

AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Western District of Texas on the following

☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:21-cv-00876	DATE FILED 8/20/2021	U.S. DISTRICT COURT Western District of Texas
PLAINTIFF ALMONDNET, INC.		DEFENDANT ROKU, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 8,244,582	8/4/2012	ALMONDNET, INC.
2 8,959,146	2/17/2015	ALMONDNET, INC.
3 8,671,139	3/11/2014	ALMONDNET, INC.
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
11/28/2022 Doc #56 Sealed Order GRANTING [13] MOTION to Transfer Case to the U.S. District Court for the District of Delaware.

CLERK PHILIP J. DEVLIN	(BY) DEPUTY CLERK 	DATE 11/28/2022
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☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 6:21-cv-896	DATE FILED 8/27/2021	U.S. DISTRICT COURT Western District of Texas
PLAINTIFF ALMONDNET, INC., and INTENT IQ, LLC		DEFENDANT FACEBOOK, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,639	10/26/2010	ALMONDNET, INC.
2 7,979,307	7/12/2011	ALMONDNET, INC.
3 8,244,582	8/14/2012	ALMONDNET, INC.
4 8,244,586	8/14/2012	ALMONDNET, INC.
5 8,671,139	3/11/2014	ALMONDNET, INC.

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

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PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 8,677,398	3/18/2014	INTENTIQ, LLC
2 8,775,249	7/8/2014	ALMONDNET, INC.
3 8,959,146	2/17/2015	ALMONDNET, INC.
4 9,508,089	11/29/2016	ALMONDNET, INC.
5 9,830,615	11/28/2017	ALMONDNET, INC.

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT 12/15/2022 - Order Granting Defendant's Motion to Transfer to the Northern District of California - Doc 84
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CLERK Phillip J. Devlin	(BY) DEPUTY CLERK <i>Suzanne Miles</i>	DATE 12/15/2022
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☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 6:21-cv-00891	DATE FILED 8/26/2021	U.S. DISTRICT COURT Western District of Texas
PLAINTIFF ALMONDNET, INC., and INTENT IQ, LLC		DEFENDANT SAMSUNG ELECTRONICS CO., LTD.; SAMSUNG ELECTRONICS AMERICA, INC.; ADGEAR TECHNOLOGIES INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,979,307	7/12/2011	ALMONDNET, INC.
2 8,200,822	6/12/2012	ALMONDNET, INC.
3 8,244,582	8/14/2012	ALMONDNET, INC.
4 8,566,164	10/22/2013	INTENT IQ, LLC
5 8,671,139	3/11/2014	ALMONDNET, INC.

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 8,677,398	3/18/2014	INTENT IQ, LLC
2 8,959,146	2/17/2015	ALMONDNET, INC.
3 10,321,198	6/11/2019	INTENT IQ, LLC
4 10,715,878	7/14/2020	INTENT IQ, LLC
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT 11/28/2022 Doc #65 Sealed Order GRANTING [35] Sealed Motion to Transfer to the Northern District of California.

CLERK PHILIP J. DEVLIN	(BY) DEPUTY CLERK 	DATE 11/28/2022
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DOCKET NO. 6:21-cv-00876	DATE FILED 8/20/2021	U.S. DISTRICT COURT Western District of Texas
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2 8,959,146	2/17/2015	ALMONDNET, INC.
3 8,671,139	3/11/2014	ALMONDNET, INC.
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
Petitioner,

v.

ALMONDNET, INC.,
Patent Owner.

IPR2022-01436
Patent 8,244,582 B2

Before KEN B. BARRETT, THOMAS L. GIANNETTI, and
LYNNE H. BROWNE, *Administrative Patent Judges*.

BROWNE, *Administrative Patent Judge*.

DECISION
Final Written Decision
Determining All Challenged Claims Unpatentable
35 U.S.C. § 314

I. INTRODUCTION

We have authority to hear this *inter partes* review under 35 U.S.C. § 6. This Final Written Decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. For the reasons discussed below, we determine that Petitioner, Meta Platforms, Inc., has shown by a preponderance of the evidence that claims 11, 13–16, 19, and 20 (the “challenged claims”) of U.S. Patent No. 8,244,582 B2 (Ex. 1001, “the ’582 Patent”) are unpatentable. *See* 35 U.S.C. § 316(e) (2018); 37 C.F.R. § 42.1(d) (2019).

A. *Procedural History*

The Petition (Paper 1, “Pet.” or “Petition”) requested *inter partes* review of the challenged claims of the ’582 Patent. Patent Owner, Almondnet, Inc., filed a Preliminary Response. Paper 8 (“Prelim. Resp.”). Based upon the record at that time, we instituted *inter partes* review on all challenged claims on the grounds presented in the Petition. Paper 9 (“Institution Decision” or “Dec.”).

After institution, Patent Owner filed a Response (Paper 17, “PO Resp.”), Petitioner filed a Reply (Paper 20, “Pet. Reply”), and Patent Owner filed a Sur-reply (Paper 22, “PO Sur-reply”).

On January 3, 2024, an oral hearing was held. The transcript of this hearing was entered in the record of this proceeding as Paper 29 (“Tr.”).

B. *Real Parties in Interest*

Petitioner identifies itself as the real party-in-interest in this proceeding. Pet. 8. Patent Owner identifies itself as the real party-in-interest. Paper 3, 1.

C. Related Matters

The parties identify *AlmondNet, Inc. and Intent IQ, LLC v. Meta Platforms, Inc.*, 6:21-cv-00896 (W.D. Tex.); *AlmondNet, Inc., et al. v. Microsoft Corporation*, 6:21-cv-00897 (W.D. Tex.); *AlmondNet, Inc., et al. v. Amazon.com, Inc., et al.*, 6:21-cv-00898 (W.D. Tex.); *AlmondNet, Inc. v. Samsung Electronics Co.*, 6-21-cv-00891 (W.D. Tex.); *AlmondNet, Inc. v. Roku, Inc.*, 6-21-cv-00876 (W.D. Tex.); *AlmondNet, Inc. v. Oath Holdings Inc.*, 1-19-cv-00247 (D. Del.) (terminated); *AlmondNet, Inc. v. Roku, Inc.*, 1:22-cv-01540 (D. Del.); *AlmondNet, Inc. et al. v. Meta Platforms, Inc.*, 4:22-cv-08911 (N.D. Cal.); and *AlmondNet, Inc. et al. v. Samsung Electronics Co., Ltd. et al.*, 3:22-cv-07515 (N.D. Cal.) as civil litigations involving the '582 Patent. Pet. 7; Paper 3, 1; Paper 6, 1. The parties also identify *Samsung Electronics Co. v. AlmondNet, Inc.*, IPR2022-01260 (PTAB) (denied); *Yahoo! Inc. v. AlmondNet, Inc.*, CBM2017-00052 (PTAB) (denied); and *Amazon.com, Inc. et al. v. AlmondNet, Inc.*, IPR2022-01455 (PTAB) (denied) as proceedings involving the '582 Patent. Pet. 8–9; Paper 3, 1; Paper 6, 1.

D. The '582 Patent

The '582 Patent relates to a mercantile method directed to brokerage of attributes of information. Ex. 1001, 1:29–31.

The method includes the steps of: from a user, receiving a transaction having therein a first partial profile; using the first partial profile, searching a databank having a plurality of second partial profiles, wherein is included in said data bank at least one null profile so that said searching will always yield at least one proximate second partial profile to the first partial profile; and between the user and the databank, contracting: (I) for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter said

databank incorporating the agreed portion of the first profile into at least one second partial profile; or (II) for the user to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter the databank transmitting to the user the second mutually agreed portion of the second profile.

Id. at code (57).

E. Illustrative Claim

Petitioner challenges claims 11, 13–16, 19, and 20. Pet. 10. Claim 11 is an independent claim.

Claim 11 is reproduced below.

11. A tangible, non-transitory data storage medium comprising indicia of instructions for a processor to perform a method of collecting profiles of Internet-using entities, the method comprising:

(a) electronically receiving at a programmed computer system coupled to a global computer network, from at least one server controlled by one of a plurality of unaffiliated third parties, a partial profile of an entity that uses a user computer coupled to the global computer network and accessing a website, which partial profile is available to one of the third parties and contains at least one profile attribute related to the entity, and automatically with the computer system storing the received partial profile;

(b) wherein receiving the partial profile is achieved as a result of automatic electronic URL redirection from a portion of a page of the website accessed by the user computer;

(c) automatically with the computer system electronically adding the received partial profile to a maintained profile believed to be related to the same entity:

(d) automatically with the computer system generating and storing an electronic record of which of the plurality of unaffiliated third parties contributed to the maintained profile particular profile attributes;

(e) wherein the maintained profile, including the added partial profile, comprises data used in targeting third party advertisements to the user computer over the global computer network.

Ex. 1001, 17:45–18:8.

F. Asserted Grounds of Unpatentability

Petitioner asserts the following grounds of unpatentability:

Claim(s) Challenged	35 U.S.C. §	Reference(s)/Basis
11, 13–15, 19, 20	103	Rosenberg, ¹ Zeff, ² Sterne ³
16	103	Rosenberg, Zeff, Sterne, Farber ⁴
11, 13–15, 19, 20	103	Rosenberg, Zeff, Sterne, Merriman ⁵
16	103	Rosenberg, Zeff, Sterne, Merriman, Farber

Pet. 10.

G. E. Evidence

Petitioner supports its challenge with the Declarations of Christopher M. Schmandt (Ex. 1002, Ex. 1019). Patent Owner supports its response with the Declaration of Robert J. Sherwood (Ex. 2001).

¹ Rosenberg et al., U.S. Patent No. 6,073,241, issued June 6, 2000 (Ex. 1003) (“Rosenberg”).

² Zeff, R., et al., *Advertising on the Internet*, John Wiley & Sons, Inc., pp. 1–27, 89–109, 1997 (Ex. 1004) (“Zeff”).

³ Sterne, Jim, *What Makes People Click: Advertising on the Web*, Que Corporation, pp. 1–41, 145–256, 375–386, 1997 (Ex. 1005) (“Sterne”).

⁴ Farber et al., U.S. Patent No. 5,978,791, issued Nov. 2, 1999 (Ex. 1007) (“Farber”).

⁵ Merriman et al., U.S. Patent No. 8,566,154 B2, issued Oct. 22, 2013 (Ex. 1008) (“Merriman”).

II. ANALYSIS

A. *Principles of Law: Obviousness*

A claim is unpatentable as obvious under 35 U.S.C. § 103 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 to a person having ordinary skill in the art to which said subject matter pertains. *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question of obviousness is resolved on the basis of underlying factual determinations, including: (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of skill in the art; and (4) objective evidence of nonobviousness, i.e., secondary considerations.⁶ See *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17–18 (1966).

The Supreme Court has made clear that we apply “an expansive and flexible approach” to the question of obviousness. *KSR*, 550 U.S. at 415. Whether a patent claiming the combination of prior art elements would have been obvious is determined by whether the improvement is more than the predictable use of prior art elements according to their established functions. *Id.* at 417. Reaching this conclusion, however, requires more than a mere showing that the prior art includes separate references covering each separate limitation in a claim under examination. *Unigene Labs., Inc. v. Apotex, Inc.*, 655 F.3d 1352, 1360 (Fed. Cir. 2011). Rather, obviousness requires the additional showing that a person of ordinary skill would have

⁶ The current record does not present or address any evidence of nonobviousness.

selected and combined those prior art elements in the normal course of research and development to yield the claimed invention. *Id.*

B. Level of Ordinary Skill in the Art

In determining the level of skill in the art, we consider the type of problems encountered in the art, the prior art solutions to those problems, the rapidity with which innovations are made, the sophistication of the technology, and the educational level of active workers in the field. *Custom Accessories, Inc. v. Jeffrey-Allan Indus. Inc.*, 807 F.2d 955, 962 (Fed. Cir. 1986); *Orthopedic Equip. Co. v. U.S.*, 702 F.2d 1005, 1011 (Fed. Cir. 1983).

Petitioner contends that a person of ordinary skill in the art at the time of the invention of the '582 Patent “would have possessed a bachelor’s degree in electrical engineering or computer science, and two years of work experience in the field of network-based computer systems, such as systems for sending and receiving information over local networks and wide area networks (such as the Internet or World Wide Web).” Pet. 12. (citing Ex. 1002 ¶¶ 10–14). Petitioner asserts further that “[a] person could also have qualified with more formal education and less technical experience, or vice versa.” *Id.* Patent Owner does not challenge this definition of the level of skill. PO Resp. 5.

For purposes of this Decision, we also adopt Petitioner’s proposal as reasonable and consistent with the prior art. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001) (the prior art may reflect an appropriate level of skill in the art).

C. Claim Construction

We apply the same claim construction standard used in district court actions under 35 U.S.C. § 282(b), namely that articulated in *Phillips v. AWH*

Corp., 415 F.3d 1303 (Fed. Cir. 2005) (en banc). *See* 37 C.F.R. § 42.100(b) (2021). In applying that standard, claim terms generally are given their ordinary and customary meaning as would have been understood by a person of ordinary skill in the art at the time of the invention and in the context of the entire patent disclosure. *Phillips*, 415 F.3d at 1312–13. “In determining the meaning of the disputed claim limitation, we look principally to the intrinsic evidence of record, examining the claim language itself, the written description, and the prosecution history, if in evidence.” *DePuy Spine, Inc. v. Medtronic Sofamor Danek, Inc.*, 469 F.3d 1005, 1014 (Fed. Cir. 2006) (citing *Phillips*, 415 F.3d at 1312–17).

Petitioner states that it “does not believe an express claim construction is necessary at this time for this IPR” and Patent Owner “agrees that claim construction is not necessary to resolve any issue . . . and that the plain and ordinary meaning of the claim language should be applied.” *See* Pet. 13 (citing Ex. 1002 ¶ 37); PO Resp. 6.

We agree with the parties that no claim terms require express construction. *See Vivid Techs.*, 200 F.3d at 803 (holding that only terms that are in controversy need to be construed, and “only to the extent necessary to resolve the controversy”). To the extent that the meaning of any claim term is addressed, we use its ordinary and customary meaning as discussed in our analysis below.

D. Overview of the Asserted Prior art

1. Rosenberg

Rosenberg is a U.S. Patent for an “Apparatus and Method for Tracking World Wide Web Browser Requests Across Distinct Domains Using Persistent Client-Side State” that issued June 6, 2000. Ex. 1003,

codes (45), (54). Rosenberg describes a method that “allows a web browser to be passively tracked so that content preferences and interests associated with the individual using the web browser can be identified.” *Id.* at 3:25–28. In particular, the method “allows all cooperating servers to share information via a database” in which “persistent client-side state information can be combined with authentication data in the database to provide demographic information and passive tracking information regarding the individual using the web browser.” *Id.* at 3:28–32. “This information can be used to provide responses tailored toward the individual using the web browser” and also “would allow editors and advertisers to tailor their content to users.” *Id.* at 3:35–36, 3:7–8.

Rosenberg’s method is performed by the system shown in Figure 1 reproduced below:

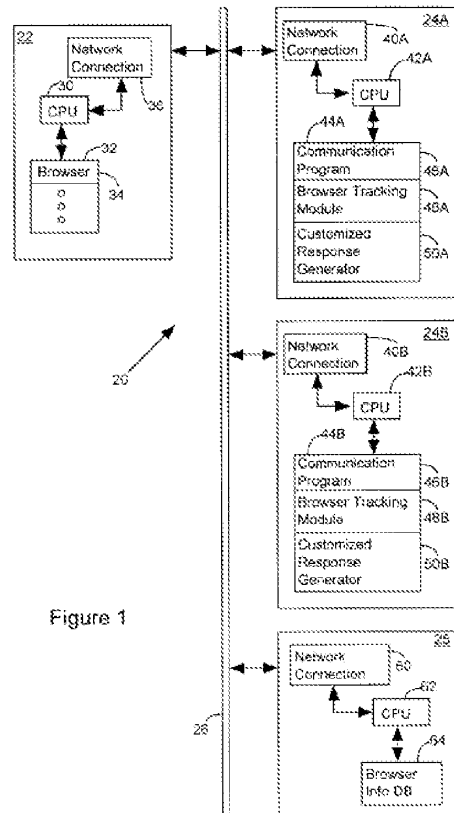


Figure 1

Figure 1 shows computer network 20 including client computer 22, server computer 24A, server computer 24B (although computer network 20 can have many server computers such as server computers 24A–24N), and database server computer 25. Ex. 1003, 3:66–4:24. “[C]omputer network 20 may be considered as a simplified representation of the WWW” in which “a web browser is used to communicate with” remote server computers 24A, 24B. *Id.* at 4:1–2, 4:11–12. Server computers 24A, 24B cooperatively observe a common protocol that “relies upon a common database of information, such as that available in” database server computer 25, to track web browsers across distinct domains. *Id.* at 4:52–59.

Rosenberg’s Figure 2 is reproduced below:

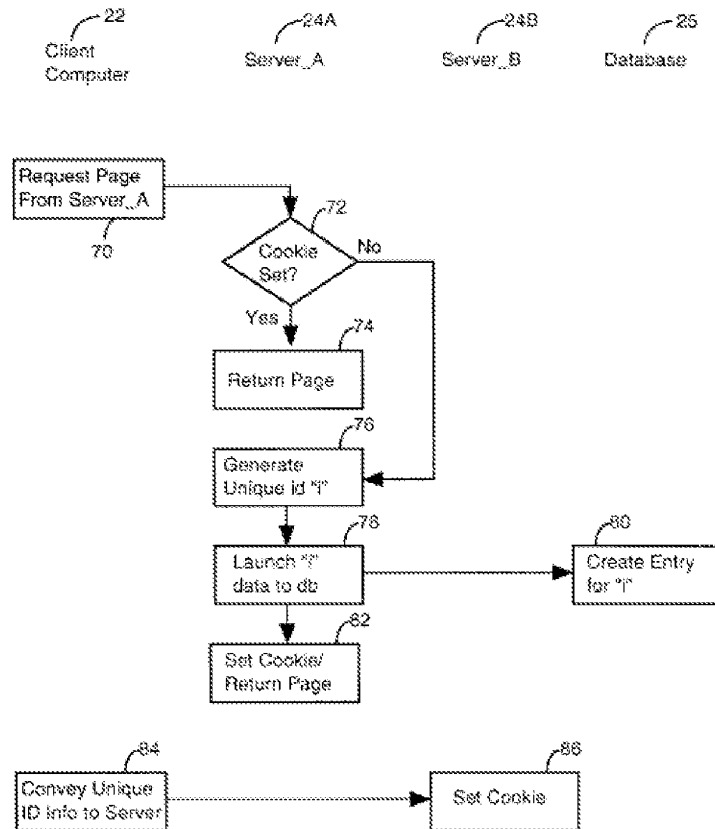


Figure 2

Figure 2 shows operations performed relative to client computer 22, server computer 24A (Server_A), server computer 24B (Server_B), and database server computer 25 (Database 25). Ex. 1003, 4:65–5:1. In first step 70, client computer 22's browser requests a page of information from a first server so that "Server 24A receives the request and determines if it has set a cookie for this browser" via step 72. *Id.* at 5:1–6. If there is such a cookie, "the requested page is simply returned" in step 74, and if not, "Server 24A generates a unique identification value 'i'" in step 76. *Id.* at

5:7–9. The unique identification value “i” “is then launched to a database” in step 78 so that Database 25 creates an entry for unique identification value “i” in step 80. *Id.* at 5:9–12. Unique identification value “i” “is accessible by each server computer 24 in the network” and a cookie is set “corresponding to the unique identification value and return . . . page of the requested information” in step 82 (detailed in steps 84, 86). *Id.* at 5:14–19. The cookie is the “persistent client-side state information” and “the return[] page includes instructions to convey the unique identification information to additional server computers that are observing the same protocol” in step 84. *Id.* at 5:19–24. Thus, client computer 22 receives the return page from Server 24A with a header that “includes the cookie with the unique identification information” and “an instruction to convey the unique identification information to each server in the network of servers that is operating in accordance with” computer network 20. *Id.* at 5:24–31.

Rosenberg’s Figure 3 reproduced below:

Cookie ID #	Last Visit to Server_A	Content Requested			Last Visit to Server_B	Content Requested		
		News	Product Info	Feature Story		News	Product Info	Feature Story
123	4-9-96;18:25	2	5	0	7-4-96;16:23	1	7	3

Figure 3

Figure 3 shows “a data structure that may be used to store information regarding the interaction between” a browser and Server 24. Ex. 1003, 5:55–57. “[T]he information associated with this data structure is stored in the access logs of each” server computer 24 and is passed to the database server computer 25, “typically at the end of a day or at other times when network traffic is light.” *Id.* at 5:57–62. In the first column, a “cookie ID #”

is indicative of the unique identification number, which is separate for an “entry for server A and for server B.” *Id.* at 5:63–66. “In particular, the data structure tracks the content requested during the last visit to the server A” and content requested during the last visit to server B. *Id.* at 5:66–6:5. “In this example, the user of the web browser requested two pages of news and five page of product information” in the visit to server A. *Id.* at 6:2–4.

Rosenberg explains that a browser tracking module “creates a page and embeds within it HTML that references a specific URL on another server computer, say server computer B 24B, which is referred to as B-correlate” in which the URL has a form that includes “i” “where i” is an encoding of the identifier ‘i’ (the unique identification information).” Ex. 1003, 8:12–17. The browser tracking module “delivers an HTTP header that sets the cookie to i and returns any additional data that is required” and “[t]here are several ways in which an HTML reference to another site can be embedded in a page.” *Id.* at 8:30–35. Rosenberg further discloses:

An HTML cross-site reference with a frame tag may also be used. With this method, the page contains frames, one of which references a page on another site. For example,

```
<FRAMESET COLS=“12”>  
< FRAME SRC = “http://www.search.com/cnet.cgi?3676778”>  
<FRAME SRC=column2.html”>  
</FRAME>
```

An advantage of this approach is that the request will be made automatically, without the need for human action.

Id. at 8:55–65.

2. *Zeff*

Zeff is a book titled “Advertising on the Internet.” Ex. 1004. *Zeff* discloses that “Firefly” is a technology that is “known as a smart or

intelligent agent [which] combines information provided through registration with the capability to make inferences based on user tastes and preferences pooled from a group.” *Id.* at 105.⁷ Zeff discloses:

When a user joins the Firefly network, he or she is issued a Firefly Passport. Users must log in each time they return to Firefly’s site. Firefly uses this to track a user’s actions and learn[s] the user’s preferences; the Passport stores demographic and preference information, and follows the user on any Firefly-enhanced site that he or she visits. Nearly a million consumers registered for a Firefly Passport in 1996.

Any site can be enhanced to be part of the Firefly network. For an advertiser, this means going beyond general demographic targeting and delivering ads to individuals who have indicated (through their actions) an interest in the product.

Id. at 105–106.

3. *Sterne*

Sterne is a book titled “What Makes People Click: Advertising on the Web.” Ex. 1005. *Sterne* describes a technology called “Passport” that is created by “Firefly” and states:

Think of them as the Secretary of State. They know who’s who and they keep all of the basic profile information in Firefly Central which they describe on their site as “a rapid cache of Firefly Passports which can be used by any site to recognize existing Passport holders and exchange Passport profiles with other sites.”

Id. at 251.⁸

⁷ Petitioner refers to its added page numbers to Zeff. We refer to the original page numbers of Zeff.

⁸ Petitioner refers to its added page numbers to *Sterne*. We refer to the original page numbers of *Sterne*.

4. *Farber*

Farber is a U.S. Patent for “Data Processing System Using Substantially Unique Identifiers to Identify Data Items, Whereby Identical Data Items Have the Same Identifiers,” that issued on November 2, 1999. Ex. 1007, codes (45), (54). Farber discloses that “when a processor (or some location) obtains a data item from another location in the DP [(data processing)] system, it is possible that this obtained data item is already present in the system (either at the location of the processor or at some other location accessible by the processor) and therefore a duplicate of the data item is created.” *Id.* at 2:46–52. Farber describes “mechanisms” that depend on underlying data management mechanisms to create, copy, read, and delete data items in a “True File registry” which includes a “primitive mechanism” called “Calculate True Name.” *Id.* at 12:27–54. “A True Name is computed using a function, MD, which reduces a data block B of arbitrary length to a relatively small, fixed size identifier, the True Name of the data block, such that the True Name of the data block is virtually guaranteed to represent the data block B and only data block B.” *Id.* at 12:55–60. Farber further discloses a “mechanism for assimilating a data item” into a file system, in which “[t]he purpose of this mechanism is to add a given data item to the True File registry” and “[i]f the data item already exists in the True File registry[],” the duplicate will be discovered and eliminated. *Id.* at 14:41–47.

5. *Merriman*

Merriman is a U.S. Patent for “Network for Distribution of Re-Targeted Advertising” that issued on October 22, 2013. Ex. 1008, codes (45), (54). Merriman discloses:

To implement re-targeted advertising, a list of actions of each visitor at each advertiser's site is collected and reported back to the advertisement server. In one embodiment, the advertiser's web site reports activity in real time. In another embodiment, the advertiser's web site keeps a user log file of visitor activity and reports the user log file back to the advertisement server. Reporting of user log files may be by email or any other file transfer technique back to the advertisement server, where the user log files and other user data are merged.

Id. at 3:35–44.

E. Ground 1: Obviousness of Claims 11, 13–15, 19, and 20 Over Rosenberg, Zeff, and Sterne

Petitioner contends that claims 11, 13–15, 19 and 20 are unpatentable over the combined teachings of Rosenberg, Zeff, and Sterne. Pet. 16–63.

Patent Owner disputes Petitioner's contentions. Prelim. Resp. 6–39.

1. *Independent Claim 11*

a) *Preamble - A tangible, non-transitory data storage medium comprising indicia of instructions for a processor to perform a method of collecting profiles of Internet-using entities, the method comprising:*

Petitioner asserts that “Rosenberg discloses the claimed ‘method of collecting profiles of Internet using entities.’” Pet. 16.⁹ Petitioner asserts that “[t]he ‘Internet-using entities’ for claim 11 correspond in Rosenberg to users who access the Internet using web browsers on client computers.” *Id.* at 18. Petitioner asserts further that Rosenberg's “database server 25 collects two types of user profile information: (1) tracked user activity and (2) demographic information.” *Id.* (citing Ex. 1002 ¶¶ 80–83).

⁹ Emphasis and highlighting in quoted text from the Petition, Patent Owner's Response, Petitioner's Reply, and Patent Owner's Sur-reply are omitted in this Decision.

Patent Owner does not dispute Petitioner's assertions. *See generally* Prelim. Resp.

b) Limitation (a) - electronically receiving at a programmed computer system coupled to a global computer network, from at least one server controlled by one of a plurality of unaffiliated third parties, a partial profile of an entity that uses a user computer coupled to the global computer network and accessing a website, which partial profile is available to one of the third parties and contains at least one profile attribute related to the entity, and automatically with the computer system storing the received partial profile;

Petitioner provides a table (i.e., claim chart) outlining its assertions of how claim limitation (a) reads on Rosenberg. Pet. 21–22. We have reviewed this table, but do not reproduce it as Patent Owner does not dispute Petitioner's assertion that limitation (a) reads on Rosenberg. *See generally* Prelim. Resp.

c) Limitation (b) - wherein receiving the partial profile is achieved as a result of automatic electronic URL redirection from a portion of a page of the website accessed by the user computer;

(1) Petitioner's Assertions

Petitioner asserts that Rosenberg meets limitation (b). *See* Pet. 42–46. In particular, Petitioner asserts that “[t]he ‘automatic URL redirection’ in Rosenberg occurs when the web browser is redirected to Server_B 24B when it encounters the <FRAME SRC> attribute in the webpage provided by Server_A 24A . . . which directs the browser to obtain a webpage from Server_B 24B at the URL specified in the attribute.” *Id.* at 43 (citing Ex. 1002 ¶ 125). According to Petitioner, “[t]his qualifies as ‘automatic URL redirection’ because the <FRAME SRC> attribute causes the web

browser—which is currently accessing the webpage provided by Server_A 24A—to contact a server at a different location (Server_B 24B) to request a webpage from the specified URL.” *Id.* at 42–43 (citing Ex. 1003, 8:56–58, 5:36–38).

Petitioner asserts that “[t]he automatic URL redirection in Rosenberg . . . [is] ‘from a portion of a page of the website accessed by the user computer,’ with the ‘portion of a page of the website’ corresponding to a portion of a page of the website provided by Server_A 24A (‘the website’) accessed by the user computer.” Pet. 43. Petitioner asserts further that “receipt of the partial profile from Server_B 24B [is] ‘achieved as a result of’ the automatic URL redirection” because URL redirection from Server_A 24A causes the user’s browser to contact and access the webpage from Server_B 24B which in turn enables the user to request news, product information, and feature story pages from Server_B 24 B. *Id.* According to Petitioner, these actions generate the claimed partial profile. *Id.* (citing Ex. 1003, Fig. 3).

Alternatively, Petitioner asserts that “Rosenberg discloses the ‘achieved as a result of’ limitation in another way.” Pet. 45. Petitioner asserts that “the user activity received at database server 25 is stored based on the unique user identification value, for example, Cookie ID #123 in Figure 3.” *Id.* (citing Ex. 1003, 5:63–65). Petitioner asserts further that “[t]his unique identification value is critical to Rosenberg because it allows database server 25 to store and retrieve tracking information on a user-by-user basis.” *Id.* Petitioner asserts that “as shown in Figure 3, database server 25 can record tracking activity for the same user for Server_A 24A and Server_B 24B.” *Id.* (citing Ex. 1002 ¶ 122). According to Petitioner,

[t]he ability of Server_B 24B to send “partial profile” information to database server 25 was thus achieved “as a result of” the URL redirection, because it was that URL redirection that furnished Server_B 24B with the user identification value that database server 25 needed in order to receive the “partial profile” from Server_B 24B and store it in association with that user.

Pet. 45–46 (citing Ex. 1003, Fig. 3, 5:63–65).

(2) *Patent Owner’s Response*

Regarding Petitioner’s first theory, Patent Owner contends that “Petitioner’s expert admits that ‘the user in Rosenberg could have directly navigated to and accessed Server_B 24B via its web browser without accessing the frame-based webpage provided by Server_A 24A (for example by entering the URL for Server_B 24B into the web browser address bar),”” such that “the user would be able to ‘request news, product information and feature story pages from Server_B 24B’ without any redirection from Server_A 24A.” PO Resp. 36 (citing Pet. 44). Thus, according to Patent Owner, “the user can submit requests that result in profile information being transmitted to database server 25 without the alleged redirection” and “the Petition’s first theory, under which Rosenberg’s frame allegedly ‘enabled the user to request news, product information and feature story pages’ from Server B is unsupported.” *Id.* (citing Ex. 2001 ¶¶ 84–85).

Regarding Petitioner’s alternative theory, Patent Owner contends that the Petition “cannot support the core premise underlying its second argument: that a ‘user identification value’ received from Server_A is ‘needed’ for database server 25 to ‘receive the “partial profile” from Server_B 24B and store it in association with that user.’” PO Resp. 37.¹⁰

¹⁰ It is not clear what Patent Owner’s *Id.* citation refers to, but it appears to be a citation to pages 45–46 of the Petition.

Patent Owner contends further that “Rosenberg explicitly contradicts the Petition on this point” in that

Rosenberg teaches that, in the case where a user visits the website hosted by Server_B 24B after the user visits Server_A 24A, but the unique identification information from Server_A 24A did “not reach” server 24B (e.g., “if the instruction to pass the unique identification information is defeated by programming instructions associated with the client computer 22, or . . . by some network interruption”), server 24B will assign its own unique identifier “j” to the user, which differs from the unique identifier “i” previously assigned by server 24A.

Id. (citing Ex. 1003, 6:10–28). According to Patent Owner, “Rosenberg teaches that this ‘processing results in a database entry for the “j” identification value,’ such that database server 25 can receive profile information from server 24B using the ‘j’ identification value, even though server 24A previously assigned that user an identification value of ‘i.’” *Id.* at 37–38 (citing Ex. 1003, 6:23–32). Subsequently, according to Patent Owner,

database 25 will “merge the previously separate ‘i’ and ‘j’ entries,” such that the database is able to associate profile information regarding the user’s visit to the webpage hosted by server 24B with a common unique identifier, even though the alleged redirection from 24A did not provide the unique identifier “i” to server 24B. Thus, if server 24A previously assigned ID “123” to the user, and server 24B later assigned ID “456” to the user,[] database server 25 will associate profile information obtained from both servers 24A and 24B with both cookie IDs “123” and “456.”

Id. at 38 (citing Ex. 1003, 6:32–58, Figs. 4–5).

Patent Owner contends further that

Rosenberg does not need Server_A’s unique identifier to be transferred to Server_B in order for a partial profile describing a user’s content requests from Server_B to be received and stored

in association with the user. Thus, the Petition’s premise that “URL redirection . . . furnished Server_B 24B with the user identification value that database server needed in order to receive the ‘partial profile’ from Server_B 24B and store it in association with that user” (*see* Pet. at 45–46) is false, and the Petition’s theory based on that premise cannot succeed.

PO Resp. 38–39 (citing Ex. 2001 ¶¶ 86–89).

