modify Moore.

The Examiner relied upon page 33, lines 10-13 of Appellant's specification, and page 33, lines 9-13 are reproduced below:

> Once the design of the new website by the registered user is completed and the new website is posted/activated, the system 100 causes the selected websites of other registered users (i.e., the websites selected during the design of the new website) to display a link and/or banner ad concerning the new website.

It is readily apparent that one skilled in the art would not consider the terms "posted" and "activated" to be necessarily "equivalent," as asserted by the Examiner. For example, a website that is posted may not necessarily be activated since a separate activation step may be required after the website is posted. Thus, Appellant used the terms "posted" and "activated" as alternatives and not as equivalents (i.e., necessarily meaning the same thing).

Notwithstanding what Appellant has taught in the specification with regard to the relative meanings of the terms "activated" and "posted," the Examiner has improperly relied upon Appellant's disclosure. In rejecting a claim under 35 U.S.C. § 103, the Examiner is required to identify a source in the applied prior art for: (1) claim limitations and (2) the motivation to modify a reference in the reasonable expectation of achieving a particular benefit.[2] The Examiner, however, has failed to point to any teaching within Moore that supports the Examiner's asserted motivation to modify Moore. The Examiner's assertion that "[t]here is no purpose of posting a price URL in

[2] Smiths Industries Medical System v. Vital Signs Inc., 183 F.3d 1347, 51 USPQ2d 1415 (Fed. Cir. 1999).

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another website, if the location from which the price URL is sent … is not active" is not supported by the applied prior art. As stated by the Federal Circuit in In re Zurko, "the [Patent Office] cannot simply reach conclusions based on its own understanding or experience - or on its assessment of what would be basic knowledge or common sense. Rather, the [Patent Office] must point to some concrete evidence in the record in support of these findings."[3]

Therefore, for the reasons stated above, the Examiner's statement of the rejection fails to establish that Moore teaches or suggests the claimed invention, as recited in claims1, 13, and 19-21, within the meaning of 35 U.S.C. § 103.

Claim 5

Dependent claim 5 recites, in part, the following limitation: "causing the sequential display at the reciprocal site of the first website of a plurality banner ads respectively concerning a plurality of third party websites." On page 4 of the Final Office Action the Examiner asserted that this limitation is disclosed in Figures 6 and 7 and in column 10, line 59 through column 11, line 15 of Moore. The Examiner also includes the assertion "page include a link to another Internet website."

Upon reviewing the figures and passages cited by the Examiner, however, Appellant is unable to determine where Moore teaches the above-identified limitation. Specifically, there is no apparent disclosure within Moore of the claimed "sequential display" or "a plurality of banners ads respectively concerning a plurality of third party websites." Thus, the Examiner's

[3] 258. F.3d 1379, 1386, 59 USPQ2d 1693, 1697 (Fed. Cir. 2001).

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statement of the rejection fails to establish that Moore teaches or suggests the claimed invention, as recited in claim 5, within the meaning of 35 U.S.C. § 103.

Claim 7

Dependent claim 7 recites the following limitations:

> determining whether the banner ad for the first website has already been designed; and
>
> when it is determined that the banner ad for the first website has not yet been designed, displaying a message at the user interface indicating the necessity of designing the banner ad.

In the statement of the rejection, the Examiner admits that Moore fails to teach these limitations. The Examiner then asserted the following:

> However, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Moore would create and edit banner advertisements, and when it is determined that the banner ad for the first website has not yet been designed, displaying a message at the user interface indicating the necessity of designing the banner ad. There would be no purpose in creating a website if nobody knows that it exists.

Not only is the Examiner's logic flawed, the Examiner has failed to supply any factual support for the Examiner motivation to modify Moore. Instead, the Examiner appears to be engaging in impermissible hindsight reconstruction of the claimed invention using Appellant's claims as a roadmap.[4]

Furthermore, even *assuming arguendo* that the Examiner's assertion that "[t]here would be no purpose in creating a website if nobody knows that it exists" is correct, the Examiner's

[4] "Determination of obviousness cannot be based on the hindsight combination of components selectively culled from the prior art to fit the parameters of the patented invention." ATD Corp. v. Lydall, Inc., 159 F.3d 534, 546, 48 USPQ2d 1321, 1329 (Fed. Cir. 1998).

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assertion does not necessarily lead to the claimed invention. Other methods besides creating a banner ad exist to inform potential viewers that a website exists (e.g., registering the site with a search engine). Thus, one having ordinary skill in the art would not necessarily arrived at the claimed invention or considered the Examiner's asserted modification to be obvious based upon the Examiner's reasoning. Thus, the Examiner's statement of the rejection fails to establish that Moore teaches or suggests the claimed invention, as recited in claim 7, within the meaning of 35 U.S.C. § 103.

Claim 8

On page 5 of the Final Office Action, the Examiner cited column 8, lines 39-62, column 10, line 44 through column 11, line 15, and Figure 6 to teach "receiving a search request for available banner ad designs at the user interface," as recited in claim 8. A review of these cited passages and figure fails to yield any mention of a banner ad. Thus, the Examiner's statement of the rejection fails to establish that Moore teaches or suggests the claimed invention, as recited in claim 8, within the meaning of 35 U.S.C. § 103.

Claims 9 and 10

On page 6 of the Final Office Action, the Examiner asserted that each of the five different steps recited in claim 9 are disclosed in column 11, lines 50-60 of Moore, which for ease of reference is reproduced below:

> Each page created by the merchant can, as mentioned earlier, be modified. Style components can be added, deleted, moved, resized, etc. Another feature of the Development Tool is that it presents the page just as a Web customer will see it. This feature, called WYSIWYG for "what you see is what you get" allows the merchant to see, without publishing and browsing, what the published page will look like when it is published. Additionally, the Development Tool also provides a previewing option which uploads all of the pages and allows the merchant to view the entire Web site with a Web browser.

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Upon reviewing this passage, Appellant is unable to determine where in this passage Moore discloses all of the limitations recited in claim 9. For example, this passage is silent as to display regions, and thus, cannot teach the claimed first and second display regions.

With regard to claim 10, in addition to citing the same passage, the Examiner also cited Figure 13. However, Appellant is unable to determine where in this passage and figure Moore discloses each of the limitations recited in claim 10. For example, the citations are silent as to "sonic effects." Thus, the Examiner's statement of the rejection fails to establish that Moore teaches or suggests the claimed invention, as recited in claims 9 and 10, within the meaning of 35 U.S.C. § 103.

Claim 11

Claim 11 depends from claim 9 and concerns features recited in claim 9. However, the passages cited by the Examiner to teach the limitations recited in claim 11 appear to be unrelated to the teachings the Examiner cited to teach the limitations recited in claim 9, and the Examiner has not described the interdependency between these citations for claims 9 and 11. Therefore, the Examiner has failed to consider the claimed invention as a whole. Thus, the Examiner's statement of the rejection fails to establish that Moore teaches or suggests the claimed invention, as recited in claim 11, within the meaning of 35 U.S.C. § 103.

Claim 12

With regard to claim 12, the Examiner cited column 8, lines 27-65, column 10, line 44 through column 11, line 15, and Figure 13 to teach the limitations recited therein. Upon

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reviewing these passages, Appellant is unable to determine where Moore discloses each of the limitations recited in claim 12. Thus, the Examiner's statement of the rejection fails to establish that Moore teaches or suggests the claimed invention, as recited in claim 12, within the meaning of 35 U.S.C. § 103.

THE REJECTION OF CLAIMS 2 AND 3 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON MOORE IN VIEW OF WEXLER

For convenience of the Honorable Board in addressing the rejections, claims 2 and 3 stand or fall together with independent claim 1.

Claims 2 and 3 depend from independent claim 1, and Appellant incorporates herein the arguments previously advanced in traversing the imposed rejection of claim 1 for obviousness based upon Moore. The Examiner's secondary reference of Wexler does not cure the argued deficiencies of Moore. Accordingly, the proposed combination of references would not yield the claimed invention. Appellant, therefore, respectfully submits that the imposed rejection of claims 2 and 3 under 35 U.S.C. § 103 for obviousness based upon Moore in view of Wexler is not viable and, hence, solicits withdrawal thereof.

THE REJECTION OF CLAIMS 14 AND 15 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON MOORE IN VIEW OF HESS

For convenience of the Honorable Board in addressing the rejections, claims 14 and 15 stand or fall together with independent claim 13.

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Claims 14 and 15 depend from independent claim 13, and Appellant incorporates herein the arguments previously advanced in traversing the imposed rejection of claim 13 for obviousness based upon Moore. The Examiner's secondary reference of Hess does not cure the argued deficiencies of Moore. Accordingly, the proposed combination of references would not yield the claimed invention. Appellant, therefore, respectfully submits that the imposed rejection of claims 14 and 15 under 35 U.S.C. § 103 for obviousness based upon Moore in view of Hess is not viable and, hence, solicits withdrawal thereof.

Conclusion

Based upon the foregoing, Appellant respectfully submits that the Examiner's rejections under 35 U.S.C. § 103 are not factually or legally viable. Appellant, therefore, respectfully solicits the Honorable Board to reverse the Examiner's rejections under 35 U.S.C. § 103.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due under 37 C.F.R. §§ 1.17, 41.20, and in connection with the filing of this paper, including extension of time fees, to Deposit Account 503839 and please credit any excess fees to such deposit account.

Date: January 16, 2007

Respectfully submitted,

/Scott D. Paul/
Scott D. Paul
Registration No. 42,984
Steven M. Greenberg
Registration No. 44,725
CUSTOMER NUMBER 29973

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VIII. CLAIMS APPENDIX

1. A method of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the internet, the method comprising:

during design of the first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed;

saving the information at a first database that is coupled to the user interface;

obtaining the element for marketing of the type indicated; and

causing the display of the element for marketing at the second website when the first website is activated with respect to the internet, wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website.

2. The method of claim 1, further comprising, prior to receiving the information indicating the type of the element and the information specifying the second website:

receiving at the user interface information concerning at least one of the website designer, a business of the website designer, and the first website;

performing a search of information on a second database having information concerning at least one of a plurality of third party website designers, a plurality of third party businesses and a plurality of third party websites;

identifying from the search at least one third party website to which the first website should be coupled for marketing purposes; and

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providing information concerning the at least one third party website at the user interface.

3. The method of claim 1, further comprising:

during design of the first website, receiving information specifying a plurality of additional third party websites at which it is desirable to have the element displayed;

saving the information at the first database; and

causing the display of the element for marketing at each of the plurality of additional third party websites when the first website is activated with respect to the internet.

4. The method of claim 1, further comprising:

determining whether a reciprocal site for the display of at least one marketing element of a third party website exists in the first website being designed; and

creating the reciprocal site for the display of the at least one marketing element of the third party website when the reciprocal site does not yet exist in the first website being designed.

5. The method of claim 4, further comprising:

when the element for marketing the first website is a banner ad concerning the first website, causing the sequential display at the reciprocal site of the first website of a plurality banner ads respectively concerning a plurality of third party websites, when the first website is activated with respect to the internet.

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6. The method of claim 4, further comprising:

when the element for marketing the first website is a link to the first website, causing the display at the reciprocal site of the first website of a plurality of links to the plurality of third party websites, when the first website is activated with respect to the internet.

7. The method of claim 1, wherein the element for marketing is the banner ad concerning the first website, further comprising:

determining whether the banner ad for the first website has already been designed; and

when it is determined that the banner ad for the first website has not yet been designed, displaying a message at the user interface indicating the necessity of designing the banner ad.

8. The method of claim 7, further comprising, when it is determined that the banner ad for the first website has not yet been designed:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements;

receiving a search request for available banner ad designs at the user interface;

performing a search of information concerning a plurality of available elements stored on a second database in response to the search request, wherein a search engine program performs the search;

displaying results of the search on the user interface; and

receiving a selection command at the user interface to select a first banner ad design from the results.

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9. The method of claim 8, further comprising:

providing a second display region on the user interface, the second display region being capable of displaying the plurality of elements;

displaying the first banner ad design in the second display region;

receiving a first command to modify the first banner ad design in the second display region;

modifying the first banner ad design in response to the first command;

terminating the display of the second display region;

displaying the modified first banner ad design in the first display region, wherein the first display region is capable of displaying the first banner ad design in an interactive manner; and

saving the modified first banner ad design.

10. The method of claim 9, further comprising:

receiving at the user interface a command to preview the modified first banner ad design; and

providing a preview of the modified first banner ad design, wherein the preview allows for the display of all visual effects of the modified first banner ad design, and allows for the sounding of all sonic effects of the modified first banner ad design.

11. The method of claim 9, further comprising, prior to the saving of information concerning the modified first banner ad design:

displaying a prompt concerning payment;

receiving credit card processing information at the user interface; and

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determining the adequacy of the credit card processing information.

12. The method of claim 1, further comprising, prior to receiving the information indicating the type of the element and the information specifying the second website:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements;

receiving a selection of a smart agent option at the user interface, the selection of which is indicative of a desire to establish the arrangement between the first website being designed by the website designer and the second website in order to market the first website at the second website upon the activation of the first website on the internet;

displaying a smart agent menu having a suggested marketing locations option, a create links option and a banner ad rotations option, wherein the create links option and the banner ad rotations option can be selected to indicate the type of the element for marketing.

13. A method of assisting a website designer in establishing an e-commerce feature on a first website being designed by the website designer for access by third parties upon the activation of the first website on the internet, the method comprising:

receiving at a user interface a selection of the e-commerce feature that is desired to be implemented on the first website, wherein the e-commerce feature is at least one of a shopping cart and an auction;

receiving at the user interface information concerning a picture of a product desired to be sold using the e-commerce feature;

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receiving at the user interface information concerning a written description of the product;

receiving at the user interface information concerning a price of the product;

receiving at the user interface information concerning an identification number of the product; and

when the first website is activated on the internet, displaying the e-commerce feature on the first website, wherein display of the e-commerce feature includes the display of at least some of the picture, written description, price and identification information of the product.

14. The method of claim 13, further comprising, prior to receiving at the user interface the selection of the e-commerce feature that is desired to be implemented:

displaying a list of at least one of a plurality of shopping carts and a plurality of auctions.

15. The method of claim 13, wherein the e-commerce feature that is selected is an auction, and the information concerning the price of the product concerns a reserve price.

16. The method of claim 13, wherein the information concerning the picture of the product is uploaded from a memory device at a website designer computer, and wherein the information concerning the written description, price and identification number of the product is received at the user interface into a form field.

17. The method of claim 13, further comprising, after the receiving of the information concerning the identification number of the product:

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prompting for an input of a merchant account identifier;

when the merchant account identifier is received, saving the information concerning the selected e-commerce feature, the received information concerning the picture, written description, price and identification number of the product, and the merchant account identifier;

when an indication that no merchant account identifier exists is received, providing a merchant account information form, receiving merchant account information at the user interface, and sending the merchant account information to a merchant account vendor,

wherein, the e-commerce feature is only displayed on the internet when both the first website is activated on the internet and the merchant account identifier has been received.

18. The method of claim 13, further comprising:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements;

displaying the selected e-commerce feature including at least some of the information concerning the picture, written description, price and identification number of the product on the first display region,

wherein the first display region is capable of displaying the e-commerce feature in an interactive manner.

19. A computer-readable storage medium containing computer executable code for instructing at least one computer to perform the steps of:

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during design of a first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at a second website, and information specifying the second website at which the element is to be displayed;

saving the information at a first database that is coupled to the user interface;

obtaining an element for marketing of the type indicated; and

causing the display of the element for marketing at the second website when the first website is activated with respect to the internet,

wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website.

20. A computer-readable storage medium containing computer executable code for instructing at least one computer to perform the steps of:

receiving at a user interface a selection of an e-commerce feature that is desired to be implemented on a first website, wherein the e-commerce feature is at least one of a shopping cart and an auction;

receiving at the user interface information concerning a picture of a product desired to be sold using the e-commerce feature;

receiving at the user interface information concerning a written description of the product;

receiving at the user interface information concerning a price of the product;

receiving at the user interface information concerning an identification number of the product; and

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when the first website is activated on the internet, displaying the e-commerce feature on the first website, wherein display of the e-commerce feature includes the display of at least some of the picture, written description, price and identification information of the product.

21. An internet-based system for assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the internet, the system including;

a server computer accessible by a plurality of registered user computers and a plurality of unregistered computers using the internet, wherein the server computer:

receives at a user interface displayed at one of the registered user computers information indicating a type of an element for marketing that is to be displayed at the second website, and

information specifying the second website at which the element is to be displayed;

saves the information at a first database that is coupled to the server computer;

obtains an element for marketing;

hosts the second website;

activates the first website on the internet by hosting the first website on the internet;

provides a web page for the second website to one of the unregistered computers; and

displays the element for marketing on the web page.

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IX. EVIDENCE APPENDIX

No evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 of this title or of any other evidence entered by the Examiner has been relied upon by Appellant in this Appeal, and thus no evidence is attached hereto.

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X. RELATED PROCEEDINGS APPENDIX

Since Appellant is unaware of any related appeals and interferences, no decision rendered by a court or the Board is attached hereto.

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Electronic Patent Application Fee Transmittal

Application Number:	09589551
Filing Date:	07-Jun-2000
Title of Invention:	Method for developing electronic documents providing e-commerce tools
First Named Inventor/Applicant Name:	Thomas L. DiStefano
Filer:	Scott David Paul
Attorney Docket Number:	6676-11

Filed as Small Entity

Utility Filing Fees

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:				
Extension - 1 month with $0 paid	2251	1	60	60

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Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
		Total in USD ($)		**60**

Electronic Acknowledgement Receipt

EFS ID:	1442174
Application Number:	09589551
International Application Number:	
Confirmation Number:	8542
Title of Invention:	Method for developing electronic documents providing e-commerce tools
First Named Inventor/Applicant Name:	Thomas L. DiStefano
Correspondence Address:	STEVEN M. GREENBERG CHRISTOPHER & WEISBERG, P.A. 200 EAST LAS OLAS BOULEVARD SUITE 2040 FORT LAUDERDALE FL 33301 US 954-828-1488 -
Filer:	Scott David Paul
Filer Authorized By:	
Attorney Docket Number:	6676-11
Receipt Date:	16-JAN-2007
Filing Date:	07-JUN-2000
Time Stamp:	17:28:26
Application Type:	Utility

Payment information:

Submitted with Payment	yes
Payment was successfully received in RAM	$60
RAM confirmation Number	780

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Deposit Account	503839
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 and 1.17	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part /.zip	Pages (if appl.)
1	Supplemental Appeal Brief	1115-007U_appeal_brief_1-2_PABD_12-13-05.pdf	153015	no	26
Warnings:					
Information:					
2	Fee Worksheet (PTO-06)	fee-info.pdf	8162	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	161177		

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.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,551	06/07/2000	Thomas L. DiStefano III	6676-11	8542

7590 06/18/2007

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EXAMINER	
LASTRA, DANIEL	

ART UNIT	PAPER NUMBER
3622	

MAIL DATE	DELIVERY MODE
06/18/2007	PAPER

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.

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Office Action Summary	Application No.	Applicant(s)	
	09/589,551	DISTEFANO, THOMAS L.	
	Examiner	Art Unit	
	DANIEL LASTRA	3622	

-- 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 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 *16 January 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ 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

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ 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).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

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).

a)☐ All b)☐ Some * c)☐ None of:

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) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

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DETAILED ACTION

1. Claims 1-21 have been examined. Application 09/589,551 has a filing date 06/07/2000.

Response to Amendment

2. In response to Appeal Brief filed 01/16/2007, PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

3. 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.

Claims 1, 4-12 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason (US 6,401,075) in view of Moore et al (U.S. 6,330,575).

As per claims 1 and 19, Mason teaches:

A method of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the Internet, the method comprising:

receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed (see column 5, lines 45-60);

saving the information at a first database that is coupled to the user interface (see col 5, lines 30-65);

obtaining the element for marketing of the type indicated (see col 5, lines 45-65); and

wherein the element of marketing includes at least one of a banner ad concerning the first website and a link to the first website (see col 4, lines 20-40). Mason does not expressly teach during the design of the first website causing the display of the element for marketing at the second website when the first website is activated with respect to the Internet. However, Moore teaches a system for designing websites, where a first website is activated with respect to the Internet when said first website is posted to a hosting server (see Moore col 3, lines 20-45), as Applicant's specification page 33, lines 10-13 discloses that "posting" a website" and "activating a website" are

equivalent terms. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Mason's advertiser's website would caused the display of a banner ad in a second website when said advertiser's website is activated with respect to the Internet, as taught by Moore in order to avoid posting banner ads in websites which would not provide any click-throughs revenues.

As per claim 4, Mason teaches:

The method of claim 1, further comprising:

determining whether a reciprocal site for the display of at least one marketing element of a third party website exists in the first website being designed (see col 5, lines 15-25) but does not expressly teach creating the reciprocal site for the display of the at least one marketing element of the third party website when the reciprocal site does not yet exist in the first website being designed. However, Moore teaches a system for designing websites (see col 3, lines 20-30). Therefore, the same argument made in claim 1 with respect to this missing limitation is also made in claim 4.

As per claim 5, Mason teaches:

The method of claim 4, further comprising:

when the element for marketing the first website is a banner ad concerning the first website (see col 4, lines 30-37, causing the sequential display at the reciprocal site of the first website of a plurality banner ads respectively concerning a plurality of third party websites (see col 5, lines 15-25) but does not expressly teach when the first website is activated with respect to the internet. However, the same argument made in claim 1 regarding this missing limitation is also made in claim 5.

As per claim 6, Mason teaches:

The method of claim 4, further comprising:

when the element for marketing the first website is a link to the first website, causing the display at the reciprocal site of the first website of a plurality of links to the plurality of third party websites (see col 6, lines 30-45) but does not expressly teach when the first website is activated with respect to the Internet. However, the same rejection applied to claim 1 regarding this missing limitation is also made in claim 6.

As per claim 7, Mason teaches:

The method of clam 1, wherein the element for marketing is the banner ad concerning the first website, further comprising:

determining whether the banner ad for the first website has already been designed (see col 3, lines 25-55) but does not expressly teach and when it is determined that the banner ad for the first website has not yet been designed, displaying a message at the user interface indicating the necessity of designing the banner ad. However, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Mason would create and edit banner advertisements (see Mason col 5, lines 30-45), and when it is determined that the banner ad for the first website has not yet been designed, displaying a message at the user interface indicating the necessity of designing the banner ad as an advertisement campaign remainder.

As per claim 8, Mason fails to teach:

The method of claim 7, further comprising, when it is determined that the banner ad for the first website has not yet been designed:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements;

receiving a search request for available banner ad designs at the user interface;

performing a search of information concerning a plurality of available elements stored on a second database in response to the search request, wherein a search engine program performs the search;

displaying results of the search on the user interface; and

receiving a selection command at the user interface to select a first banner ad design from the results. However, Moore teaches a system for designing websites, which includes display regions (see figure 9), performing search of available elements for making said web-pages (see col 10, line 44 – col 11, line 15) and selecting different layouts and images for the design of said webpage (see figures 9-11). Therefore, the same rejection made in claim 1 regarding this missing limitation is also made in claim 8.

As per claim 9, Mason fails to teach:

The method of claim 8, further comprising:

providing a second display region on the user interface, the second display region being capable of displaying the plurality of elements;

displaying the first banner ad design in the second display region;

receiving a first command to modify the first banner ad design in the second display region;

modifying the first banner ad design in response to the first command;

terminating the display of the second display region;

displaying the modified first banner ad design in the first display region, wherein the first display region is capable of displaying the first banner ad design in an interactive manner; and saving the modified first banner ad design. However, the same rejection applied to claim 8 is also applied to claim 9.

As per claim 10, Mason fails to teach:

The method of claim 9, further comprising:

receiving at the user interface a command to preview the modified first banner ad design; and

providing a preview of the modified first banner ad design, wherein the preview allows for the display of all visual effects of the modified first banner ad design, and allows for the sounding of all sonic effects of the modified first banner ad design. However, Moore teaches a system for designing websites which allows a webpage designer to add audio and multimedia files to said websites (see figure 13) and to preview created web-pages (see col 11, lines 55-60). Therefore, the same argument made in claim 8 regarding this missing limitation is also made in claim 10.

As per claim 11, Mason fails to teach:

The method of claim 9, further comprising, prior to the saving of information concerning the modified first banner ad design:

displaying a prompt concerning payment;

receiving credit card processing information at the user interface and determining the adequacy of the credit card processing information (see column 6, lines 63-67). However, Moore teaches a system for designing websites, which receives credit card processing information. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Mason system would billed the advertisers for designing advertisements, as taught by Mason in order that Mason system generate revenue for providing to advertisers a advertisement campaign system.

As per claim 12, Mason teaches:

The method of claim 1, further comprising, prior to receiving the information indicating the type of the element and the information specifying the second website:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements (see col 5, lines 45-60);

receiving a selection of a smart agent option at the user interface, the selection of which is indicative of a desire to establish the arrangement between the first website being designed by the website designer and the second website in order to market the first website at the second website (see col 5, line 45 – col 6, line 5); displaying a smart agent menu having a suggested marketing locations option, a create links option and a banner ad rotations option, wherein the create links option and the banner ad rotations option can be selected to indicate the type of the element for marketing (see column 2, lines 50-65). Mason does not expressly teach that said marketing occurs upon the

activation of the first website on the Internet. However, the same argument made in claim 1 regarding this missing limitation is also made in claim 12.

As per claim 21, Mason teaches:

An internet-based system for assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the Internet, the system including:

a server computer accessible by a plurality of registered user computers and a plurality of unregistered computers using the Internet (see col 3, lines 25-65).

receives at a user interface displayed at one of the registered user computers information indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed (see column 5, lines 45-67);

saves the information at a first database that is coupled to the server computer (see column 5, lines 1-7);

obtains an element for marketing (see column 5, lines 45-60);

provides a web page of the second website to one of the unregistered computers (see column 4, lines 20-40); displays the element for marketing on the web page (see column 3, lines 40-55). Mason fails to teach hosts the second website and activates the first website on the Internet by hosting the first website on the Internet. However, the same rejection made in claim 1 regarding this missing limitation is also made in claim 21.

4. Claims 13, 16-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al (U.S. 6,330,575).

As per claims 13 and 20, Moore teaches:

A method of assisting a website designer in establishing an e-commerce feature on a first website being designed by the website designer for access by third parties upon the activation of the first website on the Internet, the method comprising:

receiving at a user interface a selection of the e-commerce feature that is desired to be implemented on the first website, wherein the e-commerce feature is at least one of a shopping cart and an auction (see column 7, lines 60-67; column 8, lines 40-55);

receiving at the user interface information concerning a picture of a product desired to be sold using the e-commerce feature (see figure 7);

receiving at the user interface information concerning a written description of the product (see figures 7-10);

receiving at the user interface information concerning a price of the product (see figures 15 and 16);

receiving at the user interface information concerning an identification number of the product (see figures 15 and 16); and

displaying the e-commerce feature on the first website, wherein display of the e-commerce feature includes the display of at least some of the picture, written description, price and identification information of the product (see figure 16). Moore does not expressly teach the displaying of said e-commerce feature on the first website when the first website is activated on the Internet. However, Applicant's specification

page 33, lines 10-13 discloses that "posting" a website" and "activating a website" are equivalent terms. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Moore's merchant website would displayed the commerce feature when said website is posted to a host server as posting and activating are equivalent terms as taught by Applicant's specification.

As per claim 16, Moore teaches:

The method of claim 13, wherein the information concerning the picture of the product is uploaded from a memory device at a website designer computer, and wherein the information concerning the written description, price and identification number of the product is received at the user interface into a form field (see figure 15).

As per claim 17, Moore teaches:

The method of claim 13, further comprising, after the receiving of the information concerning the identification number of the product:

prompting for an input of a merchant account identifier (see column 11, lines 62-67);

when the merchant account identifier is received, saving the information concerning the selected e-commerce feature, the received information concerning the picture, written description, price and identification number of the product, and the merchant account identifier (see column 12, lines 1-46);

when an indication that no merchant account identifier exists is received, providing a merchant account information form, receiving merchant account information at the user interface, and sending the merchant account information to a merchant

account vendor, wherein, the e-commerce feature is only displayed on the internet when both the first website is activated on the internet and the merchant account identifier has been received (see column 11, line 60 – column 12, line 45).

As per claim 18, Moore teaches:

The method of claim 13, further comprising:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements (see figure 9);

displaying the selected e-commerce feature including at least some of the information concerning the picture, written description, price and identification number of the product on the first display region, wherein the first display region is capable of displaying the e-commerce feature in an interactive manner (see figures 10-13).

5. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason (US 6,401,075) in view of Moore (US 6,330,5750 and Wexler (U.S. 5,960,409).

As per claim 2, Mason fails to teach:

The method of claim 1, further comprising, prior to receiving the information indicating the type of the element and the information specifying the second website:

receiving at the user interface information concerning at least one of the website designer, a business of the website designer, and the first website;

performing a search of information on a second database having information concerning at least one of a plurality of third party website designers, a plurality of third party businesses and a plurality of third party websites;

identifying from the search at least one third party website to which the first website should be coupled for marketing purposes; and

providing information concerning the at least one third party website at the user interface.

However, Wexler teaches that "advertisers may wish to advertise at more than one location, *i.e.,* more than one banner-publishing site. If so, the advertiser will presumably want to know, among other statistics, the effectiveness of each of the publishing sites, i.e., which site generates the most visits to the advertiser's Web site. Likewise, a banner-publishing site may wish to display the advertising, (*i.e.,* banner), of more than one advertiser" (see column 5, lines 24-45). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Mason would use the Wexler system to search for third party websites, which would be desirable to have the banners ads displayed. This feature would increase the probability that the advertisements would be viewed by the intended target.

As per claim 3, Mason teaches:

The method of claim 1, further comprising

during design of the first website, receiving information specifying a plurality of additional third party websites at which it is desirable to have the element displayed;

saving the information at the first database and causing the display of the element for marketing at each of the plurality of additional third party websites (see column 6, lines 1-6) but does not expressly teach when the first website is activated

with respect to the Internet. However, the same argument made in claim 1 regarding this missing limitation is also made in claim 3.

6. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason (US 6,401,075) in view of Moore (US 6,330,575) and Hess et al (U.S. 6,058,417).

As per claim 14, Mason fails to teach:

The method of claim 13, further comprising, prior to receiving at the user interface the selection of the e-commerce feature that is desired to be implemented:

displaying a list of at least one of a plurality of shopping carts and a plurality of auctions. However, Hess teaches the creation of an auction site (see figure 6B). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Mason would use his Website creation tool to design an electronic commerce auction site, as taught Hess. The auction site would be another method use by the Mason system to sell and advertise products.

As per claim 15, Mason fails to teach:

The method of claim 13, wherein the e-commerce feature that is selected is an auction, and the information concerning the price of the product concerns a reserve price. However, Hess teaches the creation of an auction site (see figure 6B). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Mason would use his Website creation tool to design an electronic commerce auction site, as taught Hess. The auction site would be another method use by the Mason system to sell and advertise products.

Response to Arguments

7. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

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).

Daniel Lastra
June 2, 2007

RETTA YEHDEGA
PRIMARY EXAMINER

Notice of References Cited	Application/Control No. 09/589,551	Applicant(s)/Patent Under Reexamination DISTEFANO, THOMAS L.	
	Examiner DANIEL LASTRA	Art Unit 3622	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,401,075	06-2002	Mason et al.	705/14
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	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.

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Index of Claims

Application/Control No.	Applicant(s)/Patent under Reexamination
09/589,551	DISTEFANO, THOMAS L.
Examiner	**Art Unit**
DANIEL LASTRA	3622

√	Rejected	–	(Through numeral) Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claim		Date
Final	Original	6/2/03
	1	√
	2	√
	3	√
	4	√
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Search Notes

Application/Control No.	Applicant(s)/Patent under Reexamination
09/589,551	DISTEFANO, THOMAS L.
Examiner	**Art Unit**
DANIEL LASTRA	3622

SEARCHED			
Class	Subclass	Date	Examiner
705	14	6/2/2007	DL

INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
	DATE	EXMR
east	6/2/2007	DL
dialogue	6/2/2007	DL

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EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	2	"5819092".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2007/06/02 14:17
L2	2	"6167382".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2007/06/02 14:59
L3	4545	705/14.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2007/06/02 14:59

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Docket No. 1115-007U **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	:	Customer Number: 29973
Thomas DISTEFANO III	:	Confirmation Number: 8542
Application No.: 09/589,551	:	Group Art Unit: 3622
Filed: June 7, 2000	:	Examiner: D. Lastra

For: METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS

NOTICE OF APPEAL

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Appellant hereby appeals to the Board of Patent Appeals and Interferences from the Office Action dated June 18, 2007.

There is **NO FEE REQUIRED** for this Notice of Appeal. Since Appellants have already paid the fee for the Notice of Appeal filed September 6, 2005, pursuant to M.P.E.P. § 1207.04, "[t]he previous paid notice of appeal fee and appeal brief fee can be applied to the new appeal."

___ Payment by credit card. Form PTO-2038 is attached.

_X_ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 503839.

___ A Petition for Extension of Time under C.F.R. § 1.136(a) (PTO/SB/22) is enclosed.

Date: September 18, 2007

Respectfully submitted,

/Scott D. Paul/
Scott D. Paul
Registration No. 42,984
Steven M. Greenberg
Registration No. 44,725
Phone No. 561-922-3845
CUSTOMER NUMBER 46320

Electronic Acknowledgement Receipt

EFS ID:	2211303
Application Number:	09589551
International Application Number:	
Confirmation Number:	8542
Title of Invention:	Method for developing electronic documents providing e-commerce tools
First Named Inventor/Applicant Name:	Thomas L. DiStefano
Correspondence Address:	STEVEN M. GREENBERG CHRISTOPHER & WEISBERG, P.A. 200 EAST LAS OLAS BOULEVARD SUITE 2040 FORT LAUDERDALE FL 33301 US 954-828-1488 -
Filer:	Scott David Paul
Filer Authorized By:	
Attorney Docket Number:	6676-11
Receipt Date:	18-SEP-2007
Filing Date:	07-JUN-2000
Time Stamp:	17:17:55
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	Notice of Appeal Filed	1115-007U_notice_of_appeal_2.pdf	17358 686a7b13131cf3c47dbcf9632dbacca48f765d09	no	1
Warnings:					
Information:					
		Total Files Size (in bytes):	17358		

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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.

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:

PTO/SB/122 (01-06)
Approved for use through 12/31/2008. OMB 0651-0035
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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Application

Address to:
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P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/589,551
Filing Date	06/07/2000
First Named Inventor	Thomas L. DiStefano
Art Unit	3622
Examiner Name	Lastra, Daniel
Attorney Docket Number	1115-007U

Please change the Correspondence Address for the above-identified application to:

☒ The address associated with Customer Number: 29973

OR

☐ Firm *or* Individual Name					
Address					
City		State		ZIP	
Country					
Telephone		Email			

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I am the:

☐ Applicant/Inventor

☐ Assignee of record of the entire interest.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ Attorney or Agent of record. Registration Number 44,725

☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number _____.

Signature	
Typed or Printed	Steven M. Greenberg
Date	September 21, 2007
Telephone	561-922-3845

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. 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 1.33. 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 on 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

Electronic Acknowledgement Receipt

EFS ID:	2230869
Application Number:	09589551
International Application Number:	
Confirmation Number:	8542
Title of Invention:	Method for developing electronic documents providing e-commerce tools
First Named Inventor/Applicant Name:	Thomas L. DiStefano
Correspondence Address:	STEVEN M. GREENBERG CHRISTOPHER & WEISBERG, P.A. 200 EAST LAS OLAS BOULEVARD SUITE 2040 FORT LAUDERDALE FL 33301 US 954-828-1488 -
Filer:	Steven M. Greenberg/Peggy Shock
Filer Authorized By:	Steven M. Greenberg
Attorney Docket Number:	6676-11
Receipt Date:	24-SEP-2007
Filing Date:	07-JUN-2000
Time Stamp:	12:02:59
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	Change of Address	1115-007_ChangeCorresAddress.pdf	149123 a10cc822c6821423f4ea706df2e90d8851640eb6	no	1
Warnings:					
Information:					
		Total Files Size (in bytes):	149123		

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.

I. REAL PARTY IN INTEREST 1

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Docket No. 1115-007U **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	:	Customer Number: 29973
Thomas DISTEFANO III	:	Confirmation Number: 8542
Application No.: 09/589,551	:	Group Art Unit: 3622
Filed: June 7, 2000	:	Examiner: D. Lastra

For: METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS

SUPPLEMENTAL APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed September 6, 2005, and in response to the Examiner reopening prosecution in the Office Action dated June 18, 2007, wherein Appellant appeals from the Examiner's rejection of claims 1-21.

I. REAL PARTY IN INTEREST

This application is assigned to The Perfect Web Corporation by assignment recorded on June 7, 2000, at Reel 010861, Frame 0100.

II. RELATED APPEALS AND INTERFERENCES

Appellant is unaware of any related appeals and interferences.

III. STATUS OF CLAIMS

Claims 1-21 are pending and four-times rejected in this Application. It is from the multiple rejections of claims 1-21 that this Appeal is taken.

IV. STATUS OF AMENDMENTS

The claims have not been amended subsequent to the imposition of the Fourth Office Action dated June 18, 2007 (hereinafter the Fourth Office Action).

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claims 1, 13, and 19-21 are respectively directed to methods, computer program products, and a system for assisting a website designer establish an arrangement between a first website being designed and a second website. *The arrangement is established to market the first Web site at the second website upon activation of the first website on the Internet.* During the design of the first website, information indicating a type of marketing element can be received through a user interface. The information can specify, for example, marketing elements such as banner ads, links, or the like. The received information also can specify or identify the second website, at which the marketing element being described is to be displayed. The received information is saved within a database that is coupled to the user interface through which the information was received.

The marketing element, particularly one of the type indicated by the received information, can be obtained. Thus, if a banner ad was indicated, a banner ad marketing element can be obtained. In any case, the marketing element is displayed at the second website when the first website is activated with respect to the Internet. That is, when the first website being

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developed is activated, the second website is altered to display the marketing element(s) specified by the developer when developing the first website.

Referring to specifically to Figure 20 and also to claims 1, 19, and 21, a method and system of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website is disclosed. The arrangement is established to market the first website at the second website upon the activation of the first website on the internet. At step 2006, during design of the first website, information indicating a type of an element for marketing is received at a user interface (page 49, line 23 through page 50, line 2 of Appellant's disclosure). At step 2020, the information specifies the second website at which the element is to be displayed. The information is saved at a first database that is coupled to the user interface (page 50, lines 15-17). The element for marketing of the type indicated is obtained, and the element for marketing is displayed at the second website when the first website is activated with respect to the internet (page 50, lines 17-19). The element for marketing includes at least one of a banner ad concerning the first website and a link to the first website (page 50 line 25 through page 51, line 13).

Referring to claim 8, a first display region is provided on the user interface that is capable of displaying a plurality of elements. A search request is received for available banner ad designs at the user interface, and a search is performed of information concerning a plurality of available elements stored on a second database in response to the search request, wherein a search engine program performs the search. The results of the search are displayed on the user interface, and a selection command is received at the user interface to select a first banner ad design from the results (page 51, lines 5-7).

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Referring to Figure 21 and also to claims 13 and 20, a method of assisting a website designer in establishing an e-commerce feature on a first website being designed by the website designer for access by third parties upon the activation of the first website on the internet is disclosed. In step 2104, a selection of the e-commerce feature that is desired to be implemented on the first website is received at a user interface, and the e-commerce feature is at least one of a shopping cart and an auction (page 52, line 24 through page 53, line 14). In step 2114, information concerning a picture of a product desired to be sold using the e-commerce feature is received at the user interface (page 53, lines 8-9). In step 2116, information concerning a written description of the product is received at the user interface (page 53, lines 10-12). In step 2118, information concerning a price of the product is received at the user interface (page 53, lines 10-12). In step 2119, information concerning an identification number of the product is received at the user interface (page 53, lines 10-12). When the first website is activated on the internet, the e-commerce feature is displayed on the first website. The display of the e-commerce feature includes the display of at least some of the picture, written description, price and identification information of the product.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1, 4-12, 19 and 21 were rejected under 35 U.S.C. § 103 for obviousness based upon Mason et al., U.S. Patent No. 6,401,075 (hereinafter Mason), in view of Moore et al., U.S. Patent No. 6,330,575 (hereinafter Moore);

2. Claims 13, 16-18, and 20 were rejected under 35 U.S.C. § 103 for obviousness based Moore.

3. Claims 2 and 3 were rejected under 35 U.S.C. § 103 for obviousness based upon Mason in view of Moore and Wexler et al., U.S. Patent No. 5,960,409 (hereinafter Wexler); and

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4. Claims 14 and 15 were rejected under 35 U.S.C. § 103 for obviousness based upon Mason in view of Moore and Hess et al., U.S. Patent No. 6,058,417 (hereinafter Hess).

VII. ARGUMENT

THE REJECTION OF CLAIMS 1, 4-12, 19 AND 21 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON MASON IN VIEW OF MOORE

For convenience of the Honorable Board in addressing the rejections, claims 6-7 and 11-12, 19 and 21 stand or fall together with independent claim 1. Claims 4-5 and 8-10 each stand or fall alone.

Claim 1

Obviousness is a legal conclusion based on underlying facts of four general types, all of which must be considered by the trier of fact: (1) the scope and content of the prior art; (2) the level of ordinary skill in the art; (3) the differences between the claimed invention and the prior art; and (4) any objective indicia of nonobviousness.[1] Upon reviewing the Examiner's statement of the rejection with regard to claim 1 on pages 3 and 4 of the Fourth Office Action, Appellant submits that the Examiner has failed to clearly designate the teachings in Moore being relied upon the statement of the rejection. In this regard, the Examiner's rejection under 35 U.S.C. § 103 also fails to comply with 37 C.F.R. § 1.104(c), which provides:

> In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

[1] See KSR Int'l v. Teleflex Inc., 550 U.S. ___ (2007); Graham v. John Deere Co., 383 U.S. 1, 17-18 (1966); Continental Can Co. USA, Inc. v. Monsanto Co., 948 F.2d 1264, 1270, 20 USPQ2d 1746, 1750-51 (Fed. Cir. 1991); Panduit Corp. v. Dennison Mfg. Co., 810 F.2d 1561, 1566-68, 1 USPQ2d 1593, 1594 (Fed. Cir. 1987).

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The Examiner has not designated the particular parts of Mason being relied "as nearly as practicable." Instead, the Examiner's statement of rejection reproduces entire paragraphs of the claims and asserts that all the limitations in the particular paragraph are disclosed by certain cited passages within Mason. Although broadly identifying where the Examiner believes the claimed limitations are disclosed in Mason, the statement of the rejection fails to clearly identify many of the specific elements within Mason being relied upon in the rejection.

By not clearly indicating those specific elements being relied upon in the prior art to teach the invention, as recited in the claims, the Examiner has failed to fully establish the underlying facts regarding (1) the scope and content of the prior art and (3) the differences between the claimed invention and the prior art. Thus, the Examiner has improperly arrived at the legal conclusion that the claimed invention is obvious based upon the combination of Mason in view of Moore.

Not only has the Examiner not fully established the underlying facts regarding the scope and content of the prior art and the differences between the claimed invention and the prior art, the Examiner's analysis has mischaracterized those differences. Specifically, in the paragraph spanning pages 3 and 4 of the Fourth Office Action, the Examiner asserted:

> Mason does not expressly teach during the design of the first website causing the display of the element for marketing at the second website when the first website is activated with respect to the internet.

As readily apparent from the Examiner's comments, the Examiner is associating the claimed "during design of the first website" with the claimed "causing the display of the element for marketing at the second website when the first website is activated with respect to the internet."

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However, these two elements are not combined in this manner within claim 1. Instead, claim 1, in part, recites:

> during design of the first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed;
>
> …
>
> causing the display of the element for marketing at the second website when the first website is activated with respect to the internet, wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website.

Thus, the Examiner has mischaracterized the differences between the claimed invention and the prior art.

To clarify the record, the passages within Mason cited to by the Examiner refer to a system in which (i) an advertiser uploads an original ad; (ii) the configuration of the original ad is compared to specifications of a online newspaper website; (iii) the original ad is modified to meet the specifications of the online newspaper website; and (iv) the modified ad is stored for placement. Completely absent from any of the passages cited by the Examiner is any discussion of the design of a first website. On the contrary, Mason is only concerned with the design of a advertisement which is to be placed in another website.

The Examiner further asserted the following in the paragraph spanning pages 3 and 4 of the Fourth Office Action:

> However, Moore teaches a system for designing websites, where a first website is activated with respect to the Internet when said first website is posted to a hosting server (see Moore col 3, lines

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> 20-45), as Applicant's specification page 33, lines 10-13 discloses that "posting" a website" and "activating a website" are equivalent terms. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Mason's advertiser's website would caused the display of a banner ad in a second website when said advertiser's website is activated with respect to the Internet, as taught by Moore in order to avoid posting banner ads in websites which would not provide any click-throughs [sic] revenue.

At the outset, Appellant notes that what the Examiner alleges that Mason fails to teach and what Moore teaches are two different things. Moreover, the Examiner's proposed benefit (i.e., avoid post banner ads in websites that do not provide click-through revenue) has been not identified by either Moore or Mason, and the Examiner has failed to establish that either Moore or Mason has identified a problem in which a common sense solution to that problem would lead to the Examiner's proposed benefit.

The Examiner asserted that "the display of the element for marketing at the second website [is caused] when the first website is activated with respect to the internet," is not disclosed by Mason. However, the passage within Moore cited by the Examiner merely teaches that a system includes a web page server and a second server in which a web page is hosted on the web page server, and the web page server includes a link to the second server. Completely absent, however, is any teaching regarding causing the display of the element for marketing at the second website <u>when the first website is activated</u> with respect to the internet, as claimed.

The Examiner's assertion regarding "equivalent terms" is a repeat of the Examiner's assertion found in the last full paragraph on page 3 of the Third Office Action dated June 6, 2006 (hereinafter the Third Office Action). This assertion was addressed in Appellant's First Appeal Brief, in which Appellant presented the following arguments. Specifically, the Examiner relied upon page 33, lines 10-13 of Appellant's specification, and page 33, lines 9-13 are reproduced below:

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> Once the design of the new website by the registered user is completed and the new website is posted/activated, the system 100 causes the selected websites of other registered users (i.e., the websites selected during the design of the new website) to display a link and/or banner ad concerning the new website.

It is readily apparent that one skilled in the art would not consider the terms "posted" and "activated" to be necessarily "equivalent," as asserted by the Examiner. For example, a website that is posted may not necessarily be activated since a separate activation step may be required after the website is posted. Thus, Appellant used the terms "posted" and "activated" as alternatives and not as equivalents (i.e., necessarily meaning the same thing). Despite presenting these arguments in the First Appeal Brief, the Examiner did not address these arguments in the Fourth Office Action.

The Examiner's initial analysis regarding Mason implied that the advertiser's website corresponds to the first website (i.e., the website being designed) and the online newspaper website corresponds to the second website (i.e., the website in which the element for marketing is to be displayed). In the Examiner's obviousness analysis, the Examiner asserted that "Mason's advertiser's website would caused the display of a banner ad in a second website when said advertiser's website is activated with respect to the Internet in order to avoid posting banner ads in websites which would not provide any click-throughs [sic] revenue." The Examiner, however, has failed to establish that either Moore or Mason identifies the problem of reduced click-through revenues because of banner ads that do not have an activated website. Moreover, the Examiner has not factually shown that the lack of an activated website would cause click-through revenue to not be generated.

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Also, as previously noted, the "during design of the first website," as claimed, applies to a different limitation than that alleged by the Examiner. Thus, the Examiner's analysis has not shown that this limitation, upon considering the claimed invention as a whole, would have been obvious to one having ordinary skill in the art.

Claim 4

Dependent claim 4 recites, in part, the following limitation: "determining whether a reciprocal site for the display of at least one marketing element of a third party website exists in the first website being designed." On page 4 of the Fourth Office Action, the Examiner asserted that this limitation is disclosed by column 5, lines 15-25 of Mason. Appellant disagrees. This cited passage within Mason merely describes that a national advertiser can purchase advertising space on related or non-related web pages and that an intermediary company may purchase advertising space from online newspaper websites and then resell the space. Completely absent from this cited passage is a mention of "a reciprocal site" or "at least one marketing element of a third part website" or the "the first website being designed." Thus, the Examiner's statement of the rejection fails to establish that the combination of Mason and Moore teach or suggest the claimed invention, as recited in claim 4, within the meaning of 35 U.S.C. § 103.

Claim 5

Dependent claim 5 recites, in part, the following limitation: "causing the sequential display at the reciprocal site of the first website of a plurality banner ads respectively concerning a plurality of third party websites." On page 4 of the Fourth Office Action the Examiner cited

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column 5, lines 15-25 and asserted that "the same argument made in claim 1 regarding this missing limitation is also made in claim 5.

Upon reviewing the passage cited by the Examiner, however, Appellant is unable to determine where Moore teaches the above-identified limitation. Specifically, there is no apparent disclosure within Moore of the claimed "sequential display" or "a plurality of banners ads respectively concerning a plurality of third party websites." Thus, the Examiner's statement of the rejection fails to establish that the combination of Mason and Moore teach or suggest the claimed invention, as recited in claim 5, within the meaning of 35 U.S.C. § 103.

Claim 8

On page 6 of the Fourth Office Action, the Examiner cited column 10, line 44 through column 11, line 15, and Figures 9-11 and generalized that Moore teaches a system of designing websites that includes display regions and selecting different layouts and images for the design of the webpage. A review of these cited passages and figures fails to yield any mention of a banner ad. Thus, the Examiner's statement of the rejection fails to establish that the combination of Mason and Moore teach or suggest the claimed invention, as recited in claim 8, within the meaning of 35 U.S.C. § 103. Appellant also notes that similar arguments were presented as to claim 8 in the First Appeal Brief, yet the Examiner did not address these arguments in the Fourth Office Action.

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Claims 9 and 10

On pages 6 and 7 of the Fourth Office Action, the Examiner asserted that each of the five different steps recited in claim 9 are disclosed in column 11, lines 50-60 of Moore, which for ease of reference is reproduced below:

> Each page created by the merchant can, as mentioned earlier, be modified. Style components can be added, deleted, moved, resized, etc. Another feature of the Development Tool is that it presents the page just as a Web customer will see it. This feature, called WYSIWYG for "what you see is what you get" allows the merchant to see, without publishing and browsing, what the published page will look like when it is published. Additionally, the Development Tool also provides a previewing option which uploads all of the pages and allows the merchant to view the entire Web site with a Web browser.

Upon reviewing this passage, Appellant is unable to determine where in this passage Moore discloses all of the limitations recited in claim 9. For example, this passage is silent as to display regions, and thus, cannot teach the claimed first and second display regions.

With regard to claim 10, in addition to citing the same passage, the Examiner also cited Figure 13. However, Appellant is unable to determine where in this passage and figure Moore discloses each of the limitations recited in claim 10. For example, the citations are silent as to "sonic effects." Thus, the Examiner's statement of the rejection fails to establish that the combination of Mason and Moore teach or suggest the claimed invention, as recited in claims 9 and 10, within the meaning of 35 U.S.C. § 103. Appellant also notes that similar arguments were presented as to claims 9 and 10 in the First Appeal Brief, yet the Examiner did not address these arguments in the Fourth Office Action.

THE REJECTION OF CLAIMS 13, 16-18, AND 20 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON MOORE

For convenience of the Honorable Board in addressing the rejections, claims 13, 16-18,

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and 20 stand or fall together with independent claim 1.

At the outset, Appellant notes that the present rejection is a repeat of the Examiner's rejection found on pages 8-12 of the Third Office Action. This rejection was responded to in the First Appeal Brief, and Appellant incorporates herein the arguments previously presented with regard to this rejection.

Failure to clearly designate teachings in applied prior art

At the outset, Appellant respectfully submits that the Examiner has failed to clearly designate the teachings in Moore being relied upon the statement of the rejection. In this regard, the Examiner's rejection under 35 U.S.C. § 103 also fails to comply with 37 C.F.R. § 1.104(c), which provides:

> In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

The Examiner has not designated the particular parts of Moore being relied "as nearly as practicable." Instead, the Examiner's statement of rejection reproduces entire paragraphs of the claims and asserts that all the limitations in the particular paragraph are disclosed by certain cited passages within Moore. Although broadly identifying where the Examiner believes the claimed limitations are disclosed in Moore, the statement of the rejection fails to clearly identify many of the specific elements within Moore being relied upon in the rejection.

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Failure to teach "during design of a first Web site"

As claimed, the method of independent claim 13 is while a first website is being designed by a website designer and independent claim 20 recites "*during design of the first website*, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed." To teach these limitations the Examiner cited column 7, lines 60-67 and column 8, lines 40-55 of Moore. Although column 8, lines 27-61 of Moore refers to a "Development Tool," which "allows the merchant to design, build, and publish a web site," Moore is silent as to when information is received at a user interface indicating a type of element for marketing that is to be displayed at a second website.

Failure to establish a proper rationale to modify Moore

Independent claims 13 and 20 recite "when the first website is activated on the internet …," and the Examiner admitted on page 10 of the Fourth Office Action that "Moore does not expressly teach that said display of said element is done when the first website is activated with respect to the Internet." In attempting to establish a prima facie case of obviousness to modify Moore, the Examiner asserted the following with regard to claim 13:

> Applicant's specification page 33, lines 10-13 discloses that "posting" a website" and "activating a website" are equivalent terms. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Moore's merchant website would displayed the commerce feature when said website is posted to a host server as posting and activating are equivalent terms are taught by Applicant's specification.

The Examiner's logic is flawed for several reasons. The Examiner has misinterpreted Appellant's specification. The Examiner has improperly relied upon Appellant's specification for

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the motivation to modify Moore, and the Examiner has failed to establish a factual basis within the applied prior art for a realistic rationale to modify Moore.

The Examiner relied upon page 33, lines 10-13 of Appellant's specification, and page 33, lines 9-13 are reproduced below:

> Once the design of the new website by the registered user is completed and the new website is posted/activated, the system 100 causes the selected websites of other registered users (i.e., the websites selected during the design of the new website) to display a link and/or banner ad concerning the new website.

It is readily apparent that one skilled in the art would not consider the terms "posted" and "activated" to be necessarily "equivalent," as asserted by the Examiner. For example, a website that is posted may not necessarily be activated since a separate activation step may be required after the website is posted. Thus, Appellant used the terms "posted" and "activated" as alternatives and not as equivalents (i.e., necessarily meaning the same thing).

Notwithstanding what Appellant has taught in the specification with regard to the relative meanings of the terms "activated" and "posted," the Examiner has failed to establish a common sense rationale to modify Moore. As discussed in In re Ruff[2], equivalency cannot be based on the mere fact that the components at issue are functional equivalents. Furthermore, in In re Scott[3], a decision of the Board was reversed on the basis that components that are functionally equivalent are not necessarily obvious in view of one another. Thus, the Examiner's equivalency argument, without anything more, is insufficient to establish obviousness.

[2] 256 F.2d 590, 118 USPQ 340 (CCPA 1958).
[3] 323 F.2d 1016, 139 USPQ 297 (CCPA 1963).

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Therefore, for the reasons stated above, the Examiner's statement of the rejection fails to establish that Moore teaches or suggests the claimed invention, as recited in claims 13, 16-18, and 20, within the meaning of 35 U.S.C. § 103.

THE REJECTION OF CLAIMS 2 AND 3 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON MASON IN VIEW OF MOORE AND WEXLER

For convenience of the Honorable Board in addressing the rejections, claims 2 and 3 stand or fall together with independent claim 1.

Claims 2 and 3 depend from independent claim 1, and Appellant incorporates herein the arguments previously advanced in traversing the imposed rejection of claim 1 for obviousness based upon Mason in view of Moore. The Examiner's tertiary reference of Wexler does not cure the argued deficiencies of the combination of Mason and Moore. Accordingly, even if one having ordinary skill in the art were motivated to combine the applied prior art, as suggested by the Examiner, the proposed combination of references would not yield the claimed invention. Appellant, therefore, respectfully submits that the imposed rejection of claims 2 and 3 under 35 U.S.C. § 103 for obviousness based upon Mason in view of Moore and Wexler is not viable and, hence, solicits withdrawal thereof.

THE REJECTION OF CLAIMS 14 AND 15 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON MOORE IN VIEW OF HESS

For convenience of the Honorable Board in addressing the rejections, claims 14 and 15 stand or fall together with independent claim 13.

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Claims 14 and 15 depend from independent claim 13, and Appellant incorporates herein the arguments previously advanced in traversing the imposed rejection of claim 13 for obviousness based upon Moore. The Examiner's secondary reference of Hess does not cure the argued deficiencies of Moore. Accordingly, the proposed combination of references would not yield the claimed invention. Appellant, therefore, respectfully submits that the imposed rejection of claims 14 and 15 under 35 U.S.C. § 103 for obviousness based upon Moore in view of Hess is not viable.

Claims 14 and 15 depend from independent claim 13, and Appellant incorporates herein the arguments previously advanced in traversing the imposed rejection of claim 13 for obviousness based upon Moore. The Examiner's secondary reference of Wexler does not cure the argued deficiencies of Moore. Accordingly, even if one having ordinary skill in the art were motivated to combine the applied prior art, as suggested by the Examiner, the proposed combination of references would not yield the claimed invention. Appellant, therefore, respectfully submits that the imposed rejection of claims 14 and 15 under 35 U.S.C. § 103 for obviousness based upon Moore in view of Hess is not viable.

Conclusion

Based upon the foregoing, Appellant respectfully submits that the Examiner's rejections under 35 U.S.C. § 103 are not factually or legally viable. Appellant, therefore, respectfully solicits the Honorable Board to reverse the Examiner's rejections under 35 U.S.C. § 103.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due under 37 C.F.R. §§ 1.17, 41.20, and in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

Date: November 19, 2007

Respectfully submitted,

/Scott D. Paul/

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VIII. CLAIMS APPENDIX

1. A method of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the internet, the method comprising:

during design of the first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed;

saving the information at a first database that is coupled to the user interface;

obtaining the element for marketing of the type indicated; and

causing the display of the element for marketing at the second website when the first website is activated with respect to the internet, wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website.

2. The method of claim 1, further comprising, prior to receiving the information indicating the type of the element and the information specifying the second website:

receiving at the user interface information concerning at least one of the website designer, a business of the website designer, and the first website;

performing a search of information on a second database having information concerning at least one of a plurality of third party website designers, a plurality of third party businesses and a plurality of third party websites;

identifying from the search at least one third party website to which the first website should be coupled for marketing purposes; and

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providing information concerning the at least one third party website at the user interface.

3. The method of claim 1, further comprising:

during design of the first website, receiving information specifying a plurality of additional third party websites at which it is desirable to have the element displayed;

saving the information at the first database; and

causing the display of the element for marketing at each of the plurality of additional third party websites when the first website is activated with respect to the internet.

4. The method of claim 1, further comprising:

determining whether a reciprocal site for the display of at least one marketing element of a third party website exists in the first website being designed; and

creating the reciprocal site for the display of the at least one marketing element of the third party website when the reciprocal site does not yet exist in the first website being designed.

5. The method of claim 4, further comprising:

when the element for marketing the first website is a banner ad concerning the first website, causing the sequential display at the reciprocal site of the first website of a plurality banner ads respectively concerning a plurality of third party websites, when the first website is activated with respect to the internet.

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6. The method of claim 4, further comprising:

when the element for marketing the first website is a link to the first website, causing the display at the reciprocal site of the first website of a plurality of links to the plurality of third party websites, when the first website is activated with respect to the internet.

7. The method of claim 1, wherein the element for marketing is the banner ad concerning the first website, further comprising:

determining whether the banner ad for the first website has already been designed; and

when it is determined that the banner ad for the first website has not yet been designed, displaying a message at the user interface indicating the necessity of designing the banner ad.

8. The method of claim 7, further comprising, when it is determined that the banner ad for the first website has not yet been designed:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements;

receiving a search request for available banner ad designs at the user interface;

performing a search of information concerning a plurality of available elements stored on a second database in response to the search request, wherein a search engine program performs the search;

displaying results of the search on the user interface; and

receiving a selection command at the user interface to select a first banner ad design from the results.

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9. The method of claim 8, further comprising:

providing a second display region on the user interface, the second display region being capable of displaying the plurality of elements;

displaying the first banner ad design in the second display region;

receiving a first command to modify the first banner ad design in the second display region;

modifying the first banner ad design in response to the first command;

terminating the display of the second display region;

displaying the modified first banner ad design in the first display region, wherein the first display region is capable of displaying the first banner ad design in an interactive manner; and

saving the modified first banner ad design.

10. The method of claim 9, further comprising:

receiving at the user interface a command to preview the modified first banner ad design; and

providing a preview of the modified first banner ad design, wherein the preview allows for the display of all visual effects of the modified first banner ad design, and allows for the sounding of all sonic effects of the modified first banner ad design.

11. The method of claim 9, further comprising, prior to the saving of information concerning the modified first banner ad design:

displaying a prompt concerning payment;

receiving credit card processing information at the user interface; and

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determining the adequacy of the credit card processing information.

12. The method of claim 1, further comprising, prior to receiving the information indicating the type of the element and the information specifying the second website:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements;

receiving a selection of a smart agent option at the user interface, the selection of which is indicative of a desire to establish the arrangement between the first website being designed by the website designer and the second website in order to market the first website at the second website upon the activation of the first website on the internet;

displaying a smart agent menu having a suggested marketing locations option, a create links option and a banner ad rotations option, wherein the create links option and the banner ad rotations option can be selected to indicate the type of the element for marketing.

13. A method of assisting a website designer in establishing an e-commerce feature on a first website being designed by the website designer for access by third parties upon the activation of the first website on the internet, the method comprising:

receiving at a user interface a selection of the e-commerce feature that is desired to be implemented on the first website, wherein the e-commerce feature is at least one of a shopping cart and an auction;

receiving at the user interface information concerning a picture of a product desired to be sold using the e-commerce feature;

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receiving at the user interface information concerning a written description of the product;

receiving at the user interface information concerning a price of the product;

receiving at the user interface information concerning an identification number of the product; and

when the first website is activated on the internet, displaying the e-commerce feature on the first website, wherein display of the e-commerce feature includes the display of at least some of the picture, written description, price and identification information of the product.

14. The method of claim 13, further comprising, prior to receiving at the user interface the selection of the e-commerce feature that is desired to be implemented:

displaying a list of at least one of a plurality of shopping carts and a plurality of auctions.

15. The method of claim 13, wherein the e-commerce feature that is selected is an auction, and the information concerning the price of the product concerns a reserve price.

16. The method of claim 13, wherein the information concerning the picture of the product is uploaded from a memory device at a website designer computer, and wherein the information concerning the written description, price and identification number of the product is received at the user interface into a form field.

17. The method of claim 13, further comprising, after the receiving of the information concerning the identification number of the product:

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prompting for an input of a merchant account identifier;

when the merchant account identifier is received, saving the information concerning the selected e-commerce feature, the received information concerning the picture, written description, price and identification number of the product, and the merchant account identifier;

when an indication that no merchant account identifier exists is received, providing a merchant account information form, receiving merchant account information at the user interface, and sending the merchant account information to a merchant account vendor,

wherein, the e-commerce feature is only displayed on the internet when both the first website is activated on the internet and the merchant account identifier has been received.

18. The method of claim 13, further comprising:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements;

displaying the selected e-commerce feature including at least some of the information concerning the picture, written description, price and identification number of the product on the first display region,

wherein the first display region is capable of displaying the e-commerce feature in an interactive manner.

19. A computer-readable storage medium containing computer executable code for instructing at least one computer to perform the steps of:

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during design of a first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at a second website, and information specifying the second website at which the element is to be displayed;

saving the information at a first database that is coupled to the user interface;

obtaining an element for marketing of the type indicated; and

causing the display of the element for marketing at the second website when the first website is activated with respect to the internet,

wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website.

20. A computer-readable storage medium containing computer executable code for instructing at least one computer to perform the steps of:

receiving at a user interface a selection of an e-commerce feature that is desired to be implemented on a first website, wherein the e-commerce feature is at least one of a shopping cart and an auction;

receiving at the user interface information concerning a picture of a product desired to be sold using the e-commerce feature;

receiving at the user interface information concerning a written description of the product;

receiving at the user interface information concerning a price of the product;

receiving at the user interface information concerning an identification number of the product; and

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when the first website is activated on the internet, displaying the e-commerce feature on the first website, wherein display of the e-commerce feature includes the display of at least some of the picture, written description, price and identification information of the product.

21. An internet-based system for assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the internet, the system including;

a server computer accessible by a plurality of registered user computers and a plurality of unregistered computers using the internet, wherein the server computer:

receives at a user interface displayed at one of the registered user computers information indicating a type of an element for marketing that is to be displayed at the second website, and

information specifying the second website at which the element is to be displayed;

saves the information at a first database that is coupled to the server computer;

obtains an element for marketing;

hosts the second website;

activates the first website on the internet by hosting the first website on the internet;

provides a web page for the second website to one of the unregistered computers; and

displays the element for marketing on the web page.

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IX. EVIDENCE APPENDIX

No evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 of this title or of any other evidence entered by the Examiner has been relied upon by Appellant in this Appeal, and thus no evidence is attached hereto.

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X. RELATED PROCEEDINGS APPENDIX

Since Appellant is unaware of any related appeals and interferences, no decision rendered by a court or the Board is attached hereto.

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Electronic Acknowledgement Receipt

EFS ID:	2489537
Application Number:	09589551
International Application Number:	
Confirmation Number:	8542
Title of Invention:	Method for developing electronic documents providing e-commerce tools
First Named Inventor/Applicant Name:	Thomas L. DiStefano
Customer Number:	29973
Filer:	Scott David Paul
Filer Authorized By:	
Attorney Docket Number:	6676-11
Receipt Date:	19-NOV-2007
Filing Date:	07-JUN-2000
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Application Type:	Utility under 35 USC 111(a)

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Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1	Appeal Brief Filed	1115-007U_appeal_brief_2_NOA_09-18-07.pdf	110819 67a3d0ba511c9f03c1e266705fbe44638d92e78f	no	30

Warnings:	
Information:	

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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.

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.

Document code: WFEE

United States Patent and Trademark Office
Sales Receipt for Accounting Date: 11/30/2007

DBROWN SALE #00000005 Mailroom Dt: 11/19/2007 090461 09589551
01 FC : 2402 255.00 DA

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United States Patent and Trademark Office
Sales Receipt for Accounting Date: 11/30/2007

DBROWN SALE #00000004 Mailroom Dt: 11/19/2007 090461 09589551
01 FC : 1402 510.00 DA

Document code: WFEE

United States Patent and Trademark Office
Sales Receipt for Accounting Date: 12/03/2007

DBROWN ADJ #00000001 Mailroom Dt: 11/19/2007
Seq No: 4 Sales Acctg Dt: 11/30/2007 090461 09589551
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,551	06/07/2000	Thomas L. DiStefano III	1115-007U	8542

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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.

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/589,551
Filing Date: June 07, 2000
Appellant(s): DISTEFANO, THOMAS L.

Scott D. Paul
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/19/2007 appealing from the Office action mailed 06/18/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,401,075	MASON ET AL	06-2002
6,330,575	MOORE ET AL	12-2001
5,960,409	WEXLER	09-1999
6,058,417	HESS ET AL	05-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

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.

Claims 1, 4-12, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason (US 6,401,075) in view of Moore et al (U.S. 6,330,575).