(3) *Petitioner’s Reply*

Petitioner replies that Patent Owner’s argument (regarding its first theory) that “it would have been possible for the user to bypass the frame-based webpage provided by Server_A 24A by directly navigating to the webpage provided by Server_B 24B” is irrelevant, because “Federal Circuit law is clear that ‘a prior art [reference] that sometimes, but not always, embodies a claimed method nonetheless teaches that aspect of the invention.’” Pet. Reply 16 (citing PO Resp. 35–36; Ex. 2001 ¶ 85; *Hewlett-Packard Co. v. Mustek Sys., Inc.*, 340 F.3d 1314, 1326 (Fed. Cir. 2003)) (alteration in original). Petitioner replies further that “[i]n the particular embodiment in Rosenberg relied upon in the Petition, in which the webpage from Server_B 24B was automatically accessed via the frame-based web page provided by Server_A 24A (Rosenberg, 8:56–65), the receipt of the partial profile from Server_B 24B would have occurred ‘as a result’ of automatic URL redirection, as explained in the Petition.” *Id.* at 16–17 (citing Pet. 44–45.) According to Petitioner, “[n]othing in the claim excludes a system in which a receipt of the partial profile, at other times, may not be achieved as a result of automatic URL redirection.” *Id.* at 17 (citing Ex. 1019 ¶ 41).

Turning to its alternative (i.e., second theory), Petitioner replies that Patent Owner’s “argument again violates the legal principle described above

that invalidity is not avoided by merely arguing that Rosenberg only ‘sometimes’ performs the steps of claim 11.” Pet. Reply 18 (citing *Hewlett-Packard Co.*, 340 F.3d at 1326). According to Petitioner, “[t]he embodiment relied upon by Patent Owner is little more than a failsafe mechanism to address an unusual situation in which, due to an error condition or malfunction, Server_B 24B was prevented from receiving the unique identification value (‘i’) from Server_A 24A.” *Id.* at (citing Ex. 1019 ¶ 44). Petitioner replies further that

Patent Owner’s reliance on this alternative embodiment establishes—at most—that there could be times when the system is not functioning properly such that the partial profile in Rosenberg is not received as a result of the claimed automatic URL redirection. But in the primary embodiment in Rosenberg relied upon in the Petition—in which the system functions properly and Server_B 24B receives the unique identification value (‘i’) from Server_A 24A—the partial profile would have been received “as a result of” the claimed automatic URL redirection.

Id. (citing Pet. 45–46; Ex. 1019 ¶ 45).

(4) *Patent Owner’s Sur-reply*

Regarding the Petition’s first theory, Patent Owner responds that “Petitioner does not explain or identify how the redirection enables the transmission of a partial profile.” PO Sur-reply 23 (citing PO Resp. 35–36). Patent Owner argues in Rosenberg “the user can submit requests that result in profile information being transmitted to database server 25 without the alleged redirection.” *Id.* at 24 (citing PO Resp. 36). Patent Owner argues further that “the Petition’s ‘enable’ theory of redirection does not make transmission of a partial profile possible, nor is it a necessary prerequisite for the transmission of a partial profile” because “[a] partial profile can be transmitted using any number of methods.” *Id.*

Regarding the Petition's second theory, Patent Owner responds that "[t]he Petition's second theory fares no better. Here, the Petition alleges that Rosenberg's 'user identification value' is 'needed in order to receive the 'partial profile'"" because "the Petition does not establish that the user identification value is needed for Rosenberg's system to receive a partial profile." PO Sur-reply 24 (citing PO Resp. 37–39).

(5) *Discussion of Limitation (b)*

We agree with Petitioner and find that Rosenberg meets limitation (b) under either theory advanced in the Petition and credit the testimony of Dr. Schmandt that Rosenberg discloses automatic URL redirection as required by this limitation. Ex. 1002 ¶ 117. During oral argument, Petitioner noted that "[t]he specific embodiment in Rosenberg [that] is being relied on which uses frame tags" discloses URL redirection and argued that "[t]he fact that you could bypass [URL redirection] with an edge case air scenario where maybe you can type a URL directly . . . doesn't prevent [Rosenberg] from meeting the claim limitation." Tr., 16:25–17:4. Even if we assume for both theories that Patent Owner is correct that Rosenberg discloses instances where the partial profile is received without URL redirection, that does not negate the fact that Rosenberg discloses instances wherein the partial profile is received as a result of automatic URL redirection. Ex. 1003, 5:36–38, 8:56–68. We agree with Petitioner that Rosenberg's disclosure of such instances is sufficient to meet the requirements of limitation (b) because "prior art that sometimes, but not always, embodies a claimed method nonetheless teaches that aspect of the invention." *Hewlett-Packard Co.*, 340 F.3d at 1326.

d) *Limitation (c) - automatically with the computer system electronically adding the received partial profile*

to a maintained profile believed to be related to the same entity:

Petitioner asserts that Rosenberg meets this limitation. Pet. 46–47. Specifically, Petitioner asserts that “Rosenberg discloses ‘a maintained profile’ in the form of a profile at database server 25 about the user (the ‘entity’), which includes information about the user’s previous visits to servers 24, as well as demographic and other information about the user” and that “Rosenberg discloses ‘electronically adding the received partial profile to a maintained profile,’ because the user tracking information received from Server_B 24B (‘received partial profile’) is added to the maintained profile for the user stored at database server 25.” *Id.* at 46 (citing Ex. 1003, 3:30–37, 7:1–40, Fig. 7).

Patent Owner does not dispute Petitioner’s assertions regarding limitation (c). *See generally* Prelim. Resp.

e) Limitation (d) - automatically with the computer system generating and storing an electronic record of which of the plurality of unaffiliated third parties contributed to the maintained profile particular profile attributes;

Petitioner asserts that Rosenberg meets limitation (d). Pet. 48. Specifically, Petitioner asserts that when Rosenberg’s “database server 25 receives user tracking information from an individual server 24, it records which server provided the information.” *Id.* Petitioner asserts further that “Rosenberg confirms that database server 25 could also store ‘additional entries for a large number of servers.’” *Id.* Petitioner reasons that it “would have been obvious that database server 25 stores ‘an electronic record of which of the plurality of unaffiliated third parties contributed to the maintained profile particular profile attributes.’” *Id.* (citing Ex. 1002 ¶ 128).

Patent Owner does not dispute Petitioner's assertions and reasoning regarding limitation (d). *See generally* Prelim. Resp.

f) Limitation (e) - wherein the maintained profile, including the added partial profile, comprises data used in targeting third party advertisements to the user computer over the global computer network.

(1) Petitioner's Assertions

Petitioner asserts that Rosenberg, Zeff, and Stern disclose or suggest limitation (e). Pet. 49–53. In particular, Petitioner asserts that “Rosenberg discloses and renders obvious that ‘the maintained profile’ of the user—including the newly-added user tracking information (‘the added partial profile’)—can be used to target advertisements to the user computer.” *Id.* at 49. Petitioner asserts further that “Rosenberg can also target based on demographic information in the maintained profile” and thus, discloses a “partial profile, [that] ‘comprises data used in targeting third-party advertisements to the user computer over the global computer network.’” *Id.* at 50–51. Petitioner admits that “Rosenberg does not expressly state that its ‘customized responses’ contain ‘target[ed] third-party advertisements,’” but asserts that “this would have been obvious based on Rosenberg,” because “Rosenberg explains that one of the purposes of his invention is to ‘allow editors and advertisers to tailor their content to users.’” *Id.* at 51 (citing Ex. 1003, 3:6–8) (alteration in original).

Petitioner also asserts that “[t]his would also have been obvious based on Rosenberg in further view of Zeff and Stern.” Pet. 51–52. Petitioner asserts that “Zeff and Sterne are analogous references describing the Firefly Passport system which provides a profile sharing service similar to database server 25 in Rosenberg” and that “Zeff and Sterne explain that Firefly

Passports can be shared with websites and used for targeting third-party advertisements.” *Id.* at 52 (citing Ex. 1002 ¶¶ 109–111, 113; Ex. 1004, 57–58; Ex. 1005, 171–172). Petitioner reasons that “[i]t therefore would have been obvious to implement Rosenberg for ‘targeting third-party advertisements,’ such as advertisements for products or services provided by third parties.” *Id.* (citing Ex. 1002 ¶ 132). Petitioner provides further reasoning in support of the proposed combination on pages 52–53 of the Petition.

(2) *Patent Owner’s Response*

(a) *Two Server Arguments*

Patent Owner responds that “the Petition does not explain how a POSITA would have implemented any sensible (and thus motivated) combination of Rosenberg and the Firefly Passport system.” PO Resp. 8 (citing Ex. 2001 ¶¶ 42–70). Specifically, Patent Owner contends that

Firefly is designed to interoperate with any number of websites (and a POSITA would understand Rosenberg to teach that its system would desirably be implemented to allow an arbitrary number of websites), but Petitioner relies on a way of implementing Rosenberg that allows for only two different websites, even though Petitioner’s expert admitted that such an implementation would be “foolish.”

Id. (citing Ex. 2003, 13:9–12). Patent Owner contends that “Petitioner’s expert could not identify any portion of his declaration where he ‘specif[i]ed] how Server A could synchronize unique identifiers between more than one [other] server.’” *Id.* at 15 (citing Ex. 2003, 22:18–26:18) (alterations in original). Patent Owner then asserts that Dr. Schmandt testified that “[i]t makes no difference whether Server A is referencing one other server or 18 other servers” and that “the frame layout would be exactly the same for Server A’s web page if there were a hundred different servers within

Rosenberg’s network or [two] different servers within Rosenberg’s network.”¹¹ *Id.* (alteration in original); Ex. 2003, 25:9–21.

According to Patent Owner, by way of this testimony, Dr. Schmandt made admissions that together demonstrate the Petition’s deficiency. Specifically, Patent Owner contends that Dr. Schmandt admitted “that persons ‘who design the user experience’ would have been the sort of POSITA to decide how to implement an ID-synchronization technique that would impact a website’s visuals,” that “in the context of using frames for ID synchronization, ‘a good user experience’ ‘would depend entirely on how those frames were laid out,’” and that “having only two frames to synchronize identifiers between only two sites is ‘foolish.’” *Id.* at 18–19 (citing Ex. 2003, 13:13–14, 18–19). Patent Owner contends further that these “admissions reveal a hole in the Petition’s reasoning: The combination is not scalable to a ‘broad range’ of websites.” *Id.* at 19.

*(b) Alleged Additional Reasons Why
Petitioner’s Reasoning Lacks Rational
Underpinning*

Patent Owner responds that “the Petition’s ‘visible frame’ approach significantly increases visual clutter, compared to simply displaying only Server A’s webpage in the user’s browser, because two webpages will be shown in the space that would have previously been allocated to only a single webpage.” PO Resp. 20. According to Patent Owner, Petitioner’s proposal is “a dramatic departure from what a POSITA would have known to be best practices in web design, which include simplicity in presentation.” *Id.* (citing Ex. 2001 ¶¶ 61–62). As an example, Patent Owner asserts that “a

¹¹ We note that the latter quotation is not Dr. Schmandt’s testimony, it is counsel’s question. Ex. 2003, 25:13–17.

POSITA would have known that if a site ‘choose[s] to pop open a new screen without the visitor’s consent, [that site] might use up system resources that user doesn’t have available,’ which could cause the ‘browser [to] disappear in the blink of an eye’ or even ‘freeze the whole system and force [the user] to restart.’” *Id.* at 22 (citing Ex. 1005, 128–129; Ex. 2001 ¶ 65) (alterations in original). Patent Owner responds further that “even if loading two pages simultaneously might not entirely crash the user’s computer or browser, such an approach would certainly increase loading times because the user’s browser would be downloading content for Server B’s page at the same time as the browser is attempting to load Server A’s page.” *Id.* (citing Ex. 2001 ¶ 66).

Turning to the “third-party” requirement of limitation (e), Patent Owner contends that a person of ordinary skill in the art would “understand that the Petition’s proposal fares even worse when the servers involved are unaffiliated as the Petition proposes.” PO Resp. 23 (citing Ex. 2001 ¶ 67). Patent Owner contends further that “unrelated sites would have actively avoided cross-promoting each other, because POSITAs would have taken active measures to avoid losing online visitors to another site.” *Id.* (citing Ex. 1005, 126). Thus, according to Patent Owner, “[t]here is simply no reason to presume, as Petitioner’s expert does, that Rosenberg’s network would have benefits that would outweigh the serious drawbacks of Petitioner’s proposed combination.” *Id.* at 26. Patent Owner also discusses a hypothetical in support of its contentions. *Id.* at 24–26.

(3) *Petitioner's Reply*

(a) *Two Server Arguments*

Petitioner replies that Patent Owner's "argument is based entirely on a mischaracterization of how Rosenberg was used in the Petition." Pet. Reply

1. According to Petitioner, "Rosenberg is not limited to two cooperating servers, and as Patent Owner acknowledges, Rosenberg itself states that a 'typical embodiment' would have included additional cooperating servers." *Id.* (citing Ex. 1003, 4:16–19). Petitioner replies further that "Patent Owner's argument improperly attempts to twist the Petition's analysis, which focused on servers 24A and 24B because no other cooperating servers were required to disclose the claim limitations, into some kind of concession that the proposed combination could only have been implemented using those two servers." *Id.*

Petitioner asserts that "Patent Owner repeatedly acknowledges that Rosenberg is not limited to just Server_A 24A and Server_B 24B" and that "Rosenberg itself explains that a 'typical embodiment' would have involved more than two cooperating servers." Pet. Reply 2 (citing PO Resp. 10, 18, 27–28; Ex. 2001 ¶¶ 46, 58, 75; Ex. 1003, 4:16–19, 4:52–55). In addition, Petitioner asserts that "Patent Owner also correctly acknowledges that although the detailed description in Rosenberg focuses on servers 24A and 24B, this was provided; for simplicity of explanation, not to suggest a limit to the number of cooperating servers the system of Rosenberg could handle." *Id.* at 3 (citing PO Resp. 10; Ex. 1003, 5:31–33, 7:49–53).

Petitioner replies further that the Petition's (like Rosenberg's) focus on cooperating servers 24A and 24B was "'for simplicity of explanation' and was not intended to suggest any limit to the number of cooperating

servers the proposed combination could handle” and “also a by-product of the fact that, to show invalidity of the challenged claims, additional servers were not required.” *Id.* at 3–4. Petitioner emphasizes this latter assertion, by arguing that “claim 11 only requires ‘a programmed computer system,’ which Petitioner mapped to database server 25 in Rosenberg, and ‘at least one server,’ which Petitioner mapped to Server_B 24B.” *Id.* at 4 (citing Pet. 21–24; Ex. 1002 ¶¶ 86–88). According to Petitioner, “[a]lthough the system of Rosenberg can include additional cooperating servers as fully explained above, those additional servers were not claimed and thus not needed to satisfy the limitations of claim 11.” *Id.*

*(b) Alleged Additional Reasons Why
Petitioner’s Reasoning Lacks Rational
Underpinning*

Petitioner replies that “[n]othing in Rosenberg or the proposed combination would have limited the frame tag embodiment to just Server_A 24A and Server_B 24B.” Pet. Reply 6. According to Petitioner, “[a]ny number of server pairs in Rosenberg’s network could have employed the exact same frame tag technique to allow a first cooperating server to convey the unique user identification to a second cooperating server, and display information from both servers in a dual-frame web page.” *Id.* (citing Ex. 1019 ¶ 18).

In addition, Petitioner replies that “[t]here is also no basis for Patent Owner’s apparent assumption that an ordinarily skilled artisan implementing Rosenberg would have included only the absolute minimum set of features needed to invalidate the challenged claims by only allowing for two cooperating servers.” *Id.* at 7. According to Petitioner “[a]n ordinarily skilled artisan implementing the proposed combination would thus have also

considered, among other things, Rosenberg’s express disclosure that ‘a typical embodiment of the invention would include a larger number of server computers, say server computers 24A through 24N.’” *Id.* (citing Ex. 1003, 4:16–19). Petitioner replies further that “even if there was a basis for Patent Owner’s assumption that the frame tag embodiment could be used with only two servers within the entire server network, Rosenberg discloses at least four alternative approaches for allowing a cooperating server to convey the unique identifier to other cooperating servers.” *Id.* at 7–8 (citing PO Resp. 11; Ex. 2001 ¶¶ 49–50).

Petitioner also replies that Patent Owner’s argument that an ordinarily skilled artisan would not have used Rosenberg’s frame tag does “nothing more than confirm the unremarkable fact that the frame tag embodiment, as with almost all user interface decisions, would have offered both benefits and trade-offs.” Pet. Reply 10 (citing Ex. 1019 ¶ 22). According to Petitioner, “Rosenberg itself explains that the particular method to select for synchronization across servers ‘depends on several factors, including the desired appearance of a page, the expected distribution of browsers (i.e., which features are implemented), whether requiring explicit user actions is desirable, etc.’” *Id.* (citing Ex. 1003, 8:36–40). Addressing Patent Owner’s clutter example, Petitioner asserts that “an ordinarily skilled artisan would have weighed any so-called increase in ‘visual clutter’ of the frame-based approach, as described by Patent Owner, against the benefits of displaying more information to the user within the browser window.” *Id.* (citing Ex. 1019 ¶¶ 23–24). According to Petitioner, “[f]rames were often regarded as a superior way to present information from a second web page when

compared, for example, to separate ‘pop-up’ windows that users may have found distracting or annoying.” *Id.* at 11 (citing Ex. 1019 ¶ 23).

In addition, Petitioner asserts that “Patent Owner’s expert also acknowledged at his deposition that an ordinarily skilled artisan would have had experience with user interface design and would have had experience with how frames work” and “[a] skilled artisan would thus have been fully capable of weighing and balancing the relative benefits and trade-offs of the frame tag embodiment in Rosenberg.” Pet. Reply 11 (citing Ex. 1020, 11:13–12:10; Ex. 1019 ¶ 24). Petitioner asserts further that “Rosenberg itself provides an express motivation to use the frame tag embodiment over its other disclosed alternatives in that ‘the request will be made automatically, without the need for human action.’” *Id.* (citing Ex. 1003, 8:64–65).

In reply to Patent Owner’s stability arguments, Petitioner asserts that “[t]hese concerns are unsubstantiated” and that “[a]s of the assumed December 1999 priority date of the challenged claims, web browsers that supported HTML frames existed for years.” Pet. Reply 12 (citing Ex. 1019 ¶ 26). Petitioner replies that “Rosenberg—which itself was filed in August 1996—does not suggest that frames presented any stability concerns. The use of frames to load a second webpage, as described in Rosenberg, would have presented no significant technological obstacles by December 1999.” *Id.*

In reply to Patent Owner’s contentions about the time it would have taken to load content, Petitioner asserts that “web pages as of December 1999 were considerably simpler and consumed less storage and network bandwidth than they do today, with many pages consisting of nothing more

than HTML, text and some embedded images.” Pet. Reply 13 (citing Ex. 1019 ¶ 26). Petitioner also asserts that “[n]othing in Rosenberg requires that the frames display bandwidth-intensive web pages, as both sides’ experts agree.” *Id.* (citing Ex. 1019 ¶ 26; Ex. 1020, 30:20–25).

In reply to Patent Owner’s contention that “there would have been drawbacks of ‘cross-promotion of related sites,’ including by competitors,” Petitioner asserts that “Patent Owner’s argument merely confirms the unremarkable fact that—of course—there may have been situations when a company may not want to display content from another company’s website, such as when the two companies are direct competitors,” but “nothing in Rosenberg suggests that the parties that control Server_A 24A and Server_B 24B would have been (or needed to be) competitors or otherwise adverse to one another.” Pet. Reply 13–14 (citing PO Resp. 22–26; Ex. 2001 ¶¶ 67–70; *KSR*, 550 U.S. at 421). In addition, Petitioner discusses Patent Owner’s hypothetical and proposes a hypothetical of its own in response. *Id.* at 14.

(4) *Patent Owner’s Sur-reply*

(a) *Two Server Arguments*

Patent Owner replies that “Petitioner’s Reply makes clear that its obviousness theory only involves synchronizing unique identifiers between pairs of just two websites at a given time, and no more.” PO Sur-reply 4. Thus, according to Patent Owner, Petitioner’s “Reply’s theory presents a significant technical modification to Rosenberg: disregarding Rosenberg’s teaching that Server A would convey the user’s unique identifier to all participating servers, and instead modifying the system such that Server A would only convey the user’s unique identifier to a single other participating server.” *Id.* at 4–5. Patent Owner replies further that “Petitioner cannot

explain how its proposed implementation of Rosenberg (specifically, using visible frame tags to synchronize unique identifiers between just two servers) could have operated consistently with Rosenberg’s teachings that identifiers are synchronized between all servers of the ‘broad range’ of servers Petitioner’s theory entails.” *Id.* at 5.

Patent Owner replies further that “Petitioner’s proposed implementation of Rosenberg is also inconsistent with the admissions of Petitioner’s expert, who asserted that under the theory of the Petition, Rosenberg’s servers would be synchronizing the unique identifiers for all servers in the system, rather than only synchronizing the identifier between one other server as the Reply newly alleges.” PO Sur-reply 5–6 (citing Ex. 2003, 23:9–21).

In addition, Patent Owner replies that “Petitioner does not present any evidence that a POSITA would have been motivated to modify Rosenberg such that a server visited by a user would synchronize the user’s unique identifier with only one other server, rather than with all participating servers.” PO Resp. 6. According to Patent Owner, “[g]iven that Petitioner fails to motivate the proposed modification to Rosenberg’s system, Petitioner cannot show that that modification would have been obvious.” *Id.* at 8. Patent Owner then provides 5 more pages of arguments in support of its assertion that a person of ordinary skill in the art would not have been motivated to modify Rosenberg to only synchronize two servers. *Id.* at 8–13.

(b) Alleged New Argument

Patent Owner contends that

For the first time in Reply, Petitioner contends that “an ordinarily skilled artisan could have implemented the Rosenberg

system under the proposed combination such that Server_A 24A and Server_B 24B adopted the invalidating frame tag approach, as fully described in the Petition,” but “for other cooperating servers in the Rosenberg server network, those could have employed one or more of the four alternative techniques described in Rosenberg.”

PO Sur-reply 13 (citing Pet. Reply 9). Patent Owner contends further that “Petitioner’s argument explicitly alleges that a POSITA ‘could have implemented the Rosenberg system’ (*id.*), not an allegation that a POSITA would have been motivated to implement the Rosenberg system” and that “[a]s such, the Petition has not even alleged, much less shown, a motivation to implement Rosenberg’s system in the alleged manner.” *Id.* at 13–14 (citing *Belden Inc. v. Berk-Tek LLC*, 805 F.3d 1064, 1073 (Fed. Cir. 2015)).

*(c) Alleged Additional Reasons Why
Petitioner’s Reasoning Lacks Rational
Underpinning*

Patent Owner replies that a “POSITA would not have been motivated to apply the frame tag approach to Petitioner’s combination of Rosenberg with Firefly, because that approach would be limited to synchronizing identifiers between only two participating servers, contrary to Rosenberg’s teachings.” PO Sur-Reply 17. According to Patent Owner, “[t]his alone is sufficient to show that a POSITA would not have implemented the frame tag approach in the manner suggested by Petitioner.” *Id.*

Patent Owner replies further that “Petitioner does not allege any advantages to its proposed frame tag approach over ‘embedded image tags and HTTP redirection.’” PO Sur-reply 17 (citing Pet. Reply 11–12). According to Patent Owner, “the Reply does not provide any evidence that a POSITA would have recognized display of content from the second site in this context as being a benefit that would have motivated the proposed

implementation.” *Id.* at 18. Patent Owner then discusses it’s hypothetical and Petitioner’s responsive hypothetical. *Id.* at 18–22.

(5) *Discussion*

(a) *Two Server Argument*

Patent Owner’s two server arguments are not responsive to the challenge to claim 11 (and in particular to limitation (e)) as set forth in the Petition. *See* Pet. 49–53. For example, in its discussion of limitation (e), the Petition explicitly states that “the example from Figure 6 . . . shows profile information for the user being made available to Server_B 24B, Rosenberg makes clear that the profile information could also have been used by Server_A 24A, *or any other cooperating server 24* in which a cookie has been stored with the unique identifier.” *Id.* at 51 (citing Ex. 1003, 7:51–55; Ex. 1002 ¶¶ 129, 104) (emphasis added).

Further, the Petition’s discussion of limitation (e) refers to its discussion of limitation (a) which states that “Rosenberg explains that the user profile maintained by database server 25 is available to multiple servers including Server_A 24A and Server_B 24B.” *Id.* at 34 (citing Ex. 1003, 6:59–67, Fig. 6). Patent Owner’s arguments, including that “the Petition only explains how its combination would work as applied to *exactly two* participating servers,” ignore the statements in the Petition and instead set up a strawman argument which it then proceeds to knock down. PO Resp. 14; *see also* PO Sur-reply 4. Such arguments are inapposite.

Further, even if we were to consider the challenge to be limited to two servers, as Patent Owner contends, Patent Owner’s arguments are unpersuasive because claim 11 does not require more than two servers. Ex. 1001, 17:45–18:8).

Claim 11 requires a “programmed computer system” and “at least one server.” Ex. 1001, 17:49–51. The Petition identifies Rosenberg’s database server 25 as corresponding to the claimed “programmed computer system” and Rosenberg’s Server_B 24B as corresponding to the claimed “at least one server.” Pet. 21, 23–24. Patent Owner does not contest Petitioner’s assertions that Rosenberg discloses a “programmed computer system and “at least one server.” *See generally* PO Resp.; *see also* PO Sur-reply. Instead, Patent Owner contends that the Petition does not explain how Rosenberg’s method could be applied to more than two servers and that this failure undermines Petitioner’s reasoning in support of the proposed combination. *See* PO Resp. 14–20 (citing Ex. 2001 ¶¶ 46, 55–59).

Patent Owner’s argument that Petitioner’s reasoning in support of its challenge only applies to two servers is undermined by Dr. Sherwood’s testimony that “a POSITA would seek to create a system that could have been scaled to an arbitrary number of servers, because Rosenberg, Zeff, and Sterne all teach the desirability of such scaling.” Ex. 2001 ¶ 59. Patent Owner’s argument also ignores the fact that Rosenberg repeatedly discloses that its method can be applied to multiple servers. *See, e.g.*, Ex. 1003, 4:16–19. Moreover, Patent Owner’s argument assumes that one of ordinary skill in the art would not have known how to implement Rosenberg’s method with more than one server. Such arguments are unconvincing, because “[a] person of ordinary skill is also a person of ordinary creativity, not an automaton.” *KSR*, 550 U.S. at 421.

*(b) Alleged Additional Reasons Why
Petitioner's Reasoning Lacks Rational
Underpinning*

Regarding Patent Owner's contention that "the Petition's 'visible frame' approach significantly increases visual clutter," we agree with Petitioner that this argument does "nothing more than confirm the unremarkable fact that the frame tag embodiment, as with almost all user interface decisions, would have offered both benefits and trade-offs." PO Resp. 26; Pet. Reply 10. We credit Dr. Schmandt's testimony that "[a]n ordinarily skilled artisan would thus have been motivated, depending on the needs of the particular system, to employ the frame tag embodiment in Rosenberg to obtain benefits not offered by the other disclosed alternatives." Ex. 1019 ¶ 23. We further credit Dr. Schmandt's testimony that any "so-called increase in 'visual clutter' also results in an increase in the amount of usable information that can be displayed to the user within the browser window." *Id.* ¶ 24.

Regarding Patent Owner's stability concerns, we agree with Petitioner that "[t]hese concerns are unsubstantiated." PO Resp. 21–22; Pet. Reply 12. We credit Dr. Schmandt's testimony that "[b]y the assumed December 1999 priority date of the challenged claims, web browsers that could support HTML frames had existed for several years." Ex. 1019 ¶ 26 (citing Ex. 1006, 39).

Regarding Patent Owner's concerns about the amount of time it would have taken to load additional content, we agree with Petitioner that "[n]othing in Rosenberg requires that the frames display bandwidth-intensive web pages, as both sides' experts agree." PO Resp. 22; Pet. Reply 13 (citing Ex. 1019 ¶ 26; Ex. 1020, 30:20–25).

Regarding Patent Owner's contention that "the Petition's proposal fares even worse when the servers involved are unaffiliated as the Petition proposes," we agree with Petitioner that nothing in Rosenberg suggests that the third parties "that control Server_A 24A and Server_B 24B would have been (or needed to be) competitors or otherwise adverse to one another." PO. Resp. 27; Pet. Reply 14. We credit Dr. Schmandt's testimony regarding examples wherein the third party's content complements that of the server operator. Ex. 1019 ¶ 28.

For these reasons, Patent Owner "additional reasons" arguments are unconvincing.

(c) Alleged New argument

To the extent that Petitioner raises a new argument in support of its challenge as Patent Owner contends (PO Sur-reply 13), we do not rely on this argument in reaching our decision in this proceeding. Accordingly, we do not address this alleged new argument.

(6) Conclusion For Claim 11

For the foregoing reasons we find that each limitation of claim 11 is taught or suggested by Rosenberg, Zeff, and Stern and that a person of ordinary skill would have successfully combined the teachings of those references. For the reasons discussed above, and based on our review of the entire record of this proceeding, we determine that Petitioner has shown, by a preponderance of the evidence, that claim 11 is unpatentable over the combined teachings of Rosenberg, Zeff, and Sterne.

2. Dependent Claims 13–15, 19, and 20

Claims 13–15, 19, and 20 depend from claim 11. Petitioner asserts that claims 13–15, 19, and 20 are unpatentable over the combined teachings

of Rosenberg, Zeff, and Sterne. Pet. 53–63. Patent Owner does not separately address Petitioner’s assertions. *See generally* PO Resp. We have reviewed Petitioner’s evidence including the testimony in support of Petitioner’s assertions. Based on our review of the entire record before us, we determine that for the reasons given, Petitioner has shown, by a preponderance of the evidence, that claims 13–15, 19, and 20 are unpatentable over the combined teachings of Rosenberg, Zeff, and Sterne.

F. Obviousness of Claim 16 Over Rosenberg, Zeff, Sterne, and Farber

Claim 16 depends from claim 11. Petitioner asserts that claim 16 is unpatentable over the combined teachings of Rosenberg, Zeff, Sterne, and Farber. Pet. 63–68. Patent Owner does not separately address Petitioner’s assertions. *See generally* PO Resp. Based on our review of the entire record before us, we determine for the reasons given that Petitioner has shown, by a preponderance of the evidence that claim 16 is unpatentable over the combined teachings of Rosenberg, Zeff, Sterne, and Farber.

G. Obviousness of Claims 11, 13–15, 19, and 20 Over Rosenberg, Zeff, Sterne, and Merriman

As we have already determined that Petitioner has shown, by a preponderance of the evidence, that claims 11, 13–15, 19, and 20, are unpatentable over the combined teachings of Rosenberg, Zeff, and Sterne, we do not reach this ground. *See SAS Inst. Inc. v. Iancu*, 138 S. Ct. 1348, 1359 (2018) (holding that a petitioner “is entitled to final written decision addressing all of the claims it has challenged”); *Boston Sci. Scimed, Inc. v. Cook Grp. Inc.*, 809 F. App’x 984, 990 (Fed. Cir. 2020) (nonprecedential) (stating that the “Board need not address issues that are not necessary to the resolution of the proceeding,” such as “alternative arguments with respect to

claims [the Board] found unpatentable on other grounds”); *SK Hynix Inc. v. Netlist, Inc.*, IPR2017-00692, Paper 25 at 40 (PTAB July 5, 2018) (determining all challenged claims to be unpatentable and not addressing additional grounds).

H. Obviousness of Claim 16 Over Rosenberg, Zeff, Sterne, Merriman, and Farber

As we have already determined that Petitioner has shown, by a preponderance of the evidence, that claim 16 is unpatentable over the combined teachings of Rosenberg, Zeff, Sterne, and Farber, we do not reach this ground.

III. CONCLUSION

For the reasons discussed above, we determine that Petitioner has demonstrated, by a preponderance of the evidence, that claims 11, 13–16, 19, and 20 are unpatentable on the basis set forth in the following table.¹²

¹² Should Patent Owner wish to pursue amendment of the challenged claims in a reissue or reexamination proceeding subsequent to the issuance of this Final Decision, we draw Patent Owner’s attention to the April 2019 *Notice Regarding Options for Amendments by Patent Owner Through Reissue or Reexamination During a Pending AIA Trial Proceeding*. See 84 Fed. Reg. 16,654 (Apr. 22, 2019). If Patent Owner chooses to file a reissue application or a request for reexamination of the challenged patent, we remind Patent Owner of its continuing obligation to notify the Board of any such related matters in updated mandatory notices. See 37 C.F.R. §§ 42.8(a)(3), (b)(2).

Claim(s)	35 U.S.C. §	References	Claim(s) Shown Unpatentable	Claim(s) Not Shown Unpatentable
11, 13–15, 19, 20	103(a)	Rosenberg, Zeff, Sterne	11, 13–15, 19, 20	
16	103(a)	Rosenberg, Zeff, Sterne, Farber	16	
11, 13–15, 19, 20	103(a)	Rosenberg, Zeff, Sterne, Merriman ¹³		
16	103(a)	Rosenberg, Zeff, Sterne, Farber, Merriman ¹⁴		
Overall Outcome			11, 13–16, 19, 20	

IV. ORDER

In consideration of the foregoing, it is hereby

ORDERED that, Petitioner has demonstrated by a preponderance of the evidence that claims 11, 13–16, 19, and 20 of U.S. Patent No. 8,244,582 B2 are unpatentable; and

FURTHER ORDERED that because this is a Final Written Decision, any party to the proceeding seeking judicial review of this Decision must comply with the notice and service requirements of 37 C.F.R. § 90.2.

¹³ As explained above, we do not reach this ground.

¹⁴ As explained above, we do not reach this ground.

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Patent 8,244,582 B2

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM, INC., AMAZON WEB SERVICES, INC.,
and AMAZON.COM SERVICES LLC,
Petitioner,

v.

ALMONDNET, INC.,
Patent Owner.

IPR2022-01455
Patent 8,244,582 B2

Before KEN B. BARRETT, THOMAS L. GIANNETTI, and
LYNNE H. BROWNE, *Administrative Patent Judges*.

BROWNE, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

Petitioner (collectively), Amazon.com, Inc., Amazon Web Services, Inc., and Amazon.com Services LLC, filed a Petition (Paper 2, “Pet.”) requesting *inter partes* review of claims 11, 13–16, 19, and 20 of U.S. Patent No. 8,244,582 B2 (Ex. 1001, “the ’582 patent”). Patent Owner, AlmondNet, Inc., filed a Preliminary Response (Paper 8, “Prelim. Resp.”). With our authorization, Petitioner filed a Preliminary Reply (Paper 9, “Reply”) and Patent owner filed a Preliminary Sur-reply (Paper 10, “Sur-reply”).

Under 35 U.S.C. § 314(a), an *inter partes* review may not be instituted unless the information presented in the Petition and any response thereto shows “there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” Considering the Petition, the arguments presented in the Preliminary Response, the Reply, and the Sur-reply, as well as all supporting evidence, we determine that Petitioner does not demonstrate a reasonable likelihood of prevailing for any of the challenged claims. Accordingly, we do not institute *inter partes* review.

A. *Real Parties in Interest*

Petitioner identifies itself as the real party-in-interest in this proceeding. Pet. 1. Patent Owner identifies itself as the real party-in-interest. Paper 3, 1.

B. *Related Matters*

The parties identify *AlmondNet, Inc. and Intent IQ, LLC v. Facebook, Inc.*, No. 6:21-cv-00896 (WDTX); *AlmondNet, Inc., et al. v. Microsoft Corporation*, No. 6:21-cv-00897 (WDTX); *AlmondNet, Inc., et al. v. Amazon.com, Inc., et al.*, No. 6:21-cv-00898 (WDTX); *AlmondNet, Inc. v. Samsung Electronics Co.*, No. 6-21-cv-00891 (WDTX); *AlmondNet, Inc. v.*

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Roku, Inc., No. 6-21-cv-00876 (WDTX); *AlmondNet, Inc. v. Oath Holdings Inc.*, No. 1-19-cv-00247 (DDE) (terminated); *AlmondNet, Inc. v. Roku, Inc.*, No. 1:22-cv-01540 (DDE); *AlmondNet, Inc. et al. v. Meta Platforms, Inc.*, No. 4:22-cv-08911 (NDCA); *AlmondNet, Inc. et al. v. Samsung Electronics Co., Ltd. et al.*, No. 3:22-cv- 07515 (NDCA); and *AlmondNet, Inc. v. Yahoo! Inc.*, No. 1-16-cv-01557 (EDNY) as civil litigations involving the '582 patent. Pet. 1–4; Paper 3, 1–2; Paper 6, 1–2. The parties also identify *Samsung Electronics Co. v. AlmondNet, Inc.*, IPR2022-01260 (PTAB); *Yahoo! Inc. v. AlmondNet, Inc.*, CBM2017-00052 (PTAB) (denied); and *Meta Platforms, Inc. v. AlmondNet, Inc.*, IPR2022-01436 (PTAB) as proceedings involving the '582 patent. Pet. 4; Paper 3, 1; Paper 6, 1–2.

C. The '582 patent

The '582 patent relates to a mercantile method directed to brokerage of attributes of information. Ex. 1001, 1:29–31.

The method includes the steps of: from a user, receiving a transaction having therein a first partial profile; using the first partial profile, searching a databank having a plurality of second partial profiles, wherein is included in said data bank at least one null profile so that said searching will always yield at least one proximate second partial profile to the first partial profile; and between the user and the databank, contracting: (I) for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter said databank incorporating the agreed portion of the first profile into at least one second partial profile; or (II) for the user to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter the databank transmitting to the user the second mutually agreed portion of the second profile.

Id. at code (57).

D. Illustrative Claim

Petitioner challenges claims 11, 13–16, 19, and 20. Pet. 1. Claim 11 is the sole challenged independent claim.

Claim 11 is reproduced below.

1. A tangible, non-transitory data storage medium comprising indicia of instructions for a processor to perform a method of collecting profiles of Internet-using entities, the method comprising:

(a) electronically receiving at a programmed computer system coupled to a global computer network, from at least one server controlled by one of a plurality of unaffiliated third parties, a partial profile of an entity that uses a user computer coupled to the global computer network and accessing a website, which partial profile is available to one of the third parties and contains at least one profile attribute related to the entity, and automatically with the computer system storing the received partial profile;

(b) wherein receiving the partial profile is achieved as a result of automatic electronic URL redirection from a portion of a page of the website accessed by the user computer;

(c) automatically with the computer system electronically adding the received partial profile to a maintained profile believed to be related to the same entity:

(d) automatically with the computer system generating and storing an electronic record of which of the plurality of unaffiliated third parties contributed to the maintained profile particular profile attributes;

(e) wherein the maintained profile, including the added partial profile, comprises data used in targeting third party advertisements to the user computer over the global computer network.

Ex. 1001, 17:45–18:8.

E. Asserted Ground of Unpatentability

Petitioner asserts the following ground of unpatentability:

Claim(s) Challenged	35 U.S.C. §	Reference(s)/Basis
11, 13–16, 19, 20	103	Merriman, ¹ Rosenberg ²

Pet. 7. In addition to the references listed above, Petitioner relies on the Declaration of Daniel A. Menascé, Ph.D. (Ex. 1002).

II. ANALYSIS

A. Level of Ordinary Skill in the Art

In determining the level of skill in the art, we consider the type of problems encountered in the art, the prior art solutions to those problems, the rapidity with which innovations are made, the sophistication of the technology, and the educational level of active workers in the field. *Custom Accessories, Inc. v. Jeffrey-Allan Indus. Inc.*, 807 F.2d 955, 962 (Fed. Cir. 1986); *Orthopedic Equip. Co. v. U.S.*, 702 F.2d 1005, 1011 (Fed. Cir. 1983).

Petitioner contends that a person of ordinary skill in the art at the time of the invention of the '582 patent “would have possessed at least a bachelor’s degree in electrical engineering or computer science, and two years of work experience in the field of network-based computer systems, such as systems for sending and receiving information over local networks and wide area networks (such as the Internet or World Wide Web).” Pet. 7–8. (citing Ex. 1002 ¶¶ 30–34). Petitioner asserts further that “[a] person could also have qualified with more formal education and less technical

¹ Merriman et al., U.S. Patent No. 8,566,154 B2, issued Oct. 22, 2013 (Ex. 1004) (“Merriman”).

² Rosenberg et al., U.S. Patent No. 6,073,241, issued June 6, 2000 (Ex. 1005) (“Rosenberg”).

experience, or vice versa.” *Id.* Patent Owner does not challenge this definition of the level of skill at this time. Prelim. Resp. 5.

For purposes of this Decision, we also adopt Petitioner’s proposal as reasonable and consistent with the prior art. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001) (the prior art may reflect an appropriate level of skill in the art).

B. Claim Construction

For petitions filed on or after November 13, 2018, the “broadest reasonable interpretation” standard has been replaced with the federal court claim construction standard that is used to construe a claim in a civil action under 35 U.S.C. § 282(b). This is the same claim construction standard articulated in *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (en banc), and its progeny.

Petitioner states that “[f]or the purposes of this Petition, the challenged claims are interpreted according to their plain and ordinary meaning” and does not proffer a definition for any claim terms; Patent Owner agrees. *See* Pet. 8 (citing Ex. 1002 ¶¶ 35–36); Prelim. Resp. 5. At this stage of this proceeding we determine that no claim terms require express construction in order to determine whether or not to institute *inter partes* review because doing so would have no effect on the analysis below. *See Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017) (“[W]e need only construe terms ‘that are in controversy, and only to the extent necessary to resolve the controversy.’” (quoting *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999))).

C. Overview of the Asserted Prior art

1. Merriman

Merriman is a U.S. Patent for “Network for Distribution of Re-Targeted Advertising” that issued on October 22, 2013. Ex. 1004, codes (45), (54). Merriman “relates to methods of delivery of advertisements and measuring responses to those delivered advertisements, and in particular relates to the targeting of advertisements delivered over networks such as the internet.” *Id.* at 1:19–24.

Merriman's system, shown in Figure 1, is reproduced below:

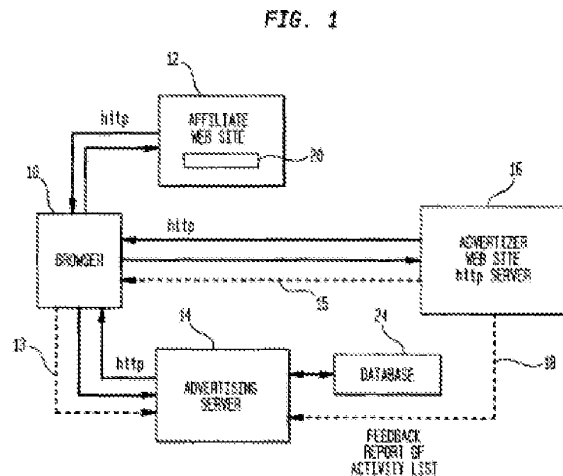


Figure 1 shows a system including browser 10, at least one affiliate web site 12 which has advertising space 20, advertising server 14 which has algorithms for selection of advertisement, database 24 which has activity history of users on various web sites, and one or more advertiser web sites 16. Ex. 1004, 4:26–38. Advertising server 14 communicates with database 24, and browser 10 communicates with each of affiliate web site 12, advertiser web site 16, and advertising server 14. *Id.* at Fig. 1. Feedback path 18 permits advertiser web site 16 “to communicate the activities of

visitors at the advertiser's web site 16, back to the advertising server 14.”

Id. at 4:41–43.

Merriman discloses:

The feedback path 18 may be achieved by a number of alternative mechanisms. For bulk feedback of data accumulated in a user activity list, the advertiser periodically emails the information directly, or transfers it in bulk form in a file transfer operation. Activity list updates are performed as often as necessary, and may even be reported at the conclusion of each individual visit.

In a second embodiment, feedback of individual activities of the user at an advertiser site 16 may be communicated in real time back to the advertising server 14 using by spotlight tags placed on specific pages in the advertiser's web site. A spotlight tag is a minimal graphic (e.g., a one pixel image) containing a redirect message back to the advertising server 14. Spotlight tags are placed on web pages by the advertiser and contain other imbedded information such as information identifying the specific advertiser web page (as for example, identifying a purchase confirmation page stating “thank you for your order” etc.)

When the user requests (i.e., visits) an advertiser page containing a spotlight tag, a reply message 15 redirects the user's browser 10 back to the advertising server 14 via request 13 to access the minimal one pixel graphic image. The requested image is not significant to the event. However, by this process, the advertiser web site 16 provides real time reporting of user activities while the user is in the advertising web site 16. The advertising server 14 assembles the activity list for each user.

Id. at 4:44–5:3.

Merriman's Figure 2 is reproduced below:

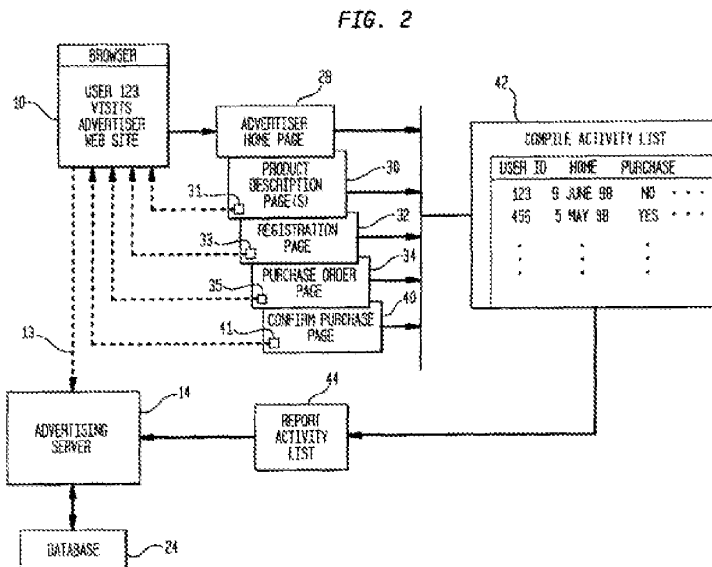


Figure 2 shows “two alternate embodiments of a data collection system for reporting user activities at an advertiser’s web site to an advertising server.” Ex. 1004, 2:17–19. An advertiser web site comprises home page 28 with linked pages such as product description pages 30, registration pages 32, purchase order pages 34, and confirmation pages 40, in which each of these pages includes a corresponding spotlight tag, i.e., spotlight tags 31, 33, 35, and 41. *Id.* at 5:33–42. Merriman discloses:

When the viewer accesses any page having at spotlight tag 31, 33, 35 and 41, a reply message back to the browser 10 redirects the browser to send a message 13 back to the advertising server 14. Receipt of the message 13 back at the advertising server 14 in effect, reports (in real time) to the advertising server that the user has accessed the [] respective page while browsing at the advertiser’s web site. Reported user activity is stored in the local database 24 for further processing.

Alternatively, the user activity list 42 is compiled at the advertiser[’]s web site. The activity list is reported back 44 to the advertising server 14 by email or ftp (file transfer protocol).

Id. at 5:43–54.

2. *Rosenberg*

Rosenberg is a U.S. Patent for an “Apparatus and Method for Tracking World Wide Web Browser Requests Across Distinct Domains Using Persistent Client-Side State” that issued June 6, 2000. Ex. 1005, codes (45), (54). Rosenberg describes a method that “allows a web browser to be passively tracked so that content preferences and interests associated with the individual using the web browser can be identified.” *Id.* at 3:25–28. In particular, the method “allows all cooperating servers to share information via a database” in which “persistent client-side state information can be combined with authentication data in the database to provide demographic information and passive tracking information regarding the individual using the web browser.” *Id.* at 3:28–32. “This information can be used to provide responses tailored toward the individual using the web browser” and also “would allow editors and advertisers to tailor their content to users.” *Id.* at 3:35–36, 3:7–8.

D. *Principles of Law*

A petition must show how the construed claims are unpatentable under the statutory grounds it identifies. 37 C.F.R. § 42.104(b)(4). Petitioner bears the burden of demonstrating a reasonable likelihood that it would prevail with respect to at least one challenged claim for a petition to be granted. 35 U.S.C. § 314(a).

A claim is unpatentable under § 103(a) if the differences between the claimed subject matter 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. *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question of obviousness is resolved on the basis of underlying factual determinations,

including (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of skill in the art; and (4) when in evidence, objective indicia of non-obviousness (i.e., secondary considerations).³ *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

E. Obviousness under 35 U.S.C. § 103

Petitioner contends that claims 11, 13–16, 19, and 20 are unpatentable over the combined teachings of Merriman and Rosenberg. Pet. 17–52. Patent Owner disputes Petitioner’s contentions. Prelim. Resp. 5–19. As claim 11 is the only independent claim at issue in this proceeding, our determination regarding claim 11 is dispositive for dependent claims 13–16, 19, and 20. Further, as our determination regarding limitation (b) of claim 11 is dispositive, we focus our discussion on that limitation.

Limitation (b) requires in a “tangible, non-transitory data storage medium comprising indicia of instructions for a processor to perform a method of collecting profiles of Internet-using entities,” comprising the step of “electronically receiving at a programmed computer system coupled to a global computer network” “a partial profile of an entity that uses a user computer coupled to the global computer network” “*wherein receiving the partial profile is achieved as a result of automatic electronic URL redirection from a portion of a page of the website accessed by the user computer.*” Ex. 1001, 17:45–61 (emphasis added). Petitioner asserts that “Merriman and Rosenberg disclose[] limitation 11.b.” Pet. 26 (citing Ex. 1002 ¶¶ 77–86). Specifically, Petitioner asserts that “Merriman

³ Patent Owner does not present any objective evidence of nonobviousness at this stage of the proceeding.

discloses that the advertising server receives the partial profile of a user browsing an advertiser website which indicates that the user accessed a certain page at the advertiser website” and that Merriman “explains that one way that the advertising server receives the partial profile is by including spotlight tags placed on specific pages of the advertiser website accessed by the user computer.” *Id.* (citing Ex. 1004, 3:35–38; 4:53–54; 5:46–49).

According to Petitioner, “[w]hen a user visits a page containing a spotlight tag [on the advertiser website 16, Merriman explains that] ‘a reply message 15 redirects the [user’s] browser 10 back to the advertising server 14 via request 13 to access the minimal one pixel graphic image.’” *Id.* (citing Ex. 1004, 4:62–65). Petitioner asserts that “[b]y redirecting the browser 10 to send a request to the advertising server 14, ‘the advertiser web site 16 provides real time reporting of user activities while the user is in the advertising web site 16.’” *Id.* at 26–27 (citing Ex. 1004, 4:67–5:2). Petitioner asserts further that “[a] POSITA[]⁴ would have understood and found obvious the advertising server receives the report via URL redirection and that this redirection occurs automatically and electronically because the user’s browser automatically sends a request to the advertising server in response to the redirect message from the advertiser website.” *Id.* at 27 (citing Ex 1002 ¶ 77).

Relying on its expert’s, Dr. Menascé, testimony, Petitioner asserts that “a POSITA would have known that the advertising server receives the partial profile via three main steps that occur when a user visits a page with a spotlight tag.” Pet. 27 (citing Ex. 1002 ¶ 78). These three steps are, according to Petitioner: (1) “the user’s browser visits the advertiser’s

⁴ Person of ordinary skill in the art.

website and requests a webpage having a spotlight tag,” (2) “the advertiser’s website responds to the browser’s request for the spotlight tag image by sending a reply message 15 to the browser . . . which tells the browser to obtain the spotlight tag image from the advertising server (an electronic URL redirection),” and (3) sending of the reply message “automatically causes the browser to send a request 13 to the advertising server 14 for the spotlight tag.” *Id.* (citing Ex. 1002 ¶ 78; Ex. 1008, 40; Ex. 1009, 56). Petitioner asserts further that “[t]he advertising server then responds to the request 13 in a fourth step by providing the spotlight tag image or, alternatively, further redirecting the browser to back to the advertiser’s website or another location.” *Id.* at 27–28 (citing Ex. 1002 ¶ 78).

Alternatively, Petitioner asserts that “[t]o the extent that Merriman does not disclose or suggest that receiving the partial profile is achieved as a result of automatic electronic URL redirection from a portion of a page of the website accessed by the user computer, Rosenberg does.” Pet. 29–30 (citing Ex. 1002 ¶ 80). Specifically, Petitioner asserts that “Rosenberg describes how an Internet server may instruct a browser to convey information to another server” and that it identifies “[o]ne way to convey the information is through identification information embedded within ‘[a]n HTML cross-cite reference with an image tag’ in which ‘the page contains an embedded image, which is located on another site.’” *Id.* at 30 (citing Ex. 1005, 5:28–31, 9:8–10; Ex. 1002 ¶ 81). Petitioner asserts further that “Rosenberg explicitly states that ‘an HTTP redirect command’ may be used to convey this information” and “describes a redirect command as ‘a response from a server that indicates to the browser that it should retransmit the request to a specific URL.’” Pet. 31 (citing Ex. 1005, 9:18–24; Ex. 1002 ¶ 82).

Petitioner reasons that

A POSITA would have recognized that “it is considered highly desirable to target advertisements to the appropriate potential customer base” (EX1004, 1:27-28) and when faced with Merriman’s need to “report[] (in real time) to the advertising server that the user has accessed [] a respective page while browsing at the advertiser’s web site” (*id.*, 5:47-49), would have been motivated to use Rosenberg’s technique which “allows servers with distinct domain names to access state information generated by other servers” (EX1005, 7:57-58).

Pet. 31. Petitioner reasons further that “[t]his combination is a combination of prior art elements according to known methods to yield predictable results, a simple substitution of one known element for another to obtain predictable results, and use of a known technique to improve a similar system in the same way.” Pet. 31–32 (citing Ex 1002 ¶ 83). Thus, according to Petitioner, “Merriman in view of Rosenberg discloses a computer system wherein receiving partial profiles of users is achieved via automatic electronic URL redirection from a portion of a page of the website accessed by said users.” *Id.* at 33 (citing Ex. 1002 ¶¶ 77–87).

Patent Owner notes that the Petition relies “on Merriman alone as disclosing limitation 11(a)” and that “[t]he Petition also relies upon the party controlling Merriman’s ‘advertiser website 16’ as constituting the ‘third party’ that would supposedly have access to the partial profile.” Prelim. Resp. 6 (citing Pet. 21). With these observations in mind Patent Owner asserts that

under the Petition’s sole invalidity theory—where Merriman’s “report” provided to the advertising server is the “partial profile” and Merriman’s “entity controlling the advertiser website” is the “third party” having access to the partial profile—the Petition must show that Merriman discloses or renders obvious an approach where (1) according to claim limitation 11(b),

“receiving the [report] is achieved as a result of automatic URL redirection,” and also (2) according to claim limitation 11(a), “the [report] is available to [the entity controlling the advertiser website].”

Id. Patent Owner contends that the Petition fails to make this showing, because “a POSITA would have understood from Merriman that the report is only available to the entity controlling the advertiser website as an alternative to an embodiment where the user activity data is allegedly provided in real time using URL redirection.” *Id.* at 6–7 (emphasis omitted). Patent Owner contends further that “the Petition provides no theory as to why a POSITA would have found it obvious to modify Merriman to combine aspects of Merriman’s two embodiments, which Merriman describes as alternative approaches.” *Id.* at 7. Patent Owner contends that “the Petition must show why a POSITA would view Merriman’s teaching of the advertiser website compiling a user activity list in the context of *email/ftp* embodiments as supposedly applicable to Merriman’s *spotlight tag* embodiment.” Prelim. Resp. 12.

Petitioner responds that “Patent Owner argues that the profile information is not ‘available’ but told the Examiner that the term ‘available’ was added to the claim ‘simply to clarify that the ‘unaffiliated third party’ may be a website operator or another third party that has access to the partial profile information collected on a website.’” Reply 3 (citing Ex. 1003, 106); *see also* Ex. 1019. In response to this alleged argument, Petitioner asserts that “Merriman specifically discloses that ‘a list of actions of each visitor at each advertiser’s site is collected and reported back to the advertisement server’ and that ‘lists of user activities at the advertiser’s web site’ ‘are compiled in the advertising web site’” and that “[t]hese activities are communicated to the advertising server via ‘[a] feedback path,’ and one such

path is achieved using URL redirection.” *Id.* (citing Ex. 1004 3:35–38, 4:39–45, 4:62–5:2). Further, according to Petitioner, “[t]he other feedback paths further demonstrate that the profile information is available to the web site.” *Id.* (citing Ex. 1004, 4:41–50).

Patent Owner replies that “the Reply cannot show that Merriman’s advertising site ‘has access to’ the transferred profile information *in the spotlight tag embodiment*, as Petitioners’ theory requires,” because “Merriman’s spotlight tag embodiment is an *alternative* to embodiments in which the advertising site compiles a user activity list.” Sur-reply 3 (citing Prelim. Resp. 10–11, 13–14, Ex. 1004, 5:43–54). Patent Owner contends that “Merriman’s FIG. 1 shows that ‘feedback path 18’ between the advertiser site and ad server is entirely distinct from the ‘reply message 15’ that causes the redirect, and the resulting ‘request 13 to access the [spotlight tag] image.’” *Id.* (citing Ex. 1003, 4:51–5:3, Fig. 1). Patent Owner contends further that “while the Reply newly alleges that the site needs access to profile information to ‘report it’ to the ad server (Reply 3), this ignores the fact that the information transfer is performed by the user’s *browser* (rather than the site) when it ‘access[es] the minimal one pixel graphic image.” *Id.* (citing Ex. 4:62–5:3, Fig. 1). Thus, according to Patent Owner, “it is the *browser*, not the advertiser site, that needs access to the transferred information in the spotlight tag embodiment.” *Id.*

We agree with Patent Owner that the Petition relies on two alternative embodiments for its invalidity theory without sufficient explanation of how or why a person of ordinary skill in the art would have combined these embodiments. *See* Prelim. Resp. 7–12. Merriman discloses a real time embodiment, wherein “the advertiser’s website reports activity in real

time.”⁵ Ex. 1004, 3:37–38. Merriman discloses “another embodiment, [wherein] the advertiser’s web site keeps a user log file of visitor activity and reports the user log file back to the advertisement server.” *Id.* at 3:38–41. In this latter embodiment, “[r]eporting of user log files may be by email or any other file transfer technique.” *Id.* at 3:41–42.

Merriman further discloses that the real time embodiment uses “spotlight tags placed on specific pages in the advertiser’s web site” to provide feedback of individual user’s activities in real time back to the advertising server 14, whereas the other embodiment provides “data accumulated in a user activity list” via email or a file transfer operation. Ex. 1003, 4:45–48, 4:51–54, Fig. 2. Throughout its specification, Merriman describes these embodiments as mutually exclusive alternatives. *See, e.g.* Ex. 1003, code (57), 3:35–43, 4:44–5:3, 5:33–54. The Petition, however, “overlooks or ignores Merriman’s clear distinctions and relies on aspects of both alternative embodiments.” Prelim. Resp. 11.

Regardless of whether an obviousness argument “is based on combining disclosures from multiple references, combining multiple embodiments from a single reference, or selecting from large lists of elements in a single reference,” Petitioner must direct us to “a motivation to make the combination and a reasonable expectation that such a combination would be successful, otherwise a skilled artisan would not arrive at the claimed combination.” *In re Stepan*, 868 F.3d 1342, 1346 n.1 (Fed. Cir. 2017). In this case, Petitioner does not make the required showing. *See* Pet. 26–29 (relying on both of Merriman’s embodiments to meet limitation 11.b,

⁵ We note that real time embodiment is first referred to by Merriman as the “one” embodiment (Ex. 1003, 3:37–38) and later referred to by Merriman as the “second” embodiment (*id.* at 4:51).

without providing reasoning in support of combining these embodiments);
see also Reply 3.

Rosenberg does not cure this deficiency in Petitioner’s challenge. As noted by Patent Owner, “the Petition makes clear that, even in combination with Rosenberg, the Petition relies on Merriman’s use of spotlight tags” to meet the requirement for URL redirection. Prelim. Resp. 7–8, n. 1. (citing Pet. at 52). Rosenberg is merely relied upon to show, “[t]o the extent that Merriman does not disclose or suggest that receiving the partial profile is achieved as a result of automatic electronic URL redirection,” that it was known to use image tags (i.e. spotlight tags) for URL redirection. Pet. 29; *see also id.* at 30–33.

Given the Petition’s failure to provide articulated reasoning in support of the proposed combination of Merriman’s alternative embodiments, Petitioner fails to demonstrate a reasonable likelihood of prevailing for claim 11, and its dependent claims 13–16, 19, and 20.

F. Discretionary Denial Under 35 U.S.C. § 325(d)

As we have determined that Petitioner does not demonstrate a reasonable likelihood of prevailing for any claim on any ground, we need not consider whether application of the Director’s discretionary authority to deny institution in accordance with 35 U.S.C. § 325(d) is appropriate in this proceeding.

III. CONCLUSION

After considering the evidence and arguments presented in the Petition and the Preliminary Response, we determine that Petitioner does not demonstrate a reasonable likelihood of prevailing with respect to any of the challenged claims, and thus, we do not institute an *inter partes* review.

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IV. ORDER

In consideration of the foregoing, it is hereby

ORDERED that the Petition is *denied* as to all challenged claims, and
no trial is instituted.

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Patent 8,244,582 B2

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD., and
MICROSOFT CORPORATION,
Petitioner,

v.

ALMONDNET, INC.,
Patent Owner.

IPR2022-01260
Patent 8,244,582 B2

Before THOMAS L. GIANNETTI, LYNNE H. BROWNE, and
CHARLES J. BOUDREAU, *Administrative Patent Judges*.

BROWNE, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

Petitioner, Samsung Electronics Co., Ltd. and Microsoft Corporation, filed a Petition (Paper 3, “Pet.”) requesting *inter partes* review of claims 1, 9, 11, 13–16, 19, and 20 of U.S. Patent No. 8,244,582 B2 (Ex. 1001, “the ’582 patent”). Patent Owner, AlmondNet, Inc., filed a Preliminary Response (Paper 7, “Prelim. Resp.”).

Under 35 U.S.C. § 314(a), an *inter partes* review may not be instituted unless the information presented in the Petition and any response thereto shows “there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” Considering the Petition, the arguments presented in the Preliminary Response, as well as all supporting evidence, we determine that Petitioner does not demonstrate a reasonable likelihood of prevailing for any of the challenged claims.

Accordingly, we do not institute *inter partes* review.

A. *Real Parties in Interest*

Petitioner identifies Samsung Electronics Co., Ltd., Microsoft Corporation, and Samsung Electronics America, Inc. as real parties-in-interest in this proceeding. Pet. 1. Patent Owner identifies itself as the real party-in-interest. Paper 4, 1.

B. *Related Matters*

The parties identify *AlmondNet, Inc., et al. v. Microsoft Corporation*, 6:21-cv-00897 (WDTX); *AlmondNet, Inc., et al. v. Amazon.com, Inc., et al.*, 6:21-cv-00898 (WDTX); *AlmondNet, Inc. v. Roku, Inc.*, 1:22-cv-01540 (DDE); *AlmondNet, Inc. et al. v. Meta Platforms, Inc.*, 4:22-cv-08911 (NDCA); and *AlmondNet, Inc. et al. v. Samsung Electronics Co., Ltd. et al.*, 3:22-cv-07515 (NDCA) as civil litigation involving the ’582 patent. Pet. 1; Paper 8, 1. The parties also identify *Meta Platforms, Inc. v. AlmondNet, Inc.*

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and Intent IQ, LLC, IPR2022-01436 (PTAB) and *Amazon.com, Inc. et al. v. AlmondNet, Inc.*, IPR2022-01455 (PTAB) as involving the '582 patent. *Id.*

C. The '582 patent

The '582 patent relates to a mercantile method directed to brokerage of attributes of information. Ex. 1001, 1:29–31.

The method includes the steps of: from a user, receiving a transaction having therein a first partial profile; using the first partial profile, searching a databank having a plurality of second partial profiles, wherein is included in said data bank at least one null profile so that said searching will always yield at least one proximate second partial profile to the first partial profile; and between the user and the databank, contracting: (I) for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter said databank incorporating the agreed portion of the first profile into at least one second partial profile; or (II) for the user to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter the databank transmitting to the user the second mutually agreed portion of the second profile.

Id. at code (57).

D. Illustrative Claim

Petitioner challenges claims 1, 9, 11, 13–16, 19, and 20. Pet. 1. Claims 1 and 11 are independent claims. Ex. 1001, 16:42–76, 17:45–18:8.

Claim 1 is reproduced below.

1. An automated method of collecting profiles of Internet-using entities, the method comprising:

(a) electronically receiving at a programmed computer system coupled to a global computer network, from at least one server controlled by one of a plurality of unaffiliated third parties, a partial profile of an entity that uses a user computer coupled to the global computer network and accessing a website, which partial profile is available to one of the third parties and contains at least one profile attribute related to the entity, and

automatically with the computer system storing the received partial profile;

(b) wherein receiving the partial profile is achieved as a result of automatic electronic URL redirection from a portion of a page of the website accessed by the user computer;

(c) automatically with the computer system electronically adding the received partial profile to a maintained profile believed to be related to the same entity;

(d) automatically with the computer system generating and storing an electronic record of which of the plurality of unaffiliated third parties contributed to the maintained profile particular profile attributes;

(e) wherein the maintained profile, including the added partial profile, comprises data used in targeting third-party advertisements to the user computer over the global computer network.

Ex. 1001, 16:42–67.

E. Asserted Grounds of Unpatentability

Petitioner asserts the following grounds of unpatentability:

Claim(s) Challenged	35 U.S.C. §	Reference(s)/Basis
1, 9, 11, 13–15, 19, 20	103	Philyaw, ¹ Merriman ²
16	103	Philyaw, Merriman, Easty ³

Pet. 13. In addition to the references listed above, Petitioner relies on the Declaration of Dan Schonfeld, Ph.D. (Ex. 1002).

¹ Philyaw et al., U.S. Patent No. 6,836,799 B1, issued Dec. 28, 2004 (Ex. 1005) (“Philyaw”).

² Merriman et al., U.S. Patent No. 5,948,061, issued Sept. 7, 1999 (Ex. 1008) (“Merriman”).

³ Easty et al., U.S. Patent No. 6,189,008 B1, issued Feb. 13, 2001 (Ex. 1009) (“Easty”).

II. ANALYSIS

A. *Level of Ordinary Skill in the Art*

In determining the level of skill in the art, we consider the type of problems encountered in the art, the prior art solutions to those problems, the rapidity with which innovations are made, the sophistication of the technology, and the educational level of active workers in the field. *Custom Accessories, Inc. v. Jeffrey-Allan Indus. Inc.*, 807 F.2d 955, 962 (Fed. Cir. 1986); *Orthopedic Equip. Co. v. U.S.*, 702 F.2d 1005, 1011 (Fed. Cir. 1983).