As per claims 1 and 19, Mason teaches:

A method of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the Internet, the method comprising:

receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed (see column 5, lines 45-60);

saving the information at a first database that is coupled to the user interface (see col 5, lines 30-65);

obtaining the element for marketing of the type indicated (see col 5, lines 45-65); and

wherein the element of marketing includes at least one of a banner ad concerning the first website and a link to the first website (see col 4, lines 20-40). Mason does not expressly teach during the design of the first website causing the display of the element for marketing at the second website when the first website is activated with respect to the Internet. However, Moore teaches a system for designing websites, where a first website is activated with respect to the Internet when said first website is posted to a hosting server (see Moore col 3, lines 20-45), as Applicant's specification page 33, lines 10-13 discloses that "posting" a website" and "activating a website" are equivalent terms. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Mason's advertiser's website would caused the display of a banner ad in a second website when said advertiser's website is activated with respect to the Internet, as taught by Moore in order to avoid posting banner ads in websites which would not provide any click-throughs revenues.

As per claim 4, Mason teaches:

The method of claim 1, further comprising:

determining whether a reciprocal site for the display of at least one marketing element of a third party website exists in the first website being designed (see col 5, lines 15-25) but does not expressly teach creating the reciprocal site for the display of the at least one marketing element of the third party website when the reciprocal site does not yet exist in the first website being designed. However, Moore teaches a system for designing websites (see col 3, lines 20-30). Therefore, the same argument made in claim 1 with respect to this missing limitation is also made in claim 4.

As per claim 5, Mason teaches:

The method of claim 4, further comprising:

when the element for marketing the first website is a banner ad concerning the first website (see col 4, lines 30-37, causing the sequential display at the reciprocal site of the first website of a plurality banner ads respectively concerning a plurality of third party websites (see col 5, lines 15-25) but does not expressly teach when the first website is activated with respect to the internet. However, the same argument made in claim 1 regarding this missing limitation is also made in claim 5.

As per claim 6, Mason teaches:

The method of claim 4, further comprising:

when the element for marketing the first website is a link to the first website, causing the display at the reciprocal site of the first website of a plurality of links to the plurality of third party websites (see col 6, lines 30-45) but does not expressly teach when the first website is activated with respect to the Internet. However, the same rejection applied to claim 1 regarding this missing limitation is also made in claim 6.

As per claim 7, Mason teaches:

The method of clam 1, wherein the element for marketing is the banner ad concerning the first website, further comprising:

determining whether the banner ad for the first website has already been designed (see col 3, lines 25-55) but does not expressly teach and when it is determined that the banner ad for the first website has not yet been designed, displaying a message at the user interface indicating the necessity of designing the banner ad. However, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Mason would create and edit banner advertisements (see Mason col 5, lines 30-45), and when it is determined that the banner ad for the first website has not yet been designed,

displaying a message at the user interface indicating the necessity of designing the banner ad as an advertisement campaign remainder.

As per claim 8, Mason fails to teach:

The method of claim 7, further comprising, when it is determined that the banner ad for the first website has not yet been designed:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements;

receiving a search request for available banner ad designs at the user interface;

performing a search of information concerning a plurality of available elements stored on a second database in response to the search request, wherein a search engine program performs the search;

displaying results of the search on the user interface; and

receiving a selection command at the user interface to select a first banner ad design from the results. However, Moore teaches a system for designing websites, which includes display regions (see figure 9), performing search of available elements for making said web-pages (see col 10, line 44 – col 11, line 15) and selecting different layouts and images for the design of said webpage (see figures 9-11). Therefore, the same rejection made in claim 1 regarding this missing limitation is also made in claim 8.

As per claim 9, Mason fails to teach:

The method of claim 8, further comprising:

providing a second display region on the user interface, the second display region being capable of displaying the plurality of elements;

displaying the first banner ad design in the second display region;

receiving a first command to modify the first banner ad design in the second display region;

modifying the first banner ad design in response to the first command;

terminating the display of the second display region;

displaying the modified first banner ad design in the first display region, wherein the first display region is capable of displaying the first banner ad design in an interactive manner; and saving the modified first banner ad design. However, the same rejection applied to claim 8 is also applied to claim 9.

As per claim 10, Mason fails to teach:

The method of claim 9, further comprising:

receiving at the user interface a command to preview the modified first banner ad design; and

providing a preview of the modified first banner ad design, wherein the preview allows for the display of all visual effects of the modified first banner ad design, and allows for the sounding of all sonic effects of the modified first banner ad design. However, Moore teaches a system for designing websites which allows a webpage designer to add audio and multimedia files to said websites (see figure 13) and to preview created web-pages (see col 11, lines 55-60). Therefore, the same argument made in claim 8 regarding this missing limitation is also made in claim 10.

As per claim 11, Mason fails to teach:

The method of claim 9, further comprising, prior to the saving of information concerning the modified first banner ad design:

displaying a prompt concerning payment;

receiving credit card processing information at the user interface and determining the adequacy of the credit card processing information (see column 6, lines 63-67). However, Moore teaches a system for designing websites, which receives credit card processing information. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Mason system would billed the advertisers for designing advertisements, as taught by Mason in order that Mason system generate revenue for providing to advertisers a advertisement campaign system.

As per claim 12, Mason teaches:

The method of claim 1, further comprising, prior to receiving the information indicating the type of the element and the information specifying the second website:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements (see col 5, lines 45-60);

receiving a selection of a smart agent option at the user interface, the selection of which is indicative of a desire to establish the arrangement between the first website being designed by the website designer and the second website in order to market the first website at the second website (see col 5, line 45 – col 6, line 5); displaying a smart agent menu having a suggested marketing locations option, a create links option and a banner ad rotations option, wherein the create links option and the banner ad rotations option can be selected to indicate the type of the element for marketing (see column 2, lines 50-65). Mason does not expressly teach that said marketing occurs upon the activation of the first website on the Internet. However, the same argument made in claim 1 regarding this missing limitation is also made in claim 12.

As per claim 21, Mason teaches:

An internet-based system for assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the Internet, the system including:

a server computer accessible by a plurality of registered user computers and a plurality of unregistered computers using the Internet (see col 3, lines 25-65).

receives at a user interface displayed at one of the registered user computers information indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed (see column 5, lines 45-67);

saves the information at a first database that is coupled to the server computer (see column 5, lines 1-7);

obtains an element for marketing (see column 5, lines 45-60);

provides a web page of the second website to one of the unregistered computers (see column 4, lines 20-40); displays the element for marketing on the web page (see column 3, lines 40-55). Mason fails to teach hosts the second website and activates the first website on the Internet by hosting the first website on the Internet. However, the same rejection made in claim 1 regarding this missing limitation is also made in claim 21.

Claims 13, 16-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al (U.S. 6,330,575).

As per claims 13 and 20, Moore teaches:

A method of assisting a website designer in establishing an e-commerce feature on a first website being designed by the website designer for access by third parties upon the activation of the first website on the Internet, the method comprising:

receiving at a user interface a selection of the e-commerce feature that is desired to be implemented on the first website, wherein the e-commerce feature is at least one of a shopping cart and an auction (see column 7, lines 60-67; column 8, lines 40-55);

receiving at the user interface information concerning a picture of a product desired to be sold using the e-commerce feature (see figure 7);

receiving at the user interface information concerning a written description of the product (see figures 7-10);

receiving at the user interface information concerning a price of the product (see figures 15 and 16);

receiving at the user interface information concerning an identification number of the product (see figures 15 and 16); and

displaying the e-commerce feature on the first website, wherein display of the e-commerce feature includes the display of at least some of the picture, written description, price and identification information of the product (see figure 16). Moore does not expressly teach the displaying of said e-commerce feature on the first website when the first website is activated on the Internet. However, Applicant's specification page 33, lines 10-13 discloses that "posting" a website" and "activating a website" are equivalent terms. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Moore's merchant website would displayed the commerce feature when said website is posted to a host server as posting and activating are equivalent terms as taught by Applicant's specification.

As per claim 16, Moore teaches:

The method of claim 13, wherein the information concerning the picture of the product is uploaded from a memory device at a website designer computer, and wherein the

information concerning the written description, price and identification number of the product is received at the user interface into a form field (see figure 15).

As per claim 17, Moore teaches:

The method of claim 13, further comprising, after the receiving of the information concerning the identification number of the product:

prompting for an input of a merchant account identifier (see column 11, lines 62-67);

when the merchant account identifier is received, saving the information concerning the selected e-commerce feature, the received information concerning the picture, written description, price and identification number of the product, and the merchant account identifier (see column 12, lines 1-46);

when an indication that no merchant account identifier exists is received, providing a merchant account information form, receiving merchant account information at the user interface, and sending the merchant account information to a merchant account vendor, wherein, the e-commerce feature is only displayed on the internet when both the first website is activated on the internet and the merchant account identifier has been received (see column 11, line 60 – column 12, line 45).

As per claim 18, Moore teaches:

The method of claim 13, further comprising:

providing a first display region on the user interface, the first display region being capable of displaying a plurality of elements (see figure 9);

displaying the selected e-commerce feature including at least some of the information concerning the picture, written description, price and identification number of the product on the first display region, wherein the first display region is capable of displaying the e-commerce feature in an interactive manner (see figures 10-13).

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason (US 6,401,075) in view of Moore (US 6,330,5750 and Wexler (U.S. 5,960,409).

As per claim 2, Mason fails to teach:

The method of claim 1, further comprising, prior to receiving the information indicating the type of the element and the information specifying the second website:

receiving at the user interface information concerning at least one of the website designer, a business of the website designer, and the first website;

performing a search of information on a second database having information concerning at least one of a plurality of third party website designers, a plurality of third party businesses and a plurality of third party websites;

identifying from the search at least one third party website to which the first website should be coupled for marketing purposes; and

providing information concerning the at least one third party website at the user interface.

However, Wexler teaches that "advertisers may wish to advertise at more than one location, *i.e.,* more than one banner-publishing site. If so, the advertiser will presumably want to know, among other statistics, the effectiveness of each of the publishing sites, i.e., which site generates the most visits to the advertiser's Web site. Likewise, a banner-publishing site may wish to display the advertising, (*i.e.,* banner), of more than one advertiser" (see column 5, lines 24-45). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Mason would use the Wexler system to search for third party websites, which would be desirable to have the banners ads displayed. This feature would increase the probability that the advertisements would be viewed by the intended target.

As per claim 3, Mason teaches:

The method of claim 1, further comprising

during design of the first website, receiving information specifying a plurality of additional third party websites at which it is desirable to have the element displayed;

saving the information at the first database and causing the display of the element for marketing at each of the plurality of additional third party websites (see column 6, lines 1-6) but does not expressly teach when the first website is activated with respect to the Internet. However, the same argument made in claim 1 regarding this missing limitation is also made in claim 3.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason (US 6,401,075) in view of Moore (US 6,330,575) and Hess et al (U.S. 6,058,417).

As per claim 14, Mason fails to teach:

The method of claim 13, further comprising, prior to receiving at the user interface the selection of the e-commerce feature that is desired to be implemented:

displaying a list of at least one of a plurality of shopping carts and a plurality of auctions. However, Hess teaches the creation of an auction site (see figure 6B). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Mason would use his Website creation tool to design an electronic commerce auction site, as taught Hess. The auction site would be another method use by the Mason system to sell and advertise products.

As per claim 15, Mason fails to teach:

The method of claim 13, wherein the e-commerce feature that is selected is an auction, and the information concerning the price of the product concerns a reserve price. However, Hess teaches the creation of an auction site (see figure 6B). Therefore, it would have been

obvious to a person of ordinary skill in the art at the time the application was made, to know that Mason would use his Website creation tool to design an electronic commerce auction site, as taught Hess. The auction site would be another method use by the Mason system to sell and advertise products.

(10) Response to Argument

The Appellant argues in pages 6-7 of the Brief that the Examiner has improperly arrived at the legal conclusion that the claimed invention is obvious based upon the combination of Mason and Moore because according to the Appellant, the Examiner has not fully established the underlying facts regarding the scope and content of the prior art and the differences between the claimed invention and the prior arts. The Appellant further argues that the Examiner is incorrectly associating the claimed “during the design of the first website” with the claimed “causing the display of the element for marketing at the second website when the first website is activated with the respect to the Internet", when according to the Appellant, these two elements are not combined in said manner within claim 1. The Appellant further argues that Mason does not teach Appellant’s claimed limitation because according to the Appellant, Mason does not teach any discussion of the design of a first website and on the contrary, according to the Appellant, Mason only is concerned with the design of an advertisement which is to be placed in another website. Furthermore, the Appellant argues in page 8 of the Brief that the Examiner proposed benefit of avoiding post banner ads in website that do not provide click-through revenue has not been identified by either Moore or Mason, and according to the Appellant, the Examiner has failed to establish that either Moore or Mason has identified a problem in which a common sense solution to that problem to the Examiner's proposed benefit.

The Examiner answers that Mason teaches in col 3, lines 55-65 “Once displayed on a website, the derivative ads are actually derivative ad links since a person viewing the derivate ad links can click on these links in order to be connected to a website established by the national advertiser. For example, upon clicking a derivate ad link for a national soup company, a potential customer may be connected with the home page of that soup company or to some other **website specifically designed** for use in connection with that advertising campaign". Therefore, contrary to Appellant’s argument, during an advertisement campaign an advertiser in the Mason’s system is concerned with the design of a first website specifically designed for use in connection with a banner ad (*i.e.* “derivative banner ads”; col 3, lines 55-65), said advertiser is also concerned during said advertisement campaign with the design of a banner ad concerning said first website (see Mason col 3, lines 25-40; “advertiser art director review the banners ads before publishing in different websites”) and said advertiser is also concerned during said advertisement campaign with publishing said advertiser’s banner ad (*i.e.* “derivative ad links") concerning said first website on a second website (*i.e.* "single banner ad is automatically reconfigured for placement on hundreds of online newspaper URLs in a single placement" see Mason col 6, lines 1-6). Furthermore, Appellant’s claimed limitation “during design of the first website…causing the display of the element for marketing at the second website when the first website is activated with the respect to the Internet, wherein the element of marketing includes at least one banner ad concerning the first website and a link to the first website” is interpreted in light of Appellant’s specification page 33, lines 10-15 where it recites “Once the design of the new website by the registered user is completed and the new website is posted/activated, the system 100 causes the selected websites of other registered users (e.g. websites selected during the design of the new website) to display a link and/or banner

ad concerning the new website" as simply meaning that a banner ad concerning a first website would be displayed on a second website when said first website is completed and activated on the Internet. Mason does not teach a development application for a customer or merchant to utilize in the design of a Website. However, the Examiner used the Moore reference to teach said limitation where Moore teaches that it is old and well known in the promotion art to have applications that allow users to design a website and a banner ad (*i.e.* "Price URLs") (see Moore col 3, lines 22-30) and that allow users to publish said banner ad (*i.e.* Price URLs) on said website or elsewhere (*i.e.* "another website" see Moore col 8, lines 55-60) when said website is published (*i.e.* "activated") on the Internet (see Moore col 8, lines 55-60). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made to know that during an advertisement campaign an advertiser in the Mason's system would use the Moore's application to design a first website and a banner ad concerning said first website and during the design of said first website specifically designed for use in connection with said banner ad in said advertisement campaign (see Mason col 3, lines 55-65), Mason would publish said banner ad concerning said first website on said second website when said first website is completed and activated on the Internet in view that said advertiser of said first website would have to pay (*i.e.* "by the number of click-through") for the placing of said banner ad concerning said first website on said second website (see Mason col 5, lines 5-25) and further in view that said first website is specifically designed for use in connection with said banner ad, so potential customers that clicks on said banner ad would be connected to said first website. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that publishing an advertiser's banner ad concerning a first website on a second website in an advertisement campaign would cost money to said advertiser (see

Mason col 5, lines 5-30 “by the number of click-throughs") and if said banner ad concerning said first website is published on said second website without said first website being activated with respect to the Internet, said advertiser would be paying every time a user clicks said banner ad (*i.e.* "by the number of click-troughs") but without said clicking bringing any business to said advertiser, as said banner ad would be pointing to a non-activated and therefore, non-existing first website with respect to the Internet. Furthermore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the activation of a first website would cause a banner ad concerning said first website to be displayed on a second website as Moore teaches that it old and well known in the promotion art to display a banner ad concerning a first website on a second website when said first website is activated with respect to the Internet (*i.e.* “Price URLs have to be included on the site or elsewhere”; see Moore col 8, lines 55-65). Therefore, contrary to Appellant’s argument, Appellant’s claimed invention is obvious in view of Mason and Moore.

The Appellant argues in page 8 of the Brief that Moore does not teach any teaching regarding causing the display of the element for marketing at the second website when the first website is activated with respect to the Internet. The Examiner answers that Moore reference teaches that it is old and well known in the promotion art to have applications that allow users to design a website and a banner ad (*i.e.* “Price URLs”) (see Moore col 3, lines 22-30) and that allows users to publish said banner ad (*i.e.* Price URLs) on said website or elsewhere (*i.e.* “another website” see Moore col 8, lines 55-60) when said website is activated on the Internet (see Moore col 8, lines 55-60). Therefore, contrary to Appellant’s argument, Moore teaches causing the display of the element for marketing (*i.e.* Price URL) at the second website when the first website is activated with respect to the Internet.

The Appellant argues in page 8 regarding “equivalent terms” that according to the Appellant that one skilled in the art would not consider the terms "posted" and "activated" to be necessary "equivalent", thus the Appellant argues that a website that is posted may not be necessarily be activated since a separate activation step may be required after the website is posted. Thus, the Appellant argues that terms "posted" and “activated” were used as alternative and not as equivalent. The Examiner answers that the terms “posted” and “activated” is defined in Appellant’s specification page 33 lines 10-15 where it recites “Once the design of the new website by the registered user is completed and the new website is posted/activated, the system 100 causes the selected website of other users to display a link and/or banner ad concerning the new website”. Therefore, contrary to Appellant’s argument, Appellant’s specification and claims do not mention anything that the terms “posted” and “activated” are not equivalent terms. Therefore, the limitation "causing the display of the element of a marketing at the second website when the first website is activated with respect to the Internet” is interpreted in light of Appellant’s specification as displaying a banner ad concerning a first website on a second website when said first website is published (*i.e.* “activated”) with respect to the Internet. Therefore, contrary to Appellant's argument, “posted/activated” is interpreted in light of Appellant’s specification means “publishing” a website and/or banner ad with respect to the Internet and Mason (see col 3, lines 55-65) and Moore (see col 7, lines 50-60) teach “publishing” (*i.e.* “activating”) websites and banner ads with respect to the Internet.

The Appellant argues in page 9 of the Brief that the Examiner obviousness analysis asserted that Mason advertiser's website would cause the display of a banner ad in a second website when said advertiser's website is activated with respect to the Internet in order to avoid posting banner ads in websites which would not provide any click-throughs

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revenue", however, the Appellant argues that the Examiner has failed to establish that either Moore or Mason identifies the problem of reduced click-through revenues because of banner ads that do not have an activated website. Furthermore, the Appellant argues that the Examiner has not factually shown that the lack of an activated website would cause click-through revenue not to be generated. The Examiner answers that he already addressed said argument in paragraph two of this Response to Argument section.

The Appellant argues in page 10 of the Brief that "during the design of the first website" as claimed, applies to different limitation than alleged by the Examiner. The Examiner answers that he already addressed said argument in paragraph two of this section Response to arguments.

The Appellant argues in page 10 of the Brief with respect to claim 4 that Mason and Moore fail to teach "determining whether a reciprocal site for the display of at least one marketing element of a third party website exists in the first website being displayed". The Examiner answers that Appellant's specification defines the term "reciprocal site" in page 16, lines 20-25 of said specification, where it recites "Banner bar 290 is capable of displaying one or more banner ads corresponding to other websites designed by other registered users through the use of system 100, which allows for marketing of those websites. Also, banner bar 290 is capable of displaying banner ads corresponding to outside advertisers" (see Appellant's specification page 16, lines 20-25). Furthermore, Appellant's specification page 51, lines 18-25 recites "the system determines whether a reciprocal banner ad site has already being created on the registered user's website, so that banner ads from other websites can be displayed on the registered user's website once it is activated". Therefore, the limitation "reciprocal site" simply means, according to Appellant's specification, providing a space in a website such that third parties can place their ads in

said place in said website. Moore teaches in figure 7 the design of a website which includes a reciprocal site, where the links of another Internet website can be displayed on said reciprocal site (see figure 7 "enter website URL"). Mason teaches that it is old and well known in the promotion art for advertisers to sell advertising space in their websites (see Mason col 5, lines 5-30). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that advertisers of a first website specifically designed for use in connection with a banner ad would also sell advertising space in said advertiser's first website, where advertisements would be placed in a reciprocal site in said first website, such as the one taught by Moore and where said advertisers would sell advertising space in said reciprocal site on said website to third party advertisers as taught by Mason in order that said advertisers of said first website would generate revenue for said selling of said reciprocal site advertising space.

The Appellant argues in page 10 of the Brief with respect to claim 5 that Mason and Moore fail to teach the limitation "causing the sequential display at the reciprocal site of the first website of a plurality of banner ads respectively concerning a plurality of third party websites". The Appellant further argues that there is no apparent disclosure within Moore of the claimed "sequential display" or a "plurality of banners ads respectively concerning a plurality of third party websites". The Examiner answers that the term "reciprocal site", according to Appellant's specification page 16, lines 10-25 and page 51, lines 15-25, simply means providing a space in a website such that third parties can place their ads in said place in said website. Moore teaches in figure 7 the design of a website which includes a reciprocal site, where the links of another Internet website can be displayed on said reciprocal site (see figure 7 "enter website URL"). Mason teaches a sequential display of a plurality of banner ads of third party advertisers on a website (see col 4, lines 5-10, col 4,

lines 55-65 “advertisement links can be displayed continuously or according to some predetermined or random frequency to a viewer using an online accessing device”). Therefore, it would have been obvious that an advertiser of a first website (*i.e.* "soup company" see Mason col 3, lines 55-65), where said first website is specifically designed for use in connection with a banner ad, would design said first website with an advertising space (*i.e.* reciprocal site), as taught by Moore and where said advertiser would also charge other advertisers for placing their ads in said advertising space (*i.e.* “reciprocal site”) of said first website, as it is old and well known for an advertiser to sell advertising space on their website, as taught by Mason. Furthermore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Mason would also sequentially display banners ads links from third party advertisers in said advertising space (*i.e.* “reciprocal site”) on said first website in order that said advertiser of said first website would generate some revenue for allowing third party advertisers placed their ads in said first website.

The Appellant argues in page 11 of the Brief with respect to claim 8 that Moore does not Appellant's claim 8 because according to the Appellant, Moore fails to yield any mention of a banner ad. The Examiner answers that Moore's price URLs (see col 6, lines 10-20) is an element for marketing such as a banner ad because when a user clicks said price URL, said user is connected to another site where said user can order an advertiser’s product (see col 12, lines 1-25). Furthermore, Moore discloses that said Price URL have to be included on the advertiser site or elsewhere (*i.e.* “another website”) in order for the customer to place an order (see Moore col 8, lines 47-60). Therefore, contrary to Appellant’s argument, Moore teaches the limitation “banner ad”.

The Appellant argues in page 12 of the Brief with respect to claim 9 that Moore is silent as to display regions and thus according to the Appellant, cannot teach the claimed first and second display region. The Examiner answers that Moore teaches in figure 7 different display regions (*i.e.* "welcome, categories, head/foot, new page, preview") that users of said Moore's system would use in order to design a website, where said first (*i.e.* "head/foot") and second display regions (*i.e.* "preview") are capable of displaying a plurality of elements. Therefore, contrary to Appellant's argument, Moore teaches Appellant's "display regions" limitation.

The Appellant argues in page 12 of the Brief with respect to claim 10 that Moore is silent about "sonic effect". The Examiner answers that Moore teaches a system that allows users to design websites using a development tools where merchants can search for images and logos that said merchants want to include in their websites (see col 11, lines 35-50). Furthermore, Moore teaches that it is old and well known in the promotion art to add audio to websites (see Moore col 1, lines 35-40). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Moore would add URL links to images (see col 11, lines 45-50) that would connect users to audio files, as it is old and well known to add audio to websites.

The Appellant argues in pages 13-14 of the Brief that the Examiner has failed to clearly designate the teaching in Moore being relied upon the statement of the rejection. The Appellant further argues that Moore fails to teach "during the design of the first web site" because according to the Appellant, Moore is silent as to when information is received at a user interface indicating a type of element for marketing that is to be displayed at a second website. The Examiner answers that Moore teaches that merchants designed website and publish said websites at a site of said merchant's choosing (see Moore col 7,

lines 50-60) with the only restriction that the Price URLs have to be included on the site or elsewhere (*i.e.* another website) in order for the Web customer to place an order (see Moore col 8, lines 55-60). Therefore, contrary to Appellant's argument, Moore teaches that when a first website is published on the Internet, a banner ad (*i.e.* "Price URLs) concerning said first website is also published on said first website or elsewhere (*i.e.* "another site") in order for a user to place an order. Furthermore, Mason teaches a website specifically designed for use in connection with an advertisement campaign (*i.e.* "banner ad"; see col 3, lines 55-65). Therefore, contrary to Appellant's argument, as explained before, Moore and Mason teach Appellant's limitation of "during the design of a first website".

The Appellant argues in pages 14 and 15 of the Brief that Moore and Mason do no teach Appellant's claims 13 and 20 because according to the Appellant, the Examiner has misinterpreted Appellant's specification. The Appellant further argues that it is apparent that one skilled in the art would not consider the terms "posted" and "activated" to be necessarily "equivalent" as asserted by the Examiner because according to the Appellant, the Appellant use the terms "posted" and "activated" as alternative and not as equivalent. Furthermore, the Appellant argues that the Examiner equivalency argument, without anything more, is insufficient to establish obviousness rejection. The Examiner answers that he already addressed said arguments in paragraph 4 of this section Response to Arguments.

The Appellant argues in pages 16-17 with respect to claims 2, 3, 14 and 15 that the Examiner prior art references of Wexler and Hess do not cure the argued deficiencies of the combination of Moore and Mason, therefore, according to Appellant's argument, the obviousness rejection of the prior arts is not viable. The Examiner answers the he already addressed in the above paragraphs in this section Response to Argument the Appellant's arguments with respect to Moore and Mason.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/DANIEL LASTRA/

Art Unit 3622

January 26, 2008

Conferees:

Eric Stamber/E. W. S./
Supervisory Patent Examiner, Art Unit 3622

Yehdega Retta /Y. R./
Primary Examiner, Art Unit 3622

/Yehdega Retta/
Primary Examiner, Art Unit 3622

Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination	
	09/589,551	DISTEFANO, THOMAS L.	
	Examiner	Art Unit	
	DANIEL LASTRA	3622	

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Docket No. 1115-007U **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	:	Customer Number: 29973
Thomas DISTEFANO III	:	Confirmation Number: 8542
Application No.: 09/589,551	:	Group Art Unit: 3622
Filed: June 7, 2000	:	Examiner: D. Lastra

For: METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS

REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply Brief is submitted under 37 C.F.R. § 41.41 in response to the EXAMINER'S ANSWER dated February 4, 2008.

The Examiner's response to Appellant's arguments submitted in the Appeal Brief of November 19, 2007, raises additional issues and underscores the factual and legal shortcomings in the Examiner's rejection. In response, Appellant relies upon the arguments presented in the Appeal Brief of November 19, 2007, and the arguments set forth below.

REMARKS

At the outset, before addressing the Examiner's response to Appellant's arguments presented in the Appeal Brief, Appellant notes that the Examiner has submitted a non-compliant Examiner's Answer. As is evident from the extensive comments presented by Appellant during prosecution of the present Application and in the Appeal Brief, there are questions as to how the limitations in the claims correspond to features in the applied prior art. In this regard, reference is made to M.P.E.P. § 1207.02, entitled "Contents of Examiner's Answer." Specifically, the following is stated:

> (A) CONTENT REQUIREMENTS FOR EXAMINER'S ANSWER. The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:
>
> …
>
> (9)(e) For each rejection under 35 U.S.C. 102 or 103 where there are questions as to how limitations in the claims correspond to features in the prior art even after the examiner complies with the requirements of paragraphs (c) and (d) of this section, the examiner must compare at least one of the rejected claims feature by feature with the prior art relied on in the rejection. The comparison must align the language of the claim side-by-side with a reference to the specific page, line number, drawing reference number, and quotation from the prior art, as appropriate. (emphasis added)

However, upon reviewing the Examiner's Answer, Appellant notes a lack of a section within the Examiner's Answer that meets the requirements described in the aforementioned section. Thus, the Examiner's Answer is non-compliant and further evidences the Examiner's continued failure to clearly identify the features within the prior art being relied upon by the Examiner in rejecting the claims and continued failure to clearly explain the pertinence of the applied prior art, as required by 37 C.F.R. § 1.104(c).

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On pages 5 and 6 of the Second Appeal Brief, Appellant presented arguments as to the Examiner's general failure to clearly identify many of the specific elements within Mason being relied upon in the rejection. Upon comparing the Examiner's statement of the rejection on pages 3-14 of the Fourth Office Action, with pages 3-14 of the Examiner's Answer, Appellant has been unable to discover and substantial changes in the Examiner's statement of the rejection. Thus, the Examiner has not addressed Appellant's arguments.

In response to the arguments presented on pages 6 and 7 of the Second Appeal Brief, the Examiner initially asserted the following on page 15 of the Examiner's Answer:

> The Examiner answers that Mason teaches in col 3, lines 55-65 "Once displayed on a website, the derivative ads are actually derivative ad links since a person viewing the derivate ad links can click on these links in order to be connected to a website established by the national advertiser. For example, upon clicking a derivate ad link for a national soup company, a potential customer may be connected with the home page of that soup company or to some other **website specifically designed** for use in connection with that advertising campaign". Therefore, contrary to Appellant's argument, during an advertisement campaign an advertiser in the Mason's system is concerned with the design of a first website specifically designed for use in connection with a banner ad (*i.e.* "derivative banner ads"; col 3, lines 55-65), said advertiser is also concerned during said advertisement campaign with the design of a banner ad concerning said first website (see Mason col 3, lines 25-40; "advertiser art director review the banners ads before publishing in different websites") and said advertiser is also concerned during said advertisement campaign with publishing said advertiser's banner ad (i.e. "derivative ad links") concerning said first website on a second website (i.e. "single banner ad is automatically reconfigured for placement on hundreds of online newspaper URLs in a single placement" see Mason col 6, lines 1-6). (emphasis in original)

The Examiner's assertion that "said advertiser is also concerned during said advertisement campaign with the design of a banner ad concerning said first website" is entirely speculative. As taught by Mason, the other website is specifically designed for an advertising campaign and not a banner ad concerning the website.

The Examiner's arguments appear to be factually unsupported inherency arguments. Inherency may not be established by probabilities or possibilities. The mere fact that a certain

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thing may result from a given set of circumstances is not sufficient to establish inherency.[1] To establish inherency, the extrinsic evidence must make clear that the missing elements must necessarily be present in the thing described in the reference, and that the necessity of the feature's presence would be so recognized by persons of ordinary skill.[2]

As can be readily envisaged, the design of the "other website specifically designed for use in connection with that advertising campaign," as taught by Mason, could have occurred prior to the creation of the banner ads. In fact, the other website could have been created first, which would preclude information as to the banner ads being received during the design of the other website.

As described in column 3, lines 28-35 of Mason, "that original advertisement is used to form derivative advertisements … [t]he properly configured derivative advertisements are then transmitted to the desired [websites] for display on those websites as derivative links." Based upon this teaching, the derivative advertisements (i.e., the Examiner's alleged banner ads) are formed later on in the process (i.e., the banner ads are derived from original advertisements). On the contrary, as claimed, information regarding the "element for marketing" (i.e., allegedly disclosed by the banner ads) is received during the design of the first website. Thus, Mason appears to be teaching the opposite of what is claimed. These arguments notwithstanding, the Examiner's inherency arguments cannot stand since the Examiner has failed to establish that the

[1] In re Rijckaert, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art); In re Oelrich, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981).

[2] Finnegan Corp. v. ITC, 180 F.3d 1354, 51 USPQ2d 1001 (Fed. Cir. 1999); In re Robertson, 169 F.3d 743, 745 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999); Continental Can Co. USA v. Monsanto Co., 20 USPQ 2d 1746 (Fed. Cir. 1991); Ex parte Levy, 17 USPQ2d 1461 (BPAI 1990).

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Examiner's alleged teachings are necessarily present in Mason, which is required for a finding of inherency.

On pages 6 and 7 of the Appeal Brief, Appellant made a specific argument as to the Examiner improperly characterizing the differences between the claimed invention and the prior art. On pages 15 and 16 of the Examiner's Answer, the Examiner responded as follows:

> Furthermore, Appellant's claimed limitation "during design of the first website ... causing the display of the element for marketing at the second website when the first website is activated with the respect to the Internet, wherein the element of marketing includes at least one banner ad concerning the first website and a link to the first website" is interpreted in light of Appellant's specification page 33, lines 10-15 where it recites "Once the design of the new website by the registered user is completed and the new website is posted/activated, the system 100 causes the selected websites of other registered users (e.g., websites selected during the design of the new website) to display a link and/or banner ad concerning the new website" as simply meaning that a banner ad concerning a first website would be displayed on a second website when said first website is completed and activated on the Internet.

Again, the Examiner mischaracterizes the claimed invention. The "during design of the first website" limitation is not associated with the "causing the display of …" limitation. Moreover, the passage in Appellant's specification cited by the Examiner does not support the Examiner's interpretation. This passage states that once the design is completed and the website is posted/activated, then link and/or banner ad is displayed. As evidenced by this passage, the "causing the display of …" does not occur "during the design of …" since the "causing the display of" occurs after the design is completed.

The Examiner's obviousness assertions on page 16 rely upon the Examiner's factually-unsupported allegations that "a first website [was] specifically designed for use in connection with said banner ad in said advertisement campaign."