Petitioner contends that a person of ordinary skill in the art at the time of the invention of the '582 patent would have had “at least a bachelor’s degree in computer science, computer engineering, electrical engineering, or the equivalent, and two or more years of experience with designing, programming, configuration, and/or analysis/research with Internet or similar network-related processes including, for example, user/entity profile management and/or web-based targeted content delivery, or a related field.” Pet. 4 (citing Ex. 1002 ¶¶ 20–21). Petitioner asserts further that “[m]ore education can supplement practical experience and vice versa.” *Id.* Patent Owner does not challenge this definition of the level of skill at this time. Prelim. Resp. 6.

For purposes of this Decision, we also adopt Petitioner’s proposal as reasonable and consistent with the prior art. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001) (the prior art may reflect an appropriate level of skill in the art).

B. *Claim Construction*

For petitions filed on or after November 13, 2018, the “broadest reasonable interpretation” standard has been replaced with the federal court claim construction standard that is used to construe a claim in a civil action

under 35 U.S.C. § 282(b). This is the same claim construction standard articulated in *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (en banc), and its progeny.

Petitioner and Patent Owner agree that for purposes of this proceeding “no claim construction is necessary.” *See* Pet. 5 (citing Ex. 1002 ¶ 35); Prelim. Resp. 6. At this stage of this proceeding we determine that no claim terms require express construction in order to determine whether or not to institute *inter partes* review because doing so would have no effect on the analysis below. *See Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017) (“[W]e need only construe terms ‘that are in controversy, and only to the extent necessary to resolve the controversy.’” (quoting *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999))).

C. Overview of the Asserted Prior art

1. Philyaw

Philyaw is a U.S. Patent for a “Method and Apparatus for Tracking User Profile and Habits on a Global Network” that issued December 28, 2004. Ex. 1005, codes (45), (54). Philyaw describes “a method of tracking computer user interests and habits during on-line activity, and more particularly for passing a unique ID/bar code to a visited web server during access of the server to log user activity while visiting the server.” *Id.* at 2:28–32. Philyaw’s method is performed by the system shown in Figure 25 reproduced below:

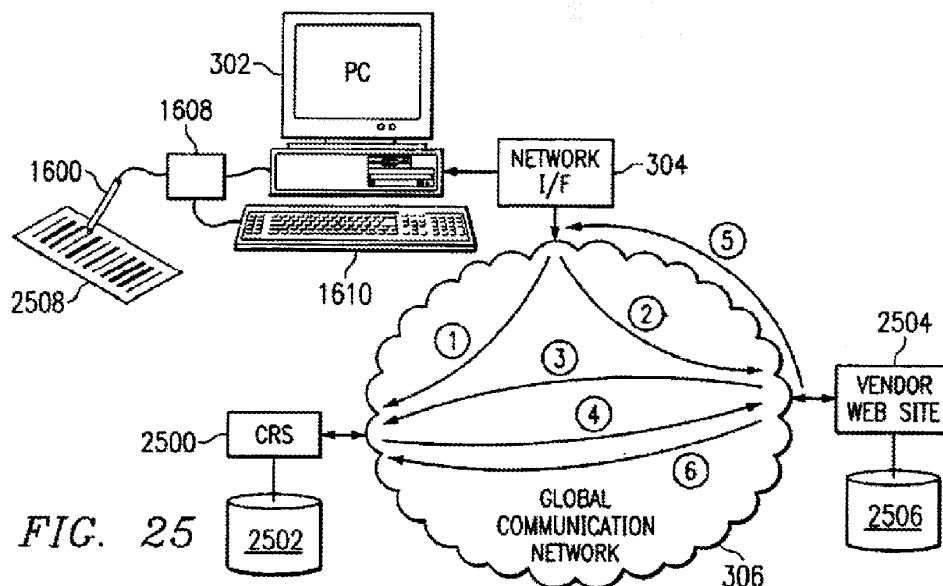


Figure 25 shows personal computer system (“PC”) 302 automatically connected, under the control of software, via network interface 304 to global communication network 306, which in turn, is automatically connected, under control of the software, to central registration server (“CRS”) 2500. Ex. 1005, 25:35–39. CRS 2500 is associated with CRS database 2502 “which stores the user profile information and the unique user IDs associated with each user profile.” *Id.* at 25:40–42. Global communication network (“GCN”) 306 is also connected with vendor web site 2504 with associated vendor database 2506. *See id.* at 26:1–7. Figure 25 further shows interface 1608, keyboard 1610, and scanner 1600 connected to PC 302. *Id.* at 25:62–67.

Philyaw explains that the software installed by a user on PC 302 “tracks the user profile and habits when accessing various sites on the GCN 306.” Ex. 1005, 25:26–28. Once the user enters personal information into the software it automatically connects PC 302 to CRS 2500, which

issues a unique ID which is passed back to the user in the form of a barcode 2508. Ex. 1005, 25:43–45. In Philyaw “[t]he barcode 2508 provides the unique and trackable digital ID for the user, specifically for tracking the user’s efforts and interests as he or she visits the various web sites on the GCN 306” and “[t]here is only one bar code 2508 generated for the user having the unique digital ID, and bar code 2508 and/or digital ID provides the reference in the CRS database 2502 to the user’s associations and profile.” *Id.* at 25:47–54.

2. *Merriman*

Merriman is a U.S. Patent for a “Method of Delivery, Targeting, and Measuring Advertising Over Networks” that issued September 7, 1999. Ex. 1008, codes (45), (54). Merriman describes “methods of delivery of advertisements and measuring responses to those delivered advertisements and in particular relates to the targeting of advertisements delivered over networks such as the Internet.” *Id.* at 1:8–11.

Merriman describes a system wherein “[w]hen a user browsing on the Internet accesses an affiliate’s web site 12, the user’s browser generates an HTTP message 20 to get the information for the desired web page” and “[t]he affiliate’s web site in response to the message 20 transmits one or more messages back 22 containing the information to be displayed by the user’s browser.” Ex. 1008, 3:6–12. In Merriman’s system “an advertising server process 19 will [also] provide additional information comprising one or more objects such as banner advertisements to be displayed with the information provided from the affiliate web site.” *Id.* at 3:12–15. Merriman explains that “[u]pon clicking through or otherwise selecting the advertisement object, which may be an image such as an advertisement banner, an icon, or a video or an audio clip, the browser ends up being

connected to the advertiser's server or web site 18 for that advertisement object.” *Id.* at 3:18–23.

In Merriman, “ad server process 19 also notes that a ‘click through’ for an advertisement has occurred and updates the various databases . . . [and] ad sever process must remember which advertisement was sent to the user’s browser in order to know where to redirect the user’s browser.” *Id.* at 4:5–11.

3. *Easy*

Easy is a U.S. Patent for a “Dynamic Digital Asset Management” that issued on February 13, 2001. Ex. 1009, codes (45), (54). Easy describes “a system for distributing digital content from a central server to a plurality of endpoint servers for further distribution to end users.” *Id.* at 1:5–7. Easy describes its endpoint servers 13 as each being “connected to an endpoint database 14, which stores all digital information contents available for delivery to subscribers by that endpoint server.” Ex. 1009, 4:8–10. Easy explains that “[w]hen a content delivery request is received from a user, the server 13 retrieves the requested content from the endpoint database 14 and delivers it to the requesting user via the communications network 15.” *Id.* at 4:11–14.

In Easy “endpoint server 13 also includes an agenting section 13a which cooperates with a client agenting section 16a of the client software 16 on a user’s PC to act as a ‘personal assistant’ for the user.” Ex. 1009, 4:15–19. Easy’s “assistant may, for example, recommend contents to the user based on a user profile which reflects the user's habits and preferences, and allow a user to submit feedback information to the server, such as the user’s rating of the delivered contents” and “[t]he user profile is generated and

continuously updated based on user information acquired by the agenting section 13a.” *Id.* at 4:18–24.

D. Principles of Law

A petition must show how the construed claims are unpatentable under the statutory grounds it identifies. 37 C.F.R. § 42.104(b)(4). Petitioner bears the burden of demonstrating a reasonable likelihood that it would prevail with respect to at least one challenged claim for a petition to be granted. 35 U.S.C. § 314(a).

A claim is unpatentable under § 103(a) if the differences between the claimed subject matter 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. *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question of obviousness is resolved on the basis of underlying factual determinations, including (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of skill in the art; and (4) when in evidence, objective indicia of non-obviousness (i.e., secondary considerations).⁴ *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966). Secondary considerations may include long-felt but unsolved need, failure of others, unexpected results, commercial success, copying, licensing, and praise. *See id.* at 17–18; *Leapfrog Enters., Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007). We analyze the asserted grounds with these principles in mind.

⁴ Patent Owner does not present any objective evidence of nonobviousness at this stage of the proceeding.

E. Obviousness under 35 U.S.C. § 103

1. Obviousness of Claims 1, 9, 11, 13–15, 19, and 20 Over Philyaw and Merriman

Petitioner contends that claims 1, 9, 11, 13–15, 19 and 20 are unpatentable over the combined teachings of Philyaw and Merriman. Pet. 6–57. Patent Owner disputes Petitioner’s contentions. Prelim. Resp. 8–20.

a. Independent Claims 1 and 11

Petitioner asserts that Philyaw discloses the preamble and limitations a), c), and e) of claim 1. Pet. 6–16, 26–27, 34–35. Petitioner asserts that the combined teachings of Philyaw and Merriman render limitations b) and d) obvious. *Id.* at 16–26, 28–34. For claim 11, Petitioner refers back to its assertions regarding the corresponding limitations of claim 1. Pet. 38–42.

Patent Owner does not contest specific limitations of claims 1 and 11. Rather, Patent Owner’s arguments pertain to Petitioner’s reasoning in support of the proposed combination. PO Resp. 8–20. We focus our discussion on Patent Owner’s arguments regarding the lack of a motivation for the proposed combination as they are dispositive.

Independent claim 1 requires *inter alia* an automated method of collecting profiles of Internet-using entities, including the steps of electronically “receiving at a programmed computer system coupled to a global computer network, from at least one server controlled by one of a plurality of unaffiliated third parties, a partial profile of an entity that uses a user computer coupled to the global computer network and accessing a website,” “wherein receiving the partial profile is achieved as a result of automatic electronic URL redirection from a portion of a page of the website

accessed by the user computer.” Ex. 1001, 16:44–56. Independent claim 11 is directed to “[a] tangible, non-transitory data storage medium comprising indicia of instructions for a processor to perform a method of collecting profiles of Internet-using entities,” where the method recites limitations similar to the limitations of claim 1. Ex. 1001, 17:45–61.

Petitioner asserts that Philyaw discloses these limitations except that “*Philyaw* does not expressly describe . . . CRS 2500 [(i.e. a programmed computer system)] receiving the ‘partial profile’ as a result of automatic electronic URL redirection from the website accessed by the user PC 302 [(i.e. user computer)].” Pet. 17. Noting that Philyaw “explains that ‘upon the user exiting [the vendor] site, the vendor server transmits the user activity information back to the CRS 2500’ so that the user profile can be updated on CRS database 2502,” Petitioner asserts that “*Philyaw* does not limit (or provide further details) as to how or why a user would exit the vendor website 2504.” *Id.* (Ex. 1005, 28:7-15, 26:39–44; Ex. 1002 ¶¶ 86–87). Petitioner then reasons that “[a] POSITA⁵ contemplating the implementation of *Philyaw*’s systems/process would have had reason to consider known technologies/techniques relating to user (user computer/browser) exits of websites to ensure the collected user activity information is provided to CRS 2500 in a manner consistent with the goals and processes of *Philyaw*.” *Id.* (citing Ex. 1002 ¶ 87; Ex. 1005, code (57), 3:16–26.)

Petitioner asserts that “it would have been obvious to configure *Philyaw*’s system/process to implement such features in light of *Philyaw*’s disclosures and the state of art knowledge of a POSITA at the time, such as

⁵ Person of ordinary skill in the art.

that provided by *Merriman*.” *Id.* at 18 (citing Ex. 1002 ¶ 89). Petitioner asserts that

such a modification would have been no more than the predictable use of known technologies and techniques (URL redirection) according to their established functions, which would have led to the predictable result of *Philyaw*’s user profile tracking system triggering user profile updates for various ways a user exits a current webpage or website session.

Id. (citing *KSR*, 550 U.S. at 417). According to Petitioner, Merriman discloses receiving a partial profile as a result of automatic electronic URL redirection from a website accessed by a user of a PC. Pet. 20–21.

Petitioner provides further reasoning in support of the proposed combination. For example, Petitioner reasons that a person of ordinary skill in the art “would have been motivated, and found [it] obvious, to configure *Philyaw*’s system/process to implement . . . modifications including use of known banner advertisement and associated automatic URL redirection techniques and technologies [such as those disclosed by Merriman] to provide more versatility to *Philyaw*’s system.” Pet. 23. Petitioner asserts further that “[s]uch a modification would have . . . resulted in performing the claimed ‘receiving’ limitation” and that a person of ordinary skill in the art “would have understood complimenting *Philyaw*’s system with automatic URL redirection to another URL, as one of various ways a user exits a viewed web page being viewed to facilitate sending the partial profile information to the CRS 2500.” Pet. 24–25 (citing Ex. 1005, 28:7–12; Ex. 1002 ¶¶ 102–104). According to Petitioner, “[t]his knowledge coupled with the understanding of known URL redirections techniques . . . would have guided and motivated a [person of ordinary skill in the art] to consider

and implement processes that consider and use URL redirection.” *Id.* at 25 (citing Ex. 1005, 28:7–12; Ex. 1002 ¶¶ 102–104).

Patent Owner contends that “[t]he Petition’s combination of Philyaw’s system with Merriman’s ‘automatic URL redirection’ teachings fails because it is unsupported by any articulated, nonconclusory reasoning or rational underpinning.” PO Resp. 11 (citing *KSR*, 550 U.S. at 418). We agree with Patent Owner that Petitioner’s reasoning in support of the proposed combination lacks rational underpinning. PO. Resp. 11.

Specifically, we agree that there is no motivation to add Merriman’s URL redirection to Philyaw’s system. *See* PO Resp. 11. We further agree with Patent Owner that Petitioner “fails to provide any evidence that a POSITA would have believed Philyaw to lack any important detail (or contain any other deficiency) with respect to user exits of websites” that would prompt a person of ordinary skill in the art to look to other references such as Merriman. PO Resp. 12. Rather, as discussed in detail below, Philyaw specifically addresses what happens when a user exits a vendor website. Ex. 1005, 26:39–44.

In Philyaw, the user installs software on their PC to create a barcode that includes information, entered by the user, about their preferences (i.e. a “partial profile”). Ex. 1005, 25:25–34. Philyaw’s barcode includes a digital ID “for tracking the user’s efforts and interests as he or she visits various websites on the GCN.” *Id.* at 25:49–50. In Philyaw “[w]hen the user visits a web site server 2504, the unique ID is passed off to the web site server 2504 such that the user’s activities are tracked and any interests or other activities are logged.” *Id.* at 26:1–4. In addition, in Philyaw

As the user searches through the vendor web site 2504, or even *after the user has exited the vendor web site 2504*, that search

information [i.e. partial profile] can be logged and transmitted back to the CRS 2500 along a path 6 to update the user profile as to interests and activities which occurred while visiting the vendor server 2504.

Id. at 26:39–44 (emphasis added). In other words, in Philyaw, partial profile information is automatically received from a website accessed by the user’s computer and passed to CRS 2500 where the profile is updated. *Id.*

Because Philyaw describes what happens when a user exits a vendor website, there is no reason for a person of ordinary skill in the art to have considered teachings regarding website exits. *Id.* Consequently, Petitioner’s articulated reasoning lacks rational underpinning because it is based on the incorrect premise that Philyaw does not address what happens when a user exits a website.⁶

For these reasons, we determine that Petitioner has not demonstrated a reasonable likelihood of prevailing for claims 1 and 11.

a. Dependent Claims 9, 13–15, 19, and 20

Claim 9 depends from claim 1, and claims 13–16, 19, and 20 depend from claim 11. Ex. 1001, 17:38–40, 18:21–39, 18:53–63. Having failed to demonstrate a reasonable likelihood of prevailing for independent claims 1 and 11, the Petitioner also fails to demonstrate a reasonable likelihood of prevailing for these claims.

⁶ To the extent that Petitioner’s position is that Philyaw does not teach how a user exits a website (*see* Pet. 17), we agree with Patent Owner that this is a “specious assertion” in that a person of ordinary skill in the art would know how to exit a website (e.g. by navigating to a different webpage or closing the browser) and would not look to a teaching about URL redirection to address this alleged lack of disclosure in Philyaw (PO Resp. 11–12).

2. *Obviousness of Claim 16 Over Philyaw, Merriman, and Easty*

Claim 16 depends from claim 11. Petitioner's challenge to claim 16 suffers from the same deficiencies as its challenge to claim 11 discussed above. Petitioner does not assert that Easty cures these deficiencies. Thus, Petitioner fails to demonstrate a reasonable likelihood of prevailing for claim 16 as it does for claim 11.

III. CONCLUSION

After considering the evidence and arguments presented in the Petition and the Preliminary Response, we determine that Petitioner does not demonstrate a reasonable likelihood of prevailing with respect to any of the challenged claims, and thus, we do not institute an *inter partes* review.

IV. ORDER

In consideration of the foregoing, it is hereby

ORDERED that the Petition is *denied* as to all challenged claims, and no trial is instituted.

IPR2022-01260
Patent 8,244,582 B2

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IPR2022-01260
Patent 8,244,582 B2

Disclaimer

8,244,582 B2 - Roy Shked, New York (US). METHOD AND STORED PROGRAM FOR ACCUMULATING DESCRIPTIVE PROFILE DATA ALONG WITH SOURCE INFORMATION FOR USE IN TARGETING THIRD-PARTY ADVERTISEMENTS. Patent dated August 14, 2012. Disclaimer filed September 6, 2017, by the inventor.

I hereby disclaim the following complete claims 2 and 12 of said patent.

(Official Gazette, September 6, 2022)

AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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filed in the U.S. District Court Western District of Texas on the following

☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.);

DOCKET NO.	DATE FILED 8/27/2021	U.S. DISTRICT COURT Western District of Texas
PLAINTIFF ALMONDNET, INC., and INTENT IQ, LLC		DEFENDANT AMAZON.COM, INC.; AMAZON.COM SERVICESLLC; AND AMAZON WEB SERVICES, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,639	10/26/2010	ALMONDNET, INC.
2 7,979,307	7/12/2011	ALMONDNET, INC.
3 8,244,582	8/14/2012	ALMONDNET, INC.
4 8,244,586	8/14/2012	ALMONDNET, INC.
5 8,671,139	3/11/2014	ALMONDNET, INC.

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 8,677,398	3/18/2014	INTENTIQ, LLC
2 8,775,249	7/8/2014	ALMONDNET, INC.
3 8,959,146	2/17/2015	ALMONDNET, INC.
4 9,508,089	11/29/2016	ALMONDNET, INC.
5 9,830,615	11/28/2017	ALMONDNET, INC.

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

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☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.);

DOCKET NO.	DATE FILED 8/27/2021	U.S. DISTRICT COURT Western District of Texas
PLAINTIFF ALMONDNET, INC., and INTENT IQ, LLC		DEFENDANT MICROSOFT CORPORATION
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,639	10/26/2010	ALMONDNET, INC.
2 7,979,307	7/12/2011	ALMONDNET, INC.
3 8,244,582	8/14/2012	ALMONDNET, INC.
4 8,244,586	8/14/2012	ALMONDNET, INC.
5 8,671,139	3/11/2014	ALMONDNET, INC.

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3 8,959,146	2/17/2015	ALMONDNET, INC.
4 9,508,089	11/29/2016	ALMONDNET, INC.
5 9,830,615	11/28/2017	ALMONDNET, INC.

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DOCKET NO.	DATE FILED 8/27/2021	U.S. DISTRICT COURT Western District of Texas
PLAINTIFF ALMONDNET, INC., and INTENT IQ, LLC		DEFENDANT FACEBOOK, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,822,639	10/26/2010	ALMONDNET, INC.
2 7,979,307	7/12/2011	ALMONDNET, INC.
3 8,244,582	8/14/2012	ALMONDNET, INC.
4 8,244,586	8/14/2012	ALMONDNET, INC.
5 8,671,139	3/11/2014	ALMONDNET, INC.

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 8,677,398	3/18/2014	INTENTIQ, LLC
2 8,775,249	7/8/2014	ALMONDNET, INC.
3 8,959,146	2/17/2015	ALMONDNET, INC.
4 9,508,089	11/29/2016	ALMONDNET, INC.
5 9,830,615	11/28/2017	ALMONDNET, INC.

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☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.);

DOCKET NO.	DATE FILED 8/26/2021	U.S. DISTRICT COURT Western District of Texas
PLAINTIFF ALMONDNET, INC., and INTENT IQ, LLC		DEFENDANT SAMSUNG ELECTRONICS CO., LTD.; SAMSUNG ELECTRONICS AMERICA, INC.; ADGEAR TECHNOLOGIES INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,979,307	7/12/2011	ALMONDNET, INC.
2 8,200,822	6/12/2012	ALMONDNET, INC.
3 8,244,582	8/14/2012	ALMONDNET, INC.
4 8,566,164	10/22/2013	INTENTIQ, LLC
5 8,671,139	3/11/2014	ALMONDNET, INC.

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 8,677,398	3/18/2014	INTENTIQ, LLC
2 8,959,146	2/17/2015	ALMONDNET, INC.
3 10,321,198	6/11/2019	INTENTIQ, LLC
4 10,715,878	7/14/2020	INTENTIQ, LLC
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

YAHOO! INC.,
Petitioner,

v.

ALMONDNET, INC.,
Patent Owner.

Case CBM2017-00052
Patent 8,244,582 B2

Before MICHAEL W. KIM, JUSTIN T. ARBES, and
THOMAS L. GIANNETTI, *Administrative Patent Judges*.

KIM, *Administrative Patent Judge*.

DECISION

Denying Institution of Covered Business Method Patent Review
35 U.S.C. § 324(a) and 37 C.F.R. § 42.208

I. INTRODUCTION

A. *Background*

Yahoo! Inc. (“Petitioner”) filed a Corrected Petition to institute a covered business method patent review of claims 1–6, 9, and 10 of U.S. Patent No. 8,244,582 B2 (Ex. 1001, “the ’582 patent”) on a single ground of unpatentability under 35 U.S.C. § 101. Paper 3 (“Pet.”).¹ AlmondNet, Inc. (“Patent Owner”) filed a Preliminary Response, in which Patent Owner indicates that a statutory disclaimer has been filed with respect to dependent claims 2 and 12. Paper 7 (“Prelim. Resp.”) 23–24.

For the reasons set forth below, we determine that the ’582 patent does not qualify as a covered business method patent for the purposes of § 18(d)(1) of the Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112-29, 125 Stat. 284, 331. We, thus, do not institute a covered business method patent review of any claim of the ’582 patent.

B. *Related Proceedings*

Petitioner and Patent Owner identify the following district court proceeding concerning the ’582 patent: *AlmondNet, Inc. et al. v. Yahoo! Inc.*, No. 1:16-cv-01557-ILG-SMG (E.D.N.Y.). Pet. 2; Paper 4, 2. The following proceedings, before the Board, also involve the same parties:

¹ Petitioner filed its initial Petition on May 15, 2017 (Paper 2), then filed a Corrected Petition on June 2, 2017 (Paper 3). Petitioner was not ordered to correct its Petition in the Notice of Filing Date Accorded to Petition (*see* Paper 6), and the filed papers do not otherwise indicate that Board authorization was obtained to do so. *See* 37 C.F.R. § 42.20(a). We need not reach this issue, however, given our disposition of the Corrected Petition on the merits, as explained herein.

CBM2017-00052
Patent 8,244,582 B2

CBM2017-00046 (U.S. Patent No. 7,822,639) (institution denied);
CBM2017-00047 (U.S. Patent No. 8,244,586) (institution denied);
CBM2017-00049 (U.S. Patent No. 7,979,307); CBM2017-00050 (U.S.
Patent No. 8,775,249); CBM2017-00051 (U.S. Patent No. 8,494,904);
CBM2017-00056 (U.S. Patent No. 8,959,146) (institution denied);
CBM2017-00058 (U.S. Patent No. 8,671,139) (institution denied).

C. Standing

Section 18 of the America Invents Act governs the transitional program for covered business method patent reviews. Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112–29, § 18, 125 Stat. 284, 329–31 (2011); *see also* 37 C.F.R. §§ 42.300–304 (2016) (setting forth the rules governing the transitional program for covered business method patents). Section 18(a)(1)(B) of the AIA limits such reviews to persons, or their privies, that have been sued or charged with infringement of a covered business method patent. *See also* 37 C.F.R. § 42.302(a) (setting forth who may petition for a covered business method patent review). Petitioner asserts that, because it has been sued for infringement of certain claims of the ’582 patent, it has standing to file this Petition. Pet. 38 (citing Ex. 1003).² Based on the record before us, we agree.

D. The ’582 Patent

The ’582 patent discloses that the claimed invention relates generally to “a mercantile method directed to brokerage of attributes of information.”

² Petitioner cites Ex. 1003 (Resume of Stephen Gray); we assume, however, Petitioner intended to cite the Complaint labeled Ex. 1004.

Ex. 1001, 1:29–31. According to the ’582 patent, “[a]dvances in database technology have given rise to commerce in records, files and databases, per se. For example, paying for a database credit check for an individual or buying a mailing list have become common practice.” *Id.* at 1:35–38. The ’582 patent further discloses that “[u]nfortunately, the current state of information commerce is focused on the sales of whole databases, whole records, or evaluations based on single or clusters of records.” *Id.* at 1:57–59. The ’582 patent indicates this is a problem because “[i]n commercial applications where specific attributes of information strongly affect the value of evaluations, there is a need in the art for commerce in such attributes. For example, in targeted advertising, every attribute, which substantially affects the probability of that advertisement’s success, innately has a discrete economic value.” *Id.* at 1:59–65. The ’582 patent purports to solve this problem by utilizing “a descriptive-profile mercantile method, for use at a juncture in a data communications topology having associated therewith a maintained databank of partial profiles.” *Id.* at 3:30–33. According to the ’582 patent, the disclosed invention provides “a means for making viable the economic commerce in the information attributes” and “operates on a brokerage representation model.” *Id.* at 3:53–59.

E. Illustrative Claim

Petitioner challenges claims 1–6, 9, and 10 of the ’582 patent. Of those, claim 1, reproduced below, is the only independent claim and is illustrative of the challenged claims.

1. An automated method of collecting profiles of Internet using entities, the method comprising:
 - (a) electronically receiving at a programmed computer system coupled to a global computer network, from at least one

server controlled by one of a plurality of unaffiliated third parties, a partial profile of an entity that uses a user computer coupled to the global computer network and accessing a website, which partial profile is available to one of the third parties and contains at least one profile attribute related to the entity, and automatically with the computer system storing the received partial profile;

(b) wherein receiving the partial profile is achieved as a result of automatic electronic URL redirection from a portion of a page of the website accessed by the user computer;

(c) automatically with the computer system electronically adding the received partial profile to a maintained profile believed to be related to the same entity;

(d) automatically with the computer system generating and storing an electronic record of which of the plurality of unaffiliated third parties contributed to the maintained profile particular profile attributes;

(e) wherein the maintained profile, including the added partial profile, comprises data used in targeting third party advertisements to the user computer over the global computer network.

Ex. 1001, 16:42–67.

F. Asserted Ground of Unpatentability

Petitioner challenges claims 1–6, 9, and 10 of the '582 patent as failing to claim patent-eligible subject matter under 35 U.S.C. § 101. Pet. 38–65.

II. ANALYSIS

A. Claim Construction

In a covered business method patent review, we construe claim terms in an unexpired patent according to their broadest reasonable construction in light of the specification of the patent in which they appear.

37 C.F.R. § 42.200(b); see *Cuozzo Speed Techs. LLC v. Lee*, 136 S. Ct.

2131, 2142 (2016) (upholding the use of the broadest reasonable interpretation standard). Only those terms that are in controversy, however, need be construed, and only to the extent necessary to resolve the controversy. *See VividTechs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999). Under the broadest reasonable interpretation (“BRI”), claim terms generally are given their ordinary and customary meaning, as would be understood by one of ordinary skill in the art in the context of the entire disclosure. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007). An inventor, however, may define specific terms used to describe an invention, but must do so “with reasonable clarity, deliberateness, and precision” and must “‘set out his uncommon definition in some manner within the patent disclosure’ so as to give one of ordinary skill in the art notice of the change” in meaning. *In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994) (quoting *Intellicall, Inc. v. Phonometrics, Inc.*, 952 F.2d 1384, 1387–88 (Fed. Cir. 1992)).

Petitioner proposes two claim terms be construed: “unaffiliated third parties” and “third party advertisements.” Pet. 17–28. We begin our analysis with the plain language of the claims themselves, but look to the specification for guidance as to how one skilled in the art would understand the ordinary meaning of the claims. In interpreting claims, care must be exercised, as there is a fine line between interpreting claims in light of the specification, and reading limitations into the claims from the specification. *Comark Commc'ns, Inc. v. Harris Corp.*, 156 F.3d 1182, 1186 (Fed. Cir. 1998).

1. “*unaffiliated third parties*”

Independent claim 1 recites “electronically receiving at a programmed computer system coupled to a global computer network, from at least one server controlled by one of a plurality of *unaffiliated third parties*, a partial profile . . .” (emphasis added). Petitioner asserts that “unaffiliated third parties” should be construed as “parties that engage in arm’s length transactions to buy and sell profiles.” Pet. 18–27. Petitioner asserts this construction is proper because: (1) the specification characterizes the “present invention” as including “unaffiliated third parties” that buy and sell profiles; (2) the specification makes clear that “unaffiliated third parties” are those that contract to buy and sell profiles; and (3) any construction of “unaffiliated third parties” that excludes a contract to buy and sell profiles would read out impermissibly the preferred embodiment of the invention. *Id.*

Patent Owner disagrees, asserting that the term “unaffiliated third parties” does not require any express construction. Prelim. Resp. 14–18. Patent Owner asserts further that even if construction were required, Petitioner’s construction would be incorrect, because it excludes improperly “a party that *donates* data or *swaps* data rather than buying or selling it,” something covered by use of the words “economic *or other* value” in a relevant portion of the specification. *Id.* (emphasis in original) (in part quoting Ex. 1001, 7:66–8:6). We agree with Patent Owner.

As an initial matter, we note that Petitioner does not assert that any express claim language supports its proffered construction. We discern that the lack of such an assertion is logical as, of all the substantive terms set forth in Petitioner’s construction, the only one recited explicitly, in any

claim, is “profile.” We do not discern that any of the terms “unaffiliated,” “third,” “parties,” and “profile,” individually or collectively, provides a sufficient basis for Petitioner’s proposed construction.

Instead, Petitioner relies almost exclusively on the specification. In light of the above, however, Petitioner needs to show that its proffered construction is set forth “with reasonable clarity, deliberateness, and precision” and is “‘set out . . . in some manner within the patent disclosure’ so as to give one of ordinary skill in the art notice of the change” in meaning. *Paulsen*, 30 F.3d at 1480. We are unpersuaded that Petitioner has done so. Specifically, we agree with Patent Owner that the portions of the specification identified by Petitioner merely disclose preferred, but non-limiting, embodiments. *See* Prelim. Resp. 14–17. In particular, Patent Owner contends, and we agree, that the following portions of the specification indicate that “unaffiliated third parties” is not limited to “buying and selling,” as asserted by Petitioner:

In the context of the preferred embodiment of the present invention, ‘user’ relates to an individual, web site, search-robot and/or other type of software agent that interacts with the system by virtue of their contacting a juncture in the data-communications topology where the method is installed in order to acquire, trade, dispose of and/or broker some attribute data for the purpose of acquiring some potential economic *or other value* in connection with that attribute data.

Ex. 1001, 7:66–8:6 (emphasis added).

The various kinds of contracts available in a transaction between the system and the user are: buy, sell, *broker, and trade*. Where new information is disclosed to the system a royalty arrangement (or, alternatively, an outright purchase or sale) comprised of micro payments *may be employed*.

Id. at 10:36–40 (emphases added).

As for Petitioner's assertion that construing "unaffiliated third parties" to exclude a contract to buy and sell profiles would read out impermissibly the preferred embodiment of the invention, we conclude that assertion is misplaced. Patent Owner does not assert that "unaffiliated third parties" should be construed as excluding buying and selling profiles; Patent Owner is merely asserting that "unaffiliated third parties" is not limited to "parties that engage in arm's length transactions to buy and sell profiles." Under that premise, a premise with which we agree for the reasons set forth above, the preferred embodiment is not excluded.

We are unpersuaded that "unaffiliated third party" is limited to "parties that engage in arm's length transactions to buy and sell profiles." As explained above, the term also encompasses parties that engage in other types of transactions (e.g., trades). We agree with Patent Owner that "unaffiliated third parties" does not require any further construction.