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On pages 6 and 7 of the Second Appeal Brief, Appellant presented arguments which concluded that "the Examiner has failed to establish that either Moore or Mason has identified a problem in which a common sense solution to that problem would lead to the Examiner's proposed benefit" (i.e., "avoid posting banner ads in websites which would not provide any click-throughs revenue"). The Examiner's response to these arguments is found on pages 16 and 17 of the Office Action and reproduced below:

> It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that publishing an advertiser's banner ad concerning a first website on a second website in an advertisement campaign would cost money to said advertiser (see Mason col 5, lines 5-30 "by the number of click-throughs") and if said banner ad concerning said first website is published on said second website without said first website being activated with respect to the Internet, said advertiser would be paying every time a user clicks said banner ad (i.e. "by the number of click-troughs") but without said clicking bringing any business to said advertiser, as said banner ad would be pointing to a non-activated and therefore, non-existing first website with respect to the Internet. Furthermore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the activation of a first website would cause a banner ad concerning said first website to be displayed on a second website as Moore teaches that it old and well known in the promotion art to display a banner ad concerning a first website on a second website when said first website is activated with respect to the Internet (i.e. "Price URLs have to be included on the site or elsewhere"; see Moore col 8, lines 55-65). Therefore, contrary to Appellant's argument, Appellant's claimed invention is obvious in view of Mason and Moore. (emphasis in original)

The Examiner did not respond to the arguments presented by Appellant. Instead, the Examiner merely restated the Examiner's prior position.

Moreover, Appellant notes that the Examiner has improperly manufactured both a problem (i.e., "advertiser would be paying every time a user clicks said banner ad … but without said clicking bringing any business to said advertiser") and a solution (avoid displaying, on a second website, banner ads to a first website when the first website has not been activated) based upon the simple teaching that an advertisers can purchase advertising based upon a number of click-throughs. Not only is the Examiner's problem/solution not supported by the teachings of

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the prior art, the Examiner's problem statement relies upon assumptions that have yet to be factually supported. Specifically, the Examiner has yet to factually establish that a click on a banner ad to a non-activated website would be treated as a "click-through" and/or would count against the number of click-throughs purchased by the advertiser. Without factually establishing that clicks on a non-functional banner ad will count against the number of click-throughs purchased by an advertiser, the Examiner cannot assert that this would be a problem. Thus, Appellant maintains that the Examiner's obviousness analysis is factually unsupported.

In the first full paragraph on page 8 of the Second Appeal Brief, Appellant presented arguments which concluded that absent from Moore is any teaching regarding causing the display of the element for marketing at the second website when the first website is activated with respect to the internet, as claimed. The Examiner's response to these arguments is found in the last full paragraph on page 17 of the Examiner's Answer and reproduced below:

> The Appellant argues in page 8 of the Brief that Moore does not teach any teaching regarding causing the display of the element for marketing at the second website when the first website is activated with respect to the Internet. The Examiner answers that Moore reference teaches that it is old and well known in the promotion art to have applications that allow users to design a website and a banner ad (i.e. "Price URLs") (see Moore col 3, lines 22-30) and that allows users to publish said banner ad (i.e. Price URLs) on said website or elsewhere (i.e. "another website" see Moore col 8, lines 55-60) when said website is activated on the Internet (see Moore col 8, lines 55-60). Therefore, contrary to Appellant's argument, Moore teaches causing the display of the element for marketing (i.e. Price URL) at the second website when the first website is activated with respect to the Internet. (emphasis in original)

For ease of reference, the Examiner cited passage within Moore of column 8, lines 55-60 is reproduced below:

> The only restriction is that the price URLs, which allow the Store Builder Server to build the Buy Pages, have to be included on the site, or elsewhere, in order for the Web customer to place an order. The merchant can even totally remove the Web storefront, and simply post the price URLs on news groups or on another web site.

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Completely absent from this passage is any mention of activation of the first website with respect to the internet. Therefore, yet again, the Examiner is improperly inferring teachings from the applied prior art that cannot be found, either explicitly or inherently, in the applied prior art.

On pages 8 and 9 of the Second Appeal Brief, Appellant presented arguments as to the Examiner's improper assertion that the terms "posted" and "activated" are equivalents. Appellant previously presented these arguments in the First Appeal Brief, but the Examiner did not respond to these arguments in the Fourth office Action. The Examiner purports to address these arguments in the first full paragraph on page 18 of the Examiner's Answer. However, the Examiner "response" simply restates the Examiner's position without addressing the specific arguments raised by Appellant in both the First and Second Appeal Briefs.

Regarding claim 4, Appellant presented arguments that the combination of Mason and Moore fail to teach the limitations recited in claim 4. The Examiner's response to these arguments are found in the paragraph spanning pages 19 and 20 of the Examiner's Answer. In part, the Examiner asserted the following:

> Therefore, the limitation "reciprocal site" simply means, according to Appellant's specification, providing a space in a website such that third parties can place their ads in said website. Moore teaches in figure 7 the design of a website which includes a reciprocal site, where the links of another Internet website can be displayed on said reciprocal site (see figure 7 "enter website URL"). Mason teaches that it is old and well known in the promotion art for advertisers to sell advertising space in their websites (see Mason col 5, lines 5-30). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that advertisers of a first website specifically designed for use in connection with a banner ad would also sell advertising space in said advertiser's first website, where advertisements would be placed in a reciprocal site in said first website, such as the one taught by Moore and where said advertisers would sell advertising space in said reciprocal site on said website to third party

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> advertisers as taught by Mason in order that said advertisers of said first website would generate revenue for said selling of said reciprocal site advertising space.

Appellant respectfully submit that the Examiner's claim construction completely ignores the term "reciprocal." The term "reciprocal site" does not simply mean a place in a website such that third parties can place their ads, as asserted by the Examiner. A reciprocal site refers to reciprocity. This concept, however, has not been addressed in the Examiner's analysis.

In response to Appellant's arguments on page 11 of the Second Appeal Brief that a review of the passages and figures within Moore cited by the Examiner fail to yield any mention of a banner ad, the Examiner asserted the following in the last full paragraph on page 21 of the Examiner's Answer:

> The Appellant argues in page 11 of the Brief with respect to claim 8 that Moore does not Appellant's claim 8 because according to the Appellant, Moore fails to yield any mention of a banner ad. The Examiner answers that Moore's price URLs (see col 6, lines 10-20) is an element for marketing such as a banner ad because when a user clicks said price URL, said user is connected to another site where said user can order an advertiser's product (see col 12, lines 1-25). Furthermore, Moore discloses that said Price URL have to be included on the advertiser site or elsewhere (i.e. "another website") in order for the customer to place an order (see Moore col 8, lines 47-60). Therefore, contrary to Appellant's argument, Moore teaches the limitation "banner ad".

The teaching of a "Price URL" does not disclose a banner ad. As would be readily recognized by one having ordinary skill in the art, these are two different features. The Examiner has the burden of establishing that one having ordinary skill in the art would recognize that a Price URL corresponds to the claimed banner ad, yet the Examiner has failed to make this showing. Appellant also notes that the Examiner has failed to establish that the applied prior art teaches any of the other elements recited in claim 8.

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In response to Appellant's arguments on page 12 of the Second Appeal Brief that that applied prior art fails to teach the limitations recited in claims 9 and 10, the Examiner asserted the following on page 22 of the Examiner's Answer:

> The Appellant argues in page 12 of the Brief with respect to claim 9 that Moore is silent as to display regions and thus according to the Appellant, cannot teach the claimed first and second display region. The Examiner answers that Moore teaches in figure 7 different display regions (i.e. "welcome, categories, head/foot, new page, preview") that users of said Moore's system would use in order to design a website, where said first (i.e. "head/foot") and second display regions (i.e. "preview") are capable of displaying a plurality of elements. Therefore, contrary to Appellant's argument, Moore teaches Appellant's "display regions" limitation.
>
> The Appellant argues in page 12 of the Brief with respect to claim 10 that Moore is silent about "sonic effect". The Examiner answers that Moore teaches a system that allows users to design websites using a development tools where merchants can search for images and logos that said merchants want to include in their websites (see col 11, lines 35- 50). Furthermore, Moore teaches that it is old and well known in the promotion art to add audio to websites (see Moore col 1, lines 35-40). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Moore would add URL links to images (see col 11, lines 45-50) that would connect users to audio files, as it is old and well known to add audio to websites.

The Examiner's response ignores the broad scope of Appellant's arguments. The Examiner's statement of the rejection in the Fourth Office Action and the Examiner's Answer ignores most of the claimed limitations. For claim 9, the Examiner asserts "the same rejection applied to claim 8 is also applied to claim 9" despite the limitations in claim 9 not being comparable to the limitations in claim 8. As to claim 10, the Examiner asserts that Moore teaches add audio and multimedia files to a website but is silent as to the specific steps recited in claim 10.

Although the Examiner attempted to identify certain of the limitations specifically identified by Appellant, the Examiner has still failed to establish that the applied prior art teaches all of the claimed limitations recited in claims 9 and 10.

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Regarding claim 13, many of the elements recited in claim 13 have been addressed with regard to claim 1. The Examiner's assertions in the paragraph spanning pages 22 and 22 are comparable to the assertions presented with regard to claim 1 and addressed by Appellant above. Appellant, therefore, respectfully incorporates herein, as applying to claim 13, the arguments previously presented with regard to claim 1.

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For the reasons set forth in the Appeal Brief of November 19, 2007, and for those set forth herein, Appellant respectfully solicits the Honorable Board to reverse the Examiner's rejections under 35 U.S.C. § 103.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 503839, and please credit any excess fees to such deposit account.

Date: April 4, 2008

Respectfully submitted,

/Scott D. Paul/
Scott D. Paul
Registration No. 42,984
Steven M. Greenberg
Registration No. 44,725
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CUSTOMER NUMBER 503839

Electronic Acknowledgement Receipt

EFS ID:	3109498
Application Number:	09589551
International Application Number:	
Confirmation Number:	8542
Title of Invention:	Method for developing electronic documents providing e-commerce tools
First Named Inventor/Applicant Name:	Thomas L. DiStefano
Customer Number:	29973
Filer:	Scott David Paul
Filer Authorized By:	
Attorney Docket Number:	1115-007U
Receipt Date:	04-APR-2008
Filing Date:	07-JUN-2000
Time Stamp:	21:34:27
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	Reply Brief Filed	1115-007U_reply_brief_2_EA_02-04-08.pdf	122919 4be581a884ca7a6383297697d88a70b5323843e3	no	12

Warnings:	
Information:	

TikTok Inc. EX1005
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Total Files Size (in bytes):	122919

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.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,551	06/07/2000	Thomas L. DiStefano III	1115-007U	8542

29973 7590 05/16/2008

CAREY, RODRIGUEZ, GREENBERG & PAUL LLP
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EXAMINER	
LASTRA, DANIEL	
ART UNIT	PAPER NUMBER
3688	

MAIL DATE	DELIVERY MODE
05/16/2008	PAPER

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

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09589551	6/7/2000	DISTEFANO, THOMAS L.	1115-007U

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EXAMINER	
DANIEL LASTRA	
ART UNIT	**PAPER**
3688	20080512

DATE MAILED:

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Commissioner for Patents

Reply Brief

The reply brief filed on 04/04/2008 has been entered and considered. The Application has been forwarded to the Board of Appeals and Interferences for decision on the appeal.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The Examiner's Right fax number is 571-273-6720.

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).

/DANIEL LASTRA/
Art Unit 3688
May 12, 2008

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Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination	
	09/589,551	DISTEFANO, THOMAS L.	
	Examiner	Art Unit	
	DANIEL LASTRA	3688	

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,551	06/07/2000	Thomas L. DiStefano III	1115-007U	8542

29973 7590 10/14/2008

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EXAMINER	
LASTRA, DANIEL	
ART UNIT	**PAPER NUMBER**
3688	

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BOCA RATON, FL 33487

Appeal No: 2009-0339
Application: 09/589,551
Appellant: Thomas L. DiStefano

Board of Patent Appeals and Interferences
Docketing Notice

Application 09/589,551 was received from the Technology Center at the Board on September 22, 2008 and has been assigned Appeal No: 2009-0339.

A review of the file indicates that the following documents have been filed by appellant:

Appeal Brief filed on:	November 19, 2007
Reply Brief filed on:	April 03, 2008
Request for Hearing filed on:	NONE

In all future communications regarding this appeal, please include both the application number and the appeal number.

The mailing address for the Board is:

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VIRGINIA 22313-1450

The facsimile number of the Board is 571-273-0052. Because of the heightened security in the Washington D.C. area, facsimile communications are recommended. Telephone inquiries can be made by calling 571-272-9797 and should be directed to a Program and Resource Administrator.

By order of the Board of Patent Appeals and Interferences

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,551	06/07/2000	Thomas L. DiStefano III	1115-007U	8542

29973 7590 06/15/2009

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EXAMINER	
LASTRA, DANIEL	
ART UNIT	PAPER NUMBER
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MAIL DATE	DELIVERY MODE
06/15/2009	PAPER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte THOMAS L. DISTEFANO, III

Appeal 2009-000339
Application 09/589,551
Technology Center 3600

Decided: [1] June 15, 2009

Before HUBERT C. LORIN, ANTON W. FETTING, and JOSEPH A. FISCHETTI, *Administrative Patent Judges.*

FETTING, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

---

[1] The two month time period for filing an appeal or commencing a civil action, as recited in 37 CFR § 1.304, begins to run from the decided date shown on this page of the decision. The time period does not run from the Mail Date (paper delivery) or Notification Date (electronic delivery).

Thomas L. Distefano, III (Appellant) seeks review under 35 U.S.C. § 134 of a non-final rejection of claims 1-21, the only claims pending in the application on appeal.

We have jurisdiction over the appeal pursuant to 35 U.S.C. § 6(b) (2002).

We AFFIRM-IN-PART.

The Appellant invented a way of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website to market the first website at the second website upon the activation of the first website on the internet (Spec. 6:2-5).

An understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced below [bracketed matter and some paragraphing added].

> 1. A method of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the internet, the method comprising:
>
> [1] during design of the first website, receiving
>
> information at a user interface indicating a type of an element for marketing
>
> that is to be displayed at the second website, and
>
> information specifying the second website at which the element is to be displayed;
>
> [2] saving the information at a first database that is coupled to the user interface;

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[3] obtaining the element for marketing of the type indicated; and

[4] causing the display of the element for marketing at the second website

when the first website is activated with respect to the internet,

wherein the element for marketing includes at least one of

a banner ad concerning the first website and

a link to the first website.

This appeal arises from the Examiner's Non-Final Rejection, mailed June 18, 2007. The Appellant filed an Appeal Brief in support of the appeal on November 19, 2007. An Examiner's Answer to the Appeal Brief was mailed on February 4, 2008. A Reply Brief was filed on April 4, 2008.

PRIOR ART

The Examiner relies upon the following prior art:

Wexler	US 5,960,409	Sep. 28, 1999
Hess	US 6,058,417	May 2, 2000
Moore	US 6,330,575 B1	Dec. 11, 2001
Mason	US 6,401,075 B1	Jun. 4, 2002

REJECTIONS

Claims 13, 16-18, and 20 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Moore.

Claims 1, 4-12, 19, and 21 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Mason and Moore.

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Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Mason, Moore, and Wexler.

Claims 14 and 15 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Mason, Moore, and Hess.

ISSUES

The issue of whether the Appellant has sustained its burden of showing that the Examiner erred in rejecting claims 1, 4-12, 19, and 21 under 35 U.S.C. § 103(a) as unpatentable over Mason and Moore turns on to whether the art describes, or shows that it was predictable, that (1) during design of the first website, information is received that is to be displayed at the second website and that specifies the second website at which the element is to be displayed, and (2) when the first website is activated with respect to the internet, the display of the element is caused, wherein the element includes a banner ad or a link to the first website. In addition, the issues as to claims 4-6 and 8-10 turn on whether the art describes the limitations added by those dependent claims.

The issues of whether the Appellant has sustained its burden of showing that the Examiner erred in rejecting claims 13, 16-18, and 20 under 35 U.S.C. § 103(a) as unpatentable over Moore, in rejecting claims 2 and 3 under 35 U.S.C. § 103(a) as unpatentable over Mason, Moore, and Wexler, and in rejecting claims 14 and 15 under 35 U.S.C. § 103(a) as unpatentable over Mason, Moore, and Hess turn on the resolution of the issues in the rejection of claim 1.

FACTS PERTINENT TO THE ISSUES

The following enumerated Findings of Fact (FF) are believed to be supported by a preponderance of the evidence.

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Facts Related to Appellant's Disclosure

01. Once the design of the new website by the registered user is completed and the new website is posted/activated, the system 100 causes the selected websites of other registered users (i.e., the websites selected during the design of the new website) to display a link and/or banner ad concerning the new website (Spec. 33:9-13).

Moore

02. Moore is directed to providing a scalable distributed Internet commerce system (Moore 1:11-13).

03. Moore describes a method for designing a Web page, to be hosted on a Web page server, and for publishing the Web page at a destination of the customer's choosing. There is also a method for designing a Web page for use in a distributed electronic commerce system having a Web page server and a second server where the Web page server hosts the Web page. The method creates a link to the second server; designs the Web page such that the link can be embedded into the Web page; and embeds the link into the Web page (Moore 3:23-43).

04. Moore describes how the customer goes to a Store Server and begins shopping. When the customer finds a product to buy, he selects that product and the Store Server then jumps to the Store Builder Server by using a Uniform Resource Locator ("URL"). The URL, called a price URL, contains all of the relevant information on the product, and all the information necessary to build a "Buy Page." (Moore 6:12-20.)

05. Moore Fig. 7 shows several regions with information displayed, such that each would be a display region.

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06. Moore describes the practice of using audio in HTML documents (Moore 1:38-42).

Mason

07. Mason is directed to placing advertisements and/or other communications on multiple websites (Mason 1:5-8).

08. Mason describes obtaining Internet-type advertisements, modifying those advertisements to fit the designated advertising spaces allotted by different and unrelated online newspaper websites, automatically placing those advertisements, monitoring the success of the placed ads and modifying the ads and their placements to meet dynamic goals of an advertising campaign (Mason 2:5-12).

09. Mason facilitates the billing of an advertiser. For example, a national advertiser can purchase advertising space on an online newspaper website by the number of hits the ad receives or by the number of click-throughs (Mason 5:4-8).

10. In Mason, the advertiser can upload one or more original ads into a server which checks the configuration of the ad, and compares that configuration to specifications of online newspaper website URLs where the derivative advertisement links are going to be placed. Typically, the original advertisement must be modified, forming derivative advertisement links which are then displayed for final approval. If the reconfigured ad is approved, it is stored for placement (Mason 5:47-58).

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Facts Related To The Level Of Skill In The Art

11. Neither the Examiner nor the Appellant has addressed the level of ordinary skill in the pertinent arts of systems analysis and programming, web design, and web advertising design. We will therefore consider the cited prior art as representative of the level of ordinary skill in the art. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001) ("[T]he absence of specific findings on the level of skill in the art does not give rise to reversible error 'where the prior art itself reflects an appropriate level and a need for testimony is not shown'") (quoting *Litton Indus. Prods., Inc. v. Solid State Sys. Corp.*, 755 F.2d 158, 163 (Fed. Cir. 1985).

12. Those of ordinary skill in the art knew at the time of filing that posting an HTML document to a web site such that it was accessible from links to that web site activated that document within the site.

Facts Related To Secondary Considerations

13. There is no evidence on record of secondary considerations of non-obviousness for our consideration.

PRINCIPLES OF LAW

Claim Construction

During examination of a patent application, pending claims are given their broadest reasonable construction consistent with the specification. *In re Prater*, 415 F.2d 1393, 1404-05 (CCPA 1969); *In re Am. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1369, (Fed. Cir. 2004).

Limitations appearing in the specification but not recited in the claim are not read into the claim. *E-Pass Techs., Inc. v. 3Com Corp.*, 343 F.3d 1364, 1369 (Fed.

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Cir. 2003) (claims must be interpreted "in view of the specification" without importing limitations from the specification into the claims unnecessarily).

Although a patent applicant is entitled to be his or her own lexicographer of patent claim terms, in *ex parte* prosecution it must be within limits. *In re Corr*, 347 F.2d 578, 580 (CCPA 1965). The applicant must do so by placing such definitions in the specification with sufficient clarity to provide a person of ordinary skill in the art with clear and precise notice of the meaning that is to be construed. *See also In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994) (although an inventor is free to define the specific terms used to describe the invention, this must be done with reasonable clarity, deliberateness, and precision; where an inventor chooses to give terms uncommon meanings, the inventor must set out any uncommon definition in some manner within the patent disclosure so as to give one of ordinary skill in the art notice of the change).

Obviousness

A claimed invention is unpatentable if the differences between it 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." 35 U.S.C. § 103(a) (2000); *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007); *Graham v. John Deere Co.*, 383 U.S. 1, 13-14 (1966).

In *Graham*, the Court held that that the obviousness analysis is bottomed on several basic factual inquiries: "[(1)] the scope and content of the prior art are to be determined; [(2)] differences between the prior art and the claims at issue are to be ascertained; and [(3)] the level of ordinary skill in the pertinent art resolved." 383 U.S. at 17. *See also KSR*, 550 U.S. at 406. "The combination of familiar elements

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according to known methods is likely to be obvious when it does no more than yield predictable results." *Id.* at 416.

"When a work is available in one field of endeavor, design incentives and other market forces can prompt variations of it, either in the same field or a different one. If a person of ordinary skill can implement a predictable variation, § 103 likely bars its patentability." *Id.* at 417.

"For the same reason, if a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill." *Id.*

"Under the correct analysis, any need or problem known in the field of endeavor at the time of invention and addressed by the patent can provide a reason for combining the elements in the manner claimed." *Id.* at 420.

Obviousness and Nonfunctional Descriptive Material

Nonfunctional descriptive material cannot render nonobvious an invention that would have otherwise been obvious. *In re Ngai*, 367 F.3d 1336, 1339 (Fed. Cir. 2004). Cf. *In re Gulack*, 703 F.2d 1381, 1385 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability).

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ANALYSIS

Claims 1-3, 7, and 11-21

The Appellant argues claims 1, 7, 11, 12, 19, and 21 as a group[2]. In addition, the Appellant applies the arguments in support of claim 1 as the arguments to the rejections of claims 13-18 and 20. Accordingly, we treat claims 1, 7, and 11-21 as a group and select claim 1 as representative of the group.
37 C.F.R. § 41.37(c)(1)(vii) (2007).

The Examiner found that Mason describes the limitations of claim 1 except for "during the design of the first website causing the display of the element for marketing at the second website when the first website is activated with respect to the Internet." The Examiner found that Moore described this limitation and that one of ordinary skill knew to combine this with Mason to avoid premature advertising expense before the advertising was launched (Ans. 3-4).

The Appellant argues that (1) Mason fails to describe activity during a website design (App. Br. 7); (2) neither reference describes a problem to which the Examiner proposed a solution as the motivation to combine the references (App. Br. 8); and (3) neither reference describes causing the display of the element for marketing at the second website when the first website is activated with respect to the internet, as claimed (App. Br. 8). Additionally, the Appellant contends that (4) the Examiner failed to clearly identify how the art describes the claim limitations (App. Br. 5-6); (5) the Examiner mischaracterized limitations [1] and [4] (Appeal

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[2] The Appellant included claim 6 in this group (App. Br. 5), but claim 6 depends from claim 4 which is not included in the group. We therefore consider this inclusion of claim 6 to be a typographic error and treat claim 6 with claims 4 and 5 *infra*.

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Br. 6-7); and (6) one skilled in the art would not consider the words posted and activated to be equivalent (App. Br. 9).

As to each of these arguments, the Examiner responded that (1) Moore was applied to describe activity during a website design (Ans. 16); (2) Mason described the practice of paying advertising fees based on ad click-throughs and one of ordinary skill knew the disadvantage of placing such an ad before an advertising campaign was ready (Ans. 16-17); and (3) that such display of ad elements for marketing at websites other than the site where the ad was designed was notoriously well known as evidenced by Moore's referral to Price URL's that users publish when the second web site is activated (Ans. 17).

As to the three subordinate contentions, the Examiner responded to (4) by laying out a more detailed analysis of the match between claim limitations and the references (Ans. 14-15); to (5) by finding that the Examiner's paraphrasing of limitations [1] and [4] were made in view of the support for those limitations in the Specification at 33:10-15 (Ans. 15-16); and to (6) by finding the equivalence of the words "posted" and "activated" based on Specification 33:10-15 (Ans. 18).

The Appellant responded to the Examiner's response to argument (2) by stating that the Examiner's position appeared to be based on inherency and that inherency cannot be based on probabilities (Reply Br. 3-4); and contention (5) that the Specification does not support the Examiner's paraphrase, but instead requires that once the design is completed and the website is posted/activated, then the link and/or banner ad is displayed (Reply Br. 5).

We disagree with the Appellants. There is no contention regarding the ubiquitous steps of saving and obtaining data in limitations [2] and [3]. The issues in the remaining limitations [1] and [4] come down to whether the art describes, or

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shows that it was predictable, that (1) during design of the first website, information is received that is to be displayed at the second website and that specifies the second website at which the element is to be displayed, and (2) when the first website is activated with respect to the internet, the display of the element is caused, wherein the element includes a banner ad or a link to the first website.

Limitation [1] requires that two items of information be received at a user interface. The location of the user interface is unspecified. The intent of the two items is that they indicate a marketing element type and specify a second site location. However, the verb "indicating" does not require that the information actually be displayed or used to identify the second site, only that the information be functionally capable of doing so in some context. The Examiner relied on Mason to describe this. Mason describes uploading ads into a server which checks the configuration of the ad, and compares that configuration to specifications of online newspaper website URLs where the derivative advertisement links are going to be placed (FF 10). Thus, Mason's information indicates an advertising marketing element type and specifies a second site location. This information is received at the user interface prior to final approval (FF 10) and is therefore during the design of the website, or at least that particular advertising piece of the second website. The design of any aspect of a web site is a component of the design of the web site itself and thus fits the limitation of occurring during design of the web site. We therefore find the Examiner's position that Mason describes limitation [1] supported by substantial evidence.

Limitation [4] requires causing the display of the element that includes either a banner ad concerning the first website or a link to the first website for marketing at the second website when the first website is activated with respect to the internet.

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Limitation [4] does not specify the causation trigger but does require some coincidence of timing between the display and website activation.

The verb "is activated" is the passive voice of activate, and thus limitation [4] requires that the display occur when someone or something activates the web site. The Examiner found that Moore described a system for designing websites where a first website is activated with respect to the Internet when the first website is posted to a hosting server (Answer 4; FF 03). The Examiner construed the verb "activate" as equivalent to the verb "post" based on the use of the construct "posted/activated" in the Specification (Ans. 4; FF 01). From this construction, the Examiner found that Moore described causing the display of the element that includes a banner ad concerning the first website at the *first* website when the first website is activated with respect to the internet. The Appellant's contention (6) *supra* challenged this construction. Certainly activating is not equivalent to posting in general. However, it is notoriously well known that posting an HTML document on a web site, such that links activates that document within that site. Thus, in the limited context of Internet systems, posting is synonymous with activation (FF 12).

So the issue remaining is whether it was predictable to cause the display of the element that includes a banner ad concerning the first website at the *second* website when the first website is activated with respect to the internet. The distinction is that now coordination is required to have display of an ad occur at a second site when activation of the target of the ad occurs at a difference site. The Examiner found it was predictable because without such coordination, the risk of incurring advertising costs prior to the availability of the advertised target would cause the advertising campaign to coordinate those events. The Appellant

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responded with argument (2) *supra* that the references applied fail to show this problem and that inherency cannot be based on probabilities.

Claim 1 does not specify how the coordination occurs, only that it occurs. The Appellant does not make any arguments regarding the coordination mechanism. So the sole issue is whether it was predictable at the time of filing.

> The obviousness analysis cannot be confined by a formalistic conception of the words teaching, suggestion, and motivation, or by overemphasis on the importance of published articles and the explicit content of issued patents. The diversity of inventive pursuits and of modern technology counsels against limiting the analysis in this way. In many fields it may be that there is little discussion of obvious techniques or combinations, and it often may be the case that market demand, rather than scientific literature, will drive design trends.

KSR, 550 U.S. at 419. "[T]he analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ." *Id.* 550 U.S. at 418. "[A] court must ask whether the improvement is more than the predictable use of prior art elements according to their established functions." *id.* 550 U.S. at 417.

As the Examiner found, Mason describes the parameters of the problem in that advertising may be billed based on click-throughs (FF 09). Common sense, let alone knowledge of one of ordinary skill, informs one that with such an arrangement, the mechanism that incurs those costs should not be deployed until the advertisement would be effective, *viz.* at activation of the ad target. On the other side, with any new promotional campaign, delay beyond the earliest appropriate start time is counter to the purpose of such promotion. Thus, the time that one of ordinary skill in the promotional arts would display such an ad would

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be when the target of the ad is activated. As to the Appellant's argument regarding inherency, this rejection is one of obviousness rather than novelty.

Accordingly we find the Appellant's arguments unpersuasive.

Claims 4-6

Claim 4 depends from claim 1 and requires a reciprocal site. The Appellant argues the Examiner failed to show such reciprocity in the site described in the references (Reply Br. 9). We agree with the Appellant. The Examiner appears to have ignored this limitation in the analysis by construing the term "reciprocal" to mean simply mean a third party (Ans. 19). The Examiner refers to a definition of reciprocal in the Specification at 16:20-25, but we are unable to discern any definition at that section, which only refers to other, rather than reciprocal, sites. Claims 5 and 6 depend from claim 4 and the same argument applies to those claims as well.

Claims 8-10

Claims 8-10 depend from claim 1 and further require providing banner ads, display regions, and sonic effects. The Appellant argues these are missing from the applied references. The Examiner responds that Moore's price URL's are equivalent to banner ads and that Moore show the use of display regions and audio (Ans. 21-22). The Appellant responded that the Examiner failed to show that Moore's price URL's are equivalent to banner ads and that the Examiner failed to show all of the limitations of claims 9 and 10 (Reply Br. 9-10).

We disagree with the Appellant. A banner ad is simply a link in an HTML document. The contents of the ad are non-functional descriptive material and are accorded no patentable weight. *In re Ngai*, 367 F.3d at 1339. Moore shows such links (FF 04). Moore also shows display regions and sonic effects (FF 05 & 06).

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The general allegation that the Examiner has failed to show all of the limitations is not a specific argument.

CONCLUSIONS OF LAW

The Appellant has not sustained its burden of showing that the Examiner erred in rejecting claims 13, 16-18, and 20 under 35 U.S.C. § 103(a) as unpatentable over Moore.

The Appellant has not sustained its burden of showing that the Examiner erred in rejecting claims 1, 7-12, 19, and 21 under 35 U.S.C. § 103(a) as unpatentable over Mason and Moore.

The Appellant has sustained its burden of showing that the Examiner erred in rejecting claims 4-6 under 35 U.S.C. § 103(a) as unpatentable over Mason and Moore.

The Appellant has not sustained its burden of showing that the Examiner erred in rejecting claims 2 and 3 under 35 U.S.C. § 103(a) as unpatentable over Mason, Moore, and Wexler.

The Appellant has not sustained its burden of showing that the Examiner erred in rejecting claims 14 and 15 under 35 U.S.C. § 103(a) as unpatentable over Mason, Moore, and Hess.

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DECISION

To summarize, our decision is as follows:

- The rejection of claims 13, 16-18, and 20 under 35 U.S.C. § 103(a) as unpatentable over Moore is sustained.
- The rejection of claims 1, 7-12, 19, and 21 under 35 U.S.C. § 103(a) as unpatentable over Mason and Moore is sustained.
- The rejection of claims 4-6 under 35 U.S.C. § 103(a) as unpatentable over Mason and Moore is not sustained.
- The rejection of claims 2 and 3 under 35 U.S.C. § 103(a) as unpatentable over Mason, Moore, and Wexler is sustained.
- The rejection of claims 14 and 15 under 35 U.S.C. § 103(a) as unpatentable over Mason, Moore, and Hess is sustained.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED-IN-PART

JRG

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Attorney Docket No.: 1115-007U **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	:	Customer Number: 29973
Thomas DISTEFANO III	:	Confirmation Number: 8542
Application No.: 09/589,551	:	Group Art Unit: 3688
Filed: June 7, 2000	:	Examiner: D. Lastra
Appeal No. 2009-000339	:	

For: METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS

REQUEST FOR REHEARING

Mail Stop Appeal Brief - Patents
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Request for Rehearing is submitted under 37 C.F.R. § 41.52 in response to the Decision on Appeal dated June 15, 2009 (hereinafter the Decision). This Request for Rehearing is timely filed within the two month time period for reply set forth under 37 C.F.R. § 41.52(a)(1).

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Appellant respectfully submits that in the Decision on Appeal, the Honorable Board either misapprehended and/or overlooked certain arguments presented by Appellant in the Appeal Brief of November 19, 2007, and in the Reply Brief of June 4, 2008. Appellant will specifically identify these particular points below.

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REMARKS

Decisions of the PTO tribunals are reviewed in accordance with the standards of the Administrative Procedure Act. See Dickinson v. Zurko, 527 U.S. 150, 165 (1999) (applying the Administrative Procedure Act, 5 U.S.C. § 706, to appeals of PTO rulings). Thus the Board's factual findings are reviewed to determine whether they are unsupported by substantial evidence, and the Board's legal conclusions are reviewed for correctness in law. See In re Gartside, 203 F.3d 1305, 1312 (Fed. Cir. 2000).

Claim 1

Independent claim 1 recites the following limitations:

> during design of the first website, receiving
> information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and
> information specifying the second website at which the element is to be displayed.

On page 2 of the Decision, the Honorable Board identified these limitations as "limitation [1]." Regarding limitation [1], the Examiner asserted the following on page 12, lines 16-22:

> This information is received at the user interface prior to final approval (FF 10) and is therefore during the design of the website, or at least that particular advertising piece of the second website. The design of any aspect of a web site is a component of the design of the web site itself and thus fits the limitation of

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> occurring during design of the web site. We therefore find the Examiner's position that Mason describes limitation [1] supported by substantial evidence.

Appellant respectfully submits that the Honorable Board's analysis has erred in at least two respects. First, the Examiner did not allege that Mason describes all of limitation [1]. Referring to the fourth full paragraph on page 3 of the Fourth Office Action and to the third to last full paragraph on page 3 of the Examiner's Answer, the Examiner only asserted that Mason teaches the language "receiving …. to be displayed" from limitation [1]. Absent from the Examiner's statements, however, is an assertion that Mason teaches the "during design of the first website" aspect of limitation [1].

Instead, referring to page 3 of the Fourth Office Action and page 5 of the Examiner's Answer, the Examiner specifically asserted:

> Mason does not expressly teach *during the design of the first website* causing the display of the element for marketing at the second website when the first website is activated with respect to the internet. (italics added)

The phrase "during the design of the first website" only occurs once in claim 1, and thus, the Examiner's assertion of what Mason does not teach refers to the recitation of this phrase within limitation [1]. Therefore, how the Honorable Board characterized the Examiner's position and the Examiner's explicitly stated position in the Fourth Office Action and in the Examiner's Answer are not the same.

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Additionally, with regard to the claimed "during the design of the first website," Appellant presented extensive arguments in the paragraph spanning on pages 6 and 7 of the Appeal Brief that the Examiner has mischaracterized the differences between the claimed invention and the prior art (i.e., one of the Graham factual inquiries) by associating the "during the design of the first website" with the "causing the display of the element for marketing at the second website when the first website is activated with respect to the internet." The claimed "during the design of the first website" modifies the step of "receiving information …" and not the step of "causing the display," as alleged by the Examiner. As a matter of logic, if the first website is activated, the design of the first website has already been completed. Thus, the step of "causing the display …" does not occur "during the design of the first website. The Honorable Board's Decision, however, does not address this critical mischaracterization by the Examiner.

As reproduced above, on page 12, lines 19-20 of the Decision, the Honorable Board presented the following analysis "[t]he design of any aspect of a web site is a component of the design of the web site itself." Appellant has not

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found this claim construction in the Examiner's analysis. As such, Appellant presumes that this claim construction has been newly presented.

During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). The *broadest* reasonable interpretation of the claims must also be consistent with the interpretation that one skilled in the art would reach. In re Cortright, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999). Appellant respectfully submits that the Honorable Board's claim construction is not reasonable and eviscerates any definite meaning from the phrase "during the design of the first website."

The phrase "during" refers to a duration, which is the time during which something exists or lasts. Thus, the phrase "during the design" refers to the time during which the design of the first website lasts. For sake of argument, consider what would occur if a website was being design for Bass Brewery. This website includes Bass Brewery's trademark (i.e., including a red triangle) and the font used in the website is Times New Roman. The Bass Brewery trademark has the distinction of having one of the oldest trademarks (registered in 1875) and the Times New Roman font was designed in 1931. The symbol of a triangle (i.e., "Δ")

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dates back to at least 300 BC, in which Euclid discussed elementary facts about triangles in books 1-4 of Elements.

If "[t]he design of any aspect of a web site is a component of the design of the web site itself," then the duration that this hypothetical website was being "designed" extends back nearly 24 centuries since a triangle falls under the definition of "any aspect of a web site" as does a trademark displayed in the website or a font used in the website. Appellant respectfully submit it is unreasonable to construe the phrase "during the design of the first website" to include durations that predate the birth of the website designer or the advent of the internet.

Appellant respectfully submit that the phrase "during the design of the first website" refers to the duration that starts when a designer makes an definitive step to design the website and ends when the design of the website has been completed. Otherwise, to construe that phrase in manner suggested by the Honorable Board, this phrase would encompass periods when the design of the first website is technically impossible (i.e., since the internet had not yet been invented) or the design of the first website was not even contemplated by the designer.

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Based upon Appellant's proposed definition, Appellant respectfully submit that the Honorable Board would reach the conclusion of both Appellant and the Examiner that Mason fails to teach the claimed "during the design," which is both contrary to and critical to the Honorable Board's analysis.

Claim 8

In the paragraph spanning pages 15 and 16 of the Decision, the Honorable Board presented the following analysis:

> We disagree with the Appellant. A banner ad is simply a link in an HTML document. The contents of the ad are non-functional descriptive material and are accorded no patentable weight. *In re Ngai*, 367 F.3d at 1339. More shows such links (FF 04).

Upon reviewing the Examiner's appealed rejection in the Fourth Office Action dated June 18, 2009, and the Examiner's analysis in the Examiner's analysis, Appellant has been unable to identify any reliance upon In re Ngai by the Examiner. Since the Examiner failed to rely upon In re Ngai and the Honorable Board relies upon this case law to support the Honorable Board's analysis, this reliance upon In re Ngai represents a new ground of rejection. As such, designation as a new ground is necessary because Appellant has not had a fair opportunity to react to the thrust of the "affirmance" of the rejection, which is based upon case law that was not cited to Appellant until after the Decision had

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been rendered by the Honorable Board. See In re Kumar, 418 F.3d 1361, 1367-68 (Fed. Cir. 2005) ("the ultimate criterion of whether a rejection is considered 'new' in a decision by the board is whether appellants have had fair opportunity to react to the thrust of the rejection") (quoting In re Kronig, 539 F.2d 1300, 1302 (CCPA 1976)).

The Honorable Board's reliance upon In re Ngai is misplaced. Both In re Ngai and the related case of In re Gulack, 703 F.2d 1381, 217 USPQ 401 (Fed. Cir. 1983), involved issues regarding printed matter. However, the claimed invention does not involve printed matter. Instead, the claimed "banner ad" is a type of data structure that includes more than just "simply a link in an HTML document," as alleged by the Honorable Board. Banner ads also include a graphical image file and a means to connect the link to a graphical image file. The banner ad can also be animated, which requires a mechanism to do so or even be interactive with a user input (e.g., a mouse). Thus, one skilled in the art would recognize the claimed "banner ad" is a particular type of data structure that includes more than just a link.

Reference is made to the following discussion within In re Lowry, 32 F. 3d 1579, 1583, 32 USPQ 2nd 1031, 1034 (Fed. Cir. 1994), as to the differences between a data structure and printed matter:

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> The printed matter cases "dealt with claims defining as the invention certain novel arrangements of printed lines or characters, useful and intelligible only to the human mind." *In re Bernhart,* 417 F.2d 1395, 1399, 163 USPQ 611, 615 (CCPA 1969). The printed matter cases have no factual relevance where "the invention as defined by the claims *requires* that the information be processed not by the mind but by a machine, the computer." *Id.* (emphasis in original). Lowry's data structures, which according to Lowry greatly facilitate data management by data processing systems, are processed by a machine. Indeed, they are not accessible other than through sophisticated software systems. The printed matter cases have no factual relevance here.

As claimed, (i) a search request for banner ad designs is received at the user interface; (ii) the results of the search are displayed on the user interface; (iii) and the first banner ad design is selected via the user interface. Thus, the banner ad design is information that is processed using a machine (e.g. a computer). Thus, Appellant respectfully submit that the Honorable Board's reliance upon In re Ngai is misplaced. Moreover, as a result of the Honorable Board's improper reliance upon In re Ngai, the Honorable Board has not given patentable weight to full meaning of the term "banner ad" and "banner ad design." As argued on page 11 of the Appeal Brief and on page 9 of the Reply Brief, not only has the Examiner failed to establish that the applied prior art teaches the claimed banner ad or banner

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ad design, the Examiner has failed to establish that applied prior art teaches any of the other limitations associated with claim 8.

For the reasons set forth in the Appeal Brief and in the Reply Brief, Appellant respectfully solicits the Honorable Board to reverse the Examiner's rejections under 35 U.S.C. § 103.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 503839, and please credit any excess fees to such deposit account.

Date: August 17, 2009

Respectfully submitted,

/Scott D. Paul/

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TikTok Inc. EX1005
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Electronic Acknowledgement Receipt

EFS ID:	5905181
Application Number:	09589551
International Application Number:	
Confirmation Number:	8542
Title of Invention:	Method for developing electronic documents providing e-commerce tools
First Named Inventor/Applicant Name:	Thomas L. DiStefano
Customer Number:	29973
Filer:	Scott David Paul
Filer Authorized By:	
Attorney Docket Number:	1115-007U
Receipt Date:	17-AUG-2009
Filing Date:	07-JUN-2000
Time Stamp:	23:36:52
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	Request for Rehearing of BPAI Decision	1115-007U_reconsideration_request_1_DOA_06-15-09.pdf	110961 b4387553f98eabd696bcc86577d6df28798b0e7b	no	12

Warnings:	
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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.

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.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,551	06/07/2000	Thomas L. DiStefano III	1115-007U	8542

29973 7590 09/13/2009

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ART UNIT	PAPER NUMBER
3688	

MAIL DATE	DELIVERY MODE
09/13/2009	PAPER

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte THOMAS L. DISTEFANO, III

Appeal 2009-000339
Application 09/589,551
Technology Center 3600

Decided: September 13, 2009

Before HUBERT C. LORIN, ANTON W. FETTING, and JOSEPH A. FISCHETTI, *Administrative Patent Judges.*

FETTING, *Administrative Patent Judge.*

DECISION ON REQUEST FOR REHEARING

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STATEMENT OF THE CASE

The Appellants filed a REQUEST FOR REHEARING on August 17, 2009. The Examiner rejected claims 1-21 in a Non-Final Rejection, mailed June 18, 2007. We affirmed the rejections of claims 1-3 and 7-21 and reversed the rejections of claims 4-6 in our June 16, 2009 Decision. The Appellants seek reconsideration of the decision to affirm these rejections.

We DENY the REQUEST FOR REHEARING.

ISSUES

The issues pertinent to this request are whether the Appellants have sustained their burden of showing that we misapprehended the art or the claims and thus erred in sustaining the rejections of claims, or that we erred in any new grounds of rejection we entered. 37 C.F.R. 41.52(a)(1) and (3).

ANALYSIS

We found the following in our decision:

> The Appellant had not sustained its burden of showing that the Examiner erred in rejecting claims 13, 16-18, and 20 under 35 U.S.C. § 103(a) as unpatentable over Moore.
>
> The Appellant had not sustained its burden of showing that the Examiner erred in rejecting claims 1, 7-12, 19, and 21 under 35 U.S.C. § 103(a) as unpatentable over Mason and Moore.
>
> The Appellant had sustained its burden of showing that the Examiner erred in rejecting claims 4-6 under 35 U.S.C. § 103(a) as unpatentable over Mason and Moore.
>
> The Appellant had not sustained its burden of showing that the Examiner erred in rejecting claims 2 and 3 under 35 U.S.C. § 103(a) as unpatentable over Mason, Moore, and Wexler.

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> The Appellant had not sustained its burden of showing that the Examiner erred in rejecting claims 14 and 15 under 35 U.S.C. § 103(a) as unpatentable over Mason, Moore, and Hess.

Decision 16.

Independent Claim 1

Independent claim 1 is directed to a method, whose first step occurs "during design of a first website." The Appellants argue that we misapprehended the Examiner's findings and changed the basic thrust of the rejection, essentially making a new ground which the Appellants now ask to argue. The Appellants in particular contend that the Examiner did not find that Mason described the "during design of the first web site" of limitation [1] and expressly found that Mason did not find it so. Thus the Appellants contend that our analysis presented a different thrust from that of the Examiner and was therefore a new ground. Request 4:19 – 6:11.

We agree that the Examiner did not apply Mason for this claim limitation and we will accept the Appellants' characterization of our analysis as a new ground in an abundance of caution to afford the Appellants the opportunity to argue our findings as to the design limitation. We found that

> Mason's information indicates an advertising marketing element type and specifies a second site location. This information is received at the user interface prior to final approval (FF 10) and is therefore during the design of the website, or at least that particular advertising piece of the second website. The design of any aspect of a web site is a component of the design of the web site itself and thus fits the limitation of occurring during design of the web site.

Decision 12:15-21.

The Appellants contend that our claim construction is not reasonable and eviscerates any definite meaning from the phrase "during the design of the first

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web site." Request 6: 9-11. To the contrary, our finding simply equates the process of design to the sum of its parts. The Appellants propose hypothetical design situations that would extend the design time frame back to 300 BC, based on the design of the triangle as a concept, in an advertisement incorporating triangles. This argument is misplaced because it hypothesizes our finding as implying a nonsensical and irrelevant design time frame prior to the beginning of a web site design while the real implication is that design may be an ongoing process that may and realistically often does extend indefinitely in the future, after the beginning of the web site design process.

Let us be clear as to what our finding was – that the design of any aspect of a web site, not of parts that might have been designed prior to the beginning of the web site design, is an aspect of the web site design. Thus, none of such aspects as we referred to can begin prior to the start of the concept of designing the web site. But they can continue indefinitely afterward.

The Appellant contends that the phrase "during the design of the first website" refers to the duration that starts when a designer makes a definitive step to design the website and ends when the design of the website has been completed. Request 7:13-15. We find little to quarrel with in this proffer, but point out that completion may never occur, since design may continue even after a web site is placed in action. To the extent the Appellants may have meant completion of an initial design, or of a particular design version, the claim does not recite that and in any event, would simply substitute the ambiguity of when an design version completes for the ambiguity of when the total design completes.

Thus, rather than our finding being unreasonable and eviscerating any definite meaning from the phrase "during the design of the first web site," our finding

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highlights the breadth of the scope of this temporal limitation. Simply pointing out how broad a limitation is does not eviscerate the limitation. Rather that very breadth might eviscerate the ability of that limitation to actually narrow the claim scope. The choice of the terms used in the claims is that of the Appellants. We simply analyzed the breadth of the terms and how they affected the scope of the claims.

As to how our finding applied to the rejection, Mason's description of changing an advertisement on a web site (Decision 6: FF 10) was evidence of a change in the design of the web site containing that advertisement, and thus occurred during the design of the web site. Thus, we find this argument unpersuasive as to error on our part.

Independent Claim 8

Independent claim 8 requires selecting a banner ad. We found that a banner ad is simply a link in an HTML document and that Moore described the link and that the contents of the ad attached to a banner ad link are non-functional descriptive material, citing to *In re Ngai*, 367 F.3d 1336,1339.(Fed.Cir. 2004). Decision 9:17-18 and15:22-25.

The Appellants argue that our citation to *In re Ngai* constituted a new ground which the Appellants now ask to argue. Request 8:7 – 9:5. We will accept the Appellants' characterization of this as a new ground in an abundance of caution to afford the Appellants the opportunity to argue our findings as to the non-functional descriptive material nature of the contents of a banner ad.

The Appellants argue that the claimed banner ad is a type of data structure that includes more than just "simply a link in an HTML document." *Id.* The Appellants

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argue that banner ads also include a graphical image file and a means to connect the link to a graphical image file, and the banner ad can also be animated, which requires a mechanism to do so or even be interactive with a user input (e.g., a mouse). The Appellants conclude that one skilled in the art would recognize the claimed "banner ad" is a particular type of data structure that includes more than just a link. *Id.*

To this argument, we find that the claim makes no reference to animation, interactivity, or user input with a mouse with respect to a banner ad. As to being a data structure, any non-functional descriptive material stored in a computer is a data structure. The issue is whether the data structure has operational functionality. The Appellants pick up on this by citing *In re Lowry*, 32 F. 3d 1579, 1583 (Fed. Cir. 1994). The Appellants contend that Lowry's data structures, which according to Lowry greatly facilitate data management by data processing systems, are processed by a machine and are not accessible other than through sophisticated software systems.

The Appellants reach the wrong conclusion from this. Lowry's data structure fundamentally altered the processing of the computer; their patentable weight arose not because they were processed by the machine, but because they affected the processing of the computer. Data structures that have no functional relationship with the claimed subject matter are, by definition, non-functional descriptive material. An advertisement, absent explicit incorporation of functional properties, even on a computer display, is non-functional descriptive material.

The Appellants argue we failed to give full weight to the meaning of a banner ad. Request 10:19-21. We equated a banner ad to a link attached to non-functional descriptive material. To the extent the link is functional, both we and the

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Examiner found that Moore's price URL's described the use of such links. The only issue was whether attaching an advertisement, as contrasted with any other descriptive matter such as in Moore, to that link should be afforded patentable weight. We found such did not, citing *In re Ngai*, 367 F.3d at 1339. To the extent the Appellants are arguing that we ignored the link component of a banner ad, our finding as to Moore makes that argument unpersuasive. To the extent the Appellants are arguing that a banner ad may have a functional component aside from its link, the claim does not recite such a functional component, and such a component is not inherent to banner ads per se. Thus, we find the arguments unpersuasive as to error on our part.

For the above reasons we are not convinced of reversible error in our decision. Accordingly, the Appellants' request for rehearing is denied.

DECISION

To summarize, our decision is as follows:

- We have considered the REQUEST FOR REHEARING
- We DENY the request that we reverse the Examiner as to claims 1-3 and 7-21.
    - The rejection of claims 13, 16-18, and 20 under 35 U.S.C. § 103(a) as unpatentable over Moore remains sustained.
    - The rejection of claims 1, 7-12, 19, and 21 under 35 U.S.C. § 103(a) as unpatentable over Mason and Moore remains sustained.
    - The rejection of claims 4-6 under 35 U.S.C. § 103(a) as unpatentable over Mason and Moore remains not sustained.

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- The rejection of claims 2 and 3 under 35 U.S.C. § 103(a) as unpatentable over Mason, Moore, and Wexler remains sustained.
- The rejection of claims 14 and 15 under 35 U.S.C. § 103(a) as unpatentable over Mason, Moore, and Hess remains sustained.

DENIED

mev

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PTO/SB/30 (09-06)
Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/589,551
Filing Date	June 7, 2000
First Named Inventor	Thomas DISTEFANO III
Art Unit	3688
Examiner Name	D. Lastra
Attorney Docket Number	1115-007U

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114 Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

   a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

      i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

      ii. ☐ Other _____

   b. ☑ Enclosed

      i. ☑ Amendment/Reply

      ii. ☐ Affidavit(s)/ Declaration(s)

      iii. ☐ Information Disclosure Statement (IDS)

      iv. ☐ Other _____

2. Miscellaneous

   a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

   b. ☐ Other _____

3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

   a. ☑ The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 503839. I have enclosed a duplicate copy of this sheet.

      i. ☑ RCE fee required under 37 CFR 1.17(e)

      ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

      iii. ☐ Other _____

   b. ☐ Check in the amount of $ _____ enclosed

   c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	/Scott D. Paul/	Date	September 14, 2009
Name (Print/Type)	Scott D. Paul	Registration No.	42984

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature			
Name (Print/Type)		Date	

This collection of information is required by 37 CFR 1.114. 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: Mail Stop RCE, 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.

Attorney Docket No.: 1115-007U **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 29973
Thomas DISTEFANO III	:	Confirmation Number: 8542
Application No.: 09/589,551	:	Group Art Unit: 3688
Filed: June 7, 2000	:	Examiner: D. Lastra

For: METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS

AMENDMENT

Mail Stop Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following Amendment and Remarks are submitted in response to the Office Action dated June 18, 2007, and the Decision on Request for Rehearing dated September 13, 2009.

AMENDMENTS TO THE CLAIMS

Claims 1-3 (Cancelled)

4. (Currently Amended) A [[The]] method of ~~claim 1, further~~ assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the internet, the method comprising:

during design of the first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed;

saving the information at a first database that is coupled to the user interface;

obtaining the element for marketing of the type indicated;

causing the display of the element for marketing at the second website when the first website is activated with respect to the internet, wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website;

determining whether a reciprocal site for the display of at least one marketing element of a third party website exists in the first website being designed; and

creating the reciprocal site for the display of the at least one marketing element of the third party website when the reciprocal site does not yet exist in the first website being designed.

5. (Original) The method of claim 4, further comprising:

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when the element for marketing the first website is a banner ad concerning the first website, causing the sequential display at the reciprocal site of the first website of a plurality banner ads respectively concerning a plurality of third party websites, when the first website is activated with respect to the internet.

6. (Original) The method of claim 4, further comprising:

when the element for marketing the first website is a link to the first website, causing the display at the reciprocal site of the first website of a plurality of links to the plurality of third party websites, when the first website is activated with respect to the internet.

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REMARKS

At the time of the Decision on Request for Rehearing dated September 13, 2009, claims 1-21 were pending in this application. Of those claims, claims 1-3 and 7-21 remained rejected, and the rejection of claims 4-6 under 35 U.S.C. § 103 was reversed.

By the present Amendment, claims 1-3 and 7-21 have been cancelled, and claim 4 has been placed into independent form by including all of the limitations previously presented in claim 1. Claims 5 and 6 are dependent from independent claim 4. Thus, Applicant respectfully submit that the present Application is in condition for allowance.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 503839, and please credit any excess fees to such deposit account.

Date: September 14, 2009

Respectfully submitted,

/Scott D. Paul/

Scott D. Paul
Registration No. 42,984
Steven M. Greenberg
Registration No. 44,725
Phone: (561) 922-3845
CUSTOMER NUMBER 29973

TikTok Inc. EX1005
TikTok Inc. v. Distefano Website Innovations, LLC
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Electronic Patent Application Fee Transmittal

Application Number:	09589551
Filing Date:	07-Jun-2000
Title of Invention:	Method for developing electronic documents providing e-commerce tools
First Named Inventor/Applicant Name:	Thomas L. DiStefano
Filer:	Scott David Paul
Attorney Docket Number:	1115-007U

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

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($)
Miscellaneous:				
Request for continued examination	2801	1	405	405
		Total in USD ($)		**405**

Electronic Acknowledgement Receipt

EFS ID:	6069860
Application Number:	09589551
International Application Number:	
Confirmation Number:	8542
Title of Invention:	Method for developing electronic documents providing e-commerce tools
First Named Inventor/Applicant Name:	Thomas L. DiStefano
Customer Number:	29973
Filer:	Scott David Paul
Filer Authorized By:	
Attorney Docket Number:	1115-007U
Receipt Date:	14-SEP-2009
Filing Date:	07-JUN-2000
Time Stamp:	18:12:55
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$405
RAM confirmation Number	4668
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

TikTok Inc. EX1005
TikTok Inc. v. DiStefano Website Innovations, LLC
IPR2023-01061

1	Request for Continued Examination (RCE)	1115-007U_RCE.pdf	52501 8d30712ca490b0411307986a10b7a2431debee07	no	1
Warnings:					
This is not a USPTO supplied RCE SB30 form.					
Information:					
2		1115-007U_amendment_3_OA_06-18-07.pdf	59589 6f4e6f14459e00de0833380d837b04c1345ff236	yes	4

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment Submitted/Entered with Filing of CPA/RCE	1	1
	Claims	2	3
	Applicant Arguments/Remarks Made in an Amendment	4	4

Warnings:					
Information:					
3	Fee Worksheet (PTO-875)	fee-info.pdf	29766 82162c306ef02c8096b5e1203562a09c74402e1c	no	2
Warnings:					
Information:					
			Total Files Size (in bytes):	141856	

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/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date	☐ To be Mailed
09/589,551	06/07/2000	

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	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 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			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT 09/14/2009	(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 ($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 3	Minus	** 20	= 0	X $26 =	0	OR	X $ =	
Independent (37 CFR 1.16(h))	* 1	Minus	***3	= 0	X $110 =	0	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	0	OR	TOTAL ADD'L FEE	

AMENDMENT	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)	OR	RATE ($)	ADDITIONAL FEE ($)
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 number found in the appropriate box in column 1.

Legal Instrument Examiner:
/VENICE M. WILLIAMS/

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

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

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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,551	06/07/2000	Thomas L. DiStefano III	1115-007U	8542

29973 7590 12/15/2009

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EXAMINER	
LASTRA, DANIEL	
ART UNIT	**PAPER NUMBER**
3688	

MAIL DATE	DELIVERY MODE
12/15/2009	PAPER

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.

Office Action Summary	Application No.	Applicant(s)	
	09/589,551	DISTEFANO, THOMAS L.	
	Examiner	Art Unit	
	DANIEL LASTRA	3688	

-- 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* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 *14 September 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ 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

4)☒ Claim(s) *4-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *4-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ 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).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

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).

a)☐ All b)☐ Some * c)☐ None of:

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) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

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DETAILED ACTION

1. Claims 4-6 have been examined. Application 09/589,551 has a filing date 06/07/2000.

Response to Amendment

2. In response to BPAI decision filed 06/15/09, the Applicant filed an RCE on 09/14/09, which amended claim 4 and cancel claims 1-3 and 7-21.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> 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.

Claims 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear from the claims if the marketing element of the third party website is displayed in the first website or in the reciprocal site.

Claim Rejections - 35 USC § 103

4. 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.

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason (US 6,401,075) in view of Moore et al (U.S. 6,330,575) and further in view of Alberts (US 5,937,392).

As per claim 4, Mason teaches:

A method of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the Internet, the method comprising:

During the design of the first website, receiving information at a user interface indicating a type of an element for marketing that is displayed at the second website, and information specifying the second website at which the element is to be displayed (see column 5, lines 45-60);

saving the information at a first database that is coupled to the user interface (see col 5, lines 30-65);

obtaining the element for marketing of the type indicated (see col 5, lines 45-65);

causing the display of the element for marketing at the second website when the first website is activated with respect to the Internet, wherein the element for marketing includes at least one banner ad concerning the first website and a link to the first website (see col 4, lines 20-40). Mason does not expressly teach during the design of the first website causing the display of the element for marketing at the second website when the first website is activated with respect to the Internet and determining whether a reciprocal site for the display of at least one marketing element of a third party website

exists in the first website being designed and creating the reciprocal site for the display of the at least one marketing element of the third party website when the reciprocal site does not yet exist in the first website being designed. However, Moore teaches a system for designing websites, where a first website is activated with respect to the Internet when said first website is posted to a hosting server (see Moore col 3, lines 20-45), as Applicant's specification page 33, lines 10-13 discloses that "posting" a website" and "activating a website" are equivalent terms. Alberts teaches a system where a plurality of advertisers selects to display banner ads in a web page and where said banner ads are displayed in rotation in said web page (see col 3, line 1 - col 4, line 45). Alberts also teaches that said banner ads includes an ad identifier that includes a uniform resource locator (URL) or a pointer to a graphical and/or textual object (see col 3, lines 37-42). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Mason's advertiser's website would cause the display of a banner ad in a second website when said advertiser's website is activated with respect to the Internet, as taught by Moore and if said advertiser's website sells advertisements' space to a plurality of advertisers, said advertiser's website activation with respect to the Internet would cause the display of a plurality of banner ads from third party websites in said advertiser's website and the creation of reciprocal sites that said banner ads would point to, as taught by Alberts in order to avoid posting banner ads in websites which would not provide any click-throughs revenues.

As per claim 5, Mason does not teach:

when the element for marketing the first website is a banner ad concerning the first website, causing the sequential display at the reciprocal site of the first website of a plurality banner ads respectively concerning a plurality of third party websites when the first website is activated with respect to the internet. However, the same rejection applied to claim 4 regarding this missing limitation is also applied to claim 5.

As per claim 6, Mason does not teach:

when the element for marketing the first website is a link to the first website, causing the display at the reciprocal site of the first website of a plurality of links to the plurality of third party websites when the first website is activated with respect to the Internet. However, the same rejection applied to claim 4 regarding this missing limitation is also applied to claim 6.

Response to Arguments

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ROBERT A WEINHARDT can be reached on (571)272-6633. The official Fax number is (571) 273-8300.

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).

/DANIEL LASTRA/
Primary Examiner, Art Unit 3688
December 9, 2009

Notice of References Cited	Application/Control No. 09/589,551	Applicant(s)/Patent Under Reexamination DISTEFANO, THOMAS L.	
	Examiner DANIEL LASTRA	Art Unit 3688	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,937,392	08-1999	Alberts, Charles D.	705/14.52
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	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.

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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

BIB DATA SHEET

CONFIRMATION NO. 8542

SERIAL NUMBER	FILING or 371(c) DATE RULE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
09/589,551	06/07/2000	705	3688	1115-007U

APPLICANTS
Thomas L. DiStefano III, Boca Raton, FL;

**** CONTINUING DATA ***************************

**** FOREIGN APPLICATIONS ***************************

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED **** ** SMALL ENTITY **
08/02/2000

Foreign Priority claimed ☐ Yes ☑ No 35 USC 119(a-d) conditions met ☐ Yes ☑ No Verified and Acknowledged /DANIEL LASTRA/ Examiner's Signature	☐ Met after Allowance Initials	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
		FL	23	21	5

ADDRESS

CAREY, RODRIGUEZ, GREENBERG & PAUL LLP
ATTN: STEVEN M. GREENBERG, ESQ.
950 PENINSULA CORPORATE CIRCLE
SUITE 3020
BOCA RATON, FL 33487
UNITED STATES

TITLE

Method for developing electronic documents providing e-commerce tools

FILING FEE RECEIVED		
432	FEES: Authority has been given in Paper No._____ to charge/credit DEPOSIT ACCOUNT No._____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	2	"5,937,392".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2009/12/09 17:56
S2	6	"6,401,075".pn. or "6,330,575". pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2009/12/09 18:12

12/9/2009 8:14:42 PM
C:\Documents and Settings\dlastra\My Documents\EAST\Workspaces\09589551.wsp

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	09589551	DISTEFANO, THOMAS L.
	Examiner	Art Unit
	DANIEL LASTRA	3688

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

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	12/09/2009								
	1	-								
	2	-								
	3	-								
	4	✓								
	5	✓								
	6	✓								
	7	-								
	8	-								
	9	-								
	10	-								
	11	-								
	12	-								
	13	-								
	14	-								
	15	-								
	16	-								
	17	-								
	18	-								
	19	-								
	20	-								
	21	-								

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Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	09589551	DISTEFANO, THOMAS L.
	Examiner	Art Unit
	DANIEL LASTRA	3688

SEARCHED			
Class	Subclass	Date	Examiner
705	14.1	12/9/2009	dl

SEARCH NOTES		
Search Notes	Date	Examiner
east	12/9/2009	dl
dialogue	12/9/2009	dl

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

	/DANIEL LASTRA/ Primary Examiner.Art Unit 3688

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Attorney Docket No.: 1115-007U **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 29973
Thomas DISTEFANO III	:	Confirmation Number: 8542
Application No.: 09/589,551	:	Group Art Unit: 3688
Filed: June 7, 2000	:	Examiner: D. Lastra

For: METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS

AMENDMENT

Mail Stop Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following Amendment and Remarks are submitted in response to the Office Action dated June 18, 2007, and the Decision on Request for Rehearing dated September 13, 2009.

AMENDMENTS TO THE CLAIMS

Claims 1-3 (Cancelled)

4. (Previously Presented) A method of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the internet, the method comprising:

during design of the first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed;

saving the information at a first database that is coupled to the user interface;

obtaining the element for marketing of the type indicated;

causing the display of the element for marketing at the second website when the first website is activated with respect to the internet, wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website;

determining whether a reciprocal site for the display of at least one marketing element of a third party website exists in the first website being designed; and

creating the reciprocal site for the display of the at least one marketing element of the third party website when the reciprocal site does not yet exist in the first website being designed.

5. (Original) The method of claim 4, further comprising:

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when the element for marketing the first website is a banner ad concerning the first website, causing the sequential display at the reciprocal site of the first website of a plurality banner ads respectively concerning a plurality of third party websites, when the first website is activated with respect to the internet.

6. (Original) The method of claim 4, further comprising:

when the element for marketing the first website is a link to the first website, causing the display at the reciprocal site of the first website of a plurality of links to the plurality of third party websites, when the first website is activated with respect to the internet.

Claims 7-21 (Cancelled)

22. (New) A method, within a computer hardware website implementation system, of establishing a reciprocal arrangement between a first website and a preexisting second website, comprising:

registering the second website with the website implementation system;

receiving, by the website implementation system, a request by a first user to implement the first website;

receiving, by the website implementation system, a selection by the first user as to a second functional marketing element to be activated on the second website;

establishing, by the website implementation system, a reciprocal site in the first website for a first functional marketing element; and

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upon the first website being activated with respect to the internet, the computer website implementation system implementing the reciprocal arrangement by causing

(i) the first website to implement the first functional marketing element, and

(ii) the second website to implement the second functional marketing element,

wherein

the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second website, and

the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website.

23. (New) The method of claim 22, further comprising

parsing the first website for keywords;

searching a database of registered websites using the keywords from the first website; and

identifying, by the website implementation system, the second website based upon the keywords.

24. (New) The method of claim 23, wherein

a plurality of second websites are identified based upon the keywords.

25. (New) A computer hardware website implementation system for establishing a reciprocal arrangement between a first website and a preexisting second website, comprising:

at least one processor, the at least one processor configured for

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registering the second website with the website implementation system;

receiving a request by a first user to implement the first website;

receiving a selection by the first user as to a second functional marketing element to be activated on the second website;

establishing a reciprocal site in the first website for a first functional marketing element; and

implementing, upon the first website being activated with respect to the internet, the reciprocal arrangement by causing

(i) the first website to implement the first functional marketing element, and

(ii) the second website to implement the second functional marketing element, wherein

the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second website, and

the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website.

26. (New) The website implementation system of claim 25, further comprising

a database of registered websites.

27. (New) The website implementation system of claim 26, wherein the at least one processor is further configured for

parsing the first website for keywords;

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searching the database using the keywords from the first website; and

identifying the second website based upon the keywords.

28. (New) The website implementation system of claim 27, wherein

a plurality of second websites are identified based upon the keywords.

29. (New) A computer program product including a computer-readable storage medium having stored therein computer usable program code for establishing a reciprocal arrangement between a first website and a preexisting second website, the computer usable program code, which when executed by a computer hardware implementation system, causing the computer hardware implementation system to perform:

registering the second website with the website implementation system;

receiving a request by a first user to implement the first website;

receiving a selection by the first user as to a second functional marketing element to be activated on the second website;

establishing a reciprocal site in the first website for the first functional marketing element; and

upon the first website being activated with respect to the internet, implementing the reciprocal arrangement by causing

(i) the first website to implement a first functional marketing element, and

(ii) the second website to implement the second functional marketing element,

wherein

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the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second website, and

the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website.