2. *"third-party advertisements"*

Independent claim 1 recites "wherein the maintained profile, including the added partial profile, comprises data used in targeting ***third-party advertisements*** to the user computer over the global computer network . . ." (emphasis added). Petitioner asserts that the term "third-party advertisements" should be construed as "paid announcements." Pet. 27–28. Petitioner asserts that the specification defines a "third party" as "one that buys and sells information." *Id.* Petitioner additionally asserts that an advertisement, in the context of electronic media, necessarily is paid. *Id.* (citing Ex. 1002 ¶¶ 44, 63). Petitioner, thus, concludes that "[s]ince, here, 'third-party' modifies 'advertisements,' the claim term 'third-party advertisements' ought to be construed to mean 'advertisements' that are sold

by one party and purchased by another (*i.e.*, third) party, *i.e.*, ‘paid announcements.’” *Id.* at 27 (citing Ex. 1002 ¶ 62).

Patent Owner disagrees, asserting that “[t]he *broadest* reasonable interpretation of ‘advertisement’ is simply ‘a notice or announcement,’ and the broadest reasonable interpretation of ‘third party advertisement’ is a notice or announcement by some party other than the one performing the method of claim 1. Including free ads is not ‘unreasonable.’” Prelim. Resp. 18–22. Patent Owner argues that Petitioner’s assertions are flawed, because the “third party” recited in each of “unaffiliated third parties” and “third-party advertisement” are actually different parties. *Id.* at 20–21. Specifically, Patent Owner argues the “term ‘unaffiliated third party’ refers to the ‘user,’ whereas the term ‘third-party advertisements’ refers to advertisements of a third-party *advertiser*.” *Id.* at 20. As an initial matter, we note that the parties appear to agree that “advertisements” are, essentially, “announcements,” as each party’s respective construction includes that term. Accordingly, we will limit our analysis to whether or not it is proper to insert the word “paid” before “announcements.” On that issue, we agree with Patent Owner that it is not.

Beginning with “third party,” Petitioner does not identify, and we are unable to ascertain independently, anything about the terms “third” or “party,” individually or collectively, that has anything to do with either “one that buys and sells information” or “paid.” The same is true for the rest of the express language set forth in independent claim 1.

The portions of the specification cited by Petitioner are equally unavailing. Pet. 27–28 (citing Ex. 1001, 3:42–43, 8:12–15). We are unpersuaded that either portion provides a definition of “third party” as “one

that buys and sells information,” or as requiring “paid,” with any degree of “clarity, deliberateness, and precision.” *See Paulsen*, 30 F.3d at 1480. As noted by Patent Owner, the portions of the specification cited by Petitioner refer to a “third-party” in the context of “unaffiliated third party,” and not “third-party advertisements.” Moreover, even if those portions of the specification are considered relevant, we are unpersuaded that they limit “third party” to “one that buys and sells information,” or require the term “paid,” for the same reasons set forth above in our analysis of “unaffiliated third party.”

For the claim term “advertisements,” Petitioner asserts that adding the word “paid” is appropriate, because “one of ordinary skill would understand that in the context of the electronic media at issue in the ’582 patent, an ‘advertisement[]’ is necessarily paid; otherwise, it would not be considered an ‘advertisement[].’” Pet. 27 (citing Ex. 1002 ¶¶ 44, 63). We are unpersuaded. We have considered Petitioner’s supporting evidence and, in particular, the testimony of Stephen Gray. While Mr. Gray uses the absolute term “always” in asserting that “[a]t least in the context of the Internet, advertisers always pay for ‘advertisements’; otherwise, a displayed message would not be considered an advertisement” (Ex. 1002 ¶ 44), we are unpersuaded that it is credible, as the balance of the paragraph, as well as the cited exhibits, use much more equivocal language, as follows:

Indeed, from its inception, Internet advertising was *focused* on generating revenue for websites for the display of advertisements. (*See, e.g.*, Ex. 1025 at 153 (“When advertising on the Web first began, no one knew how to price. The only known figure was a fee HotWired decided to charge for its first ads in 1994: \$30,000 for banner advertising that ran for 12 weeks.”). Advertisers *may* pay for advertisements via pay-per-

click (PPC) systems, also called cost-per-click (CPC) systems. (See Ex. 1026 (<https://www.duncanjonesnz.com/history-of-ppcmarketing/>)). PPC is an Internet advertising *model* in which advertisers pay the publisher (*typically* a website owner or a search engine) when the ad is clicked. The ads would have *typically* appeared as a link that *may* be accompanied by additional advertising language. When a user clicked on one of the ads containing a hyperlink, the user's browser was directed to the website of a company that had agreed to pay the owner of the PPC system some amount of money for each such click. Other pricing *models* "range from flat-fee to paying for the number of times an ad is seen . . . to paying on a cost-per-lead or cost-per-purchase basis." (Ex. 1025 at 154; *see also id.* at 153–78 (describing various pricing models used in Internet advertising).)

Ex. 1002 ¶ 44 (emphases added). The use of equivocal terms that signify the presence of alternatives, such as "focused," "may," "typically," and "model," all indicate that paid advertising was merely an option, and does not support Mr. Gray's testimony that "advertisers *always* pay for 'advertisements.'" *Id.* (emphasis added).

The same logic also is applicable to the analysis and supporting evidence set forth in paragraph 63 of Mr. Gray's Declaration. Ex. 1002 ¶ 63 (citing Exs. 1005, 1006).³ Specifically, while the cited dictionary definitions do mention "paid announcement," that is merely set forth in a listing with other options that do not use the word "paid," or any equivalent. *See, e.g.,* Ex. 1006, 4 of 4 ("advertisement" is defined as "[a] notice, such as a poster, newspaper display, or paid announcement in the electronic media to attract

³ Petitioner cites Ex. 1004 (Complaint). We assume, however, Petitioner intended to cite The American Heritage College Dictionary, 4th Edition (Ex. 1005), The American Heritage College Dictionary, 3rd Edition (Ex. 1006).

public attention or patronage.”). Accordingly, again, we are unpersuaded that Mr. Gray’s testimony that “‘advertisement[]’ is *necessarily* paid; otherwise, it would not be considered an ‘advertisement[]’” (emphasis added) is credible. Ex. 1002 ¶ 63 (emphasis added).

Finally, Patent Owner cites several cases in support of its argument that an advertisement does not necessarily require payment; rather, an advertisement is merely a notice or announcement. Prelim. Resp. 18–22 (citing *Unwired Planet, LLC v. Google, Inc.*, 841 F.3d 1376, 1382 (Fed. Cir. 2016); *Google Inc. v. Klaustech, Inc.*, CBM2016-00096, slip op. at 8–16 (PTAB Feb. 27, 2017) (Paper 10); *Google Inc. v. HBAC Matchmaker Media Inc.*, CBM2016-00097, slip op. at 12–23 (PTAB Feb. 27, 2017) (Paper 16) (*but see* dissenting opinion)). We acknowledge that facts and arguments may differ between cases, such that a finding in one case that “advertisement” does not necessarily require payment is not always binding on another. Nevertheless, the cited cases, and, in particular, the *Unwired Planet* decision issued by the Federal Circuit, provide some guidance on this issue. We are unpersuaded that Petitioner has shown sufficiently that the facts and arguments in this case justify a different outcome.

Accordingly, we construe “third party advertisements” as “third party announcements,” which does not include the word “paid.”

B. Covered Business Method Patent

Section 18(d)(1) of the AIA defines a covered business method patent as “a patent that claims a method or corresponding apparatus for performing data processing or other operations used in the practice, administration, or management of a financial product or service, except that the term does not include patents for technological inventions.” *See also* 37 C.F.R.

§ 42.301(a) (stating the same). To determine whether a patent is a covered business method patent, “the statutory definition of a [covered business method (CBM)] patent requires that the patent have a claim that contains, however phrased, a financial activity element.” *Secure Access, LLC v. PNC Bank Nat’l Ass’n*, 848 F.3d 1370, 1381 (Fed. Cir. 2017); *see also Blue Calypso, LLC v. Groupon, Inc.*, 815 F.3d 1331, 1340 (Fed. Cir. 2016) (stating that “§ 18(d)(1) directs us to examine *the claims* when deciding whether a patent is a CBM patent”); *Unwired Planet*, 841 F.3d at 1382 (“CBM patents are limited to those with claims that are directed to methods and apparatuses of particular types and with particular uses ‘in the practice, administration, or management of a financial product or service.’”).

Petitioner cites four claims of the ’582 patent in support of its assertion that the ’582 patent is a covered business method patent: dependent claims 2 and 12, and independent claims 1 and 11. Pet. 29–34.

1. Effect of Statutory Disclaimer

Petitioner contends dependent claims 2 and 12 of the ’582 patent are directed to financial activity, because each claim requires a predetermined arrangement whereby a payment amount is due to the unaffiliated third party as a result of using at least one of the profile attributes contributed by that third party in targeting the third party advertisements. Pet. 30. Patent Owner argues, however, that these claims cannot provide the basis for eligibility for a covered business method patent review, because they have been disclaimed pursuant to 35 U.S.C. § 253(a) and 37 C.F.R. § 1.321(a). Prelim. Resp. 23–24. We agree with Patent Owner. “The Federal Circuit has held consistently that claims disclaimed under § 253(a) should be treated as though they never existed.” *Facebook, Inc. v. Skky, LLC*, Case

CBM2016-00091, slip op. at 8 (PTAB Sept. 28, 2017) (Paper 12) (informative) (citing *Vectra Fitness, Inc. v. TWNK Corp.*, 162 F.3d 1379, 1383 (Fed. Cir. 1998)). “The decision whether to institute a CBM patent review is based on whether a patent ‘is’ a covered business method patent, which in turn is based on what the patent ‘claims’ at the time of the institution decision, not as the claims may have existed at some previous time.” *Id.* at 6. Accordingly, as dependent claims 2 and 12 are disclaimed by the time of this decision, they cannot provide the basis for eligibility for a covered business method patent review.

2. *Financial Product or Service*

Petitioner’s assertion that independent claims 1 and 11 recite financial activity elements is entirely premised on its proposed constructions of “unaffiliated third parties” and “third-party advertisements.” Pet. 31–32.⁴ As discussed *supra*, however, we do not adopt Petitioner’s proffered claim constructions of either term. Instead, we determine that “unaffiliated third parties” is not limited to profile buyers and sellers and does not require any

⁴ Petitioner also asserts that “[t]he ’582 patent’s specification makes plain that it is a patent ‘used in the practice, administration, or management of a financial product or service.’” Pet. 33. Petitioner then asserts, however, the following: “Petitioner acknowledges that this argument is inconsistent with the Federal Circuit’s language in *Secure Access LLC v. PNC*, 848 F.3d 1370 (Fed. Cir. 2017). The appellant in that case, however, has filed a request for *en banc* review, asking whether such patents are CBM eligible Petitioner submits this argument for the Board’s consideration should the Federal Circuit or Supreme Court overrule or modify the *Secure Access* decision.” Pet. 33 n.6. The request for *en banc* review was denied. *Secure Access LLC v. PNC*, 859 F.3d 998 (Fed. Cir. 2017). A petition for a writ of certiorari was filed on September 4, 2017, and is pending. In any case, however, as neither the Federal Circuit nor Supreme Court, as of this date, has overruled or modified *Secure Access*, Petitioner’s assertion is moot.

further construction, and that “third party advertisements” should be construed as “third party announcements.” On this record, therefore, we are unpersuaded that Petitioner has shown sufficiently that either claim term is a financial activity element. Accordingly, Petitioner has not met its burden of demonstrating that the ’582 patent is eligible for a covered business method patent review.

II. CONCLUSION

On this record, Petitioner has not met its burden of showing that the ’582 patent is eligible for the transitional covered business method patent review program.

III. ORDER

After due consideration of the record before us, and for the foregoing reasons, it is ORDERED that the Petition is *denied* and no covered business method patent review is instituted.

CBM2017-00052
Patent 8,244,582 B2

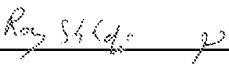
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justinlesko@patentit.com

DISCLAIMER IN PATENT UNDER 37 CFR 1.321(a)	
Name of Patentee Roy Shkedi	Docket Number (Optional) 14-DP-CON3
Patent Number 8,244,582	Date Patent Issued 08/14/2012
Title of Invention Method and Stored Program for Accumulating Descriptive Profile Data Along with Source Information for Use in Targeting Third-Party Advertisements	
I hereby disclaim the following complete claims in the above identified patent: <u>2 and 12.</u>	
The extent of my interest in said patent is (if assignee of record, state liber and page, or reel and frame, where assignment is recorded): <u>100% owner and assignee of record, see Reel 026345/Frame 0047, on behalf of me and my successors and assigns.</u>	
The fee for this disclaimer is set forth in 37 CFR 1.20(d).	
☐ Patentee claims small entity status. See 37 CFR 1.27. ☐ Small entity status has already been established in this case, and is still proper. ☐ A check in the amount of the fee is enclosed. ☒ Payment by credit card. Form PTO-2038 is attached. ☐ The Director is hereby authorized to charge any fees which may be required or credit any overpayment to Deposit Account No. _____ .	
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.	
Signed at <u>Forest Hills</u> , State of <u>NY</u> , this <u>6th</u> day of <u>September</u> 20 <u>17</u> .	
 _____ Signature	_____ Registration Number, if applicable (646) 217-0930 _____ Telephone Number
<u>Roy Shkedi for AlmondNet, Inc.</u> _____ Typed or printed name of patentee/ attorney or agent of record	
<u>37-18 Northern Boulevard, Suite 404</u> _____ Address	
<u>Long Island City, New York 11101</u> _____ City, State, Zip Code or Foreign Country as applicable	

This collection of information is required by 37 CFR 1.321. 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.

Electronic Patent Application Fee Transmittal				
Application Number:		13115949		
Filing Date:		25-May-2011		
Title of Invention:		METHOD AND STORED PROGRAM FOR ACCUMULATING DESCRIPTIVE PROFILE DATA ALONG WITH SOURCE INFORMATION FOR USE IN TARGETING THIRD-PARTY ADVERTISEMENTS		
First Named Inventor/Applicant Name:		Roy Shkedi		
Filer:		Louis J. Hoffman/Donald Hertz		
Attorney Docket Number:		14-DP-CON3		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
STATUTORY OR TERMINAL DISCLAIMER	1814	1	160	160
Total in USD (\$)				160

Electronic Acknowledgement Receipt	
EFS ID:	30289067
Application Number:	13115949
International Application Number:	
Confirmation Number:	4473
Title of Invention:	METHOD AND STORED PROGRAM FOR ACCUMULATING DESCRIPTIVE PROFILE DATA ALONG WITH SOURCE INFORMATION FOR USE IN TARGETING THIRD-PARTY ADVERTISEMENTS
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman/Donald Hertz
Filer Authorized By:	Louis J. Hoffman
Attorney Docket Number:	14-DP-CON3
Receipt Date:	06-SEP-2017
Filing Date:	25-MAY-2011
Time Stamp:	18:43:46
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$160
RAM confirmation Number	090717INTEFSW18440900
Deposit Account	
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:	

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Statutory disclaimers per MPEP 1490	17-09-06-AN- DP_CON3-8244582- StatDisclaim-signed.pdf	170530	no	1
			1199be19efc432062d2567ba1bcf511d583379b8		
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30759	no	2
			d397927299fdea7966ed2078b7ed59e3ad99253f		
Warnings:					
Information:					
Total Files Size (in bytes):			201289		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor	:	Shkedi, Roy	Patent No.	:	8,244,582 B2
Serial No.	:	13/115,949	Issue Date	:	08/14/2012
Filing Date	:	05/25/2011	Conf. No.	:	4473
Title	:	Method and Stored Program for Accumulating Descriptive Profile Data Along with Source Information for Use in Targeting Third-Party Advertisements			

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

Filed via EFS-Web – January 20, 2016

NOTIFICATION OF LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

Dear Sir:

Assignee notifies the USPTO of the loss of entitlement to small entity status in the above-captioned patent.

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

Respectfully submitted,
ALMONDNET, INC.
by its attorney

Dated: January 20, 2016

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

LOUIS J. HOFFMAN, P.C.
14301 North 87th Street, Suite 312
Scottsdale, Arizona 85260
(480) 948-3295

Electronic Acknowledgement Receipt	
EFS ID:	24676046
Application Number:	13115949
International Application Number:	
Confirmation Number:	4473
Title of Invention:	METHOD AND STORED PROGRAM FOR ACCUMULATING DESCRIPTIVE PROFILE DATA ALONG WITH SOURCE INFORMATION FOR USE IN TARGETING THIRD-PARTY ADVERTISEMENTS
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman/Donald Hertz
Filer Authorized By:	Louis J. Hoffman
Attorney Docket Number:	14-DP-CON3
Receipt Date:	20-JAN-2016
Filing Date:	25-MAY-2011
Time Stamp:	16:28:59
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	Notification of loss of entitlement to small entity status	16-01-20-AN-DP_CON_3-Notif_Loss_Small_Entity_Status.pdf	34723 64a470c16c344b7e1b401957bc65cf093dc22409	no	1
Warnings:					
Information:					

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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.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/115,949	08/14/2012	8244582	14-DP-CON3	4473

26362 7590 07/25/2012
LOUIS J. HOFFMAN, P.C.
14301 North 87th Street, Suite 312
Scottsdale, AZ 85260

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 0 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):

Roy Shkedi, New York, NY;

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NOTICE OF ALLOWANCE AND FEE(S) DUE

26362 7590 07/10/2012
LOUIS J. HOFFMAN, P.C.
14301 North 87th Street, Suite 312
Scottsdale, AZ 85260

EXAMINER

OUELLETTE, JONATHAN P

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 07/10/2012

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/115,949	05/25/2011	Roy Shkedi	14-DP-CON3	4473

TITLE OF INVENTION: METHOD AND STORED PROGRAM FOR ACCUMULATING DESCRIPTIVE PROFILE DATA ALONG WITH SOURCE INFORMATION FOR USE IN TARGETING THIRD-PARTY ADVERTISEMENTS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$870	\$300	\$0	\$1170	10/10/2012

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.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
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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)

26362 7590 07/10/2012
LOUIS J. HOFFMAN, P.C.
14301 North 87th Street, Suite 312
Scottsdale, AZ 85260

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.
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13/115,949	05/25/2011	Roy Shkedi	14-DP-CON3	4473
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TITLE OF INVENTION: METHOD AND STORED PROGRAM FOR ACCUMULATING DESCRIPTIVE PROFILE DATA ALONG WITH SOURCE INFORMATION FOR USE IN TARGETING THIRD-PARTY ADVERTISEMENTS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$870	\$300	\$0	\$1170	10/10/2012

EXAMINER	ART UNIT	CLASS-SUBCLASS
OUELLETTE, JONATHAN P	3629	705-014660

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, 1 _____
(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. 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.



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.
13/115,949	05/25/2011	Roy Shkedi	14-DP-CON3	4473
26362	7590	07/10/2012	EXAMINER	
LOUIS J. HOFFMAN, P.C.			OUELLETTE, JONATHAN P	
14301 North 87th Street, Suite 312			ART UNIT	PAPER NUMBER
Scottsdale, AZ 85260			3629	

DATE MAILED: 07/10/2012

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 0 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 0 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.

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)	
	13/115,949	SHKEDI, ROY	
	Examiner	Art Unit	
	JONATHAN OUELLETTE	3629	

-- 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 6/26/2012.

2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.

3. ☒ The allowed claim(s) is/are 40-59.

4. ☒ 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. 09/593993.
 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.

5. ☐ 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.

6. ☐ 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).

7. ☐ 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 Draftsperson'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 ____
--	---

/Jonathan Ouellette/ Primary Examiner, Art Unit 3629	
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DETAILED ACTION

Response to Amendment

1. Claims 1-39 have been cancelled; therefor, Claims 40-59 are currently pending in application 13/115,949.

Allowable Subject Matter

2. **Claims 40-59 are allowed.**
3. The following is an examiner's statement of reasons for allowance:
4. All previous rejections are withdrawn due to Applicant's amendments and arguments.

Conclusion

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jamisue Plucinski can be reached on (571) 272-6811. The fax phone numbers for the

organization where this application or proceeding is assigned (571) 273-8300 for all official communications.

8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (571) 272-4000. Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 5, 2012

/Jonathan Ouellette/

Primary Examiner, Art Unit 3629

<i>Index of Claims</i> 	Application/Control No. 13115949	Applicant(s)/Patent Under Reexamination SHKEDI, ROY
	Examiner JONATHAN OUELLETTE	Art Unit 3629

✓	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	06/01/2012	06/13/2012	06/28/2012															
	1	-	-	-															
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	36	-	-	-															

<i>Index of Claims</i> 	Application/Control No. 13115949	Applicant(s)/Patent Under Reexamination SHKEDI, ROY
	Examiner JONATHAN OUELLETTE	Art Unit 3629

✓	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	06/01/2012	06/13/2012	06/28/2012						
	37	-	-	-						
	38	-	-	-						
	39	-	-	-						
1	40	✓	✓	=						
2	41	✓	✓	=						
3	42	✓	✓	=						
4	43	✓	✓	=						
5	44	✓	✓	=						
6	45	✓	✓	=						
7	46	✓	✓	=						
8	47	✓	✓	=						
9	48	✓	✓	=						
10	49	✓	✓	=						
11	50	✓	✓	=						
12	51	✓	✓	=						
13	52	✓	✓	=						
14	53	✓	✓	=						
15	54	✓	✓	=						
16	55	✓	✓	=						
17	56	✓	✓	=						
18	57	✓	✓	=						
19	58	✓	✓	=						
20	59	✓	✓	=						



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UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
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BIB DATA SHEET

CONFIRMATION NO. 4473

SERIAL NUMBER 13/115,949	FILING or 371(c) DATE 05/25/2011 RULE	CLASS 705	GROUP ART UNIT 3629	ATTORNEY DOCKET NO. 14-DP-CON3	
APPLICANTS Roy Shkedi, New York, NY; ** CONTINUING DATA ***** This application is a CON of 12/186,918 08/06/2008 PAT 7,979,307 which is a DIV of 11/099,861 04/06/2005 PAT 7,428,493 which is a CON of 09/593,993 06/14/2000 PAT 6,925,440 ** FOREIGN APPLICATIONS ***** ISRAEL 133489 12/13/1999 ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** SMALL ENTITY ** 06/07/2011					
Foreign Priority claimed ☒ Yes ☐ No 35 USC 119(a-d) conditions met ☒ Yes ☐ No Verified and /JONATHAN P Acknowledged OUELLETTE/ Examiner's Signature	☐ Met after Allowance JO Initials	STATE OR COUNTRY NY	SHEETS DRAWINGS 3	TOTAL CLAIMS 20	INDEPENDENT CLAIMS 2
ADDRESS LOUIS J. HOFFMAN, P.C. 14301 North 87th Street, Suite 312 Scottsdale, AZ 85260 UNITED STATES					
TITLE Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements					
FILING FEE RECEIVED 462	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		

36291.1[illegible]

1

<i>Search Notes</i> 	Application/Control No. 13115949	Applicant(s)/Patent Under Reexamination SHKEDI, ROY
	Examiner JONATHAN OUELLETTE	Art Unit 3629

SEARCHED			
Class	Subclass	Date	Examiner
705	All	6/1/2012	JO

SEARCH NOTES		
Search Notes	Date	Examiner
EAST (US and FOR)	6/1/2012	JO
DIALOG - NPL Search	6/1/2012	JO
Reviewed Search and consideration of Parent Application 12/186918 - Now US Pat. 7979307	6/1/2012	JO

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner
705	1.1, 14.4	6/28/2012	JO

--	--

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)

26362 7590 07/10/2012

LOUIS J. HOFFMAN, P.C.
14301 North 87th Street, Suite 312
Scottsdale, AZ 85260

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

FILED VIA E.F.S.

Donald Hertz	(Depositor's name)
/Donald Hertz/	(Signature)
07/10/2012	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/115,949	05/25/2011	Roy Shkedi	14-DP-CON3	4473

TITLE OF INVENTION:

METHOD AND STORED PROGRAM FOR ACCUMULTING DESCRIPTIVE PROFILE DATA ALONG WITH SOURCE INFORMATION FOR USE IN TARGETING THIRDY-PARTY ADVERTISEMENTS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$870	\$300	\$1170	10/10/2012

EXAMINER	ART UNIT	CLASS-SUBCLASS
OUELLETTE, JONATHAN P	3629	705-014660

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- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
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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 Louis J. Hoffman

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

ALMONDNET, INC.

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

NEW YORK, NEW YORK

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.
- ☐ The Director is hereby authorized by charge the required fee(s), 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).

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 /Louis J. Hoffman/

Date 07/10/2012

Typed or printed name Louis J. Hoffman

Registration No. 38,918

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.

Electronic Patent Application Fee Transmittal				
Application Number:		13115949		
Filing Date:		25-May-2011		
Title of Invention:		METHOD AND STORED PROGRAM FOR ACCUMULATING DESCRIPTIVE PROFILE DATA ALONG WITH SOURCE INFORMATION FOR USE IN TARGETING THIRD-PARTY ADVERTISEMENTS		
First Named Inventor/Applicant Name:		Roy Shkedi		
Filer:		Louis J. Hoffman/Donald Hertz		
Attorney Docket Number:		14-DP-CON3		
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	870	870
Publ. Fee- early, voluntary, or normal	1504	1	300	300

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				1170

Electronic Acknowledgement Receipt	
EFS ID:	13219897
Application Number:	13115949
International Application Number:	
Confirmation Number:	4473
Title of Invention:	METHOD AND STORED PROGRAM FOR ACCUMULATING DESCRIPTIVE PROFILE DATA ALONG WITH SOURCE INFORMATION FOR USE IN TARGETING THIRD-PARTY ADVERTISEMENTS
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman/Donald Hertz
Filer Authorized By:	Louis J. Hoffman
Attorney Docket Number:	14-DP-CON3
Receipt Date:	10-JUL-2012
Filing Date:	25-MAY-2011
Time Stamp:	21:07:50
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$1170
RAM confirmation Number	7136
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	Issue Fee Payment (PTO-85B)	12-07-10-AlmondNet-DP-CON3-Issue_Fee_Trans.pdf	117276 207907e97c862e77dd537e9254d5e423f10f9fa7	no	1
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	31972 f53cd131d402940d05bea15ef4bc06a5c6c3e1b0	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			149248		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Shkedi, Roy	Art Unit	:	3629
Serial No.	:	13/115,949	Examiner	:	Ouellette, Jonathan P.
Filing Date	:	05/25/2011	Conf. No.	:	4473
Title	:	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements			

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

Filed via EFS – June 26, 2012

RESPONSE TO FINAL OFFICE ACTION AND INTERVIEW REPORT

Dear Sir:

In response to the Office Action dated June 19, 2012, which was made final, assignee explains (again) that the claims of this application are not identical to those of parent U.S. Patent 7,979,307. The differences are shown in remarks section of the June 6, 2011, Supplemental Preliminary Amendment in this case, which contain a redlined version comparing independent claims of the two cases.

In a telephone interview today, assignee's undersigned representative showed the examiner the remarks in the paper cited above, and the examiner agreed that the showing was sufficient to demonstrate differences between the claim sets and apologized for having overlooked the previous citation to those remarks.

Assignee respectfully requests reconsideration on the ground that the claims are not coextensive in scope with parent U.S. Patent 7,979,307 and a terminal disclaimer has been filed to overcome the non-statutory double patenting rejection (assignee's previous response mistakenly omitted the "non" part, which may have contributed to the confusion). Assignee respectfully requests prompt allowance.

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

Respectfully submitted,
ALMONDNET, INC.
by its attorney

Dated: June 26, 2012

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

LOUIS J. HOFFMAN, P.C.
14301 North 87th Street, Suite 312
Scottsdale, Arizona 85260
(480) 948-3295

Electronic Acknowledgement Receipt	
EFS ID:	13106737
Application Number:	13115949
International Application Number:	
Confirmation Number:	4473
Title of Invention:	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman/Donald Hertz
Filer Authorized By:	Louis J. Hoffman
Attorney Docket Number:	14-DP-CON3
Receipt Date:	26-JUN-2012
Filing Date:	25-MAY-2011
Time Stamp:	14:17:31
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Amendment After Final	12-06-26-AlmondNet-DP-CON3-RTOAF.pdf	17434 1e9b72c63c4f06b2f12f3bf5cf3c80763a8fae08	no	2

Warnings:

Information:

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

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

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/115,949	05/25/2011	Roy Shkedi	14-DP-CON3	4473
26362 7590 06/19/2012 LOUIS J. HOFFMAN, P.C. 14301 North 87th Street, Suite 312 Scottsdale, AZ 85260			EXAMINER OUELLETTE, JONATHAN P	
			ART UNIT 3629	PAPER NUMBER
			NOTIFICATION DATE 06/19/2012	DELIVERY MODE ELECTRONIC

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

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

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

Louis@valuablepatents.com
donald@valuablepatents.com
shaelyn@valuablepatents.com

Office Action Summary	Application No.		Applicant(s)	
	13/115,949		SHKEDI, ROY	
	Examiner		Art Unit	
	JONATHAN OUELLETTE		3629	

-- 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 07 June 2012.

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

3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.

4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5) ☒ Claim(s) 40-59 is/are pending in the application.

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

6) ☐ Claim(s) ____ is/are allowed.

7) ☒ Claim(s) 40-59 is/are rejected.

8) ☐ Claim(s) ____ is/are objected to.

9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

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

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

12) ☐ 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

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.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. ____.
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date ____.	6) ☐ Other: ____.

DETAILED ACTION

Response to Amendment

1. Claims 1-39 have been cancelled and Claims 40-59 have been added; therefore, Claims 40-59 are currently pending in application 13/115,949.

Double Patenting

2. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).
3. **A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope.**
The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.
4. **Claims 40 and 50 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1 and 9 of prior U.S. Patent No. 7,979,307.** This is a double patenting rejection.

Response to Arguments

5. **Applicant's arguments filed on 6/6/2012, with respect to Claims 40 and 50, have been considered but are not persuasive. The double Patenting Rejection of independent**

Claims 40 and 50 will remain as FINAL, as a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101 (Claims are exactly the same with claims 1 and 9 of prior U.S. Patent No. 7,979,307).

6. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jamisue Plucinski can be reached on (571) 272-6811. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.
10. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is

(571) 272-4000. Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 14, 2012

/Jonathan Ouellette/

Primary Examiner, Art Unit 3629

<i>Index of Claims</i> 	Application/Control No. 13115949	Applicant(s)/Patent Under Reexamination SHKEDI, ROY
	Examiner JONATHAN OUELLETTE	Art Unit 3629

✓	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	06/01/2012	06/13/2012						
	1	-	-						
	2	-	-						
	3	-	-						
	4	-	-						
	5	-	-						
	6	-	-						
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	31	-	-						
	32	-	-						
	33	-	-						
	34	-	-						
	35	-	-						
	36	-	-						

<i>Index of Claims</i> 	Application/Control No. 13115949	Applicant(s)/Patent Under Reexamination SHKEDI, ROY
	Examiner JONATHAN OUELLETTE	Art Unit 3629

✓	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	06/01/2012	06/13/2012						
	37	-	-						
	38	-	-						
	39	-	-						
	40	✓	✓						
	41	✓	✓						
	42	✓	✓						
	43	✓	✓						
	44	✓	✓						
	45	✓	✓						
	46	✓	✓						
	47	✓	✓						
	48	✓	✓						
	49	✓	✓						
	50	✓	✓						
	51	✓	✓						
	52	✓	✓						
	53	✓	✓						
	54	✓	✓						
	55	✓	✓						
	56	✓	✓						
	57	✓	✓						
	58	✓	✓						
	59	✓	✓						



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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/115,949	05/25/2011	Roy Shkedi	14-DP-CON3	4473

26362	7590	06/07/2012
LOUIS J. HOFFMAN, P.C. 14301 North 87th Street, Suite 312 Scottsdale, AZ 85260		

EXAMINER	
OUELLETTE, JONATHAN P	

ART UNIT	PAPER NUMBER
3629	

NOTIFICATION DATE	DELIVERY MODE
06/07/2012	ELECTRONIC

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

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

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

Louis@valuablepatents.com
donald@valuablepatents.com
shaelyn@valuablepatents.com

Office Action Summary	Application No.		Applicant(s)	
	13/115,949		SHKEDI, ROY	
	Examiner		Art Unit	
	JONATHAN OUELLETTE		3629	

-- 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 06 June 2011.

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

3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.

4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5) ☒ Claim(s) 40-59 is/are pending in the application.

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

6) ☐ Claim(s) ____ is/are allowed.

7) ☒ Claim(s) 40-59 is/are rejected.

8) ☐ Claim(s) ____ is/are objected to.

9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

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

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

12) ☐ 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

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. 09/593993.

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

Response to Amendment

1. Claims 1-39 have been cancelled and Claims 40-59 have been added; therefore, Claims 40-59 are currently pending in application 13/115,949.