30. (New) The computer program product of claim 29, further comprising

parsing the first website for keywords;

searching a database of registered websites using the keywords from the first website; and

identifying, by the website implementation system, the second website based upon the keywords.

31. (New) The computer program product of claim 30, wherein

a plurality of second websites are identified based upon the keywords.

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REMARKS

At the time of the Fourth Office Action dated December 15, 2009, claims 4-6 were pending and rejected in this application. Claims 22-31 have been added, and Applicant submits that the present Amendment does not generate any new matter issue.

CLAIMS 4-6 ARE REJECTED UNDER THE SECOND PARAGRAPH OF 35 U.S.C. § 112

On page 2 of the Fourth Office Action, the Examiner asserted that claims 4-6 are indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

At the outset, Applicant notes that in four prior actions (i.e., 3 Office Actions and 1 Examiner's Answer), the Examiner did not believe this language to be indefinite. Moreover, the Honorable Board, when reviewing claim 4 (which was argued separately), did not believe this claim to be indefinite. As such, Applicant is unclear as to what has changed that suddenly renders, as indefinite, previously clear claim language.

Notwithstanding the lateness of its presentation, the Examiner made the following assertions with regard to independent claim 4:

> It is not clear from the claims if the marketing element of the third party website is displayed in the first website or in the reciprocal site.

Applicant respectfully disagrees with the Examiner's analysis.

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The Examiner's analysis does not raise a legitimate issue. The Examiner is attempting to distinguish between "the first website or in the reciprocal site." However, the reciprocal site is within the first website. As such, the marketing element of the third party website is displayed within both the reciprocal site and the first website.

Therefore, for the reasons stated above, Applicant respectfully submits that the imposed rejection of claims 4-6 under the second paragraph of 35 U.S.C. § 112 has been overcome, and hence, Applicant respectfully solicits withdrawal thereof.

CLAIMS 4-6ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON MASON ET AL., U.S. PATENT NO. 6,401,075 (HEREINAFTER MASON), IN VIEW OF MOORE ET AL., U.S. PATENT NO. 6,330,575 (HEREINAFTER MOORE), AND ALBERTS, U.S. PATENT NO. 5,937,392

On pages 2-5 of the Fourth Office Action, the Examiner concluded that one having ordinary skill in the art would have considered the claimed invention to be obvious in view of Mason in view of Moore and Alberts. This rejection is respectfully traversed.

Applicant refers to page 15 of the Decision on Appeal in which the Honorable Board concluded

> Claim 4 depends from claim 1 and requires a reciprocal site. The Appellant argues that the Examiner failed to show such reciprocity in the site described in the references (Reply Br. 9). We agree with the Appellant. The Examiner appears to have ignored this limitation in the analysis by construing the term "reciprocal" to mean simply a third party (Ans. 19).

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The Examiner's newly presented rejection of claim 4 is based upon Mason and Moore (previously cited) and new cited Alberts. Since the Honorable Board has already concluded that the combination of Mason and Moore fails to teach the limitations at issue, Applicant will address the newly cited Alberts.

On page 4 of the Fourth Office Action, the Examiner presented the following findings with regard to newly cited Alberts:

> Alberts teaches a system where a plurality of advertisers selects to display banner ads in a web page and where said banner ads are displayed in rotation in said web page (see col 3, line 1 - col 4, line 45). Alberts also teaches that said banner ads includes an ad identifier that includes a uniform resource locator (URL) or a pointer to a graphical and/or textual object (see col 3, lines 37-42).

Notably absent from the Examiner's characterization of Alberts is any mention of the reciprocity that the Honorable Board identified as being missing from the combination of Mason and Moore. Referring to column 4, lines 34-39, the teachings of Alberts can be summarized as "ad servers 14 provide rotational control that ensures that ads are served a desired number of times per day and with a desired distribution throughout the day, even with a large number of ads, a wide variation in ratios of hits, and/or wide variations of hits per day over multiple days." Entirely absent from both the teachings of Albert and the Examiner's remaining analysis on page 4 of the Fourth Office Action is any mention of reciprocity. Thus, the Examiner has failed to cure the deficiencies specifically noted by the Honorable Board in the Decision on Appeal.

For the above-described reasons, the Examiner has failed to establish that the claimed invention, as recited in claims 4-6, would have been obvious within the meaning of 35 U.S.C. § 103. Applicant, therefore, respectfully solicits withdrawal of the imposed rejection of claims 4-6 under 35 U.S.C. § 103 for obviousness based upon Mason in view of Moore and Alberts.

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Claims 22, 25, and 29

Independent claims 22, 25, and 29 each recite limitations comparable to the following:

> upon the first website being activated with respect to the internet, the computer website implementation system implementing the reciprocal arrangement by causing
>
> (i) the first website to implement the first functional marketing element, and
>
> (ii) the second website to implement the second functional marketing element.

As evident from a review of these limitations, these limitations also regard the concept of reciprocity. Therefore, Applicant respectfully submits that a rejection of claims 22-31 under 35 U.S.C. § 103 for obviousness based upon Mason in view of Moore and Alberts would not be proper.

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Applicant have made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicant hereby respectfully request reconsideration and prompt allowance of the pending claims.

Although Applicant believes that all claims are in condition for allowance, the Examiner is directed to the following statement found in M.P.E.P. § 706(II):

> When an application discloses patentable subject matter and it is apparent from the claims and the applicant's arguments that the claims are intended to be directed to such patentable subject matter, but the claims in their present form cannot be allowed because of defects in form or omission of a limitation, the examiner should not stop with a bare objection or rejection of the claims. The examiner's action should be constructive in nature and when possible should offer a definite suggestion for correction. (emphasis added)

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 503839, and please credit any excess fees to such deposit account.

Date: March 15, 2010

Respectfully submitted,

/Scott D. Paul/
Scott D. Paul
Registration No. 42,984
Steven M. Greenberg
Registration No. 44,725
Phone: (561) 922-3845
CUSTOMER NUMBER 29973

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Electronic Acknowledgement Receipt

EFS ID:	7213917
Application Number:	09589551
International Application Number:	
Confirmation Number:	8542
Title of Invention:	Method for developing electronic documents providing e-commerce tools
First Named Inventor/Applicant Name:	Thomas L. DiStefano
Customer Number:	29973
Filer:	Scott David Paul
Filer Authorized By:	
Attorney Docket Number:	1115-007U
Receipt Date:	15-MAR-2010
Filing Date:	07-JUN-2000
Time Stamp:	23:00:35
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		1115-007U_amendment_4_OA_12-15-10.pdf	98577 b43bb2383c4207f83430b27729ac39ded782267c	yes	12

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Claims	2	7
	Applicant Arguments/Remarks Made in an Amendment	8	12
Warnings:			
Information:			
	Total Files Size (in bytes):	98577	

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/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
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.

PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date	☐ To be Mailed
09/589,551	06/07/2000	

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	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 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			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT 03/15/2010	(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 ($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 13	Minus	** 21	= 0	X $26 =	0	OR	X $ =	
Independent (37 CFR 1.16(h))	* 4	Minus	***5	= 0	X $110 =	0	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	0	OR	TOTAL ADD'L FEE	

AMENDMENT	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)	OR	RATE ($)	ADDITIONAL FEE ($)
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 number found in the appropriate box in column 1.

Legal Instrument Examiner:
/CAROL BARNES/

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

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

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,551	06/07/2000	Thomas L. DiStefano III	1115-007U	8542

29973 7590 06/10/2010

CAREY, RODRIGUEZ, GREENBERG & PAUL LLP
ATTN: STEVEN M. GREENBERG, ESQ.
950 PENINSULA CORPORATE CIRCLE
SUITE 2022
BOCA RATON, FL 33487

EXAMINER	
LASTRA, DANIEL	
ART UNIT	PAPER NUMBER
3688	

MAIL DATE	DELIVERY MODE
06/10/2010	PAPER

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.

Office Action Summary	Application No.	Applicant(s)	
	09/589,551	DISTEFANO, THOMAS L.	
	Examiner	Art Unit	
	DANIEL LASTRA	3688	

-- 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* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 *15 December 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ 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

4)☒ Claim(s) *4-6 and 22-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *4-6 and 22-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ 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).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

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).

a)☐ All b)☐ Some * c)☐ None of:

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) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

TikTok Inc. EX1005
TikTok Inc. v. Distefano Website Innovations, LLC
IPR2025-01061
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DETAILED ACTION

1. Claims 4-6 and 22-31 have been examined. Application 09/589,551 has a filing date 06/07/2000.

Response to Amendment

2. In response to Non Final Rejection filed 12/15/09, the Applicant filed an amendment on 03/15/10, which added new claims 22-31.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 23-24, 27, 28, 39 and 31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Applicant needs to point out in the specification where the claimed limitation "parsing the first website for keywords, searching a database of registered websites using the keywords from the first website and identifying by the website implementation system, the second website based upon the keywords".

Claim Rejections - 35 USC § 103

4. 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.

Claims 4-6 and 22, 25-26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason (US 6,401,075) in view of Moore et al (U.S. 6,330,575) and further in view of Ross (US 6,629,135).

As per claim 4, Mason teaches:

A method of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the Internet, the method comprising:

during the design of the first website, receiving information at a user interface indicating a type of an element for marketing that is displayed at the second website, and information specifying the second website at which the element is to be displayed (see column 5, lines 45-60);

saving the information at a first database that is coupled to the user interface (see col 5, lines 30-65);

obtaining the element for marketing of the type indicated (see col 5, lines 45-65);

causing the display of the element for marketing at the second website, wherein the element for marketing includes at least one banner ad concerning the first website and a link to the first website (see col 4, lines 20-40). Mason does not expressly teach

during the design of the first website causing the display of the element for marketing at the second website when the first website is activated with respect to the Internet and determining whether a reciprocal site for the display of at least one marketing element of a third party website exists in the first website being designed and creating the reciprocal site for the display of the at least one marketing element of the third party website when the reciprocal site does not yet exist in the first website being designed. However, Moore teaches a system for designing websites, where a first website is activated with respect to the Internet when said first website is posted to a hosting server (see Moore col 3, lines 20-45), as Applicant's specification page 33, lines 10-13 discloses that "posting" a website" and "activating a website" are equivalent terms. Ross teaches that it is old and well known in the promotion art that website programmers increased visitor traffic by placing "links" within their websites to other websites in exchange for a reciprocal link (see col 1, lines 20-35). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Mason's advertiser's website (i.e. first website) would cause the display of a banner ad in a second website (i.e. "different local newspaper websites"; see col 3, lines 10-25) when said advertiser's website is activated with respect to the Internet, as taught by Moore in order to avoid posting banner ads in websites which would not provide any click-throughs revenues and it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that said second website would accept to display said banner ad in said second website in exchange for reciprocal links

displayed in said first website, as taught by Ross in order to increase visitor traffic to said second website.

Claim 5, Mason does not teach:

when the element for marketing the first website is a banner ad concerning the first website, causing the sequential display at the reciprocal site of the first website of a plurality banner ads respectively concerning a plurality of third party websites when the first website is activated with respect to the internet. However, the same rejection applied to claim 4 regarding this missing limitation is also applied to claim 5.

As per claim 6, Mason does not teach:

when the element for marketing the first website is a link to the first website, causing the display at the reciprocal site of the first website of a plurality of links to the plurality of third party websites when the first website is activated with respect to the Internet. However, the same rejection applied to claim 4 regarding this missing limitation is also applied to claim 6.

Claims 22, 25 and 29, Mason teaches:

A method, within a computer hardware website implementation system, of establishing a reciprocal arrangement between a first website and a preexisting second website, comprising:

registering the second website with the website implementation system (see col 3, lines 10-25);

receiving, by the website implementation system, a request by a first user to implement the first website (see col 3, lines 20-65);

receiving, by the website implementation system, a selection by the first user as to a second functional marketing element to be activated on the second website (see col 3, lines 20-65);

(ii) the second website to implement the second functional marketing element and the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website.

Mason does not expressly teach establishing, by the website implementation system, a reciprocal site in the first website for a first functional marketing element; and upon the first website being activated with respect to the internet, the computer website implementation system implementing the reciprocal arrangement by causing (i) the first website to implement the first functional marketing element wherein the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second website. However, Moore teaches a system for designing websites, where a first website is activated with respect to the Internet when said first website is posted to a hosting server (see Moore col 3, lines 20-45), as Applicant's specification page 33, lines 10-13 discloses that "posting" a website" and "activating a website" are equivalent terms. Ross teaches that it is old and well known in the promotion art that website programmers increased visitor traffic by placing "links" within their websites to other websites in exchange for a reciprocal link (see col 1, lines 20-35). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Mason's advertiser's website (i.e. first website) would cause the display of a banner ad in a second website (i.e. "different local

newspaper websites"; see col 3, lines 10-25) when said advertiser's website is activated with respect to the Internet, as taught by Moore in order to avoid posting banner ads in websites which would not provide any click-throughs revenues and it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that said second website would accept to display said banner ad in said second website in exchange for reciprocal links displayed in said first website, as taught by Ross in order to increase visitor traffic to said second website.

Claim 26, Mason teaches:

A database of registered websites (see col 3, lines 10-20).

5. Claims 23-24, 27-28 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason (US 6,401,075) in view of Moore et al (U.S. 6,330,575) and further in view of Ross (US 6,629,135) and Dan (US 6,560,639).

Claims 23, 27 and 30, Mason does not teach:

parsing the first website for keywords; searching a database of registered websites using the keywords from the first website; and identifying, by the website implementation system, the second website based upon the keywords. However, Dan teaches that it is old and well known in the computer art to parse a website in order to identify URL address (see col 5, lines 20-25; col 24, lines 5-25). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Mason would modify his invention to use the Dan's system in order to update banner ads sites' URL addresses and therefore, avoid posting banner ads in websites which would not provide any click-throughs revenues.

Claims 24, 28 and 31, Mason does not teach:

Wherein a plurality of second websites are identified based upon the keywords. However, Dan teaches that it is old and well known in the computer art to parse a website in order to identify URL address (see col 5, lines 20-25; col 24, lines 5-25). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Mason would modify his invention to use the Dan's system in order to update banner ads sites' URL addresses and therefore, avoid posting banner ads in websites which would not provide any click-throughs revenues.

Response to Arguments

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LYNDA C JASMIN can be reached on (571) 272-6782. The official Fax number is (571) 273-8300.

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).

/DANIEL LASTRA/
Primary Examiner, Art Unit 3688
June 7, 2010

Notice of References Cited	Application/Control No. 09/589,551	Applicant(s)/Patent Under Reexamination DISTEFANO, THOMAS L.	
	Examiner DANIEL LASTRA	Art Unit 3688	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,629,135	09-2003	Ross et al.	709/218
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	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.

TikTok Inc. EX1005
TikTok Inc. v. Distefano Website Innovations, LLC
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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	8	"6401075".pn. or "6330575".pn. or "5937392".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2010/06/07 13:56
S2	66	(@ad < "20000607") and (parse or parsing) near10 ((web near10 site) or website)	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2010/06/08 10:23
S3	23	(@ad < "20000607") and (parse or parsing) near10 ((web near10 site) or website) and keywords	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2010/06/08 10:26
S4	6	(@ad < "20000607") and (parse or parsing) near10 ((web near10 site) or website) and keywords and (URL near10 address)	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2010/06/08 10:27
S5	140	(@ad < "20000607") and (reciprocal near10 sites)	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2010/06/08 14:00
S6	15	(@ad < "20000607") and (reciprocal near10 sites) and banner	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2010/06/08 14:00

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S7	15	(@ad < "20000607") and (reciprocal near10 sites) and banner and (advert$ or ads)	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2010/06/08 14:00
S8	1	(@ad < "20000607") and (reciprocal near10 links) and banner and (advert$ or ads)	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	OFF	2010/06/08 14:03

6/8/2010 7:42:52 PM
H:\Workspaces\09589551.wsp

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	09589551	DISTEFANO, THOMAS L.
	Examiner	Art Unit
	DANIEL LASTRA	3688

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

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	12/09/2009	06/08/2010							
	1	-	-							
	2	-	-							
	3	-	-							
	4	✓	✓							
	5	✓	✓							
	6	✓	✓							
	7	-	-							
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	9	-	-							
	10	-	-							
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	25		✓							
	26		✓							
	27		✓							

TikTok Inc. EX1005
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Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	09589551	DISTEFANO, THOMAS L.
	Examiner	Art Unit
	DANIEL LASTRA	3688

SEARCHED

Class	Subclass	Date	Examiner
705	14.1	12/9/2009	dl
705	14.1	06/08/10	dl

SEARCH NOTES

Search Notes	Date	Examiner
east	12/9/2009	dl
dialogue	12/9/2009	dl
east	06/08/10	dl
dialogue	06/08/10	dl

INTERFERENCE SEARCH

Class	Subclass	Date	Examiner

	/DANIEL LASTRA/ Primary Examiner.Art Unit 3688

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Docket No. 1115-007U **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	:	Customer Number: 29973
Thomas DISTEFANO III	:	Confirmation Number: 8542
Application No.: 09/589,551	:	Group Art Unit: 3688
Filed: June 7, 2000	:	Examiner: D. Lastra

For: METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS

NOTICE OF APPEAL

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Appellant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the Examiner.

The fee for this Notice of Appeal is (37 C.F.R. § 41.20(b)(1)): $540.00

___ Payment by credit card. Form PTO-2038 is attached.

_X_ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 09-0461.

___ A Petition for Extension of Time under C.F.R. § 1.136(a) (PTO/SB/22) is enclosed

Date: October 12, 2010

Respectfully submitted,

/Scott D. Paul/
Scott D. Paul
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Electronic Patent Application Fee Transmittal

Application Number:	09589551
Filing Date:	07-Jun-2000
Title of Invention:	Method for developing electronic documents providing e-commerce tools
First Named Inventor/Applicant Name:	Thomas L. DiStefano
Filer:	Scott David Paul
Attorney Docket Number:	1115-007U

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

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Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Notice of appeal	2401	1	270	270
Post-Allowance-and-Post-Issuance:				
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Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension - 1 month with $0 paid	2251	1	65	65
Miscellaneous:				
			Total in USD ($)	**335**

Electronic Acknowledgement Receipt

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Application Number:	09589551
International Application Number:	
Confirmation Number:	8542
Title of Invention:	Method for developing electronic documents providing e-commerce tools
First Named Inventor/Applicant Name:	Thomas L. DiStefano
Customer Number:	29973
Filer:	Scott David Paul
Filer Authorized By:	
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1	Notice of Appeal Filed	1115-007U_notice_of_appeal_3.pdf	51986 888280316e8547df8bf0c86166d5eb00d5251eaf	no	1
Warnings:					
Information:					
2	Fee Worksheet (PTO-875)	fee-info.pdf	31527 630565bb8029f8d45cb5fb184127d66ef507fbb0	no	2
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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.

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.

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Attorney Docket No. 1115-007U **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	:	Customer Number: 29973
Thomas DISTEFANO III	:	Confirmation Number: 8542
Application No.: 09/589,551	:	Group Art Unit: 3688
Filed: June 7, 2000	:	Examiner: D. Lastra

For: METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed October 12, 2010, wherein Appellant appeals from the Examiner's rejection of claims 4-6, 22, 25-26, and 29.

I. REAL PARTY IN INTEREST

This application is assigned to The Perfect Web Corporation by assignment recorded on June 7, 2000, at Reel 010861, Frame 0100.

II. RELATED APPEALS AND INTERFERENCES

On June 15, 2009, a Decision on Appeal was rendered in the present Application, and on September 13, 2009, a Decision on Request for Rehearing was rendered in the present Application. Appellant is unaware of any other related appeals and interferences.

III. STATUS OF CLAIMS

Claims 4-6, 22, 25-26, and 29 are pending and rejected in this Application. Claims 1-3, 7-21, 23-24, 27-28, and 30-31 have been cancelled. It is from the multiple rejections of claims 4-6, 22, 25-26, and 29 that this Appeal is taken.

IV. STATUS OF AMENDMENTS

Appellant has submitted herewith an Amendment in which claims 23-24, 27-28, and 30-31 have been cancelled. Since the cancellation of these claims will reduce the number of issues on Appeal, Appellant proceeds under the assumption that this Amendment will be entered

V. SUMMARY OF CLAIMED SUBJECT MATTER

Referring to Figure 20 and also to independent claim 4, a method of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website is disclosed. The arrangement is established to market the first website at the second website upon the activation of the first website on the internet. At step 2006, during design of the first website, information indicating a type of an element for marketing is received at a user interface (page 49, line 23 through page 50, line 2 of Appellant's disclosure). At step 2020, the information specifies the second website at which the element is to

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be displayed. The information is saved at a first database that is coupled to the user interface (page 50, lines 15-17). The element for marketing of the type indicated is obtained, and the element for marketing is displayed at the second website when the first website is activated with respect to the internet (page 50, lines 17-19). The element for marketing includes at least one of a banner ad concerning the first website and a link to the first website (page 50 line 25 through page 51, line 13). In step 2022, a determination is made whether a reciprocal site for the display of at least one marketing element of a third party website exists in the first website being designed (page 50, lines 19-22). In step 2024, the reciprocal site for the display of the at least one marketing element of the third party website is created when the reciprocal site does not yet exist in the first website being designed (page 50, lines 22-24).

Referring to Figure 20 and also to independent claim 4, a method, within a computer hardware website implementation system, of establishing a reciprocal arrangement between a first website and a preexisting second website is disclosed. The second website is registered with the website implementation system (page 33, lines 14-16). A request by a first user is received by the website implementation system to implement the first website (page 43, lines 1-20). In 2028, the website implementation system receives a selection by the first user as to a second functional marketing element to be activated on the second website (page 51, lines 1-7). In 2022, the website implementation system establishes a reciprocal site in the first website for a first functional marketing element (page 50, lines 19-24). Upon the first website being activated with respect to the internet, the computer website implementation system implementing the reciprocal arrangement by causing the first website to implement the first functional marketing element, and the second website to implement the second functional marketing element (page 51, line 23 through page 52, line 2). The first functional marketing element directs, via the internet,

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a second user of the first functional marketing element to the second website, and the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website (page 51, line 23 through page 52, line 2).

Referring to Figures 1 and 20 and also to independent claim 25, a computer hardware website implementation system 140 for establishing a reciprocal arrangement between a first website and a preexisting second website is disclosed. The computer hardware website implementation system 140 comprises at least one processor configured to perform the following. The second website is registered with the website implementation system (page 33, lines 14-16). A request by a first user is received by the website implementation system to implement the first website (page 43, lines 1-20). In 2028, the website implementation system receives a selection by the first user as to a second functional marketing element to be activated on the second website (page 51, lines 1-7). In 2022, the website implementation system establishes a reciprocal site in the first website for a first functional marketing element (page 50, lines 19-24). Upon the first website being activated with respect to the internet, the computer website implementation system implementing the reciprocal arrangement by causing the first website to implement the first functional marketing element, and the second website to implement the second functional marketing element (page 51, line 23 through page 52, line 2). The first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second website, and the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website (page 51, line 23 through page 52, line 2).

Referring to Figure 20 and also to independent claim 29, a computer program product including a computer-readable storage medium having stored therein computer usable program

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code for establishing a reciprocal arrangement between a first website and a preexisting second website is disclosed. The computer usable program code, which when executed by a computer hardware implementation system, causes the computer hardware implementation system to perform the following. The second website is registered with the website implementation system (page 33, lines 14-16). A request by a first user is received by the website implementation system to implement the first website (page 43, lines 1-20). In 2028, the website implementation system receives a selection by the first user as to a second functional marketing element to be activated on the second website (page 51, lines 1-7). In 2022, the website implementation system establishes a reciprocal site in the first website for a first functional marketing element (page 50, lines 19-24). Upon the first website being activated with respect to the internet, the computer website implementation system implementing the reciprocal arrangement by causing the first website to implement the first functional marketing element, and the second website to implement the second functional marketing element (page 51, line 23 through page 52, line 2). The first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second website, and the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website (page 51, line 23 through page 52, line 2).

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 4-6, 22, 25-26, and 29 were rejected under 35 U.S.C. § 103 for obviousness based upon Mason et al., U.S. Patent No. 6,401,075 (hereinafter Mason), in view of Moore et al., U.S. Patent No. 6,330,575 (hereinafter Moore), and Ross et al., U.S. Patent No. 6,629,135 (hereinafter Ross).

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VII. ARGUMENT

PROSECUTION HISTORY

In the Decision on Appeal dated June 15, 2009, the Honorable Board sustained the rejections of claims 1-3 and 7-21. The Honorable Board, however, reversed the rejection of claims 4-6 based upon the combination of Mason and Moore. Subsequently, claim 4 was placed into independent form. The Examiner then rejected claims 4-6 based upon the combination of Mason, Moore, and Alberts in the Fourth Office Action. After Appellant traversed (without amendment) the Examiner's rejection of claim 4 based upon the combination of Mason, Moore, and Alberts, the Examiner again rejected claim 4 based upon the combination of Mason, Moore, and Ross. Thus, appealed claim 4, in its present form, recites substantially the same limitations as those reviewed by the Honorable Board when reversing the Examiner's prior rejection of claim 4.

PRINCIPLES OF LAW

Examiner's Burden

The Examiner has the initial burden to set forth the basis for any rejection so as to put Appellant on notice of the reasons why Appellant is not entitled to a patent on the claim scope that Appellant seeks – the so-called "*prima facie* case." In re Oetiker, 977 F.2d 1443, 1445 (Fed. Cir. 1992); In re Piasecki, 745 F.2d 1468, 1472 (Fed. Cir. 1984). Additionally, the "[t]he examiner's action will be complete as to all matters," 37 C.F.R. § 1.104(b), and "[t]he pertinence

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of each reference, if not apparent, must be clearly explained." 37 C.F.R. § 1.104(c). Reference is also made to 37 C.F.R. § 1.2, which states "[t]he action of the Patent and Trademark Office will be based exclusively on the written record in the Office."

Referring generally to the "Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in View of the Supreme Court Decision in KSR International Co. v. Teleflex Inc.," 72 Fed. Reg. 57,526 (2007) (hereinafter the Examination Guidelines for Determining Obviousness), and specifically to the paragraph entitled "Office Personnel as Factfinders" on page 57,527 of the Examination Guidelines for Determining Obviousness, the following was stated:

> Office personnel fulfill the critical role of factfinder when resolving the *Graham* inquiries. It must be remembered that while the ultimate determination of obviousness is a legal conclusion, the underlying *Graham* inquiries are factual. When making an obviousness rejection, Office personnel must therefore ensure that the written record includes findings of fact concerning the state of the art and the teachings of the references applied. In certain circumstances, it may also be important to include explicit findings as to how a person of ordinary skill would have understood prior art teachings, or what a person of ordinary skill would have known or could have done. Factual findings made by Office personnel are the necessary underpinnings to establish obviousness.

Appellant's Burden

If the Examiner does not produce a *prima face* case of unpatentability, then the rejection cannot be maintained, and Appellant is not obligated to respond. See In re Oetiker, supra ("If examination at the initial stage does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of the patent"). Only after a *prima face* case of

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unpatentability does the burden shift to Appellant to rebut the *prima facie* case. See In re Kahn, 441 F.3d 977, 985-86 (Fed. Cir. 2006) ("[o]n appeal to the Board, an applicant can overcome a rejection by showing insufficient evidence of *prima facie* obviousness or by rebutting the *prima facie* case with evidence of secondary indicia of nonobviousness") (quoting In re Rouffet, 149 F.3d 1350, 1355 (Fed. Cir. 1998)).

Standard of Review

Decisions of the Patent Office are reviewed in accordance with the standards of the Administrative Procedure Act. See Dickinson v. Zurko, 527 U.S. 150, 165 (1999) (applying the Administrative Procedure Act, 5 U.S.C. § 706, to appeals of PTO rulings). Thus, the Patent Office's factual findings are reviewed to determine whether they are unsupported by substantial evidence. See In re Gartside, 203 F.3d 1305, 1312 (Fed. Cir. 2000). Substantial evidence means "more than a mere scintilla. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." Richardson v. Perales, 402 U.S. 389, 401 (1971). Anticipation under 35 U.S.C. § 102 is a question of fact, and the findings of fact underlying the conclusion of anticipation are reviewed for substantial evidence. In re Hyatt, 211 F.3d 1367, 1371-72, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). The underlying findings of facts supporting the legal conclusion of obviousness are also reviewed for substantial evidence. In re Gartside, 203 F.3d at 1316.

In the Decision of Ex parte Frye, (Appeal No. 2009-006013) (Precedential), while referring to a rejection under 35 U.S.C. § 103, the Honorable Board stated:

> The panel then reviews the obviousness rejection for error based upon the issues identified by appellant, and in light of the arguments and evidence

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> produced thereon. *See Oetiker*, 977 F.2d at 1445 ("In reviewing the examiner's decision on appeal, the Board must necessarily weigh all of the evidence and argument.") (emphasis added); *see also* 37 C.F.R. § 41.37(c)(1)(vii) (appeal brief must include "the contentions of appellant with respect to each ground of rejection presented for review in paragraph (c)(1)(vi) of this section, and the basis therefor, with citations of the statutes, regulations, authorities, and parts of the record relied on"). Specifically, the Board reviews the particular finding(s) contested by an appellant anew in light of all the evidence and argument on that issue.

Therefore, a complete *de novo* review is to be performed on all issues that are raised by Appellant without deference to the positions taken by the Examiner.

With regard to the burden placed on the Honorable Board in analyzing the rejections, the Federal Circuit held the following in Gechter v. Davidson, 1167 F.3d 1454, 1460 (Fed. Cir. 1997):

> In sum, we hold that the Board is required to set forth in its opinions specific findings of fact and conclusions of law adequate to form a basis for our review. In particular, we expect that the Board's anticipation analysis be conducted on a limitation by limitation basis, with specific fact findings for each contested limitation and satisfactory explanations for such findings. [FN3] Claim construction must also be explicit, at least as to any construction disputed by parties to the interference (or an applicant or patentee in an ex parte proceeding). [FN3] While not directly presented here, obviousness determinations, when appropriate, similarly must rest on fact findings, adequately explained, for each of the relevant obviousness factors in the Supreme Court's decision in Graham.

Obviousness

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In Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), the Supreme Court set forth the factual inquiries that are to be applied when establishing a background for determining obviousness under 35 U.S.C. 103. These factual inquiries are summarized as follows:

(A) "the scope and content of the prior art are to be determined";
(B) "the differences between the prior art and the claims at issue are to be ascertained";
(C) "the level of ordinary skill in the pertinent art [is to be] resolved"; and
(D) "indicia of nonobviousness" are to be evaluated

However, in order to make a proper comparison between the claimed invention and the prior art, the language of the claims must first be properly construed. See, e.g., Gechter v. Davidson, 116 F.3d at 1460 (requiring explicit claim construction as to any terms in dispute; In re Paulsen, 30 F.3d 1475, 1479 (Fed. Cir. 1994); Panduit Corp. v. Dennison Mfg. Co., 810 F.2d 1561, 1567-68 (Fed. Cir. 1987) (In making a patentability determination, analysis must begin with the question, "what is the invention claimed?" since "[c]laim interpretation, … will normally control the remainder of the decisional process").

As stated by the Supreme Court: "rejections on obviousness grounds cannot be sustained by merely conclusory statements; instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727, 1741 (2007) (quoting In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)). As also stated by the Supreme Court, "a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art."

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THE REJECTION OF CLAIMS 4-6, 22, 25-26, AND 29 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON MASON, MOORE, AND ROSS

For convenience of the Honorable Board in addressing the rejections, claims 5-6, 22, 25-26, and 29 stand or fall together with independent claim 4.

Fourth Office Action

After the Examiner's rejection of claim 4 had been reversed and in response to the Examiner reopening prosecution in the Fourth Office Action dated December 15, 2009 (hereinafter the Fourth Office Action), and in the Amendment dated March 15, 2010, Appellant referred to page 15 of the Decision on Appeal in which the Honorable Board concluded

> Claim 4 depends from claim 1 and requires a reciprocal site. The Appellant argues that the Examiner failed to show such reciprocity in the site described in the references (Reply Br. 9). We agree with the Appellant. The Examiner appears to have ignored this limitation in the analysis by construing the term "reciprocal" to mean simply a third party (Ans. 19).

The Examiner's previously presented rejection of claim 4 is based upon Mason and Moore (previously cited) and the newly cited (at the time) Alberts. Since the Honorable Board has already concluded that the combination of Mason and Moore fails to teach the limitations at issue, the newly cited Alberts will be addressed.

On page 4 of the Fourth Office Action, the Examiner presented the following findings with regard to newly cited Alberts:

> Alberts teaches a system where a plurality of advertisers selects to display banner ads in a web page and where said banner ads are displayed in rotation in said web page (see col 3, line 1 - col 4, line 45). Alberts also teaches that said banner ads includes an ad identifier that includes a uniform resource locator (URL) or a pointer to a graphical and/or textual object (see col 3, lines 37-42).

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Notably absent from the Examiner's characterization of Alberts is any mention of the reciprocity that the Honorable Board identified as being missing from the combination of Mason and Moore. Referring to column 4, lines 34-39, the teachings of Alberts can be summarized as "ad servers 14 provide rotational control that ensures that ads are served a desired number of times per day and with a desired distribution throughout the day, even with a large number of ads, a wide variation in ratios of hits, and/or wide variations of hits per day over multiple days." Entirely absent from both the teachings of Albert and the Examiner's remaining analysis on page 4 of the Fourth Office Action is any mention of reciprocity. Thus, the Examiner has failed to cure the deficiencies specifically noted by the Honorable Board in the Decision on Appeal.

Fifth Office Action

In the appealed Fifth Office Action dated June 10, 2010 (hereinafter the Fifth Office Action), the Examiner withdrew the prior rejection based upon Mason, Moore, and Alberts and introduced a new rejection based upon Mason, Moore, and newly cited Ross. As previously noted, the Honorable Board has identified the concept of "reciprocity" as being missing from the combination of Mason and Moore. To be clear, the term "reciprocity" is shorthand for the actual limitations being claimed. Specifically, the limitations at issue are as follows:

> determining whether a reciprocal site for the display of at least one marketing element of a third party website exists in the first website being designed; and
>
> creating the reciprocal site for the display of the at least one marketing element of the third party website when the reciprocal site does not yet exist in the first website being designed.

Additionally, when considering the claimed invention, as a whole, these steps occur while the

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first website is being designed (i.e., created).

Referring to page 4 of the Fifth Office Action, the Examiner presented the following analysis regarding the newly cited Ross:

> Ross teaches that it is old and well known in the promotion art that website programmers increased visitor traffic by placing "links" within their websites to other websites in exchange for a reciprocal link (see col 1, lines 20-35).

For ease of reference, the Examiner's cited passage is reproduced below:

> The World Wide Web began as a simple interface to the Internet using HTML (hypertext markup language) as a means of linking documents together. This allowed a researcher, for example, to embed "active" references in his or her documents that, if selected, would enable the reader to review the source of the reference first-hand. Programmers quickly capitalized on this technology, creating "web sites" which reflected less staid purposes, laying the groundwork for the literal "web" of content and interactive applications that exists today. In the early stages, website programmers increased visitor traffic by placing "links" within their websites to other websites, usually related in content or function, in exchange for a reciprocal link. Additionally, directories of websites, such as Yahoo, and search engines, such as WebCrawler, began to appear in an attempt to organize the content of the Internet so that its users could create "custom links pages" related to specific topics. (emphasis added)

Notably, the Examiner's cited passage does not teach all of the limitations for which the combination of Mason and Moore fail to teach. Specifically, the placement of the reciprocal link into a website occurs after the website has already been designed. Additionally, the Examiner's cited passage fails to teach creating a specific reciprocal site for the display of marketing elements of third party websites.

Appellant, therefore, respectfully submits that the Examiner has committed error by improperly determining the scope and content of the prior art, which is one of the Graham factual inquiries. Additionally, since the Examiner has failed to recognize that Ross does not teach all the limitations for which the Examiner is relying upon Ross to teach, the Examiner has

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also committed error by failing to properly ascertain the differences between the applied prior art and the claims at issue, which is another one of the Graham factual inquiries. Thus, the Examiner has not set forth a prima facie case of obviousness based upon the Graham factual inquiries, which are supported by substantial evidence.

The teachings of the prior art are not viewed through the lens of the Examiner's eye. Instead, the teachings of the prior art must be viewed as one having ordinary skill in the art would have viewed those teachings. In re GPAC Inc., 57 F.3d 1573, 1581 (Fed. Cir. 1995) ("[i]n determining whether obviousness is established by combining the teachings of the prior art, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art") (internal quotations omitted). Also, the Examiner's analysis must avoid impermissible hindsight. ATD Corp. v. Lydall, Inc., 159 F.3d 534, 546, 48 USPQ2d 1321, 1329 (Fed. Cir. 1998) ("[d]etermination of obviousness cannot be based on the hindsight combination of components selectively culled from the prior art to fit the parameters of the patented invention"); In re Vaidyanathan, Appeal No. 2009-1404 (Fed. Cir. May 19, 2010)("[o]bviousness is determined as a matter or foresight, not hindsight")(non-precedential). Therefore, not only must the prior art be viewed through the lens of one having ordinary skill in the art, the teachings must be considered with regard to what they would have suggested to one having ordinary skill in the art at the time of the invention.

The question asked of one having ordinary skill in the art at the time of the invention is not just whether the claimed invention would have been obvious based upon the teaching of the

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prior art. Additionally, the prior art must be reviewed, as a whole, to determine whether or not the prior art discourages one having ordinary skill in the art from the claimed invention. "'A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant.'" Ricoh Co., Ltd. v. Quanta Computer, Inc., 550 F.3d 1325, 1332 (Fed. Cir. 2008) (quoting In re Kahn, 441 F.3d 977, 990 (Fed. Cir. 2006)).

In view of the case law discussed above, the Examiner's cited passage, however, does not tell the whole story described by Ross. Referring to column 2, lines 52-61, Ross further explained the following:

> Such website owners began to sell the links they had previously offered for free in the form of paid advertisements. Search engines and directories became increasingly popular for two main reasons. First, the number of websites was growing astronomically, so it was becoming harder for users to find what they wanted. Second, since reciprocal links were either going away or were being replaced by links exclusively to non-competing websites, search engines and directories were the only way to find multiple resources for a single topic. (emphasis added)

Notably, Ross teaches that the concept of "reciprocal links" were undesired. Specifically, reciprocal links were either being eliminated altogether or being replaced by links exclusively to non-competing websites. This is consistent with the teachings of the primary reference of Mason, which describes how it is "possible for a national advertiser to purchase advertising space … on a plurality of related or non-related web pages" (see column 5, lines 15-18).

Referring to pages 4 and 5 of the Fifth Office Action, the Examiner presented the following additional analysis regarding the newly cited Ross:

> it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that said second website would accept to display said banner ad in said second

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website in exchange for reciprocal links displayed in said first website, as taught by Ross in order to increase visitor traffic to said second website.

It is essential that "the decisionmaker forget what he or she has been taught at trial about the claimed invention and cast the mind back to the time the invention was made … to occupy the mind of one skilled in the art who is presented only with the references, and who is normally guided by the then-accepted wisdom in the art." W. L. Gore & Assoc. v. Garlock, Inc., 721 F.2d 1540, 1553 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). The Examiner's analysis, however, fails consider all the ramifications of the teachings of the applied prior art and how the applied prior art would have discouraged one skilled in the art from the claimed invention. As discussed above, Ross discourages the use of a reciprocal site. Instead, Ross would have suggested to one having ordinary skill in the art at the time of the invention that, at the time a website is being designed, that a location for a paid link should be included within the website and not a reciprocal link.

Additionally, the Examiner's alleged motivation of "in order to increase visitor traffic to said second website" would not have motivated one having ordinary skill in the art, who is considering how to design a first website, to arrive at the claimed invention. The creator of the first website has no vested interest in increasing the visitor traffic to the second website. On the contrary, the creator of the first website has a vested interest in getting paid for the visitor traffic that visits the subsequently published first website. Both the primary reference of Moore and Ross discuss how this can be achieved. Specifically, the creator of the first website is paid for visitor traffic from paid third party ads/links that are located in the first website. The creator (or owner) of the first website, however, does not get paid for a reciprocal site. Therefore, Appellant's position is that had the applied prior art been considered, as a whole, by one skilled

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in the art at the time of the invention, one skilled in the art would not have arrived at the claimed invention. Instead, one having ordinary skill in the art would have followed the teachings of both Moore and Ross to included paid links within the website.

Conclusion

Based upon the foregoing, Appellant respectfully submits that the Examiner's rejection under 35 U.S.C. § 103 based upon the applied prior art is not viable. Appellant, therefore, respectfully solicits the Honorable Board to reverse the Examiner's rejection under 35 U.S.C. § 103.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due under 37 C.F.R. §§ 1.17, 41.20, and in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

Date: December 13, 2010

Respectfully submitted,

/Scott D. Paul/

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VIII. CLAIMS APPENDIX

4. A method of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the internet, the method comprising:

during design of the first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed;

saving the information at a first database that is coupled to the user interface;

obtaining the element for marketing of the type indicated;

causing the display of the element for marketing at the second website when the first website is activated with respect to the internet, wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website;

determining whether a reciprocal site for the display of at least one marketing element of a third party website exists in the first website being designed; and

creating the reciprocal site for the display of the at least one marketing element of the third party website when the reciprocal site does not yet exist in the first website being designed.

5. The method of claim 4, further comprising:

when the element for marketing the first website is a banner ad concerning the first website, causing the sequential display at the reciprocal site of the first website of a plurality

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banner ads respectively concerning a plurality of third party websites, when the first website is activated with respect to the internet.

6. The method of claim 4, further comprising:

when the element for marketing the first website is a link to the first website, causing the display at the reciprocal site of the first website of a plurality of links to the plurality of third party websites, when the first website is activated with respect to the internet.

22. A method, within a computer hardware website implementation system, of establishing a reciprocal arrangement between a first website and a preexisting second website, comprising:

registering the second website with the website implementation system;

receiving, by the website implementation system, a request by a first user to implement the first website;

receiving, by the website implementation system, a selection by the first user as to a second functional marketing element to be activated on the second website;

establishing, by the website implementation system, a reciprocal site in the first website for a first functional marketing element; and

upon the first website being activated with respect to the internet, the computer website implementation system implementing the reciprocal arrangement by causing

(i) the first website to implement the first functional marketing element, and

(ii) the second website to implement the second functional marketing element, wherein

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the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second website, and

the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website.

25. A computer hardware website implementation system for establishing a reciprocal arrangement between a first website and a preexisting second website, comprising:

at least one processor, the at least one processor configured for

registering the second website with the website implementation system;

receiving a request by a first user to implement the first website;

receiving a selection by the first user as to a second functional marketing element to be activated on the second website;

establishing a reciprocal site in the first website for a first functional marketing element; and

implementing, upon the first website being activated with respect to the internet, the reciprocal arrangement by causing

(i) the first website to implement the first functional marketing element, and

(ii) the second website to implement the second functional marketing element, wherein

the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second website, and

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the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website.

26. The website implementation system of claim 25, further comprising

a database of registered websites.

29. A computer program product including a computer-readable storage medium having stored therein computer usable program code for establishing a reciprocal arrangement between a first website and a preexisting second website, the computer usable program code, which when executed by a computer hardware implementation system, causing the computer hardware implementation system to perform:

registering the second website with the website implementation system;

receiving a request by a first user to implement the first website;

receiving a selection by the first user as to a second functional marketing element to be activated on the second website;

establishing a reciprocal site in the first website for the first functional marketing element; and

upon the first website being activated with respect to the internet, implementing the reciprocal arrangement by causing

(i) the first website to implement a first functional marketing element, and

(ii) the second website to implement the second functional marketing element, wherein

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the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second website, and

the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website.

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IX. EVIDENCE APPENDIX

No evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 of this title or of any other evidence entered by the Examiner has been relied upon by Appellant in this Appeal, and thus no evidence is attached hereto.

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X. RELATED PROCEEDINGS APPENDIX

On June 15, 2009, a Decision on Appeal was rendered in the present Application, a copy of which is attached hereto. On September 13, 2009, a Decision on Request for Rehearing was rendered in the present Application, a copy of which is attached hereto. Appellant is unaware of any other related appeals and interferences.

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Attorney Docket No.: 1115-007U **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 29973
Thomas DISTEFANO III	:	Confirmation Number: 8542
Application No.: 09/589,551	:	Group Art Unit: 3688
Filed: June 7, 2000	:	Examiner: D. Lastra

For: METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS

AMENDMENT UNDER 37 C.F.R. § 1.116

Mail Stop Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following Amendment and Remarks are submitted in response to the Office Action dated June 10, 2010, pursuant to the provisions of 37 C.F.R. § 1.116.

AMENDMENTS TO THE CLAIMS

Claims 1-3 (Cancelled)

4. (Previously Presented) A method of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the internet, the method comprising:

during design of the first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed;

saving the information at a first database that is coupled to the user interface;

obtaining the element for marketing of the type indicated;

causing the display of the element for marketing at the second website when the first website is activated with respect to the internet, wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website;

determining whether a reciprocal site for the display of at least one marketing element of a third party website exists in the first website being designed; and

creating the reciprocal site for the display of the at least one marketing element of the third party website when the reciprocal site does not yet exist in the first website being designed.

5. (Original) The method of claim 4, further comprising:

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when the element for marketing the first website is a banner ad concerning the first website, causing the sequential display at the reciprocal site of the first website of a plurality banner ads respectively concerning a plurality of third party websites, when the first website is activated with respect to the internet.

6. (Original) The method of claim 4, further comprising:

when the element for marketing the first website is a link to the first website, causing the display at the reciprocal site of the first website of a plurality of links to the plurality of third party websites, when the first website is activated with respect to the internet.

Claims 7-21 (Cancelled)

22. (Previously Presented) A method, within a computer hardware website implementation system, of establishing a reciprocal arrangement between a first website and a preexisting second website, comprising:

registering the second website with the website implementation system;

receiving, by the website implementation system, a request by a first user to implement the first website;

receiving, by the website implementation system, a selection by the first user as to a second functional marketing element to be activated on the second website;

establishing, by the website implementation system, a reciprocal site in the first website for a first functional marketing element; and

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upon the first website being activated with respect to the internet, the computer website implementation system implementing the reciprocal arrangement by causing

(i) the first website to implement the first functional marketing element, and

(ii) the second website to implement the second functional marketing element,

wherein

the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second website, and

the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website.

Claims 23-24 (Cancelled)

25. (Previously Presented) A computer hardware website implementation system for establishing a reciprocal arrangement between a first website and a preexisting second website, comprising:

at least one processor, the at least one processor configured for

registering the second website with the website implementation system;

receiving a request by a first user to implement the first website;

receiving a selection by the first user as to a second functional marketing element to be activated on the second website;

establishing a reciprocal site in the first website for a first functional marketing element; and

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implementing, upon the first website being activated with respect to the internet, the reciprocal arrangement by causing

(i) the first website to implement the first functional marketing element, and

(ii) the second website to implement the second functional marketing element, wherein

the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second website, and

the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website.

26. (New) The website implementation system of claim 25, further comprising a database of registered websites.

Claims 27-28 (Cancelled)

29. (Previously Presented) A computer program product including a computer-readable storage medium having stored therein computer usable program code for establishing a reciprocal arrangement between a first website and a preexisting second website, the computer usable program code, which when executed by a computer hardware implementation system, causing the computer hardware implementation system to perform:

registering the second website with the website implementation system;

receiving a request by a first user to implement the first website;

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receiving a selection by the first user as to a second functional marketing element to be activated on the second website;

establishing a reciprocal site in the first website for the first functional marketing element; and

upon the first website being activated with respect to the internet, implementing the reciprocal arrangement by causing

(i) the first website to implement a first functional marketing element, and

(ii) the second website to implement the second functional marketing element,

wherein

the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second website, and

the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website.

Claims 30-31 (Cancelled)

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REMARKS

At the time of the Fifth Office Action dated June 10, 2010, claims 4-6 and 22-31 were pending and rejected in this application. Applicant has cancelled claims 23-24, 27-28, and 30-31 to remove these originally-presented claims from further consideration in this application. Applicant is not conceding in this application that those claims are not patentable over the prior art cited by the Examiner, as the present claim cancellations are only for facilitating expeditious prosecution of the present application. Applicant respectfully reserves the right to pursue these and other claims in one or more continuations and/or divisional patent applications. Since the number of issues have been reduced, thereby placing this application in better condition for Appeal,[1] Applicant respectfully solicits entry of the present Amendment and Remarks.

CLAIMS 23-24, 27-28, AND 30-31 ARE REJECTED UNDER THE FIRST PARAGRAPH OF 35 U.S.C. § 112

Claims 23-24, 27-28, and 30-31 have been cancelled. Thus, the Examiner's rejection as to these claims is moot.

CLAIMS 4-6, 22, 25-26, AND 29ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON MASON ET AL., U.S. PATENT NO. 6,401,075 (HEREINAFTER MASON), IN VIEW OF MOORE ET AL., U.S. PATENT NO. 6,330,575 (HEREINAFTER MOORE), AND ROSS, U.S. PATENT NO.6,629,135

Applicant will address this rejection in the accompanying Appeal Brief.

[1] See M.P.E.P. § 706.07(e) ("An amendment that will place the application … in better form for appeal may be admitted.").

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Applicant have made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicant hereby respectfully request reconsideration and prompt allowance of the pending claims.

Although Applicant believes that all claims are in condition for allowance, the Examiner is directed to the following statement found in M.P.E.P. § 706(II):

> When an application discloses patentable subject matter and it is apparent from the claims and the applicant's arguments that the claims are intended to be directed to such patentable subject matter, but the claims in their present form cannot be allowed because of defects in form or omission of a limitation, the examiner should not stop with a bare objection or rejection of the claims. The examiner's action should be constructive in nature and when possible should offer a definite suggestion for correction. (emphasis added)

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 503839, and please credit any excess fees to such deposit account.

Date: December 13, 2010

Respectfully submitted,

/Scott D. Paul/

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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,551	06/07/2000	Thomas L. DiStefano III	1115-007U	8542

29973 7590 06/15/2009

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LASTRA, DANIEL	
ART UNIT	PAPER NUMBER
3688	

MAIL DATE	DELIVERY MODE
06/15/2009	PAPER

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte THOMAS L. DISTEFANO, III

Appeal 2009-000339
Application 09/589,551
Technology Center 3600

Decided: [1] June 15, 2009

Before HUBERT C. LORIN, ANTON W. FETTING, and
JOSEPH A. FISCHETTI, *Administrative Patent Judges.*

FETTING, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

---

[1] The two month time period for filing an appeal or commencing a civil action, as recited in 37 CFR § 1.304, begins to run from the decided date shown on this page of the decision. The time period does not run from the Mail Date (paper delivery) or Notification Date (electronic delivery).

Thomas L. Distefano, III (Appellant) seeks review under 35 U.S.C. § 134 of a non-final rejection of claims 1-21, the only claims pending in the application on appeal.

We have jurisdiction over the appeal pursuant to 35 U.S.C. § 6(b) (2002).

We AFFIRM-IN-PART.

The Appellant invented a way of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website to market the first website at the second website upon the activation of the first website on the internet (Spec. 6:2-5).

An understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced below [bracketed matter and some paragraphing added].

> 1. A method of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the internet, the method comprising:
>
> [1] during design of the first website, receiving
>
> information at a user interface indicating a type of an element for marketing
>
> that is to be displayed at the second website, and
>
> information specifying the second website at which the element is to be displayed;
>
> [2] saving the information at a first database that is coupled to the user interface;

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[3] obtaining the element for marketing of the type indicated; and

[4] causing the display of the element for marketing at the second website

when the first website is activated with respect to the internet,

wherein the element for marketing includes at least one of

a banner ad concerning the first website and

a link to the first website.

This appeal arises from the Examiner's Non-Final Rejection, mailed June 18, 2007. The Appellant filed an Appeal Brief in support of the appeal on November 19, 2007. An Examiner's Answer to the Appeal Brief was mailed on February 4, 2008. A Reply Brief was filed on April 4, 2008.

PRIOR ART

The Examiner relies upon the following prior art:

Wexler	US 5,960,409	Sep. 28, 1999
Hess	US 6,058,417	May 2, 2000
Moore	US 6,330,575 B1	Dec. 11, 2001
Mason	US 6,401,075 B1	Jun. 4, 2002

REJECTIONS

Claims 13, 16-18, and 20 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Moore.

Claims 1, 4-12, 19, and 21 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Mason and Moore.

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Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Mason, Moore, and Wexler.

Claims 14 and 15 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Mason, Moore, and Hess.

ISSUES

The issue of whether the Appellant has sustained its burden of showing that the Examiner erred in rejecting claims 1, 4-12, 19, and 21 under 35 U.S.C. § 103(a) as unpatentable over Mason and Moore turns on to whether the art describes, or shows that it was predictable, that (1) during design of the first website, information is received that is to be displayed at the second website and that specifies the second website at which the element is to be displayed, and (2) when the first website is activated with respect to the internet, the display of the element is caused, wherein the element includes a banner ad or a link to the first website. In addition, the issues as to claims 4-6 and 8-10 turn on whether the art describes the limitations added by those dependent claims.

The issues of whether the Appellant has sustained its burden of showing that the Examiner erred in rejecting claims 13, 16-18, and 20 under 35 U.S.C. § 103(a) as unpatentable over Moore, in rejecting claims 2 and 3 under 35 U.S.C. § 103(a) as unpatentable over Mason, Moore, and Wexler, and in rejecting claims 14 and 15 under 35 U.S.C. § 103(a) as unpatentable over Mason, Moore, and Hess turn on the resolution of the issues in the rejection of claim 1.

FACTS PERTINENT TO THE ISSUES

The following enumerated Findings of Fact (FF) are believed to be supported by a preponderance of the evidence.

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Facts Related to Appellant's Disclosure

01. Once the design of the new website by the registered user is completed and the new website is posted/activated, the system 100 causes the selected websites of other registered users (i.e., the websites selected during the design of the new website) to display a link and/or banner ad concerning the new website (Spec. 33:9-13).

Moore

02. Moore is directed to providing a scalable distributed Internet commerce system (Moore 1:11-13).

03. Moore describes a method for designing a Web page, to be hosted on a Web page server, and for publishing the Web page at a destination of the customer's choosing. There is also a method for designing a Web page for use in a distributed electronic commerce system having a Web page server and a second server where the Web page server hosts the Web page. The method creates a link to the second server; designs the Web page such that the link can be embedded into the Web page; and embeds the link into the Web page (Moore 3:23-43).

04. Moore describes how the customer goes to a Store Server and begins shopping. When the customer finds a product to buy, he selects that product and the Store Server then jumps to the Store Builder Server by using a Uniform Resource Locator ("URL"). The URL, called a price URL, contains all of the relevant information on the product, and all the information necessary to build a "Buy Page." (Moore 6:12-20.)

05. Moore Fig. 7 shows several regions with information displayed, such that each would be a display region.

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06. Moore describes the practice of using audio in HTML documents (Moore 1:38-42).

Mason

07. Mason is directed to placing advertisements and/or other communications on multiple websites (Mason 1:5-8).

08. Mason describes obtaining Internet-type advertisements, modifying those advertisements to fit the designated advertising spaces allotted by different and unrelated online newspaper websites, automatically placing those advertisements, monitoring the success of the placed ads and modifying the ads and their placements to meet dynamic goals of an advertising campaign (Mason 2:5-12).

09. Mason facilitates the billing of an advertiser. For example, a national advertiser can purchase advertising space on an online newspaper website by the number of hits the ad receives or by the number of click-throughs (Mason 5:4-8).

10. In Mason, the advertiser can upload one or more original ads into a server which checks the configuration of the ad, and compares that configuration to specifications of online newspaper website URLs where the derivative advertisement links are going to be placed. Typically, the original advertisement must be modified, forming derivative advertisement links which are then displayed for final approval. If the reconfigured ad is approved, it is stored for placement (Mason 5:47-58).

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Facts Related To The Level Of Skill In The Art

11. Neither the Examiner nor the Appellant has addressed the level of ordinary skill in the pertinent arts of systems analysis and programming, web design, and web advertising design. We will therefore consider the cited prior art as representative of the level of ordinary skill in the art. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001) ("[T]he absence of specific findings on the level of skill in the art does not give rise to reversible error 'where the prior art itself reflects an appropriate level and a need for testimony is not shown'") (quoting *Litton Indus. Prods., Inc. v. Solid State Sys. Corp.*, 755 F.2d 158, 163 (Fed. Cir. 1985).

12. Those of ordinary skill in the art knew at the time of filing that posting an HTML document to a web site such that it was accessible from links to that web site activated that document within the site.

Facts Related To Secondary Considerations

13. There is no evidence on record of secondary considerations of non-obviousness for our consideration.

PRINCIPLES OF LAW

Claim Construction

During examination of a patent application, pending claims are given their broadest reasonable construction consistent with the specification. *In re Prater*, 415 F.2d 1393, 1404-05 (CCPA 1969); *In re Am. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1369, (Fed. Cir. 2004).

Limitations appearing in the specification but not recited in the claim are not read into the claim. *E-Pass Techs., Inc. v. 3Com Corp.*, 343 F.3d 1364, 1369 (Fed.

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Cir. 2003) (claims must be interpreted "in view of the specification" without importing limitations from the specification into the claims unnecessarily).

Although a patent applicant is entitled to be his or her own lexicographer of patent claim terms, in *ex parte* prosecution it must be within limits. *In re Corr*, 347 F.2d 578, 580 (CCPA 1965). The applicant must do so by placing such definitions in the specification with sufficient clarity to provide a person of ordinary skill in the art with clear and precise notice of the meaning that is to be construed. *See also In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994) (although an inventor is free to define the specific terms used to describe the invention, this must be done with reasonable clarity, deliberateness, and precision; where an inventor chooses to give terms uncommon meanings, the inventor must set out any uncommon definition in some manner within the patent disclosure so as to give one of ordinary skill in the art notice of the change).

Obviousness

A claimed invention is unpatentable if the differences between it 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." 35 U.S.C. § 103(a) (2000); *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007); *Graham v. John Deere Co.*, 383 U.S. 1, 13-14 (1966).

In *Graham*, the Court held that that the obviousness analysis is bottomed on several basic factual inquiries: "[(1)] the scope and content of the prior art are to be determined; [(2)] differences between the prior art and the claims at issue are to be ascertained; and [(3)] the level of ordinary skill in the pertinent art resolved." 383 U.S. at 17. *See also KSR*, 550 U.S. at 406. "The combination of familiar elements

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according to known methods is likely to be obvious when it does no more than yield predictable results." *Id.* at 416.

"When a work is available in one field of endeavor, design incentives and other market forces can prompt variations of it, either in the same field or a different one. If a person of ordinary skill can implement a predictable variation, § 103 likely bars its patentability." *Id.* at 417.

"For the same reason, if a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill." *Id.*

"Under the correct analysis, any need or problem known in the field of endeavor at the time of invention and addressed by the patent can provide a reason for combining the elements in the manner claimed." *Id.* at 420.

Obviousness and Nonfunctional Descriptive Material

Nonfunctional descriptive material cannot render nonobvious an invention that would have otherwise been obvious. *In re Ngai*, 367 F.3d 1336, 1339 (Fed. Cir. 2004). Cf. *In re Gulack*, 703 F.2d 1381, 1385 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability).

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ANALYSIS

Claims 1-3, 7, and 11-21

The Appellant argues claims 1, 7, 11, 12, 19, and 21 as a group[2]. In addition, the Appellant applies the arguments in support of claim 1 as the arguments to the rejections of claims 13-18 and 20. Accordingly, we treat claims 1, 7, and 11-21 as a group and select claim 1 as representative of the group.
37 C.F.R. § 41.37(c)(1)(vii) (2007).

The Examiner found that Mason describes the limitations of claim 1 except for "during the design of the first website causing the display of the element for marketing at the second website when the first website is activated with respect to the Internet." The Examiner found that Moore described this limitation and that one of ordinary skill knew to combine this with Mason to avoid premature advertising expense before the advertising was launched (Ans. 3-4).

The Appellant argues that (1) Mason fails to describe activity during a website design (App. Br. 7); (2) neither reference describes a problem to which the Examiner proposed a solution as the motivation to combine the references (App. Br. 8); and (3) neither reference describes causing the display of the element for marketing at the second website when the first website is activated with respect to the internet, as claimed (App. Br. 8). Additionally, the Appellant contends that (4) the Examiner failed to clearly identify how the art describes the claim limitations (App. Br. 5-6); (5) the Examiner mischaracterized limitations [1] and [4] (Appeal

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[2] The Appellant included claim 6 in this group (App. Br. 5), but claim 6 depends from claim 4 which is not included in the group. We therefore consider this inclusion of claim 6 to be a typographic error and treat claim 6 with claims 4 and 5 *infra*.

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Br. 6-7); and (6) one skilled in the art would not consider the words posted and activated to be equivalent (App. Br. 9).

As to each of these arguments, the Examiner responded that (1) Moore was applied to describe activity during a website design (Ans. 16); (2) Mason described the practice of paying advertising fees based on ad click-throughs and one of ordinary skill knew the disadvantage of placing such an ad before an advertising campaign was ready (Ans. 16-17); and (3) that such display of ad elements for marketing at websites other than the site where the ad was designed was notoriously well known as evidenced by Moore's referral to Price URL's that users publish when the second web site is activated (Ans. 17).

As to the three subordinate contentions, the Examiner responded to (4) by laying out a more detailed analysis of the match between claim limitations and the references (Ans. 14-15); to (5) by finding that the Examiner's paraphrasing of limitations [1] and [4] were made in view of the support for those limitations in the Specification at 33:10-15 (Ans. 15-16); and to (6) by finding the equivalence of the words "posted" and "activated" based on Specification 33:10-15 (Ans. 18).

The Appellant responded to the Examiner's response to argument (2) by stating that the Examiner's position appeared to be based on inherency and that inherency cannot be based on probabilities (Reply Br. 3-4); and contention (5) that the Specification does not support the Examiner's paraphrase, but instead requires that once the design is completed and the website is posted/activated, then the link and/or banner ad is displayed (Reply Br. 5).

We disagree with the Appellants. There is no contention regarding the ubiquitous steps of saving and obtaining data in limitations [2] and [3]. The issues in the remaining limitations [1] and [4] come down to whether the art describes, or

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shows that it was predictable, that (1) during design of the first website, information is received that is to be displayed at the second website and that specifies the second website at which the element is to be displayed, and (2) when the first website is activated with respect to the internet, the display of the element is caused, wherein the element includes a banner ad or a link to the first website.

Limitation [1] requires that two items of information be received at a user interface. The location of the user interface is unspecified. The intent of the two items is that they indicate a marketing element type and specify a second site location. However, the verb "indicating" does not require that the information actually be displayed or used to identify the second site, only that the information be functionally capable of doing so in some context. The Examiner relied on Mason to describe this. Mason describes uploading ads into a server which checks the configuration of the ad, and compares that configuration to specifications of online newspaper website URLs where the derivative advertisement links are going to be placed (FF 10). Thus, Mason's information indicates an advertising marketing element type and specifies a second site location. This information is received at the user interface prior to final approval (FF 10) and is therefore during the design of the website, or at least that particular advertising piece of the second website. The design of any aspect of a web site is a component of the design of the web site itself and thus fits the limitation of occurring during design of the web site. We therefore find the Examiner's position that Mason describes limitation [1] supported by substantial evidence.

Limitation [4] requires causing the display of the element that includes either a banner ad concerning the first website or a link to the first website for marketing at the second website when the first website is activated with respect to the internet.

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Limitation [4] does not specify the causation trigger but does require some coincidence of timing between the display and website activation.

The verb "is activated" is the passive voice of activate, and thus limitation [4] requires that the display occur when someone or something activates the web site. The Examiner found that Moore described a system for designing websites where a first website is activated with respect to the Internet when the first website is posted to a hosting server (Answer 4; FF 03). The Examiner construed the verb "activate" as equivalent to the verb "post" based on the use of the construct "posted/activated" in the Specification (Ans. 4; FF 01). From this construction, the Examiner found that Moore described causing the display of the element that includes a banner ad concerning the first website at the *first* website when the first website is activated with respect to the internet. The Appellant's contention (6) *supra* challenged this construction. Certainly activating is not equivalent to posting in general. However, it is notoriously well known that posting an HTML document on a web site, such that links activates that document within that site. Thus, in the limited context of Internet systems, posting is synonymous with activation (FF 12).

So the issue remaining is whether it was predictable to cause the display of the element that includes a banner ad concerning the first website at the *second* website when the first website is activated with respect to the internet. The distinction is that now coordination is required to have display of an ad occur at a second site when activation of the target of the ad occurs at a difference site. The Examiner found it was predictable because without such coordination, the risk of incurring advertising costs prior to the availability of the advertised target would cause the advertising campaign to coordinate those events. The Appellant

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responded with argument (2) *supra* that the references applied fail to show this problem and that inherency cannot be based on probabilities.

Claim 1 does not specify how the coordination occurs, only that it occurs. The Appellant does not make any arguments regarding the coordination mechanism. So the sole issue is whether it was predictable at the time of filing.

> The obviousness analysis cannot be confined by a formalistic conception of the words teaching, suggestion, and motivation, or by overemphasis on the importance of published articles and the explicit content of issued patents. The diversity of inventive pursuits and of modern technology counsels against limiting the analysis in this way. In many fields it may be that there is little discussion of obvious techniques or combinations, and it often may be the case that market demand, rather than scientific literature, will drive design trends.

KSR, 550 U.S. at 419. "[T]he analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ." *Id.* 550 U.S. at 418. "[A] court must ask whether the improvement is more than the predictable use of prior art elements according to their established functions." *id.* 550 U.S. at 417.

As the Examiner found, Mason describes the parameters of the problem in that advertising may be billed based on click-throughs (FF 09). Common sense, let alone knowledge of one of ordinary skill, informs one that with such an arrangement, the mechanism that incurs those costs should not be deployed until the advertisement would be effective, *viz.* at activation of the ad target. On the other side, with any new promotional campaign, delay beyond the earliest appropriate start time is counter to the purpose of such promotion. Thus, the time that one of ordinary skill in the promotional arts would display such an ad would

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be when the target of the ad is activated. As to the Appellant's argument regarding inherency, this rejection is one of obviousness rather than novelty.

Accordingly we find the Appellant's arguments unpersuasive.

Claims 4-6

Claim 4 depends from claim 1 and requires a reciprocal site. The Appellant argues the Examiner failed to show such reciprocity in the site described in the references (Reply Br. 9). We agree with the Appellant. The Examiner appears to have ignored this limitation in the analysis by construing the term "reciprocal" to mean simply mean a third party (Ans. 19). The Examiner refers to a definition of reciprocal in the Specification at 16:20-25, but we are unable to discern any definition at that section, which only refers to other, rather than reciprocal, sites. Claims 5 and 6 depend from claim 4 and the same argument applies to those claims as well.

Claims 8-10

Claims 8-10 depend from claim 1 and further require providing banner ads, display regions, and sonic effects. The Appellant argues these are missing from the applied references. The Examiner responds that Moore's price URL's are equivalent to banner ads and that Moore show the use of display regions and audio (Ans. 21-22). The Appellant responded that the Examiner failed to show that Moore's price URL's are equivalent to banner ads and that the Examiner failed to show all of the limitations of claims 9 and 10 (Reply Br. 9-10).