Double Patenting

2. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).
3. A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.
4. Claims 40-59 rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-10 of prior U.S. Patent No. 7,979,307. This is a double patenting rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jamisue Plucinski can be reached on (571) 272-6811. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.
7. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (571) 272-4000. Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 4, 2012

/Jonathan Ouellette/

Primary Examiner, Art Unit 3629

<i>Search Notes</i> 	Application/Control No. 13115949	Applicant(s)/Patent Under Reexamination SHKEDI, ROY
	Examiner JONATHAN OUELLETTE	Art Unit 3629

SEARCHED			
Class	Subclass	Date	Examiner
705	All	6/1/2012	JO

SEARCH NOTES		
Search Notes	Date	Examiner
EAST (US and FOR)	6/1/2012	JO
DIALOG - NPL Search	6/1/2012	JO
Reviewed Search and consideration of Parent Application 12/186918 - Now US Pat. 7979307	6/1/2012	JO

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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

Serial No.: 13/115,949
Applicant: Shkedi, Roy
Filed: 05/25/2011
Art Unit: 3629 (in parent app.)
Conf. No.: 4473

Page 1 of 3

U.S. PATENT DOCUMENTS

<u>Examiner</u> <u>Initials</u>	<u>Item</u>	<u>Document</u> <u>Number</u>	<u>Publication</u> <u>Date</u>	<u>Name of Patentee or</u> <u>Applicant</u>	<u>Filing Date</u> <u>(if appropriate)</u>
	1	20110040620	02/17/2011	Shkedi	
	2	20110040607	02/17/2011	Shkedi	
	3	20110035256	02/10/2011	Shkedi	
	4	20100325659	12/23/2010	Shkedi	
	5	20100274665	10/28/2010	Shkedi	
	6	20090300675	12/03/2009	Shkedi	
	7	20090299843	12/03/2009	Shkedi	
	8	20090172728	07/02/2009	Shkedi et al.	
	9	20090172723	07/02/2009	Shkedi	
	10	20090049468	02/19/2009	Shkedi	
	11	20070294401	12/20/2007	Shkedi	
	12	20050086112	04/21/2005	Shkedi	
	13	20030149938	08/07/2003	McElfresh et al.	
	14	7890609	02/15/2011	Shkedi	
	15	7861260	12/28/2010	Shkedi	
	16	7822639	10/26/2010	Shkedi	
	17	7822637	10/26/2010	Shkedi	
	18	7747745	06/29/2010	Shkedi	
	19	7454364	11/18/2008	Shkedi	
	20	7072853	07/04/2006	Shkedi	
	21	7065500	06/20/2006	Singh, et al.	
	22	6993590	01/31/2006	Gauthier, et al.	
	23	6973436	12/06/2005	Shkedi	
	24	6868389	03/15/2005	Wilkins, et al.	
	25	6832207	12/14/2004	Shkedi	
	26	6594691	07/15/2003	McCollum, et al.	
	27	6415322	07/02/2002	Jaye	
	28	6393471	05/21/2002	Kobata	
	29	6269361	07/31/2001	Davis, et al.	
	30	6216129	04/10/2001	Eldering	

Examiner: _____

Date Considered: _____

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

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /JO/

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

Serial No.: 13/115,949
Applicant: Shkedi, Roy
Filed: 05/25/2011
Art Unit: 3629 (in parent app.)
Conf. No.: 4473

Page 2 of 3

U.S. PATENT DOCUMENTS

Examiner <u>Initials</u>	<u>Item</u>	Document <u>Number</u>	Publication <u>Date</u>	Name of Patentee or <u>Applicant</u>	Filing Date (if appropriate)
	31	6151601	11/21/2000	Papierniak, et al.	
	32	6141010	10/31/2000	Hoyle	
	33	6134532	10/17/2000	Lazarus, et al.	
	34	6128624	10/03/2000	Papierniak, et al.	
	35	6055573	04/25/2000	Gardenswartz, et al.	
	36	6055513	04/25/2000	Katz et al.	
	37	5956693	09/21/1999	Geerlings	
	38	5855008	12/29/1998	Goldhaber et al.	
	39	5848396	12/08/1998	Gerace	
	40	5752238	05/12/1998	Dedrick	
	41	5724521	03/03/1998	Dedrick	
	42	5717923	02/10/1998	Dedrick	
	43	5710884	01/20/1998	Dedrick	
	44	5446891	08/29/1995	Kaplan, et al.	
	45	5099422	03/24/1992	Foresman, et al.	
	46	4863384	09/05/1989	Slade	

FOREIGN PATENT DOCUMENTS

Examiner <u>Initials</u>		Country Code– <u>Number</u>	Publication <u>Date</u>	<u>Name of Patentee</u>	Translation? <u>Yes / No</u>
	47	WO 98/59481	12/30/1998	Buckland	No
	48	WO 00/08583	02/17/2000	Keen	No
	49	EP 1 024 437 A2	08/02/2000	Chen	No
	50	WO 97/16796	05/09/1997	Herz et al.	No

Examiner: /Jonathan Ouellette/ Date Considered: 06/01/2012

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

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /JO/

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

Serial No.: 13/115,949
Applicant: Shkedi, Roy
Filed: 05/25/2011
Art Unit: 3629 (in parent app.)
Conf. No.: 4473

Page 3 of 3

OTHER ART

Examiner	Initials	Item	Author Title Date Pertinent Pages Etc.
		51	Brody, R.; "The Conditions and Consequences of Profiling in Commercial and Governmental Settings"; IEEE; 1998.
		52	IntelliQuest, 24/7 Media Pair to Deliver Tech Household Database; from webpage http://www.clickz.com ; October 6, 1998.
		53	Internet Access: Intelliquet and 24/7 Media Team Up to Deliver 100 Million Household Database to Internet Marketers; from website http://findarticles.com ; October 12, 1998.
		54	24/7 Real Media Inc. - TFSM; Form S-1A, filed with the SEC April 14, 1999 (portions).
		55	Engage Technologies, Inc.; Form S-1A; filed with the SEC July 19, 1999; pp. 36-50.
		56	The e-Marketing Report; Morgan Stanley Dean Witter; May, 2000 (portions).
		57	"DoubleClick Launches New Marketing Solutions"; from website www.clickz.com ; October 6, 1998.
		58	"Their Time Has Come"; Direct, v11, n8, p1+; June 1999.
		59	www.acxiom.com ; www.archive.org ; date range: 02/24/1999-11/14/1999.
		60	Barrett, Jennifer; "Databasing in the 90s: data and what we're doing with it!"; Direct Marketing, v58, n4, p40; August 1995.
		61	Odell, Patricia; "Sweetening the Pot"; Direct; v10, n9, p91; July 1998.
		62	Hatch, Denny; "Co-op Databases"; Target Marketing; v21, n5, pp. 38-42; May 1998.

Examiner: /Jonathan Ouellette/ Date Considered: 06/01/2012

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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /JO/

<i>Index of Claims</i> 	Application/Control No. 13115949	Applicant(s)/Patent Under Reexamination SHKEDI, ROY
	Examiner JONATHAN OUELLETTE	Art Unit 3629

✓	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	06/01/2012								
	1	-								
	2	-								
	3	-								
	4	-								
	5	-								
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	36	-								

<i>Index of Claims</i> 	Application/Control No. 13115949	Applicant(s)/Patent Under Reexamination SHKEDI, ROY
	Examiner JONATHAN OUELLETTE	Art Unit 3629

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
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☐ Claims renumbered in the same order as presented by applicant
 ☐ CPA
 ☐ T.D.
 ☐ R.1.47

CLAIM		DATE								
Final	Original	06/01/2012								
	37	-								
	38	-								
	39	-								
	40	✓								
	41	✓								
	42	✓								
	43	✓								
	44	✓								
	45	✓								
	46	✓								
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	57	✓								
	58	✓								
	59	✓								

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

Serial No.: 13/115,949
Applicant: Shkedi, Roy
Filed: 05/25/2011
Art Unit: 3629
Conf. No.: 4473

Page 1 of 1

U.S. PATENT DOCUMENTS

<u>Examiner Initials</u>	<u>Item</u>	<u>Document Number</u>	<u>Publication Date</u>	<u>Name of Patentee or Applicant</u>	<u>Filing Date (if appropriate)</u>
	1	7003792	02-21-2006	Yuen	
	2	6839680	01-04-2005	Liu et al.	
	3	5918014	06-29-1999	Robinson	
	4	8051444	11-01-2011	Shkedi	
	5	7979307	07-12-2011	Shkedi	

FOREIGN PATENT DOCUMENTS

<u>Examiner Initials</u>	<u>Country Code– Number</u>	<u>Publication Date</u>	<u>Name of Patentee</u>	<u>Translation? Yes / No</u>
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OTHER ART

<u>Examiner Initials</u>	<u>Item</u>	<u>Author Title Date Pertinent Pages Etc.</u>
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Examiner: /Jonathan Ouellette/ Date Considered: 06/01/2012

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

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /JO/

Doc Code: DIST.E.FILE Document Description: Electronic Terminal Disclaimer - Filed		PTO/SB/26 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT	
Application Number	13115949	
Filing Date	25-May-2011	
First Named Inventor	Roy Shkedi	
Attorney Docket Number	14-DP-CON3	
Title of Invention	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements	
☒ Filing of terminal disclaimer does not obviate requirement for response under 37 CFR 1.111 to outstanding Office Action ☒ This electronic Terminal Disclaimer is not being used for a Joint Research Agreement.		
Owner	Percent Interest	
ALMONDNET, INC.	100%	
The owner(s) with percent interest listed above in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent number(s) 7979307 as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns. In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later: - expires for failure to pay a maintenance fee; - is held unenforceable; - is found invalid by a court of competent jurisdiction; - is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; - has all claims canceled by a reexamination certificate; - is reissued; or - is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included with Electronic Terminal Disclaimer request.		

☐	I certify, in accordance with 37 CFR 1.4(d)(4), that the terminal disclaimer fee under 37 CFR 1.20(d) required for this terminal disclaimer has already been paid in the above-identified application.
☐	Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
☐	Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
☒	Applicant(s) status remains as SMALL ENTITY.
☐	Applicant(s) status remains as other than SMALL ENTITY.
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.	
THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES I certify, in accordance with 37 CFR 1.4(d)(4) that I am:	
☒	An attorney or agent registered to practice before the Patent and Trademark Office who is of record in this application Registration Number <u>38918</u>
☐	A sole inventor
☐	A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
☐	A joint inventor; all of whom are signing this request
☐	The assignee of record of the entire interest that has properly made itself of record pursuant to 37 <u>CFR 3.71</u>
Signature	/Louis J. Hoffman/
Name	Louis J. Hoffman

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
 Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

Electronic Patent Application Fee Transmittal				
Application Number:		13115949		
Filing Date:		25-May-2011		
Title of Invention:		Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements		
First Named Inventor/Applicant Name:		Roy Shkedi		
Filer:		Louis J. Hoffman/Donald Hertz		
Attorney Docket Number:		14-DP-CON3		
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Statutory or terminal disclaimer	2814	1	80	80
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:				
Total in USD (\$)				80

Doc Code: DISQ.E.FILE

Document Description: Electronic Terminal Disclaimer – Approved

Application No.: 13115949

Filing Date: 25-May-2011

Applicant/Patent under Reexamination: Shkedi et al.

Electronic Terminal Disclaimer filed on June 7, 2012

☒ APPROVED

This patent is subject to a terminal disclaimer

☐ DISAPPROVED

Approved/Disapproved by: Electronic Terminal Disclaimer automatically approved by EFS-Web

U.S. Patent and Trademark Office

Electronic Acknowledgement Receipt	
EFS ID:	12965156
Application Number:	13115949
International Application Number:	
Confirmation Number:	4473
Title of Invention:	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman/Donald Hertz
Filer Authorized By:	Louis J. Hoffman
Attorney Docket Number:	14-DP-CON3
Receipt Date:	07-JUN-2012
Filing Date:	25-MAY-2011
Time Stamp:	23:47:29
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$80
RAM confirmation Number	7032
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	Electronic Terminal Disclaimer-Filed	eTerminal-Disclaimer.pdf	33638 720b8fbaaaaa1bdf9965745c541cc4ac660c7085	no	2
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30233 b1dcf7293346ee9d8feffd5de192a55b51046e1b	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			63871		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Shkedi, Roy	Art Unit	:	3629
Serial No.	:	13/115,949	Examiner	:	Ouellette, Jonathan P.
Filing Date	:	05/25/2011	Conf. No.	:	4473
Title	:	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements			

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

Filed via EFS – June 7, 2012

RESPONSE TO OFFICE ACTION

Dear Sir:

In response to the Office Action dated June 7, 2012, assignee notes that the rejection is stated to be for “same invention” type double patenting, for which no terminal disclaimer is possible. However, the claims of this application are not identical to those of parent U.S. Patent 7,979,307. The differences are shown in remarks of the June 6, 2011, Supplemental Preliminary Amendment in this case, which contain a redlined version comparing independent claims of the two. Assignee thus respectfully requests reconsideration on the ground that the claims of the instant application have been amended sufficiently that they are not coextensive in scope (and do not “cross-read” on each other).

Assignee submits concurrently a terminal disclaimer, for e-processing through the Office’s electronic filing system, to overcome the statutory double patenting rejection over U.S. Patent 7,979,307, the sole ground of rejection. Assignee respectfully requests prompt allowance.

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

Respectfully submitted,
ALMONDNET, INC.
by its attorney

Dated: June 7, 2012

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

LOUIS J. HOFFMAN, P.C.
14301 North 87th Street, Suite 312
Scottsdale, Arizona 85260
(480) 948-3295

Electronic Acknowledgement Receipt	
EFS ID:	12965165
Application Number:	13115949
International Application Number:	
Confirmation Number:	4473
Title of Invention:	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman/Donald Hertz
Filer Authorized By:	Louis J. Hoffman
Attorney Docket Number:	14-DP-CON3
Receipt Date:	07-JUN-2012
Filing Date:	25-MAY-2011
Time Stamp:	23:50:14
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Amendment/Req. Reconsideration-After Non-Final Reject	12-06-07-AlmondNet-DP-CON3-RTOA1.pdf	16650 8bf75bdfefbbe4c9db45029f1655e0f9b8b5ccdc7	no	2

Warnings:

Information:

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.

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

Serial No.: 13/115,949
 Applicant: Shkedi, Roy
 Filed: 05/25/2011
 Art Unit: 3629
 Conf. No.: 4473

Page 1 of 1

U.S. PATENT DOCUMENTS

Examiner <u>Initials</u>	<u>Item</u>	Document <u>Number</u>	Publication <u>Date</u>	Name of Patentee <u>or</u> <u>Applicant</u>	Filing Date (if appropriate)
_____	1	7003792	02-21-2006	Yuen	
_____	2	6839680	01-04-2005	Liu et al.	
_____	3	5918014	06-29-1999	Robinson	
_____	4	8051444	11-01-2011	Shkedi	
_____	5	7979307	07-12-2011	Shkedi	

FOREIGN PATENT DOCUMENTS

Examiner <u>Initials</u>	Country Code– <u>Number</u>	Publication <u>Date</u>	Name of Patentee	Translation? <u>Yes / No</u>
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OTHER ART

Examiner <u>Initials</u>	<u>Item</u>	<u>Author Title Date Pertinent Pages Etc.</u>
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Examiner: _____ Date Considered: _____

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

Electronic Acknowledgement Receipt	
EFS ID:	12308195
Application Number:	13115949
International Application Number:	
Confirmation Number:	4473
Title of Invention:	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman/Donald Hertz
Filer Authorized By:	Louis J. Hoffman
Attorney Docket Number:	14-DP-CON3
Receipt Date:	14-MAR-2012
Filing Date:	25-MAY-2011
Time Stamp:	20:42:53
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	12-03-14-AlmondNet-DP-CON3-Supp_IDS_Cover.pdf	19329 8ef66dd63e824a35c8e9861f84b109cf1b7a83b6	no	2

Warnings:

Information:

2	Information Disclosure Statement (IDS) Form (SB08)	12-03-14-DP-CON3- FORM_1449.pdf	20396 38a1e8f14c83800ade343256ce67062e34858511	no	1
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
Total Files Size (in bytes):			39725		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

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Applicant	:	Shkedi, Roy	Art Unit	:	3629
Serial No.	:	13/115,949	Examiner	:	Ouellette, Jonathan P.
Filing Date	:	05/25/2011	Conf. No.	:	4473
Title	:	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements			

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

Filed via EFS – March 14, 2012

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Assignee discloses the references listed on form PTO-1449 attached to this document. Assignee also wishes to direct Examiner to the following applications, which share the same inventor, as well as the references cited therein:

Serial No.	Filing Date	Earliest Parent Filing Date
11/765,433	06/19/2007	06/19/2006 (prov.)
11/968,117	12/31/2007	
12/131,798	06/02/2008	
12/257,386	10/23/2008	
12/536,451	08/05/2009	
12/823,709	06/25/2010	06/16/2006 (prov.)
12/860,666	08/20/2010	
12/906,007	10/15/2010	
12/911,601	10/25/2010	11/28/2000
12/912,726	10/26/2010	12/28/1999
12/981,925	12/30/2010	12/31/2007
13/024,217	02/09/2011	01/15/2009 (prov.)
13/097,885	04/29/2011	04/17/2007
13/115,946	05/25/2011	06/14/2000
13/115,952	05/25/2011	06/14/2000
13/167,605	06/23/2011	04/17/2007
13/170,110	06/27/2011	06/19/2006 (prov.)
61/514,840	08/03/2011	08/03/2011
13/243,314	09/23/2011	06/02/2008
13/274,242	10/14/2011	10/15/2010 (prov.)

Serial No.	Filing Date	Earliest Parent Filing Date
13/368,686	02/08/2012	11/28/2000
13/418,320	03/12/2012	06/16/2006 (prov.)

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

Respectfully submitted,
ALMONDNET, INC.
by its attorney

Dated: March 14, 2012

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

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/115,949	05/25/2011	Roy Shkedi	14-DP-CON3

CONFIRMATION NO. 4473

26362

LOUIS J. HOFFMAN, P.C.

11811 North Tatum Boulevard, Suite 2100

Phoenix, AZ 85028

PUBLICATION NOTICE



OC000000049851324

Title:Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements

Publication No.US-2011-0225051-A1

Publication Date:09/15/2011

NOTICE OF PUBLICATION OF APPLICATION

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

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

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently <http://pair.uspto.gov/>. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 1-866-217-9197.

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

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

Serial No.: 13/115,949
Applicant: Shkedi, Roy
Filed: 05/25/2011
Art Unit: 3629 (in parent app.)
Conf. No.: 4473

Page 1 of 3

U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Publication Date	Name of Patentee or Applicant	Filing Date (if appropriate)
	1	20110040620	02/17/2011	Shkedi	
	2	20110040607	02/17/2011	Shkedi	
	3	20110035256	02/10/2011	Shkedi	
	4	20100325659	12/23/2010	Shkedi	
	5	20100274665	10/28/2010	Shkedi	
	6	20090300675	12/03/2009	Shkedi	
	7	20090299843	12/03/2009	Shkedi	
	8	20090172728	07/02/2009	Shkedi et al.	
	9	20090172723	07/02/2009	Shkedi	
	10	20090049468	02/19/2009	Shkedi	
	11	20070294401	12/20/2007	Shkedi	
	12	20050086112	04/21/2005	Shkedi	
	13	20030149938	08/07/2003	McElfresh et al.	
	14	7890609	02/15/2011	Shkedi	
	15	7861260	12/28/2010	Shkedi	
	16	7822639	10/26/2010	Shkedi	
	17	7822637	10/26/2010	Shkedi	
	18	7747745	06/29/2010	Shkedi	
	19	7454364	11/18/2008	Shkedi	
	20	7072853	07/04/2006	Shkedi	
	21	7065500	06/20/2006	Singh, et al.	
	22	6993590	01/31/2006	Gauthier, et al.	
	23	6973436	12/06/2005	Shkedi	
	24	6868389	03/15/2005	Wilkins, et al.	
	25	6832207	12/14/2004	Shkedi	
	26	6594691	07/15/2003	McCollum, et al.	
	27	6415322	07/02/2002	Jaye	
	28	6393471	05/21/2002	Kobata	
	29	6269361	07/31/2001	Davis, et al.	
	30	6216129	04/10/2001	Eldering	

Examiner: _____

Date Considered: _____

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

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

Serial No.: 13/115,949
Applicant: Shkedi, Roy
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Art Unit: 3629 (in parent app.)
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Page 2 of 3

U.S. PATENT DOCUMENTS

<u>Examiner</u> <u>Initials</u>	<u>Item</u>	<u>Document</u> <u>Number</u>	<u>Publication</u> <u>Date</u>	<u>Name of Patentee or</u> <u>Applicant</u>	<u>Filing Date</u> <u>(if appropriate)</u>
	31	6151601	11/21/2000	Papierniak, et al.	
	32	6141010	10/31/2000	Hoyle	
	33	6134532	10/17/2000	Lazarus, et al.	
	34	6128624	10/03/2000	Papierniak, et al.	
	35	6055573	04/25/2000	Gardenswartz, et al.	
	36	6055513	04/25/2000	Katz et al.	
	37	5956693	09/21/1999	Geerlings	
	38	5855008	12/29/1998	Goldhaber et al.	
	39	5848396	12/08/1998	Gerace	
	40	5752238	05/12/1998	Dedrick	
	41	5724521	03/03/1998	Dedrick	
	42	5717923	02/10/1998	Dedrick	
	43	5710884	01/20/1998	Dedrick	
	44	5446891	08/29/1995	Kaplan, et al.	
	45	5099422	03/24/1992	Foresman, et al.	
	46	4863384	09/05/1989	Slade	

FOREIGN PATENT DOCUMENTS

Examiner		Country Code–	Publication		Translation?
<u>Initials</u>		<u>Number</u>	<u>Date</u>	<u>Name of Patentee</u>	<u>Yes / No</u>
_____	47	WO 98/59481	12/30/1998	Buckland	No
_____	48	WO 00/08583	02/17/2000	Keen	No
_____	49	EP 1 024 437 A2	08/02/2000	Chen	No
_____	50	WO 97/16796	05/09/1997	Herz et al.	No

Examiner: _____ Date Considered: _____

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

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

Serial No.: 13/115,949
Applicant: Shkedi, Roy
Filed: 05/25/2011
Art Unit: 3629 (in parent app.)
Conf. No.: 4473

Page 3 of 3

OTHER ART

Examiner	Initials	Item	Author	Title	Date	Pertinent Pages	Etc.
		51	Brody, R.;	"The Conditions and Consequences of Profiling in Commercial and Governmental Settings";	IEEE;	1998.	
		52	IntelliQuest,	24/7 Media Pair to Deliver Tech Household Database;	from webpage	http://www.clickz.com;	October 6, 1998.
		53	Internet Access: Intelliquest and 24/7 Media Team Up to Deliver 100 Million Household Database to Internet Marketers;	from website	http://findarticles.com;	October 12, 1998.	
		54	24/7 Real Media Inc. - TFSM;	Form S-1A, filed with the SEC	April 14, 1999	(portions).	
		55	Engage Technologies, Inc.;	Form S-1A; filed with the SEC	July 19, 1999;	pp. 36-50.	
		56	The e-Marketing Report;	Morgan Stanley Dean Witter;	May, 2000	(portions).	
		57	"DoubleClick Launches New Marketing Solutions";	from website	www.clickz.com;	October 6, 1998.	
		58	"Their Time Has Come";	Direct, v11, n8, p1+;	June 1999.		
		59	www.acxiom.com; www.archive.org;	date range: 02/24/1999-11/14/1999.			
		60	Barrett, Jennifer;	"Databasing in the 90s: data and what we're doing with it!";	Direct	Marketing, v58, n4, p40;	August 1995.
		61	Odell, Patricia;	"Sweetening the Pot";	Direct; v10, n9, p91;	July 1998.	
		62	Hatch, Denny;	"Co-op Databases";	Target Marketing; v21, n5, pp. 38-42;	May 1998.	

Examiner: _____

Date Considered: _____

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

Electronic Acknowledgement Receipt	
EFS ID:	10376977
Application Number:	13115949
International Application Number:	
Confirmation Number:	4473
Title of Invention:	Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman/Donald Hertz
Filer Authorized By:	Louis J. Hoffman
Attorney Docket Number:	14-DP-CON3
Receipt Date:	23-JUN-2011
Filing Date:	25-MAY-2011
Time Stamp:	19:25:30
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
------------------------	----

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	11-06-23-Almondnet-DP-CON3-IDS_Cover.pdf	21401 c4cb2b7c877ae62b9406b51ef66a48214c822a04	no	2

Warnings:

Information:

2	Information Disclosure Statement (IDS) Form (SB08)	11-06-23-AlmondNet-DP- CON3-FORM_1449.pdf	33775 6ef44b5b459e16228b711b726ae9c49bfc0 90036	no	3
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
Total Files Size (in bytes):				55176	
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Shkedi, Roy	Art Unit	:	3629 (parent)
Serial No.	:	13/115,949	Examiner	:	Ouellette, J.P. (in parent)
Filing Date	:	05/25/2011	Conf. No.	:	4473
Title	:	Method and Stored Program for Sending Descriptive Profile Data, for Accumulation Along with Source Information, for Use in Targeting Third-Party Advertisements			

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

Filed via EFS – June 23, 2011

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Applicant discloses the references listed on the form PTO-1449 attached to this document. All of the foreign and non-patent references were cited in parent application Serial No. 12/186,918 therefore, pursuant to Office Rules, copies of those references are not included here.

Assignee also wishes to direct the Examiner to the following co-pending applications, as well as the references cited therein:

Serial No.	Filing Date	Earliest Parent Filing Date
11/765,433	06/19/2007	6/19/2006 (prov.)
11/968,107	12/31/2007	
11/968,117	12/31/2007	
12/131,798	06/02/2008	
12/131,824	06/02/2008	
12/257,386	10/23/2008	
12/536,451	08/05/2009	
12/823,709	06/25/2010	06/16/2006 (prov.)
12/906,007	10/15/2010	
61/393,834	10/15/2010	
12/911,601	10/25/2010	11/28/2000
12/912,726	10/26/2010	12/28/1999
12/981,925	12/30/2010	12/31/2007
13/024,217	02/09/2011	01/15/2009 (prov.)
13/097,885	04/29/2011	04/17/2007
13/115,946	05/25/2011	06/14/2000
13/115,952	05/25/2011	06/14/2000

The Examiner should pay particular attention to application Serial Nos. 13/115,946, and 13/115,952; because they are siblings of the instant application.

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

Respectfully submitted,
ALMONDNET, INC.
by its attorney

Dated: June 23, 2011

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

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/115,949	05/25/2011	Roy Shkedi	14-DP-CON3

CONFIRMATION NO. 4473

POA ACCEPTANCE LETTER

26362
LOUIS J. HOFFMAN, P.C.
11811 North Tatum Boulevard, Suite 2100
Phoenix, AZ 85028



Date Mailed: 06/10/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/25/2011.

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.

/kung/

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



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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
13/115,949	05/25/2011	2614	462	14-DP-CON3	20	2

CONFIRMATION NO. 4473

26362
LOUIS J. HOFFMAN, P.C.
11811 North Tatum Boulevard, Suite 2100
Phoenix, AZ 85028

FILING RECEIPT



0000000048071077

Date Mailed: 06/10/2011

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

Applicant(s)

Roy Shkedi, New York, NY;

Assignment For Published Patent Application

AlmondNet, Inc.

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

Domestic Priority data as claimed by applicant

This application is a CON of 12/186,918 08/06/2008
which is a DIV of 11/099,861 04/06/2005 PAT 7,428,493
which is a CON of 09/593,993 06/14/2000 PAT 6,925,440

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

ISRAEL 133489 12/13/1999

If Required, Foreign Filing License Granted: 06/07/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 13/115,949**

Projected Publication Date: 09/15/2011

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements

Preliminary Class

379

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875						Application or Docket Number 13/115,949	
APPLICATION AS FILED - PART I							
(Column 1)		(Column 2)		SMALL ENTITY		OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE(\$)	FEE(\$)		RATE(\$)	FEE(\$)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	82		N/A	
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A	270		N/A	
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	110		N/A	
TOTAL CLAIMS (37 CFR 1.16(j))	20	minus 20 = *	x 26 =	0.00	OR		
INDEPENDENT CLAIMS (37 CFR 1.16(h))	2	minus 3 = *	x 110 =	0.00			
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			0.00			
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				0.00			
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	462		TOTAL	
APPLICATION AS AMENDED - PART II							
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY	
AMENDMENT A		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	x	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x	=
	Application Size Fee (37 CFR 1.16(s))						
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	
(Column 1)		(Column 2)		(Column 3)		OTHER THAN SMALL ENTITY	
AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	x	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x	=
	Application Size Fee (37 CFR 1.16(s))						
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.							

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Shkedi, Roy Art Unit : * 3629
Serial No. : 13/115,949 Examiner : * Ouellette, J.P.
Filing Date : 05/25/2011 * *In parent application S.N. 12/186,918*
Title : Method and Stored Program for Accumulating Descriptive Profile
Data Along with Source Information for Use in Targeting Third-
Party Advertisements

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

Filed via EFS – June 6, 2011

SUPPLEMENTAL PRELIMINARY AMENDMENT

Dear Sir:

In this continuation application, assignee requests entry of the following amendments to the title and claims and consideration of the following remarks.

Amendment to the Title begins on page 2 of this paper.

Amendments to the Claims begin on page 3 of this paper.

Remarks begin on page 8 of this paper.

AMENDMENTS

IN THE TITLE:

Please amend the title as follows:

~~A Descriptive Profile Mercantile Method and Stored Program for Accumulating~~
Descriptive Profile Data Along with Source Information for Use in Targeting Third-
Party Advertisements

IN THE CLAIMS:

Please amend the claims as follows:

1-39. (Cancelled)

40. (New) An automated method of collecting profiles of Internet-using entities, the method comprising:

(a) electronically receiving at a programmed computer system coupled to a global computer network, from at least one server controlled by one of a plurality of unaffiliated third parties, a partial profile of an entity that uses a user computer coupled to the global computer network and accessing a website, which partial profile is available to one of the third parties and contains at least one profile attribute related to the entity, and automatically with the computer system storing the received partial profile;

(b) wherein receiving the partial profile is achieved as a result of automatic electronic URL redirection from a portion of a page of the website accessed by the user computer;

(c) automatically with the computer system electronically adding the received partial profile to a maintained profile believed to be related to the same entity;

(d) automatically with the computer system generating and storing an electronic record of which of the plurality of unaffiliated third parties contributed to the maintained profile particular profile attributes;

(e) wherein the maintained profile, including the added partial profile, comprises data used in targeting third-party advertisements to the user computer over the global computer network.

41. (New) The method of claim 40 further comprising, in accordance with a predetermined arrangement, automatically using the electronic record of which of the plurality of unaffiliated third parties contributed to the maintained profile particular profile attributes to create electronic data used to identify a payment amount due to the unaffiliated third party as a result of using at least one of the profile

attributes in the partial profile contributed by that third party in targeting the third-party advertisements to the entity's computer over the global computer network.

42. (New) The method of claim 40 wherein the computer system electronically adding the received partial profile to a maintained profile believed to be related to the same entity comprises the computer system adding the received partial profile to a maintained profile believed related to the same entity on account of the received partial profile and the maintained profile being related to the same user computer.

43. (New) The method of claim 42 wherein the computer system determines that the received partial profile and the maintained profile are related to the same user computer by automatically reading a cookie on the user computer.

44. (New) The method of claim 40 further comprising automatically with the computer system electronically maintaining an electronic record of which unaffiliated third party contributed, to the maintained profile, the profile attributes used in targeting the advertisements.

45. (New) The method of claim 40 further comprising automatically with the computer system electronically determining whether the received partial profile contains any profile attributes about the entity that were not previously contained in a maintained profile.

46. (New) The method of claim 40 further maintaining with the computer system a credibility rating associated with at least one of the profile attributes of the maintained profile.

47. (New) The method of claim 46 wherein the credibility rating is reflected in a price for the at least one profile attribute.

48. (New) The method of claim 40 further comprising automatically with the computer system selecting profile attributes from the maintained profile based on the source thereof.

49. (New) The method of claim 40 further comprising automatically with the computer system electronically reading a cookie previously stored on the entity's computer, as a result of the URL redirection.

50. (New) A tangible, non-transitory data storage medium comprising indicia of instructions for a processor to perform a method of collecting profiles of Internet-using entities, the method comprising:

(a) electronically receiving at a programmed computer system coupled to a global computer network, from at least one server controlled by one of a plurality of unaffiliated third parties, a partial profile of an entity that uses a user computer coupled to the global computer network and accessing a website, which partial profile is available to one of the third parties and contains at least one profile attribute related to the entity, and automatically with the computer system storing the received partial profile;

(b) wherein receiving the partial profile is achieved as a result of automatic electronic URL redirection from a portion of a page of the website accessed by the user computer;

(c) automatically with the computer system electronically adding the received partial profile to a maintained profile believed to be related to the same entity;

(d) automatically with the computer system generating and storing an electronic record of which of the plurality of unaffiliated third parties contributed to the maintained profile particular profile attributes;

(e) wherein the maintained profile, including the added partial profile, comprises data used in targeting third-party advertisements to the user computer over the global computer network.

51. (New) The data storage medium of claim 50 wherein the indicia of instructions instruct the processor to perform a method that further comprises: in accordance with a predetermined arrangement, automatically using the electronic record of which of the plurality of unaffiliated third parties contributed to the maintained profile particular profile attributes to create electronic data used to identify a payment amount due to the unaffiliated third party as a result of using at least one of the profile attributes in the partial profile contributed by that third party in targeting the third-party advertisements to the entity's computer over the global computer network.

52. (New) The data storage medium of claim 50 wherein the computer system electronically adding the received partial profile to a maintained profile believed to be related to the same entity comprises the computer system adding the received partial profile to a maintained profile believed related to the same entity on account of the received partial profile and the maintained profile being related to the same user computer.

53. (New) The data storage medium of claim 52 wherein the computer system determines that the received partial profile and the maintained profile are related to the same user computer by automatically reading a cookie on the user computer.