We disagree with the Appellant. A banner ad is simply a link in an HTML document. The contents of the ad are non-functional descriptive material and are accorded no patentable weight. *In re Ngai*, 367 F.3d at 1339. Moore shows such links (FF 04). Moore also shows display regions and sonic effects (FF 05 & 06).

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The general allegation that the Examiner has failed to show all of the limitations is not a specific argument.

CONCLUSIONS OF LAW

The Appellant has not sustained its burden of showing that the Examiner erred in rejecting claims 13, 16-18, and 20 under 35 U.S.C. § 103(a) as unpatentable over Moore.

The Appellant has not sustained its burden of showing that the Examiner erred in rejecting claims 1, 7-12, 19, and 21 under 35 U.S.C. § 103(a) as unpatentable over Mason and Moore.

The Appellant has sustained its burden of showing that the Examiner erred in rejecting claims 4-6 under 35 U.S.C. § 103(a) as unpatentable over Mason and Moore.

The Appellant has not sustained its burden of showing that the Examiner erred in rejecting claims 2 and 3 under 35 U.S.C. § 103(a) as unpatentable over Mason, Moore, and Wexler.

The Appellant has not sustained its burden of showing that the Examiner erred in rejecting claims 14 and 15 under 35 U.S.C. § 103(a) as unpatentable over Mason, Moore, and Hess.

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DECISION

To summarize, our decision is as follows:

- The rejection of claims 13, 16-18, and 20 under 35 U.S.C. § 103(a) as unpatentable over Moore is sustained.
- The rejection of claims 1, 7-12, 19, and 21 under 35 U.S.C. § 103(a) as unpatentable over Mason and Moore is sustained.
- The rejection of claims 4-6 under 35 U.S.C. § 103(a) as unpatentable over Mason and Moore is not sustained.
- The rejection of claims 2 and 3 under 35 U.S.C. § 103(a) as unpatentable over Mason, Moore, and Wexler is sustained.
- The rejection of claims 14 and 15 under 35 U.S.C. § 103(a) as unpatentable over Mason, Moore, and Hess is sustained.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED-IN-PART

JRG

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,551	06/07/2000	Thomas L. DiStefano III	1115-007U	8542

29973 7590 09/13/2009

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EXAMINER	
LASTRA, DANIEL	
ART UNIT	**PAPER NUMBER**
3688	

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09/13/2009	PAPER

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte THOMAS L. DISTEFANO, III

Appeal 2009-000339
Application 09/589,551
Technology Center 3600

Decided: September 13, 2009

Before HUBERT C. LORIN, ANTON W. FETTING, and JOSEPH A. FISCHETTI, *Administrative Patent Judges.*

FETTING, *Administrative Patent Judge.*

DECISION ON REQUEST FOR REHEARING

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STATEMENT OF THE CASE

The Appellants filed a REQUEST FOR REHEARING on August 17, 2009. The Examiner rejected claims 1-21 in a Non-Final Rejection, mailed June 18, 2007. We affirmed the rejections of claims 1-3 and 7-21 and reversed the rejections of claims 4-6 in our June 16, 2009 Decision. The Appellants seek reconsideration of the decision to affirm these rejections.

We DENY the REQUEST FOR REHEARING.

ISSUES

The issues pertinent to this request are whether the Appellants have sustained their burden of showing that we misapprehended the art or the claims and thus erred in sustaining the rejections of claims, or that we erred in any new grounds of rejection we entered. 37 C.F.R. 41.52(a)(1) and (3).

ANALYSIS

We found the following in our decision:

> The Appellant had not sustained its burden of showing that the Examiner erred in rejecting claims 13, 16-18, and 20 under 35 U.S.C. § 103(a) as unpatentable over Moore.
>
> The Appellant had not sustained its burden of showing that the Examiner erred in rejecting claims 1, 7-12, 19, and 21 under 35 U.S.C. § 103(a) as unpatentable over Mason and Moore.
>
> The Appellant had sustained its burden of showing that the Examiner erred in rejecting claims 4-6 under 35 U.S.C. § 103(a) as unpatentable over Mason and Moore.
>
> The Appellant had not sustained its burden of showing that the Examiner erred in rejecting claims 2 and 3 under 35 U.S.C. § 103(a) as unpatentable over Mason, Moore, and Wexler.

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> The Appellant had not sustained its burden of showing that the Examiner erred in rejecting claims 14 and 15 under 35 U.S.C. § 103(a) as unpatentable over Mason, Moore, and Hess.

Decision 16.

Independent Claim 1

Independent claim 1 is directed to a method, whose first step occurs "during design of a first website." The Appellants argue that we misapprehended the Examiner's findings and changed the basic thrust of the rejection, essentially making a new ground which the Appellants now ask to argue. The Appellants in particular contend that the Examiner did not find that Mason described the "during design of the first web site" of limitation [1] and expressly found that Mason did not find it so. Thus the Appellants contend that our analysis presented a different thrust from that of the Examiner and was therefore a new ground. Request 4:19 – 6:11.

We agree that the Examiner did not apply Mason for this claim limitation and we will accept the Appellants' characterization of our analysis as a new ground in an abundance of caution to afford the Appellants the opportunity to argue our findings as to the design limitation. We found that

> Mason's information indicates an advertising marketing element type and specifies a second site location. This information is received at the user interface prior to final approval (FF 10) and is therefore during the design of the website, or at least that particular advertising piece of the second website. The design of any aspect of a web site is a component of the design of the web site itself and thus fits the limitation of occurring during design of the web site.

Decision 12:15-21.

The Appellants contend that our claim construction is not reasonable and eviscerates any definite meaning from the phrase "during the design of the first

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web site." Request 6: 9-11. To the contrary, our finding simply equates the process of design to the sum of its parts. The Appellants propose hypothetical design situations that would extend the design time frame back to 300 BC, based on the design of the triangle as a concept, in an advertisement incorporating triangles. This argument is misplaced because it hypothesizes our finding as implying a nonsensical and irrelevant design time frame prior to the beginning of a web site design while the real implication is that design may be an ongoing process that may and realistically often does extend indefinitely in the future, after the beginning of the web site design process.

Let us be clear as to what our finding was – that the design of any aspect of a web site, not of parts that might have been designed prior to the beginning of the web site design, is an aspect of the web site design. Thus, none of such aspects as we referred to can begin prior to the start of the concept of designing the web site. But they can continue indefinitely afterward.

The Appellant contends that the phrase "during the design of the first website" refers to the duration that starts when a designer makes a definitive step to design the website and ends when the design of the website has been completed. Request 7:13-15. We find little to quarrel with in this proffer, but point out that completion may never occur, since design may continue even after a web site is placed in action. To the extent the Appellants may have meant completion of an initial design, or of a particular design version, the claim does not recite that and in any event, would simply substitute the ambiguity of when an design version completes for the ambiguity of when the total design completes.

Thus, rather than our finding being unreasonable and eviscerating any definite meaning from the phrase "during the design of the first web site," our finding

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highlights the breadth of the scope of this temporal limitation. Simply pointing out how broad a limitation is does not eviscerate the limitation. Rather that very breadth might eviscerate the ability of that limitation to actually narrow the claim scope. The choice of the terms used in the claims is that of the Appellants. We simply analyzed the breadth of the terms and how they affected the scope of the claims.

As to how our finding applied to the rejection, Mason's description of changing an advertisement on a web site (Decision 6: FF 10) was evidence of a change in the design of the web site containing that advertisement, and thus occurred during the design of the web site. Thus, we find this argument unpersuasive as to error on our part.

Independent Claim 8

Independent claim 8 requires selecting a banner ad. We found that a banner ad is simply a link in an HTML document and that Moore described the link and that the contents of the ad attached to a banner ad link are non-functional descriptive material, citing to *In re Ngai*, 367 F.3d 1336,1339.(Fed.Cir. 2004). Decision 9:17-18 and15:22-25.

The Appellants argue that our citation to *In re Ngai* constituted a new ground which the Appellants now ask to argue. Request 8:7 – 9:5. We will accept the Appellants' characterization of this as a new ground in an abundance of caution to afford the Appellants the opportunity to argue our findings as to the non-functional descriptive material nature of the contents of a banner ad.

The Appellants argue that the claimed banner ad is a type of data structure that includes more than just "simply a link in an HTML document." *Id.* The Appellants

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argue that banner ads also include a graphical image file and a means to connect the link to a graphical image file, and the banner ad can also be animated, which requires a mechanism to do so or even be interactive with a user input (e.g., a mouse). The Appellants conclude that one skilled in the art would recognize the claimed "banner ad" is a particular type of data structure that includes more than just a link. *Id.*

To this argument, we find that the claim makes no reference to animation, interactivity, or user input with a mouse with respect to a banner ad. As to being a data structure, any non-functional descriptive material stored in a computer is a data structure. The issue is whether the data structure has operational functionality. The Appellants pick up on this by citing *In re Lowry*, 32 F. 3d 1579, 1583 (Fed. Cir. 1994). The Appellants contend that Lowry's data structures, which according to Lowry greatly facilitate data management by data processing systems, are processed by a machine and are not accessible other than through sophisticated software systems.

The Appellants reach the wrong conclusion from this. Lowry's data structure fundamentally altered the processing of the computer; their patentable weight arose not because they were processed by the machine, but because they affected the processing of the computer. Data structures that have no functional relationship with the claimed subject matter are, by definition, non-functional descriptive material. An advertisement, absent explicit incorporation of functional properties, even on a computer display, is non-functional descriptive material.

The Appellants argue we failed to give full weight to the meaning of a banner ad. Request 10:19-21. We equated a banner ad to a link attached to non-functional descriptive material. To the extent the link is functional, both we and the

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Examiner found that Moore's price URL's described the use of such links. The only issue was whether attaching an advertisement, as contrasted with any other descriptive matter such as in Moore, to that link should be afforded patentable weight. We found such did not, citing *In re Ngai*, 367 F.3d at 1339. To the extent the Appellants are arguing that we ignored the link component of a banner ad, our finding as to Moore makes that argument unpersuasive. To the extent the Appellants are arguing that a banner ad may have a functional component aside from its link, the claim does not recite such a functional component, and such a component is not inherent to banner ads per se. Thus, we find the arguments unpersuasive as to error on our part.

For the above reasons we are not convinced of reversible error in our decision. Accordingly, the Appellants' request for rehearing is denied.

DECISION

To summarize, our decision is as follows:

- We have considered the REQUEST FOR REHEARING
- We DENY the request that we reverse the Examiner as to claims 1-3 and 7-21.
    - The rejection of claims 13, 16-18, and 20 under 35 U.S.C. § 103(a) as unpatentable over Moore remains sustained.
    - The rejection of claims 1, 7-12, 19, and 21 under 35 U.S.C. § 103(a) as unpatentable over Mason and Moore remains sustained.
    - The rejection of claims 4-6 under 35 U.S.C. § 103(a) as unpatentable over Mason and Moore remains not sustained.

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- The rejection of claims 2 and 3 under 35 U.S.C. § 103(a) as unpatentable over Mason, Moore, and Wexler remains sustained.
- The rejection of claims 14 and 15 under 35 U.S.C. § 103(a) as unpatentable over Mason, Moore, and Hess remains sustained.

DENIED

mev

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Electronic Patent Application Fee Transmittal

Application Number:	09589551
Filing Date:	07-Jun-2000
Title of Invention:	Method for developing electronic documents providing e-commerce tools
First Named Inventor/Applicant Name:	Thomas L. DiStefano
Filer:	Scott David Paul
Attorney Docket Number:	1115-007U

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Filing a brief in support of an appeal	2402	1	270	270
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

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Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
			Total in USD ($)	**270**

Electronic Acknowledgement Receipt

EFS ID:	9018659
Application Number:	09589551
International Application Number:	
Confirmation Number:	8542
Title of Invention:	Method for developing electronic documents providing e-commerce tools
First Named Inventor/Applicant Name:	Thomas L. DiStefano
Customer Number:	29973
Filer:	Scott David Paul
Filer Authorized By:	
Attorney Docket Number:	1115-007U
Receipt Date:	13-DEC-2010
Filing Date:	07-JUN-2000
Time Stamp:	13:24:10
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$270
RAM confirmation Number	9583
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

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1	Appeal Brief Filed	1115-007U_appeal_brief_3_NOA_10-12-10.pdf	194246 ace26228e800a0214a39890941b90e3b33ae1cb0	no	26
Warnings:					
Information:					
2	Amendment/Argument after Notice of Appeal	1115-007U_amendment_5_OA_06-10-10.pdf	83080 67a47e363ec700c84e782b14767b7dfee6a66f28	no	8
Warnings:					
Information:					
3	Affidavit/Dec/Exhibit after Notice of Appeal	1115-007U_decision_on_appeal_1.pdf	703717 c5f87c9860bcfc240d343bbe347c25ca0233949b	no	18
Warnings:					
Information:					
4	Affidavit/Dec/Exhibit after Notice of Appeal	1115-007U_decision_on_appeal_1-1.pdf	321212 16aa5a9248f067f0bfb56635251d1918e55639ab	no	9
Warnings:					
Information:					
5	Fee Worksheet (PTO-875)	fee-info.pdf	29650 ab0921f32e5f66a2e220b6d43568c104b12b2df4	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	1331905		

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/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
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.

PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date	☐ To be Mailed
09/589,551	06/07/2000	

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	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 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			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT 12/13/2010	(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 ($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 7	Minus	** 21	= 0	X $26 =	0	OR	X $ =	
Independent (37 CFR 1.16(h))	* 4	Minus	***5	= 0	X $110 =	0	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	0	OR	TOTAL ADD'L FEE	

AMENDMENT	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)	OR	RATE ($)	ADDITIONAL FEE ($)
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 number found in the appropriate box in column 1.

Legal Instrument Examiner:
/LASHAWN A. HINTON/

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

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

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

NOTICE OF ALLOWANCE AND FEE(S) DUE

29973 7590 03/16/2011

CAREY, RODRIGUEZ, GREENBERG & PAUL LLP
ATTN: STEVEN M. GREENBERG, ESQ.
950 PENINSULA CORPORATE CIRCLE
SUITE 2022
BOCA RATON, FL 33487

EXAMINER
LASTRA, DANIEL

ART UNIT	PAPER NUMBER
3688	

DATE MAILED: 03/16/2011

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,551	06/07/2000	Thomas L. DiStefano III	1115-007U	8542

TITLE OF INVENTION: METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$755	$0	$0	$755	06/16/2011

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

TikTok Inc. EX1005
TikTok Inc. v. Distefano Website Innovations, LLC
IPR2025-01061
Page 683 of 712

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

29973 7590 03/16/2011

CAREY, RODRIGUEZ, GREENBERG & PAUL LLP
ATTN: STEVEN M. GREENBERG, ESQ.
950 PENINSULA CORPORATE CIRCLE
SUITE 2022
BOCA RATON, FL 33487

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,551	06/07/2000	Thomas L. DiStefano III	1115-007U	8542

TITLE OF INVENTION: METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$755	$0	$0	$755	06/16/2011

EXAMINER	ART UNIT	CLASS-SUBCLASS
LASTRA, DANIEL	3688	705-014000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

❑ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

❑ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ❑ Individual ❑ Corporation or other private group entity ❑ Government

4a. The following fee(s) are submitted:

❑ Issue Fee

❑ Publication Fee (No small entity discount permitted)

❑ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**

❑ A check is enclosed.

❑ Payment by credit card. Form PTO-2038 is attached.

❑ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

❑ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

❑ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. 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, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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.

TikTok Inc. EX1005
TikTok Inc. v. Distefano Website Innovations, LLC
IPR2025-01061

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.
09/589,551	06/07/2000	Thomas L. DiStefano III	1115-007U	8542

29973 7590 03/16/2011

CAREY, RODRIGUEZ, GREENBERG & PAUL LLP
ATTN: STEVEN M. GREENBERG, ESQ.
950 PENINSULA CORPORATE CIRCLE
SUITE 2022
BOCA RATON, FL 33487

EXAMINER	
LASTRA, DANIEL	

ART UNIT	PAPER NUMBER
3688	

DATE MAILED: 03/16/2011

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1529 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1529 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

TikTok Inc. EX1005
TikTok Inc. v. Distefano Website Innovations, LLC
IPR2025-01061
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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 disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection 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.

Notice of Allowability	Application No.	Applicant(s)	
	09/589,551	DISTEFANO, THOMAS L.	
	Examiner	Art Unit	
	DANIEL LASTRA	3688	

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

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *Appeal Brief filed 12/13/10*.

2. ☒ The allowed claim(s) is/are *4-6, 22, 25, 26 and 29* .

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

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/DANIEL LASTRA/
Primary Examiner, Art Unit 3688

TikTok Inc. EX1005
TikTok Inc. v. Distefano Website Innovations, LLC
IPR2025-01061
Page 687 of 712

DETAILED ACTION

1. Claims 4-6, 22, 25, 26 and 29 have been examined. Application 09/589,551 has a filing date 06/07/2000.

Allowable Subject Matter

2. Claims 4-6, 22, 25, 26 and 29 are allowed.

Examiner's Statement of reason for allowance

3. The following is an examiner's statement of reasons for allowance: The closest prior arts Mason (US 6,401,075), Moore et al (U.S. 6,330,575) and Ross (US 6,629,135) do not teach determining whether a reciprocal site for the display of at least one marketing element of a third party website exists in the first website being designed and creating the reciprocal site for the display of the at least one marketing element of the third party website when the reciprocal site does not yet exist in the first website being designed.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN WEISS can be reached on (571) 272-6812. The official Fax number is (571) 273-8300.

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).

/DANIEL LASTRA/
Primary Examiner, Art Unit 3688
March 9, 2011

Notice of References Cited	Application/Control No. 09/589,551	Applicant(s)/Patent Under Reexamination DISTEFANO, THOMAS L.	
	Examiner DANIEL LASTRA	Art Unit 3688	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,401,075	06-2002	Mason et al.	705/14.72
*	B	US-6,330,575	12-2001	Moore et al.	715/234
*	C	US-6,629,135	09-2003	Ross et al.	709/218
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	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.

TikTok Inc. EX1005
TikTok Inc. v. Distefano Website Innovations, LLC
IPR2025-01061
Page 690 of 712

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	09589551	DISTEFANO, THOMAS L.
	Examiner	Art Unit
	DANIEL LASTRA	3688

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

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	12/09/2009	06/08/2010	03/09/2011						
	1	-	-	-						
	2	-	-	-						
	3	-	-	-						
	4	✓	✓	=						
	5	✓	✓	=						
	6	✓	✓	=						
	7	-	-	-						
	8	-	-	-						
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	17	-	-	-						
	18	-	-	-						
	19	-	-	-						
	20	-	-	-						
	21	-	-	-						
	22		✓	=						
	23		✓	-						
	24		✓	-						
	25		✓	=						
	26		✓	=						
	27		✓	-						
	28			-						
	29			=						

TikTok Inc. EX1005
TikTok Inc. v. Distefano Website Innovations, LLC
IPR2025-01061
Page 691 of 712

Issue Classification

Application/Control No.	Applicant(s)/Patent Under Reexamination
09589551	DISTEFANO, THOMAS L.
Examiner	**Art Unit**
DANIEL LASTRA	3688

ORIGINAL		INTERNATIONAL CLASSIFICATION	
CLASS	SUBCLASS	CLAIMED	NON-CLAIMED
705	14.1	G 0 6 Q 30 / 00 (2006.01.01)	

CROSS REFERENCE(S)

CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)				

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	4														
2	5														
3	6														
4	22														
5	25														
6	26														
7	29														

NONE

(Assistant Examiner) (Date)

Total Claims Allowed: 7

/DANIEL LASTRA/
Primary Examiner.Art Unit 3688 03/09/11

(Primary Examiner) (Date)

O.G. Print Claim(s)	O.G. Print Figure
7	1

TikTok Inc. EX1005
TikTok Inc. v. Distefano Website Innovations, LLC
IPR2025-01061
Page 692 of 712

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	09589551	DISTEFANO, THOMAS L.
	Examiner	Art Unit
	DANIEL LASTRA	3688

SEARCHED			
Class	Subclass	Date	Examiner
705	14.1	12/9/2009	dl
705	14.1	06/08/10	dl
705	14.1	03/09/11	dl

SEARCH NOTES		
Search Notes	Date	Examiner
east	12/9/2009	dl
dialogue	12/9/2009	dl
east	06/08/10	dl
dialogue	06/08/10	dl
east	03/09/11	dl
dialogue	03/09/11	dl

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner
705	14.1	03/09/11	dl

	/DANIEL LASTRA/ Primary Examiner.Art Unit 3688

TikTok Inc. EX1005
TikTok Inc. v. Distefano Website Innovations, LLC
IPR2025-01061
Page 693 of 712

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571) 273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS: (Note: Use Block 1 for any change of address)

CAREY, RODRIGUEZ, GREENBERG & PAUL LLP
ATTN: STEVEN M. GREENBERG, ESQ.
950 PENINSULA CORPORATE CIRCLE
SUITE 2022
BOCA RATON, FL 33487

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,551	06/07/2000	Thomas L. DiStefano III	1115-007U	8542

TITLE OF INVENTION: **METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS**

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$755	$0	$755	06/16/2011

EXAMINER	ART UNIT	CLASS-SUBCLASS
LASTRA, DANIEL	3688	705-014000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 **Steven M. Greenberg, Esq.**
2 Carey Rodriguez Greenberg & Paul LLP
3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assigneee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE: **Perfect Web Technologies, Inc.**

(B) RESIDENCE: (CITY and STATE OR COUNTRY): **Boca Raton, FL**

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:
- ☒ Issue Fee
- ☒ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):
- ☐ A check in the amount of the fee(s) is enclosed.
- ☒ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ .

5. **Change in Entity Status** (from status indicated above)

☒ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature /Steven M. Greenberg/ Date 06/15/2011

Typed or printed name Steven M. Greenberg Registration No. 44,725

This collection of information is required by 37 CFR 1.311. 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, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO : Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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TikTok Inc. EX1005
TikTok Inc. v. Distefano Website Innovations, LLC
IPR2025-01061
Page 694 of 712

Electronic Patent Application Fee Transmittal

Application Number:	09589551
Filing Date:	07-Jun-2000
Title of Invention:	METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS
First Named Inventor/Applicant Name:	Thomas L. DiStefano
Filer:	Steven M. Greenberg/Sarah Scott
Attorney Docket Number:	1115-007U

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

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:				
Utility Appl issue fee	2501	1	755	755
Extension-of-Time:				

TikTok Inc. EX1005
TikTok Inc. v. Distefano Website Innovations, LLC
IPR2025-01061

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
			Total in USD ($)	**755**

Electronic Acknowledgement Receipt

EFS ID:	10318709
Application Number:	09589551
International Application Number:	
Confirmation Number:	8542
Title of Invention:	METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS
First Named Inventor/Applicant Name:	Thomas L. DiStefano
Customer Number:	29973
Filer:	Steven M. Greenberg/Sarah Scott
Filer Authorized By:	Steven M. Greenberg
Attorney Docket Number:	1115-007U
Receipt Date:	16-JUN-2011
Filing Date:	07-JUN-2000
Time Stamp:	13:20:31
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$755
RAM confirmation Number	11805
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

TikTok Inc. EX1005
TikTok Inc. v. DiStefano Website Innovations, LLC
IPR2023-01061

1	Issue Fee Payment (PTO-85B)	1115-007U_ISSUEFEE_06162011.pdf	1637254 482a63c5f8cf8a076b2c668fd2eecbdd17b906a1	no	1
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30105 7e7b1fa1e004cd510bc9bcb3b8f8bdf76559db01	no	2
Warnings:					
Information:					
			Total Files Size (in bytes):	1667359	

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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.

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.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,551	08/09/2011	7996259	1115-007U	8542

29973 7590 07/20/2011

CAREY, RODRIGUEZ, GREENBERG & PAUL LLP
ATTN: STEVEN M. GREENBERG, ESQ.
950 PENINSULA CORPORATE CIRCLE
SUITE 2022
BOCA RATON, FL 33487

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment is 2500 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site http://pair.uspto.gov for additional applicants):

Thomas L. DiStefano III, Boca Raton, FL;

PTO/SB/81A (12-08)
Approved for use through 11/30/2011. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PATENT - POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS

Patent Number	7,996,259
Issue Date	AUGUST 9, 2011
First Named Inventor	DISTEFANO, III
Title	METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS
Attorney Docket Number	8201-0004

I hereby revoke all previous powers of attorney given in the above-identified patent.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s) with respect to the patent identified above, and to transact all business in the United States Patent and Trademark Office connected therewith: 55246

OR

☐ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s) with respect to the patent identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

Practitioner(s) Name	Registration Number

Please recognize or change the correspondence address for the above-identified patent 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:

☐ Inventor, having ownership of the patent.

OR

☒ Patent owner.

Statement under 37 CFR 3.73(b) (Form PTO/SB/96) submitted herewith or filed on _____

SIGNATURE of Inventor or Patent Owner

Signature		Date	7/30/12
Name	THOMAS L. DISTEFANO III	Telephone	(561) 405-4386
Title and Company	PRESIDENT, PERFECT WEB TECHNOLOGIES INC., MEMBER MANAGER OF PATENT TRUST, LLC		

NOTE: Signatures of all the inventors or patent owners of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 2 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.**

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

PTO/SB/96 (07-09)
Approved for use through 07/31/2012. 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.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: THOMAS L. DISTEFANO III

Application No./Patent No.: 7,996,259 Filed/Issue Date: AUGUST 9, 2011

Titled: METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS

PATENT TRUST, LLC , a CORPORATION

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.

states that it is:

1. ☒ the assignee of the entire right, title, and interest in;

2. ☐ an assignee of less than the entire right, title, and interest in (The extent (by percentage) of its ownership interest is _____ %); or

3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy therefore is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: THOMAS L. DISTEFANO III To: THE PERFECT WEB CORPORATION

The document was recorded in the United States Patent and Trademark Office at Reel 010861, Frame 0100, or for which a copy thereof is attached.

2. From: THE PERFECT WEB CORPORATION To: STICKY WEB, INC.

The document was recorded in the United States Patent and Trademark Office at Reel 019102, Frame 0809, or for which a copy thereof is attached.

3. From: STICKY WEB, INC. To: PERFECT WEB TECHNOLOGIES, INC.

The document was recorded in the United States Patent and Trademark Office at Reel 026371, Frame 0541, or for which a copy thereof is attached.

☒ Additional documents in the chain of title are listed on a supplemental sheet(s).

☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature Date

THOMAS L. DISTEFANO III as President of Perfect Web Technologies, Inc. MEMBER MANAGER

Printed or Typed Name Title

This collection of information is required by 37 CFR 3.73(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.

B. CHAIN OF TITLE SUPPLEMENTAL SHEET

U.S. PATENT NO. 7,996,259 ISSUED AUGUST 9, 2011

4. From: PERFECT WEB TECHNOLOGIES, INC. To: PATENT TRUST, LLC

The document was recorded in the United States Patent and Trademark Office at REEL 028367, FRAME 0377, or for which a copy thereof is attached.

Electronic Acknowledgement Receipt

EFS ID:	13396660
Application Number:	09589551
International Application Number:	
Confirmation Number:	8542
Title of Invention:	METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS
First Named Inventor/Applicant Name:	Thomas L. DiStefano
Customer Number:	29973
Filer:	Scott David Paul/Alaine Allison
Filer Authorized By:	Scott David Paul
Attorney Docket Number:	1115-007U
Receipt Date:	01-AUG-2012
Filing Date:	07-JUN-2000
Time Stamp:	17:07:52
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	8201-0004_PowerofAttorney.pdf	789392 667cb2ddf258e14846bf3be9d9de7b130d5cf8f8	no	3

Warnings:	
Information:	

TikTok Inc. EX1005
TikTok Inc. v. Distefano Website Innovations, LLC
IPR2025-01061

Total Files Size (in bytes):	789392

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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/589,551	06/07/2000	Thomas L. DiStefano III	1115-007U

CONFIRMATION NO. 8542

POA ACCEPTANCE LETTER

55246
Cuenot, Forsythe & Kim
12230 FOREST HILL BLVD.
SUITE 120
WELLINGTON, FL 33414

OC00000056070571

Date Mailed: 08/21/2012

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/01/2012.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/pasmall/

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

TikTok Inc. EX1005
TikTok Inc. v. Distefano Website Innovations, LLC
IPR2025-01061
Page 705 of 712

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	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/589,551	06/07/2000	Thomas L. DiStefano III	1115-007U

CONFIRMATION NO. 8542

POWER OF ATTORNEY NOTICE

29973
CAREY, RODRIGUEZ, GREENBERG & O"KEEFE LLP
ATTN: STEVEN M. GREENBERG, ESQ.
950 PENINSULA CORPORATE CIRCLE
SUITE 2022
BOCA RATON, FL 33487

OC00000056070570

Date Mailed: 08/21/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/01/2012.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/pasmall/

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

TikTok Inc. EX1005
TikTok Inc. v. Distefano Website Innovations, LLC
IPR2025-01061
Page 706 of 712

To: ptomail@iplawpro.com,tforsythe@iplawpro.com,kcuenot@iplawpro.com
From: PAIR_eOfficeAction@uspto.gov
Cc: PAIR_eOfficeAction@uspto.gov
Subject: Private PAIR Correspondence Notification for Customer Number 55246

Aug 21, 2012 05:23:29 AM

Dear PAIR Customer:

Cuenot, Forsythe & Kim
12230 FOREST HILL BLVD.
SUITE 120
WELLINGTON, FL 33414
UNITED STATES

The following USPTO patent application(s) associated with your Customer Number, 55246 , have new outgoing correspondence. This correspondence is now available for viewing in Private PAIR.

The official date of notification of the outgoing correspondence will be indicated on the form PTOL-90 accompanying the correspondence.

Disclaimer:
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Application	Document	Mailroom Date	Attorney Docket No.
09589551	N570	08/21/2012	1115-007U
	N570	08/21/2012	1115-007U

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PATENT - POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS

Patent Number	7,996,259
Issue Date	AUGUST 9, 2011
First Named Inventor	DISTEFANO, III
Title	METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS
Attorney Docket Number	8201-0004

I hereby revoke all previous powers of attorney given in the above-identified patent.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s) with respect to the patent identified above, and to transact all business in the United States Patent and Trademark Office connected therewith: 55246

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☐ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s) with respect to the patent identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

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I am the:

☐ Inventor, having ownership of the patent.

OR

☒ Patent owner.

Statement under 37 CFR 3.73(b) (Form PTO/SB/96) submitted herewith or filed on _____

SIGNATURE of Inventor or Patent Owner

Signature		Date	8/23/12
Name	THOMAS L. DISTEFANO III	Telephone	(561) 705-4388
Title and Company	MEMBER MANAGER of PT 259, LLC		

NOTE: Signatures of all the inventors or patent owners of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 2 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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PTO/SB/96 (07-09)
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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: THOMAS L. DISTEFANO III

Application No./Patent No.: 7,996,259 Filed/Issue Date: AUGUST 9, 2011

Titled: METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS

PT 259, LLC , a CORPORATION
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.

states that it is:

1. ☒ the assignee of the entire right, title, and interest in;

2. ☐ an assignee of less than the entire right, title, and interest in (The extent (by percentage) of its ownership interest is _____ %); or

3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy therefore is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: THOMAS L. DISTEFANO III To: THE PERFECT WEB CORPORATION

The document was recorded in the United States Patent and Trademark Office at
Reel 010861 , Frame 0100 , or for which a copy thereof is attached.

2. From: THE PERFECT WEB CORPORATION To: STICKY WEB, INC.

The document was recorded in the United States Patent and Trademark Office at
Reel 019102 , Frame 0809 , or for which a copy thereof is attached.

3. From: STICKY WEB, INC. To: PERFECT WEB TECHNOLOGIES, INC.

The document was recorded in the United States Patent and Trademark Office at
Reel 028371 , Frame 0541 , or for which a copy thereof is attached.

☒ Additional documents in the chain of title are listed on a supplemental sheet(s).

☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (*i.e.*, a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature Date

THOMAS L. DISTEFANO III MEMBER MANAGER
Printed or Typed Name Title

This collection of information is required by 37 CFR 3.73(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.

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TikTok Inc. v. Distefano Website Innovations, LLC
TikTok Inc. EX1005
IPR2025-01061
Page 709 of 712

In Re: US Patent No. 7,996,259 Issue Date: August 9, 2011

Continuation of Chain of Title from inventor of the application to the current assignee as follows:

4. From: Sticky Web, Inc. To: Perfect Web Technologies, Inc.

The document was recorded in the United States Patent and Trademark Office at Reel 019102, Frame 0814, or for which a copy thereof is attached.

5. From Perfect Web Technologies, Inc. To: Patent Trust, LLC

The document was recorded in the United States Patent and Trademark Office at Reel 028367, Frame 0377, or for which a copy thereof is attached.

6. From Patent Trust, LLC To: PT 259, LLC

The document was recorded in the United States Patent and Trademark Office at Reel 028800, Frame 0343, or for which a copy thereof is attached.

TikTok Inc. EX1005
TikTok Inc. v. Distefano Website Innovations, LLC
IPR2025-01061
Page 710 of 712

Electronic Acknowledgement Receipt

EFS ID:	13593990
Application Number:	09589551
International Application Number:	
Confirmation Number:	8542
Title of Invention:	METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS
First Named Inventor/Applicant Name:	Thomas L. DiStefano
Customer Number:	55246
Filer:	Scott David Paul/Alaine Allison
Filer Authorized By:	Scott David Paul
Attorney Docket Number:	8201-0004
Receipt Date:	27-AUG-2012
Filing Date:	07-JUN-2000
Time Stamp:	14:34:02
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	8201-0004_PowerofAttorney.pdf	2105185 c15ca48d9346e5bc610bfb6bc531cad6a1669ef7	no	3

Warnings:	
Information:	

TikTok Inc. EX1005
TikTok Inc. v. Distefano Website Innovations, LLC
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Total Files Size (in bytes):	2105185

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