54. (New) The data storage medium of claim 50 wherein the indicia of instructions instruct the processor to perform a method that further comprises: automatically with the computer system electronically maintaining an electronic record of which unaffiliated third party contributed, to the maintained profile, the profile attributes used in targeting the advertisements.

55. (New) The data storage medium of claim 50 wherein the indicia of instructions instruct the processor to perform a method that further comprises: automatically with the computer system electronically determining whether the received partial profile contains any profile attributes about the entity that were not previously contained in a maintained profile.

56. (New) The data storage medium of claim 50 wherein the indicia of instructions instruct the processor to perform a method that further comprises: maintaining with the computer system a credibility rating associated with at least one of the profile attributes of the maintained profile.

57. (New) The method of claim 56 wherein the credibility rating is reflected in a price for the at least one profile attribute.

58. (New) The data storage medium of claim 50 wherein the indicia of instructions instruct the processor to perform a method that further comprises: automatically with the computer system selecting profile attributes from the maintained profile based on the source thereof.

59. (New) The data storage medium of claim 50 wherein the indicia of instructions instruct the processor to perform a method that further comprises: automatically with the computer system electronically reading a cookie previously stored on the entity's computer, as a result of the URL redirection.

REMARKS

The title is being amended to match that in the parent application.

The claim set is slightly modified from the claims allowed in the parent application, Serial No. 12/186,918. Because the modifications are not significant to the reasons for allowance, this application stands in condition for allowance as well.

Independent claim 40 is modified from the allowed parent application as shown in the following redlined claim:

40. An automated method of collecting profiles of Internet-using entities, the method comprising:

(a) electronically receiving at a programmed computer system coupled to a global computer network, from at least one server controlled by one of a plurality of unaffiliated third parties ~~operating respective websites~~, a partial profile of an entity that uses a user computer coupled to the global computer network and accessing ~~the a~~ website, which partial profile is available to one of the third parties and contains at least one profile attribute related to the entity, and automatically with the computer system storing the received partial profile;

(b) wherein receiving the partial profile is achieved ~~by~~ as a result of automatic electronic URL redirection from a portion of a page of the website accessed by the user computer;

(c) automatically with the computer system electronically adding the received partial profile to a maintained profile believed to be related to the same entity;

(d) automatically with the computer system generating and storing an electronic record of which of the plurality of unaffiliated third parties contributed to the maintained profile particular profile attributes;

(e) wherein the maintained profile, including the added partial profile, comprises data used in targeting third-party advertisements to the user computer over the global computer network.

The purpose of the amendments is simply to clarify that the “unaffiliated third party” may be a website operator or another third party that has access to the partial profile information collected on a website.

As to the rest of the claims:

Claim 41 is a copy of prosecution claim 48 of the parent application without change.

In one embodiment covered by new claim 42 - which has no counterpart in the parent application but is of course within the scope of the independent claim 40 of the

parent application as well - the computer system automatically determines that the received partial profile and the maintained profile are "believed related to the same entity" (required by claim 40) by detecting automatically that the two profile pieces are related to the same computer, which can be done - in the embodiment of new claim 43 for example - by reading the cookie on the user computer (*e.g.*, a cookie previously placed by the computer system) when the user computer is redirected to the computer system.

New claims 42 and 43 are fully supported in the specification, and thus do not contain new matter, as shown by the following example specification quotations:

A] "The system searches a databank according to what is contained in the First Visitor Profile Data (contained in the transaction) in order to find either: at least one profile in the databank that matches the information in the visitor profile (that includes the information dispatched by the user related to the visitor, visitor information included in the communication protocol such as the information in the http header, profile attributes that enable the identification of the entity described by the profile by the databank such as name, address, URL, cookie put by the server connected to the databank and so forth) or to find at least one aggregate profile that describes a profile of a group that the visitor might belong to."

B] "Initially a user will interface with the system by providing the system's databank with a partial profile consisting of at least one attribute which will enable the identification of the entity described by the profile in the system's databank (the attribute could be for example, the cookie installed on the visitor's computer (the visitor to a web site which is a user of the system of course) by the server attached to the databank. The user enables the server attached to the databank to receive the cookie it installed by redirecting a portion of the visitor page to the databank's server). For example a company might provide the system with a name of one of its customers. This step sets the process in motion. For once there is an initiation by contribution of an initial attribute list by the user, the system will search existing data in the databank."

Claims 44-49 are copies of prosecution claims 41-46 of the parent application, without changes except (i) claim 45 depends directly on the independent claim, whereas in the parent application is dependent of the claim immediately preceding it, and (ii) in claim 48, the word "comprising" is used instead of "comprises," for better grammar.

Independent Claim 50 (stored program) is a copy of independent prosecution claim 47 from the parent application, with changes parallel to those made to

independent claim 40 (method). The word "collecting" in the preamble is used to match the preamble of method claim 40.

Dependent claims 51-59 are counterparts of the dependent claims 41-49, in stored-program format instead of method format.

Assignee respectfully requests prompt review and allowance. Please feel free to telephone the undersigned if it would in any way advance prosecution of this application.

Respectfully submitted,
ALMONDNET, INC.
by its attorney

Dated: June 6, 2011

/Louis J. Hoffman/
Louis J. Hoffman
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Electronic Acknowledgement Receipt	
EFS ID:	10244943
Application Number:	13115949
International Application Number:	
Confirmation Number:	4473
Title of Invention:	Descriptive-Profile Mercantile Method
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman/Donald Hertz
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Attorney Docket Number:	14-DP-CON3
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Application Type:	Utility under 35 USC 111(a)

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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Supplemental Response or Supplemental Amendment	11-06-06-Almondnet-DescProfile-CON3-Supp_Prelim_Amend-wGrp2Cls.pdf	52008 984bdb9f6095e4b1290108bbcdf58729ad956407	no	10

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

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

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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UTILITY PATENT APPLICATION TRANSMITTAL <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i>	<i>Attorney Docket No.</i>	14-DP-CON3
	<i>First Inventor</i>	Shkedi, Roy
	<i>Title</i>	Descriptive-profile mercantile method
	<i>Express Mail Label No.</i>	N/A - FILED VIA EFS

APPLICATION ELEMENTS <i>See MPEP chapter 600 concerning utility patent application contents.</i>	ADDRESS TO: Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450										
1. ☐ Fee Transmittal Form (e.g., PTO/SB/17) 2. ☒ Applicant claims small entity status. See 37 CFR 1.27. 3. ☒ Specification [Total Pages <u>45</u>] Both the claims and abstract must start on a new page <i>(For information on the preferred arrangement, see MPEP 608.01(a))</i> 4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets <u>3</u>] 5. Oath or Declaration [Total Sheets <u>2</u>] a. ☐ Newly executed (original or copy) b. ☒ A copy from a prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 18 completed)</i> i. ☐ DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). 6. ☐ Application Data Sheet. See 37 CFR 1.76 7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program <i>(Appendix)</i> ☐ Landscape Table on CD 8. Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, items a. – c. are required)</i> a. ☐ Computer Readable Form (CRF) b. Specification Sequence Listing on: i. ☐ CD-ROM or CD-R (2 copies); or ii. ☐ Paper c. ☐ Statements verifying identity of above copies	ACCOMPANYING APPLICATION PARTS 9. ☒ Assignment Papers (cover sheet & document(s)) Name of Assignee <u>AlmondNet, Inc.</u> 10. ☒ 37 CFR 3.73(b) Statement ☒ Power of Attorney <i>(when there is an assignee)</i> 11. ☐ English Translation Document <i>(if applicable)</i> 12. ☐ Information Disclosure Statement (PTO/SB/08 or PTO-1449) ☐ Copies of citations attached 13. ☒ Preliminary Amendment 14. ☐ Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i> 15. ☐ Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i> 16. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or equivalent. 17. ☐ Other: _____										
18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76: ☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: <u>12/186,918</u> Prior application information: Examiner <u>Ouellette, J.P.</u> Art Unit: <u>3629</u>											
19. CORRESPONDENCE ADDRESS ☒ The address associated with Customer Number: 26362 OR ☐ Correspondence address below											
<table border="1" style="width: 100%;"> <tr> <td colspan="2">Name</td> </tr> <tr> <td colspan="2">Address</td> </tr> <tr> <td>City</td> <td>State</td> </tr> <tr> <td>Country</td> <td>Zip Code</td> </tr> <tr> <td>Telephone</td> <td>Email</td> </tr> </table>		Name		Address		City	State	Country	Zip Code	Telephone	Email
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Telephone	Email										
<table border="1" style="width: 100%;"> <tr> <td>Signature</td> <td>/Louis J. Hoffman/</td> <td>Date</td> <td>05/25/2011</td> </tr> <tr> <td>Name (Print/Type)</td> <td>Louis J. Hoffman</td> <td>Registration No. (Attorney/Agent)</td> <td>38,918</td> </tr> </table>		Signature	/Louis J. Hoffman/	Date	05/25/2011	Name (Print/Type)	Louis J. Hoffman	Registration No. (Attorney/Agent)	38,918		
Signature	/Louis J. Hoffman/	Date	05/25/2011								
Name (Print/Type)	Louis J. Hoffman	Registration No. (Attorney/Agent)	38,918								

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

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Shkedi, Roy	Art Unit	:	* 3629
Serial No.	:	_____	Examiner	:	* Ouellette, J.P.
Filing Date	:	05/25/2011	* <i>In parent application S.N. 12/186,918</i>		
Title	:	Descriptive-profile mercantile method			

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

Filed via EFS – May 25, 2011

PRELIMINARY AMENDMENT

Dear Sir:

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

Amendments to the Specification begin on page 2 of this paper.

Remarks begin on page 3 of this paper.

AMENDMENTS

IN THE CROSS-REFERENCE TO RELATED APPLICATIONS SECTION:

Please amend the paragraph as follows:

~~This application is a continuation of application Ser. No. 09/593,993, filed 06/14/2000 and entitled A Descriptive Profile Mercantile Method, which itself claims priority from Israel Application No. 133,489 filed on 12/13/1999. The disclosures of said application and its entire file wrapper (included all prior art references cited therewith) are hereby specifically incorporated herein by reference in their entirety as if set forth fully herein. Furthermore,~~This application is a continuation of application Serial No. 12/186,918, filed August 6, 2008, which is a division of application Serial No. 11/099,861, filed April 6, 2005, now U.S. Patent 7,428,493, which is a continuation of application Serial No. 09/593,993, filed June 14, 2000, now U.S. Patent 6,925,440, which claims priority to Israel Application No. 133,489, filed December 13, 1999. A portion of the disclosure of this patent document contains material,~~which that~~is subject to copyright protection. The copyright owner has no objection to the facsimile reproduction by anyone of the patent document or the patent disclosure, as it appears in the Patent and Trademark Office patent file or records, but otherwise reserves all copyright rights whatsoever.

REMARKS

The amendments to the specification are being made to update only the related applications section and hence do not contain any "new matter."

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

Respectfully submitted,
ALMONDNET, INC.
by its attorney

Dated: May 25, 2011

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

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A Descriptive-Profile Mercantile Method

CROSS-REFERENCE TO RELATED APPLICATIONS

This application is a continuation of application Ser. No. 09/593,993, filed 06/14/2000 and entitled A Descriptive-Profile Mercantile Method, which itself claims priority from Israel Application No. 133,489 filed on 12/13/1999. The disclosures of said application and its entire file wrapper (included all prior art references cited therewith) are hereby specifically incorporated herein by reference in their entirety as if set forth fully herein. Furthermore, a portion of the disclosure of this patent document contains material, which is subject to copyright protection. The copyright owner has no objection to the facsimile reproduction by anyone of the patent document or the patent disclosure, as it appears in the Patent and Trademark Office patent file or records, but otherwise reserves all copyright rights whatsoever.

FIELD OF THE INVENTION

The present invention generally relates to a mercantile method.

More specifically, the present invention relates to a mercantile method directed to brokerage of attributes of information.

BACKGROUND OF THE INVENTION

Advances in database technology have given rise to commerce in records, files and databases, per se. For example, paying for a database credit check for an

individual or buying a mailing list have become common practice. These well-known systems do not address the problems of how the database is to collect all of the attributes of information that are contained therein. Often, the contents of a database are the result of massive clerical efforts, which usually represent the product of many calendar years of transactional accumulations.

Sometimes, whole databases are merged to form higher precision data clusters. For example, voting turnout lists may be integrated with census data to produce a register from which a statistical profile of voters may be derived. Another example relates to merging the records of a credit card company with the records of a mortgage company. For those persons having an entry in each of the constituent record sets, the result is a credit profile of more precise resolution. In this example, the actual economic value of merged records exceeds the combined values of constituent records. This would likewise be true for the inclusion of any additional attribute of information to any record.

Unfortunately, the current state of information commerce is focused on the sales of whole databases, whole records, or evaluations based on single or clusters of records. In commercial applications where specific attributes of information strongly affect the value of evaluations, there is a need in the art for commerce in such attributes. For example, in targeted advertising, every attribute, which substantially affects the probability of that advertisement's success, innately has a discrete economic value. Likewise, in actuarial calculations, how precisely a client can be profiled determines what the probability of profiting from such a client.

More specifically, there remains a need in the art for assigning values to information attributes or for managing value assignments to information attributes. In the absence of such assignments or management, the commerce in information attributes, per se, is substantially precluded; especially in client-specific advertisement profiling, client-specific actuarial targeting, and the like.

NOTICES

The present invention will forthwith be described with a certain degree of particularity, however those versed in the art will readily appreciate that various modifications and alterations may be carried out without departing from either the spirit or scope, as hereinafter claimed.

In describing the present invention, explanations are presented in light of currently accepted theories and models; be they scientific, economic, sociological, etc. Such theories and models are subject to changes, both adiabatic and radical. Often these changes occur because representations for fundamental component elements are innovated, because new transformations between these elements are conceived, or because new interpretations arise for these elements or for their transformations. Therefore, it is important to note that the present invention relates to specific technological actualization in embodiments. Accordingly, theory or model dependent explanations herein, related to these embodiments, are presented for the purpose of teaching, the current man of the art or the current team of the art, how these embodiments may be substantially realized in practice. Alternative or equivalent explanations for these embodiments may neither deny nor alter their realization.

GLOSSARY

Profile: A collection of attributes that describe a person or an organization or any other entity that can be described by a combination of data. For example, a person profile could be a collection of the following attributes: the person's gender, the person's age, the person's education, the person's interests as reflected in his behavior or as reported by the person or as reflected from his membership in a specific club and so forth. An organization profile could be a collection of the following attributes: number of employees, activities the organization maintain whether business activities or other activities, the organization's revenues, the organization's gross profit, the organization's operating profit, the organization's net profit, the organization's

equity and so forth. It should be mentioned that profile attributes include, among other things, attributes that enable the identification of the entity described by the profile such as name, address, URL, cookie. In addition, profile attributes may include information learned about the entity described by the profile from a communication protocol such as the information learned about the visitor to a web site from its http header.

User: any entity that owns attributes contained in at least one partial profile. The entity could be a web site that has a database of its visitor profiles, an organization with a database of partial profiles or the subject described by the profile itself.

Cookie: A text (or alphanumeric) string that is put on a computer hard disk of a visitor to a web site by the web site's server. The cookie enables the identification of the specific computer on its future visits to the web site. Each cookie is reported (by the computer browser) only to the web site server that installed that cookie. Therefore, it should be clearly understood that the only way for a third party to acquire cookie data is to receive that data from the server that installed that cookie, or from another third party who so acquired the data from a chain of parties going back to that cookie setting server, etc.

Contract: An agreement between a user and a system incorporating the method of the present invention wherein ownership of an attribute or a right to represent an attribute is transferred from one party to another for an agreed consideration. Generally, examples include a purchase of an attribute for cash or credit, or an acceptance of an attribute according to a brokerage fee schedule. More specifically, since there are many problems in assigning the value of an attribute, the system of the present invention may simply agree to store new attributes with the proviso that users wishing to acquire a copy of these attributes will transfer a payment specified by the original attribute

provider (the royalty payment) to that provider and a brokerage fee for providing this service payable to the system's account. Alternatively, the attribute provider or the system may elect to assign a value to an attribute using a formula which factors in such parameters as newness of the attribute, geographical extent wherein the attribute is of presumable value, veracity of the attribute, etc.

SUMMARY OF THE INVENTION

The present invention generally relates to a descriptive-profile mercantile method, for use at a juncture in a data-communications topology having associated therewith a maintained databank of partial profiles, the method including the steps of:

- (a) from a user, receiving a transaction having therein a first partial profile;
- (b) using the first partial profile, searching a databank having a plurality of second partial profiles, wherein is included in said databank at least one null profile so that said searching will always yield at least one proximate second partial profile to the first partial profile;
- (c) between the user and the databank, contracting:
 - i. for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter said databank incorporating the agreed portion of the first profile into at least one second partial profile; or
 - ii. for the user to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter the databank transmitting to the user the second mutually agreed portion of the second profile.

The present invention comes to provide a means for making viable the economic commerce in information attributes. Since the value of such attribute will

only become well understood with the implementation of the present method in the electronic commerce marketplace, the present best enabling mode for the present invention operates on a brokerage representation model. According to this model, a typical use of the present invention may be according to the following scenario.

An electronically facilitated visitor to an Internet web-site presents his credentials. These credentials could be the visitor profile itself or a cookie or a user name and so forth that enables the site to retrieve the visitor profile or any combination of the above. Of course, it could be that the site does not have a profile of the visitor to that web-site. The web-site may make better profit from the visitation if it were to know more about the visitor. The web-site forwards particulars from the visitor's credentials (a partial profile), as well as (optionally) a redirect to a portion of the visitor's page to a server located in cyberspace (at a juncture in a data communications topology). By redirecting a portion of the visitor's page to the server, the visitor's browser reports to the server a cookie the server put on the visitor's computer in the past, if any. This server interconnects the user's transactions and the server own cookie (if used) with a computer having therein software for running the method of the present invention. Associated with the computer is a databank, having therein an organized ensemble of information attributes.

The computer uses the forwarded visitor credentials with its server cookie (if any) to search the associated databank. Either or both of two possible mercantile events are set into motion thereby.

Firstly, it may be the case that the credentials contain new information attributes which were not heretofore known in the databank. According to a simple model of evaluating the value of these attributes, the database incorporates these new attributes and the computer assigns a user selected micro-payment royalty for each elected use of these attributes by any other user. Stated simply, if the user provides a date of birth for a known named person in the data bank, then the user is the owner of that date of birth attribute, and a user designated micro payment royalty (or credit) is assigned to the user for each purchase of that attribute by

another user. The owner of the databank may likewise collect for itself a brokerage commission for each use of the attribute.

Secondly, the databank may contain new attributes that were not in the initial visitor credentials. In this case, the user is told that such attributes exist for purchase, what these new attributes describe (e.g. education level associated with the visitor), and the micro-payment royalty plus brokerage fee that is charged for each respective attribute. If the user is interested in any of these attributes, then a contract is agreed to, resulting in a micro-payment transfer from the user to the broker and to the royalty owner, and a transfer of a copy of the attribute to the user (the buyer).

Other types of contracts and other types of pricing structures are available for the user in his interactions with the "system of the present invention" (e.g. the computer with its associated databank); as will be describes in subsequent sections.

BRIEF DESCRIPTION OF THE FIGURES AND APPENDICES

In order to understand the invention and to see how it may be carried out in practice, embodiments including the preferred embodiment will now be described, by way of non-limiting example only, with reference to the accompanying drawings, in which:

Figure 1 illustrates a schematic view of an Internet data-communications topology;

Figure 2 illustrates a schematic view of a system using the descriptive-profile mercantile method;

Figure 3 illustrates a schematic view of a computer program product;

Figure 4 illustrates a schematic view of a program storage device; and

Figure 5 illustrates a schematic view of an installed computer system for facilitating a descriptive-profile mercantile method.

DETAILED DESCRIPTION OF THE INVENTION

In Figure 1 there is presented a schematic illustration of a data-communications topology as a wide area network (e.g. the Internet) (1) having interconnected thereto a visitor (2), a user (3), and a system (4) embodying the method of the present invention.

The present invention relates to a descriptive-profile mercantile method (further presented in figure 2), for use at a juncture in a data-communications topology having associated therewith a maintained databank of partial profiles, the method including the steps of:

- (a) from a user (3), receiving (5) a transaction having therein a first partial profile;
- (b) using the first partial profile, searching (6) a databank (7) having a plurality of second partial profiles, wherein is included in said databank at least one null profile so that said searching will always yield at least one proximate second partial profile to the first partial profile;
- (c) between the user and the databank, contracting:
 - i. (10) for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter said databank incorporating the agreed portion of the first profile into at least one second partial profile; or
 - ii. (9) for the user to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter the databank transmitting to the user the second mutually agreed portion of the second profile.

According to an embodiment of the present invention, receiving a transaction includes extracting at least one predetermined key portion of the first partial profile,

wherein at least one of these extracted predetermined key portions is then used as the first partial profile for the searching of the databank. According to a variation of this embodiment, extracting includes constructing at least one composite key for the searching of the databank using a combinatorial of at least two of the predetermined key portions of the first partial profile.

According to another embodiment of the present invention, contracting includes selecting a pricing structure according to a rating of the user.

According to a different embodiment of the present invention, contracting a right includes accepting an obligation to pay for substantially each use or transfer of the agreed portion.

According to a further embodiment of the present invention, incorporating the agreed portion includes assigning a credibility weighting to the agreed portion of the first profile. According to a variation of this embodiment, incorporating includes convoluting the assigned credibility weighting of the first profile with a pre-existing credibility weighting of a substantially like agreed portion of a proximate second profile; and storing the convoluted new credibility weighting for the agreed portion in the databank. According to a further refinement of this variation, contracting includes selecting a pricing structure according to a result of a computation comparing the new credibility weighting with the pre-existing credibility weighting.

According to an additional embodiment of the present invention, **receiving** a transaction includes **consulting** an external database (11).

According to an extension embodiment of the present invention, the method furthermore includes:

- i) **searching** at least one external database (11) for a partial profile or portion thereof which complements a at least one second partial profile of the databank, and
- ii) between the database and the databank, **contracting** for the databank to own or represent a right to a first mutually agreed portion of the complementing first partial profile, and substantially thereafter said databank **incorporating** the agreed portion of the first profile into at least one second partial profile.

The present invention also relates to a computer program product (see figure 3) including a computer usable medium having computer readable program code embodied therein for facilitating descriptive profile mercantile activities, the computer readable program code including:

- a) first computer readable program code (20) for causing a computer to **receive** a transaction from a user, the transaction having therein a first partial profile;
- b) tied to the first computer readable program code, second computer readable program code (21) for causing the computer to use the first partial profile to **search** a databank having a plurality of second partial profiles, wherein is included in said databank at least one null profile so that said searching will always yield at least one proximate second partial profile to the first partial profile; and
- c) tied to the second computer readable program code, third computer readable program code (22) for causing the computer to **contract** between the user and the databank:
 - i) for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter for said databank to **incorporate** the agreed portion of the first profile into at least one second partial profile; or

- ii) for the user to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter for the databank to **transmit** to the user the second mutually agreed portion of the second profile.

Furthermore, as illustrated in figure 4, the present invention relates to a program storage device (30) readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps for a descriptive-profile mercantile method, for use at a juncture in a data-communications topology having associated therewith a maintained databank of partial profiles, said method steps including:

- a) from a user, **receiving** a transaction having therein a first partial profile;
- b) using the first partial profile, **searching** a databank having a plurality of second partial profiles, wherein is included in said databank at least one null profile so that said searching will always yield at least one proximate second partial profile to the first partial profile;
- c) between the user and the databank, **contracting**:
 - i) for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter said databank **incorporating** the agreed portion of the first profile into at least one second partial profile; or
 - ii) for the user to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter the databank **transmitting** to the user the second mutually agreed portion of the second profile.

The present invention also relates to a computer system for facilitating a descriptive-profile mercantile method (see figure 5), the system including:

- a) a computer (40) installed at a juncture in a data-communications topology (1);

- b) associated with said computer, a storage device (42) for keeping a maintained databank of partial profiles; and
- c) associated with the internal functionality components of the computer, appurtenances (41) for performing method steps including:
 - i) from a user, **receiving** a transaction having therein a first partial profile;
 - ii) using the first partial profile, **searching** a databank having a plurality of second partial profiles, wherein is included in said databank at least one null profile so that said searching will always yield at least one proximate second partial profile to the first partial profile;
 - iii) between the user and the databank, **contracting**:
 - (1) for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter said databank **incorporating** the agreed portion of the first profile into at least one second partial profile; or
 - (2) for the user to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter the databank **transmitting** to the user the second mutually agreed portion of the second profile.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

In the context of the preferred embodiment of the present invention, “attribute” relates to an information particular (or attribute) that is aggregated with other particulars to form a partial profile. Examples of attributes may be: name, address, income, age, education, details of product purchase transaction over the Internet, credit rating, etc.

In the context of the preferred embodiment of the present invention, “data” relates to knowledge concerning a visitor.

In the context of the preferred embodiment of the present invention, “data-communications topology” relates to a virtually interconnected collection of communications facilities including at least one mutually agreed protocol between any directly communication facilities in the collection.

In the context of the preferred embodiment of the present invention, “information” relates to the collection of all attributes known by a user about a visitor.

In the context of the preferred embodiment of the present invention, “pricing structure” relates to the price and payments for data exchanged by the user and the system.

In the context of the preferred embodiment of the present invention, all profiles are, by definition, partial. A profile may describe aspects of a person, or an organization, or of a corporation. It is logically impossible to have complete information about any of these. However, any particular of information about any of these may have an economic value for a customer of profile information.

In the context of the preferred embodiment of the present invention, a “databank” relates to an accessible searchable aggregation of records or like data structure units wherein “partial” profiles are stored.

In the context of the preferred embodiment of the present invention, “system” relates to a computer embodying the descriptive profile mercantile method according to the present invention.

In the context of the preferred embodiment of the present invention, “transaction” relates to a process to complete a communicative activity between the parties that reciprocally affects or influences the other party. It may include an acquisition provision of a partial profile, an identification of the user, a reference to a contractual mechanism related to the acquisition, screening, and/or distribution of new data and a pricing structure.

In the context of the preferred embodiment of the present invention, “user” relates to an individual, web site, search-robot and/or other type of software agent that interacts with the system by virtue of their contacting a juncture in the data-

communications topology where the method is installed in order to acquire, trade, dispose of and/or broker some attribute data for the purpose of acquiring some potential economic or other value in connection with that attribute data.

In the context of the preferred embodiment of the present invention, “visitor” relates to an entity the user has access to or is interested in. The visitor could be a consumer or potential customer of an offering of goods, services, or information.

INTRODUCTION

This invention relates to gaining an ability to buy, sell, broker, and trade specific pieces of data between two disjoint parties within the context of a system that may include a databank and that may include a micro-payment royalty arrangement as a pricing structure in connection with the aforesaid exchange of data.

The specific pieces of data that may be involved in the exchange are known as attributes. The attributes relate to details of a particular profile. The profile can be a collection of descriptive information as used by an advertiser for generating targeted advertising or used by an insurer for finding a more specific actuarial rate. It is noted that a secondary type of profile that is also contained in another embodiment of the invention is a form of a collective profile that is an aggregate that is based on a pre-structured analysis of the existing individual profiles such as average or typical.

In the normal course of a transaction between a user and an embodiment of a system according to the present invention a typical scenario ensues:

1. A visitor arrives at a web site of the user. The web site of the user collects a variety of specific data about the visitor that may include the visitor's cookie and any other information that the visitor voluntarily disclosed to the web site.
2. The web site has a number of interests in the visitor and the information that the web site possesses about the visitor. In connection to a profile of the visitor, there would be a benefit to the web site if the web site could acquire additional information as to the specific visitor or at least acquire typical profile information about a class of individuals possessing similar profiles relative to the specific visitor. Possession of such additional information will enable the web site to engage in potentially more successful product offering and/or targeted advertising to the visitor. Another independent benefit that

can accrue to the web site is the gain of some economic remuneration for and as a function of the information itself that the web site possesses about the visitor.

In order for the web site to progress and to potentially achieve either or both of the above mentioned benefits (the improved targeted advertising (or improved product offering) to the visitor as well as the gain of some economic remuneration of the information itself about the visitor); the web site now becomes a user of the system of the present invention. The web site as a user of the present invention constructs a transaction that contain those portions of the information it possesses about the visitor that it is allowed to diverge to third parties.

The transaction includes:

1. Information that the user is allowed to disclose to third parties about the visitor.
2. Contract terms about the user, typically including but not limited to: identity, pre-determined rate structures per transaction type, and information type, pre-determined contractual relations with the system as to what each party - the user and the system can do with information exchanged between them.
3. Instructions as to the type of transaction - buy, sell, broker, and/or trade information to be conducted between the user and the system.

Thus, the user sends a transaction in the data communication topology where the system is installed; as for example, via the Internet, Intranet, LAN, WAN, wireless packet communications system, etc. Thereupon, the system receives the transaction, identifies the user, interprets instructions sent concerning the transaction's contractual terms and type, i.e. the applicable contract and structure for using all or some of the attributes contained in the information (hereinafter, "First Visitor Profile Data") includes the profile of the visitor as known to the site,

visitor information included in the communication protocol such as the information in the http header, profile attributes that enable the identification of the entity described by the profile by the databank such as name, address, URL, cookie put by the server connected to the databank and so forth. It should be noted that the profile of the visitor known to the site mentioned above might not include certain attributes the user is not interested in exposing to the databank or attributes that are of no interest to the databank. For example, a databank that identifies web site visitors by the cookie its server puts on their computers, could decide not to take 'real world identifying attributes' such as name, address and e-mail in order to give web surfers a level of anonymity

The system searches a databank according to what is contained in the First Visitor Profile Data (contained in the transaction) in order to find either: at least one profile in the databank that matches the information in the visitor profile (that includes the information dispatched by the user related to the visitor, visitor information included in the communication protocol such as the information in the http header, profile attributes that enable the identification of the entity described by the profile by the databank such as name, address, URL, cookie put by the server connected to the databank and so forth) or to find at least one aggregate profile that describes a profile of a group that the visitor might belong to.

If it is the intent of the user, as contained in the transaction instructions, to purchase additional attributes that may relate to the First Visitor Profile Data, then the system examines the profiles it has found in its search, determines if it has any new attributes not sent by the user. In the event that the system has found new attributes that were sent by the user, the system reviews the contract instructions of the transaction in order to determine the relevance of the new attributes found to the intent of the user. If the system finds the new attributes relevant, then the system will debit the user's account in accordance with a pre-agreed pricing structure in connection with additional attributes related to the First Visitor Profile Data that are delivered as data to the user.

A non-limiting example of the principle of data release in accordance with the user's contractual instructions is herein provided. It may be that in the contract with the user, the user has instructed that it is never interested in receiving any data that does not specifically relate to the visitor, meaning the user is not interested in information about an average profile of a group that the visitor might belong to. Another example could be that the user has instructed that it is not interested in the habits of a visitor, but specifically, only in information about his age, gender, education and income. The reason may be to preclude the system from disclosing the name of the visitor since the user always knows the name of the visitor and has no interest in paying to re-learn what it already knows. Thus, in accordance with the contractual instructions, no attribute data relating to information the user specified it is not interested in receiving will either be sent, and since such information was not sent, it will not be debited to the user's account.

An alternative example is the case where the user only has an interest in a pre-defined - within the transactional instructions - set of attributes. For example, the user may only be interested in what type of car the visitor drives, or what the visitor's current credit rating is, or, what may be the most interesting example, what category of goods have been purchased by the visitor over a pre-defined period. It is noted that elements of this last example may typically be a piece of information that other typical users trade with or sell to the system.

It should be noted that a user may restrict the use of attributes it sells to the databank. The restrictions could be of number of usages, to whom the databank has the permission to sell, and so forth.

A second class of data that is found by the system as it searches may equally be of value to the user. This is the search result that demonstrates discrepancies between the disclosure of information by the user to the system and the results of the search by the system. The fact that there is a discrepancy, as well as the nature of the discrepancy, may be of value to the user, the system, or both.

A third category is the example where there are pieces of information relating to the user in the descriptive portion of the transaction that describes the

visitor which the search by the system failed to disclose. For example, the make and model of the car driven by the visitor, recently purchased from the user's web site might be the new information otherwise unknown to the system. In this instance, the system would go through an appropriate contractual arrangement in order to credit the user for the new attribute which the user has delivered to the system.

The various kinds of contracts available in a transaction between the system and the user are: buy, sell, broker, and trade. Where new information is disclosed to the system a royalty arrangement (or, alternatively, an outright purchase or sale) comprised of micro payments may be employed. In addition to the various kinds of contracts, there are various types of users. A user may be a large scale commercial web site or an individual small scale web page. Furthermore, there may be different types of rate structures. An audited user which may have taken efforts to verify information regarding a user, for example a credit bureau, would have a different payment rate for new information that it discloses to the system than a user with information that is neither audited nor verified but which is causal.

Thus the value of information in a databank can change as a function of its credibility and source. Accordingly, the royalty payment rate for said information could be enhanced or reduced as a function of its value.

In addition to profiles of a visitor it may be of interest to allow an embodiment of the invention to create a type of secondary market for the information consisting of a predetermined class of profiles about all visitors. For example it may be of interest to know what type of individuals, including their profession, income, gender, and geographic location, buy a certain model of vehicle. The purchase, sale, trade, and/or brokerage of this class of data can then enter a mercantile model and may be of significant interest to advertisers.

DESCRIPTION

The preferred embodiment of the present invention relates to the use of a procedure on a computer attached to a network, Internet, Intranet, LAN, WAN, wireless packet communication system or hybrid composite of any of the above whereby data is exchanged by purchase, sale, trade, or brokerage and micro payments of royalties as a pricing structure that may accompany the data exchange.

This procedure begins with the introduction to the system of data that contains a partial profile that will be used in the establishment, supplementation, or improvement of a descriptive profile. The partial profile will often itself contain certain predetermined identified commercial attributes, demographic attributes, or behavioral attributes or combinations thereof or the like. These attributes then allow construction of a descriptive profile that resides as existing information in a databank. However, inherent design characteristics of the descriptive profile result in the descriptive profile always being partial. This means that data within the profile relates to one or more attributes of the item, business, service, data characteristic, advertisement, or person that is being profiled. The descriptive profile is then methodically employed in an activity that verifies or contradicts, maintains, modifies, updates or downgrades, and/or enhances the databank of previously existing partial profiles. Thereafter, the system may retain, market, and/or exchange with the user new resultant (of the process described) data that contains further descriptive profile attributes for further usage.

Since the present invention is directed to the value of details of a profile, it is an object of the present invention to facilitate the transfer of rights to such particulars. For example, a visitor may arrive at a commercial Internet web-site. The visitor may disclose his cookie and may provide the web-site with other facts about him/herself on a non-confidential basis. The web site may then contact a juncture in a data-communications topology where the present method is installed. According to one scenario, the web-site is a familiar user of the present method, and has pre-arranged the terms and conditions of what information he may wish to

transfer rights to. For example, after considering the web-site transmission containing the non-confidential disclosed information, the system may find that all of the information already recorded in its databank with the single exception of the visitor's annual income. By prearranged contract details, the web-site is given a predetermined micro-payment credit for providing this detail. Alternatively, by prearranged contract the databank agrees to store this user attribute and to credit the providing web-site with a micro-payment royalty for each use of this attribute "purchased" from the databank by each interested party.

Likewise, according to the same prearranged contractual arrangement between the user and the databank, the databank may find that it represents a right to an attribute that has not been disclosed to it by the user. In this example, the system's databank may then transmit a query to the user in the form: "for the identified visitor (detail from original transaction inserted), are you interested in the following attributes according to the associated payment conditions: (education level, micro-payment price schedule 1), (gender, micro-payment price schedule 2), etc.?"

The systematic procedure described in the preceding paragraph includes various steps that can be better illustrated by example. However, the reader should be aware that all examples which are given in this document are limiting examples that are expressed in this document solely for the purpose of explanation and not for the purpose of limitation.

Initially a user will interface with the system by providing the system's databank with a partial profile consisting of at least one attribute which will enable the identification of the entity described by the profile in the system's databank (the attribute could be for example, the cookie installed on the visitor's computer (the visitor to a web site which is a user of the system of course) by the server attached to the databank. The user enables the server attached to the databank to receive the cookie it installed by redirecting a portion of the visitor page to the databank's server) . For example a company might provide the system with a name of one of its customers. This step sets the process in motion.

For once there is an initiation by contribution of an initial attribute list by the user, the system will search existing data in the databank.

It should be recognized that the existing databank would have the characteristics that when it is approached by the user it will already contain or have the ability to acquire or generate a multiplicity of other partial profiles and room for at least one null profile; since it is the business of the databank to consider representing any new item of profile information. For example the databank might contain a list of geographic addresses of individuals. Then, once the user provides a name, the system will provide either a corresponding address or the message address unknown.

An alternative example has the user, in this case a web portal, providing the computer with a list of the previously monitored search habits of one of the portal's visitors. The system's databank might then suggest to the portal other web sites that contain text and/or graphics of similar type which the portal might then suggest to the visitor, presuming that the system maintains profiles on portals or web sites or surfing habits. If the web sites provided by the portal are provided on a fee basis, then a mechanism may be included in the contractual basis between the portal and the system whereby partial remuneration in the form of a micro payment would be made for any click through activity on the part of the visitor to a web site suggested by the system to the portal and then suggested by the portal to the visitor. It is noted that the click itself would be of further interest to both the portal and the system in the building by the system of a profile related to the behavioral characteristics or psychological makeup or predisposition of the visitor.

Once there is a coupling of the first partial profile of the user with a second partial profile existing in the databank, a contract can be formed between the user and the system related to the new information set which has resulted. The contract should provide that the system will own or acquire a license to utilize an agreed portion of the first partial profile which has been confirmed and at some time

thereafter the system will incorporate the agreed portion of the first profile into at least one second partial profile in the system's databank.

For example the name of an individual (an initial partial profile provided by the user) when coupled with age (a second partial profile provided by another use, inherent in the system's databank, or acquired by the system searching other databases will provide a partial second profile of certain demographic value consisting of name and age. If, for example, other partial profiles are found to correspond to gender, geographic address, and/or general income, there is a further enhancement of the partial second profile which results in a gain in the value of the information residing or incorporated from other databases into the system's databank and offered for exchange in accordance with the terms and instructions existing between the user and the system.

Alternatively, rather than the system acquiring by ownership or license an agreed portion of the first profile; the user itself might desire to acquire a right to own or license to use at least a part of an agreed portion of the second partial profile which has been confirmed by the system by its coupling with the first partial profile. Thus it would be an agreed function of the system to provide to the user an agreed portion of the second profile

For example the user might have the name and car model owned by a driver; the system's databank might have or have acquired the driving record of the driver and the safety record of the particular car model. The result of the coupling is the ability to refine an appropriate insurance rate for the particular driver and his car.

Alternatively the descriptive profile mercantile method might do both of the above by providing ownership or license to use certain information gleaned by the coupling of an initial partial profile with a second partial profile to both the system and the user. For example the system's databank might retain the use of the names and addresses and actuarial calculations of insurance agents residing in a geographical area proximate to the driver mentioned in the above paragraph, while a user (in this case the driver himself) might retain the name and address of the insurance agents willing to offer him insurance.

Inherent in the above examples is that the system that receives an input or exchange of data consisting of a first partial profile from a user will distill from that information at least one predetermined attribute. This attribute is then utilized by the system for searching the system's databank. Thus, the system, when receiving data, will, within the parameters of the transaction, extract at least one predetermined key portion of the first partial profile, wherein at least one of these extracted predetermined key portions is then used as the first partial profile for the searching of the system's databank. When the system extracts data it also constructs at least one composite key for the searching of the databank using a combinatorial of at least two of the predetermined key portions of the first partial profile. For example, a combination of the name and address of a person described in a profile will be used to search the databank. The combinatorial use is of importance to differentiate between partial profiles of people with the same name that do not allow cookies, for example. Continuing the example, in addition to whether the advertisement is for automobiles, it may be important to couple that information with advertisements only for home utility vans such that the first partial profile will now consist of car advertisements only for home utility vans.

An "interest" expressed by a user and the system, as to what these parties define between them as relevant data, may be expressed by the user and the system in a pricing structure. The pricing structure will include a contract between the user and the system that will include an obligation by the party which utilizes the information flowing to the system's databank to pay the other for substantially each use or transfer of the agreed information transferred between them. Instant data may or may not be ephemeral, and the profiles themselves may have either a limited or an unlimited shelf live. This means that information becomes currency and is treated by the parties in a manner similar to currency. To own or utilize certain information, there is a price associated with it either as a sales price or a rental price. In the event that the information is re-useable, in part or in whole then a certain predetermined royalty may be associated with each use of the portion of the

information which is reused. Let an example be provided at this juncture to further illustrate the operation of the preferred embodiment.

Normative market research consists of an array of information that is gleaned from answers provided to a questioner. However, the market research contains within itself not only the ability to provide truthful responses but also the ability to provide sampling errors due to either wrong answers, wrongly recorded answers, an error in the framing of the questions themselves, and/or an error in the population base which is being questioned. Clearly the larger and more diverse (or more homogeneous) the sample population (depending on the type of responses required), the larger number of similar questions answered, and the ability to better refine the questions all assist in increasing the value of the market analysis performed.

In the embodiment of the invention described, the user provides either a question or an answer, i.e. the initial partial profile. Thereupon, the system thereupon takes the initial partial profile and extracts from it a predetermined data that is then used for searching the databank. Depending on the contract between the user and the system, the system will or will not pay the user for the initial partial profile, or parts thereof. The search of the databank, results in the construction of a new profile that contains at least two predetermined parts of the first partial profile. For example, both the user and the system may be interested in screening the responses to a market survey of an individual respondent in order to ascertain whether on previous or similar questionnaires the respondent's answers were identical or deviant. This will allow both the user and the system to value the truthfulness of the current responses. The aforesaid quality value will have a predetermined monetary or other agreed "barter" value between the parties.

In addition, since the upgrading or downgrading of the credibility of the respondent has qualitative value in and of itself for other market surveys; to the extent that the user's information contributed to the new evaluation of the respondent, a payment might flow to the user. Similarly, to the extent that the upgrading or downgrading of the credibility of the respondent is based on existing information in the system's databank, the system may provide a royalty payment to

the initiator of the existing information in the system's databank. Thus, to the extent that the information inherent in the initial partial profile and in existing partial profiles have value and to the extent that participants who utilize the system (including the system's databank itself) have agreed on the value rating of the information and the amount to be paid between them an exchange of predetermined economic value will flow between the participants. In addition, to the extent there is further information and further participants, the continuing re-evaluation by the participants of a market valuation of the information as a function of the expected utility value of the information may further drive over time the price evaluation of both the information and the payments to be made between users and the system.

Furthermore, the preferred embodiment may embrace a further possible variations, i.e. an assignment by the contracting participants and/or the databank, per se, of a credibility rating to the agreed portion of the first partial profile. Coupling of the first partial profile with a second partial profile result in verification/confirmation of the first partial profile and second partial profile or contradiction/down grading of the credibility of the first partial profile and/or the second partial profile. By example, the first partial profile contains the name of Joe Blue, the information that he is male, and the information that he lives in Mississippi. However, the corresponding second partial profile associated with Joe Blue contains the information that he is a she (real name Josephine) and that she lives in Mississippi. The verification - perhaps- of the name is of dubious value in and of itself. However, in the event that for a certainty it can be established that Joe Blue is really Josephine Blue and that the gender is female rather than male, then, to a user of the information, the validation or disqualification of the information has significant value. Assume that the user of the information is an advertiser of beauty care products. The fact that Joe is male or female can result in an advertisement of beauty care products specifically targeted to the profile - in this case, male or female. In this instant case, the user (the advertiser) will assign a value to the credibility of the information.

Intrinsic to the example immediately above is the ability of the participants either individually or collectively to either raise or lower the rated utility value assigned to the first partial profile consistent with the pre-determined (but perhaps equally dynamic) credibility weighting system of the second partial profile. Thereafter the newly rated utility value of the partial profile incorporated in the database is stored for future usage. Lets see how this works in the case of Joe (Josephine) Blue. The first partial profile indicated that Joe was male; however all subsequent partial profiles which could be assigned to Joe (Josephine) Blue render to a statistical certainty that Joe (Josephine) Blue is actually female. This, combined with other attributes like geographical address, income level, and even spending patterns, when stored in the databank, results in an increasingly higher utility value rating for the (credible) information associated with Joe (Josephine) Blue. Thus, the raising or lowering of the credibility rating of an attribute due to the interaction between the associated attribute of the first partial profile and the second partial profile results in a corresponding change in the rating of the anticipated utility value of the attributes and profile themselves.

A further variation of the preferred embodiment incorporates an agreed portion of the data and assigns a credibility rating to the agreed portion of the first profile. This is accomplished by assigning a credibility rating of the first profile with a pre-existing credibility rating of a substantially like agreed portion of a proximate second profile; and storing the convoluted new credibility weighting for the agreed portion in the system's databank. This may result in an interesting result. When the participants select a pricing structure in accordance with a predetermined corresponding rating of the utility value of the partial attributes, the result is the continuous re-calibration of new information with existing information and a predetermined agreement by the parties as to the various value rating of an attribute.

If, for example, Ms. Blue's credit rating were confirmed as bankrupt, the desire of an advertiser to send her advertisements for the purchase of a pleasure craft would be seriously impacted notwithstanding the fact that other information in the databank related to Ms Blue indicates that she is a water skiing enthusiast and

otherwise fits both demographic, behavioral, and/or psychological profiles (which might reside in the databank) associated with candidates for potential purchasers of pleasure craft.

Another particularly useful variation of the preferred embodiment of the invention includes within it the possibility of consultation by the system with an external database or external databases. For example, the system is not restricted to searching the existing attributes residing within its own databank. Rather, the system is capable of acting as a first partial profile user to other databases, searching them, trading information with them or borrowing, renting, or purchasing other attributes with them. Thus the information related to credit worthiness attributes of Ms. Blue of the previous example might reside in a database owned by a credit company. Nonetheless, as per the example, the system would be able to utilize the information resident in the credit company's database for its own purposes related to the transaction with the user.

Furthermore the preferred embodiment may embrace other possible variations, including an ability to search one or more external databases for a partial profile, or part thereof, which complements at least one second partial profile of the system's databank. In the example of Ms. Blue, the name may be resident in the databank as well as a number of different external databases. Other attributes may reside as well either in the databank or in one or more external databases. Nonetheless, the result by search, correlation, and rating of the information in the databank and the databases results in both an expanded profile and a higher rating as to credibility of the partial profile existing both in the databank and in the other databases.

Thus, both system and owners of other databases may themselves contract between themselves for the right to own, use, license, or rent the other's partial profile and for the right to sublicense others to further use the other's partial profile. Since the information may very well have a shelf life - even as its credibility and rating may change over time - the result is a corresponding velocity of the value of the information in that not only is the more the information used is the more

valuable it is and becomes; but the more the information can be used the greater the potential value it has to its owners of licensors (with a right to sublicense). If we return to our example of Ms. Blue, the fact that she is female (information from the system's databank), is interested in water skiing (a partial attribute contributed by the first partial profile user), and has a restored credit rating (provided by an external credit service database) means that another user looking at its own profiles of young, single, sports minded women, would desire to provide her with advertisements related to scuba diving in the Gulf of Mexico, for example. This other user would pay the system for the information it has stored or accessed. The system itself would pay the initial provider of the verification of the gender of Ms. Blue, to the user who contributed that Ms. Blue is interested in water skiing and might share a fee associated with the clarification of Ms. Blues' actual credit worthiness.

As an alternative embodiment to a process that has previously been described is the ability to embody the invention not as a process but as a computer useable program, i.e. a software product, which allows the exchange of descriptive profiles between users, databanks, and/or computers. Another alternative is usage as a computer program storage device.

CLAIMS

I/We claim:

1. A descriptive-profile mercantile method, for use at a juncture in a data-communications topology having associated therewith a maintained databank of partial profiles, the method including the steps of:

a) from an entity who owns or represents a right to multiple profiles, electronically receiving a transaction having therein a first partial profile of a single visitor to the entity, said transaction including real-time access to the single visitor wherein an identifier is recognized or placed on the single visitor;

b) using the first partial profile, electronically searching a databank having a plurality of second partial profiles, wherein is included in said databank at least one null profile so that said electronic searching will always yield at least one proximate second partial profile to the first partial profile;

c) i) between the entity and the databank, electronically contracting for a purchase-payment or a trade or a brokerage payment in exchange for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter said databank incorporating the agreed portion of the first profile into at least one second partial profile; or

ii) between the entity and the databank, electronically contracting for a purchase-payment or a trade or a brokerage-payment in exchange for the entity to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter the databank transmitting to the user-entity the second mutually agreed portion of the second profile.

2. The method according to claim 1 wherein electronically receiving a transaction includes extracting at least one predetermined key portion of the first partial profile, wherein at least one of these extracted predetermined key portions is then used as the first partial profile for the electronic searching of the databank.

3. The method according to claim 2 wherein extracting includes constructing at least one composite key for the electronic searching of the databank using a combinatorial of at least two of the predetermined key portions of the first partial profile.
4. The method according to claim 1 wherein electronically contracting includes selecting a pricing structure according to a rating of the entity.
5. The method according to claim 1 wherein electronically contracting a right includes accepting an obligation to pay for substantially each use or transfer of the agreed portion.
6. The method according to claim 1 wherein incorporating the agreed portion includes assigning a credibility weighting to the agreed portion of the first profile.
7. The method according to claim 6 wherein incorporating includes convoluting the assigned credibility weighting of the first profile with a pre-existing credibility weighting of a substantially like agreed portion of a proximate second profile; and storing the convoluted new credibility weighting for the agreed portion in the databank.
8. The method according to claim 7 wherein electronically contracting includes selecting a pricing structure according to a result of a computation comparing the new credibility weighting with the pre-existing credibility weighting.
9. The method according to claim 1 wherein electronically receiving a transaction includes consulting an external database.
10. The method according to claim 1 further including i) electronically searching at least one external database for a partial profile or portion thereof which

complements a at least one second partial profile of the databank, and ii) between the database and the databank, electronically contracting for the databank to own or represent a right to a first mutually agreed portion of the complementing first partial profile, and substantially thereafter said databank incorporating the agreed portion of the first profile into at least one second partial profile.

11. A computer program product including a computer usable medium having computer readable program code embodied therein for facilitating descriptive profile mercantile activities, the computer readable program code including:

- a) first computer readable program code for causing a computer to receive a transaction from an entity who owns or represents a right to multiple profiles, the transaction having therein a first partial profile of a single visitor to the entity, said transaction including real-time access to the single visitor wherein an identifier is recognized or placed on the single visitor;

- b) tied to the first computer readable program code, second computer readable program code for causing the computer to use the first partial profile to search a databank having a plurality of second partial profiles, wherein is included in said databank at least one null profile so that said searching will always yield at least one proximate second partial profile to the first partial profile; and

- c) tied to the second computer readable program code, third computer readable program code: i) for causing the computer to contract for a purchase-payment or a trade or a brokerage payment between the entity and the databank for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter for said databank to incorporate the agreed portion of the first profile into at least one second partial profile; or ii) for causing the computer to contract for a purchase-payment or a trade or a brokerage payment between the entity and the databank for the entity to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter for the databank to transmit to the entity the second mutually agreed portion of the second profile.

12. A program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps for a descriptive-profile mercantile method, for use at a juncture in a data-communications topology having associated therewith a maintained databank of partial profiles, said method steps including:

a) from an entity who owns or represents a right to multiple profiles, receiving a transaction having therein a first partial profile of a single visitor to the entity, said transaction including real-time access to the single visitor wherein an identifier is recognized or placed on the single visitor;

b) using the first partial profile, searching a databank having a plurality of second partial profiles, wherein is included in said databank at least one null profile so that said searching will always yield at least one proximate second partial profile to the first partial profile;

c) i) between the entity and the databank, contracting for a purchase-payment or a trade or a brokerage payment in exchange for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter said databank incorporating the agreed portion of the first profile into at least one second partial profile; or ii) between the entity and the databank, contracting for a purchase-payment or a trade or a brokerage payment in exchange for the entity to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter the databank transmitting to the entity the second mutually agreed portion of the second profile.

13. A computer system for facilitating a descriptive-profile mercantile method, the system including:

a) a computer installed at a juncture in a data-communications topology;

b) associated with said computer, a storage device for keeping a maintained databank of partial profiles; and

c) associated with the internal functionality components of the computer, software for performing method steps including:

i) from an entity who owns or represents a right to multiple profiles, receiving a transaction having therein a first partial profile of a single visitor to the entity, said transaction including real-time access to the single visitor wherein an identifier is recognized or placed on the single visitor;

ii) using the first partial profile, searching a databank having a plurality of second partial profiles, wherein is included in said databank at least one null profile so that said searching will always yield at least one proximate second partial profile to the first partial profile;

iii) (1) between the entity and the databank, contracting for a purchase-payment or a trade or a brokerage payment in exchange for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter said databank incorporating the agreed portion of the first profile into at least one second partial profile; or (2) between the entity and the databank, contracting for a purchase-payment or a trade or a brokerage payment in exchange for the entity to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter the databank transmitting to the entity the second mutually agreed portion of the second profile.

14. A descriptive-profile mercantile method, for use at a juncture in a data-communications topology having associated therewith a maintained databank of partial profiles, the method including the steps of:

a) establishing a data rights contract agreement between an entity and a databank,

b) from the entity, who owns or represents a right to multiple profiles, electronically receiving a transaction having therein a first partial profile of a single visitor to the entity, said transaction including real-time access to the single visitor wherein an identifier is recognized or placed on the single visitor;

c) using the first partial profile, electronically searching the databank having a plurality of second partial profiles, wherein is included in said databank at least one null profile so that said electronic searching will always yield at least one proximate second partial profile to the first partial profile;

d) i) between the entity and the databank, electronically affirming the agreement for a royalty payment or a purchase-payment or a trade or a brokerage payment in exchange for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter said databank incorporating the agreed portion of the first profile into at least one second partial profile; or ii) between the entity and the databank, electronically affirming the agreement for a royalty payment or a purchase-payment or a trade or a brokerage-payment in exchange for the entity to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter the databank transmitting to the user-entity the second mutually agreed portion of the second profile.

15. The method according to claim 14 wherein electronically receiving a transaction includes extracting at least one predetermined key portion of the first partial profile, wherein at least one of these extracted predetermined key portions is then used as the first partial profile for the electronic searching of the databank.

16. The method according to claim 15 wherein extracting includes constructing at least one composite key for the electronic searching of the databank using a combinatorial of at least two of the predetermined key portions of the first partial profile.

17. The method according to claim 14 wherein electronically contracting includes selecting a pricing structure according to a rating of the entity.

18. The method according to claim 14 wherein electronically contracting a right includes accepting an obligation to pay for substantially each use or transfer of the agreed portion.

19. The method according to claim 14 wherein incorporating the agreed portion includes assigning a credibility weighting to the agreed portion of the first profile.

20. The method according to claim 19 wherein incorporating includes convoluting the assigned credibility weighting of the first profile with a pre-existing credibility weighting of a substantially like agreed portion of a proximate second profile; and storing the convoluted new credibility weighting for the agreed portion in the databank.

21. The method according to claim 20 wherein electronically contracting includes selecting a pricing structure according to a result of a computation comparing the new credibility weighting with the pre-existing credibility weighting.

22. The method according to claim 14 wherein electronically receiving a transaction includes consulting an external database.

23. The method according to claim 14 further including i) electronically searching at least one external database for a partial profile or portion thereof which complements a at least one second partial profile of the databank, and ii) between the database and the databank, electronically contracting for the databank to own or represent a right to a first mutually agreed portion of the complementing first partial profile, and substantially thereafter said databank incorporating the agreed portion of the first profile into at least one second partial profile.

24. A computer program product including a computer usable medium having computer readable program code embodied therein for facilitating descriptive profile mercantile activities, the computer readable program code including:

- a) first computer readable program code for causing a computer to receive a transaction from an entity who owns or represents a right to multiple profiles, the transaction having therein a first partial profile of a single visitor to the entity, said transaction including real-time access to the single visitor wherein an identifier is recognized or placed on the single visitor;
- b) tied to the first computer readable program code, second computer readable program code for causing the computer to use the first partial profile to search a databank having a plurality of second partial profiles, wherein is included in said databank at least one null profile so that said searching will always yield at least one proximate second partial profile to the first partial profile; and
- c) tied to the second computer readable program code, third computer readable program code: in accordance with an
 - i) for causing the computer to affirm an aspect of an established data rights contract agreement, between the entity and the databank, for a royalty-payment or a purchase-payment or a trade or a brokerage payment between the entity and the databank for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter for said databank to incorporate the agreed portion of the first profile into at least one second partial profile; or
 - ii) for causing the computer to affirm an aspect of an established data rights contract agreement, between the entity and the databank, for a royalty-payment or a purchase-payment or a trade or a brokerage payment between the entity and the databank for the entity to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter for the databank to transmit to the entity the second mutually agreed portion of the second profile.

25. A program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps for a descriptive-profile mercantile method, for use at a juncture in a data-communications topology having associated therewith a maintained databank of partial profiles, said method steps including:
- a) from an entity who owns or represents a right to multiple profiles, receiving a transaction having therein a first partial profile of a single visitor to the entity, said transaction including real-time access to the single visitor wherein an identifier is recognized or placed on the single visitor;
 - b) using the first partial profile, searching a databank having a plurality of second partial profiles, wherein is included in said databank at least one null profile so that said searching will always yield at least one proximate second partial profile to the first partial profile;
 - c) i) between the entity and the databank, affirming an aspect of an established data rights contract agreement, between the entity and the databank, for a royalty-payment or a purchase-payment or a trade or a brokerage payment in exchange for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter said databank incorporating the agreed portion of the first profile into at least one second partial profile; or
 - ii) between the entity and the databank, affirming an aspect of an established data rights contract agreement, between the entity and the databank, for a royalty-payment or a purchase-payment or a trade or a brokerage payment in exchange for the entity to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter the databank transmitting to the entity the second mutually agreed portion of the second profile.
26. A computer system for facilitating a descriptive-profile mercantile method, the system including:

- a) a computer installed at a juncture in a data-communications topology;
- b) associated with said computer, a storage device for keeping a maintained databank of partial profiles; and
- c) associated with the internal functionality components of the computer, software for performing method steps including:
 - i) from an entity who owns or represents a right to multiple profiles, receiving a transaction having therein a first partial profile of a single visitor to the entity, said transaction including real-time access to the single visitor wherein an identifier is recognized or placed on the single visitor;
 - ii) using the first partial profile, searching a databank having a plurality of second partial profiles, wherein is included in said databank at least one null profile so that said searching will always yield at least one proximate second partial profile to the first partial profile;
 - iii) (1) between the entity and the databank, affirming an aspect of an established data rights contract agreement, between the entity and the databank, for a royalty-payment or a purchase-payment or a trade or a brokerage payment in exchange for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter said databank incorporating the agreed portion of the first profile into at least one second partial profile; or (2) between the entity and the databank, affirming an aspect of an established data rights contract agreement, between the entity and the databank, for a royalty-payment or a purchase-payment or a trade or a brokerage payment in exchange for the entity to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter the databank transmitting to the entity the second mutually agreed portion of the second profile.

27. Transaction of Profile Information Attributes; the attributes being derived from using of a descriptive-profile mercantile method substantially as hereinbefore described and illustrated and said method operating at a juncture in a data-

communications topology having associated therewith a maintained databank of profiles, the method including the steps of establishing a data rights contract agreement between a user-entity and a databank-entity, and in accordance with the agreement either (a) assigning to the databank-entity to own or represent a right to a mutually agreed portion of a profile, and substantially thereafter the databank-entity electronically incorporating the agreed portion; or (b) assigning to the user-entity to own or represent a right to a mutually agreed portion of a profile, and substantially thereafter the databank-entity electronically transmitting to the user-entity the agreed portion; the transaction comprising:

using an electronic procedure on a computer attached to a data-communications topology wherein the procedure is facilitating, between two disjoint parties, a data exchange of said attributes by an accompanying pricing structure selected from the list: purchase, sale, trade, brokerage, and payment of royalties.

28. The transaction according to claim 27 wherein the data-communications topology having the computer attached thereto is selected from the list: a network, Internet, Intranet, LAN, WAN, wireless packet communication system, and a hybrid composite of any of the aforesaid.

29. The transaction according to claim 27 wherein the computer has therein an organized ensemble of information attributes.

30. The transaction according to claim 27 wherein said attributes enable identification of an entity described by a profile and the attributes are selected from the list: name, address, URL, cookie, information learned from a communication protocol about a visitor to a web site from an http header, the visitor's credentials, a redirect to a portion of the visitor's page to a server located in cyberspace, name, address, income, gender, age, education, details of a person's or organization's product purchase transaction over the Internet, credit rating, web portal search

habits, a questionnaire response, a person's interests as reflected in his behavior or as reported by the person or as reflected from his membership in a specific club, an organization's number of employees, an organization's activities, an organization's revenues, an organization's gross profit, an organization's operating profit, an organization's net profit, an organization's equity, descriptive information as used by an advertiser for generating targeted advertising or used by an insurer for finding a more specific actuarial rate, and an average or typical aggregate based on a pre-structured analysis of an existing individual profiles.

31. The transaction according to claim 27 wherein the user-entity is selected from the list: an individual, web site, search-robot, and software agent.

32. The transactions according to claim 27 wherein the computer installs a method to acquire, trade, pay royalty for use of, dispose of, or broker attribute data.

33. The transaction according to claim 27 wherein the data exchange includes articles of information commerce selected from the list: information the user-entity is allowed to disclose to third parties about a visitor; contract terms about the visitor; instructions as to type of transaction; visitor demographic attributes; visitor behavioral attributes; and a predetermined class of profiles for a plurality of visitors.

34. The transaction according to claim 27 wherein the procedure includes a databank-entity activity selected from the list: verification, contradiction, maintenance, modification, update, downgrade, enhancement, and credibility rating.

35. A computer useable program protocol between two entities allowing an electronic transaction of Profile Information Attributes substantially as hereinbefore described and illustrated; and the transactions includes an activity selected from the list: assigning values to information attributes, managing value assignments to

information attributes, commerce in information attributes, client-specific advertisement profiling of information attributes, and client-specific actuarial targeting of information attributes; and the entities are selected from the list: users, databanks, and computers; and the attributes are characterized by their respective derivation from a descriptive-profile mercantile method substantially as hereinbefore described and illustrated.

36. A Transaction of Profile Information Attributes user-side software for use in a descriptive-profile mercantile method data-communications protocol operating at a juncture in a data-communications topology having associated therewith a maintained databank of profiles wherein the method includes the step of establishing a data rights contract agreement between a user-entity and a databank-entity for a royalty payment or a purchase-payment or a trade or a brokerage-payment, and in accordance with the agreement the software facilitates either (a) the user-entity assigning to the databank-entity to own or represent a right to a mutually agreed portion of a profile; or (b) the user-entity accepting an assignment from the databank-entity to own or represent a right to a mutually agreed portion of a profile.

37. A Transaction of Profile Information Attributes databank-side software for use in a descriptive-profile mercantile method data-communications protocol operating at a juncture in a data-communications topology having associated therewith a maintained databank of profiles wherein the method includes the step of establishing a data rights contract agreement between a user-entity and a databank-entity for a royalty payment or a purchase-payment or a trade or a brokerage-payment, and in accordance with the agreement the software facilitates either (a) the databank accepting from the user-entity to own or represent a right to a mutually

agreed portion of a profile, and substantially thereafter the databank electronically incorporating the agreed portion; or (b) the databank assigning to the user-entity to own or represent a right to a mutually agreed portion of a profile, and substantially thereafter the databank electronically transmitting the agreed portion to the user-entity.

38. A maintained databank of partial profiles including therein a data-article selected from the list: a transacted partial profile according to claim 1, and a transacted attribute derived from using of a descriptive-profile mercantile method substantially as hereinbefore described and illustrated and said method operating at a juncture in a data-communications topology having associated therewith a maintained databank of profiles, the method including the steps of establishing a data rights contract agreement between a user-entity and a databank-entity, and in accordance with the agreement either (a) assigning to the databank-entity to own or represent a right to a mutually agreed portion of a profile, and substantially thereafter the databank-entity electronically incorporating the agreed portion; or (b) assigning to the user-entity to own or represent a right to a mutually agreed portion of a profile, and substantially thereafter the databank-entity electronically transmitting to the user-entity the agreed portion; where in said transaction is comprising using an electronic procedure on a computer attached to a data-communications topology wherein the procedure is facilitating, between two disjoint parties, a data exchange of said attributes by an accompanying pricing structure selected from the list: purchase, sale, trade, brokerage, and payment of royalties.

39. A maintained databank of partial profiles including therein a data-article selected from the list: a transacted partial profile according to claim 14, and a transacted attribute derived from using of a descriptive-profile mercantile method substantially as hereinbefore described and illustrated and said method operating at a juncture in a data-communications topology having associated therewith a

maintained databank of profiles, the method including the steps of establishing a data rights contract agreement between a user-entity and a databank-entity, and in accordance with the agreement either (a) assigning to the databank-entity to own or represent a right to a mutually agreed portion of a profile, and substantially thereafter the databank-entity electronically incorporating the agreed portion; or (b) assigning to the user-entity to own or represent a right to a mutually agreed portion of a profile, and substantially thereafter the databank-entity electronically transmitting to the user-entity the agreed portion; where in said transaction is comprising using an electronic procedure on a computer attached to a data-communications topology wherein the procedure is facilitating, between two disjoint parties, a data exchange of said attributes by an accompanying pricing structure selected from the list: purchase, sale, trade, brokerage, and payment of royalties.

ABSTRACT

A descriptive-profile mercantile method, for use at a juncture in a data-communications topology having associated therewith a maintained databank of partial profiles, is disclosed. The method includes the steps of: from a user, receiving a transaction having therein a first partial profile; using the first partial profile, searching a databank having a plurality of second partial profiles, wherein is included in said databank at least one null profile so that said searching will always yield at least one proximate second partial profile to the first partial profile; and between the user and the databank, contracting: (I) for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter said databank incorporating the agreed portion of the first profile into at least one second partial profile; or (II) for the user to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter the databank transmitting to the user the second mutually agreed portion of the second profile. The present invention operates best on a brokerage representation model; and thereby provides a means for making viable the economic commerce in information attributes.

Fig. 1

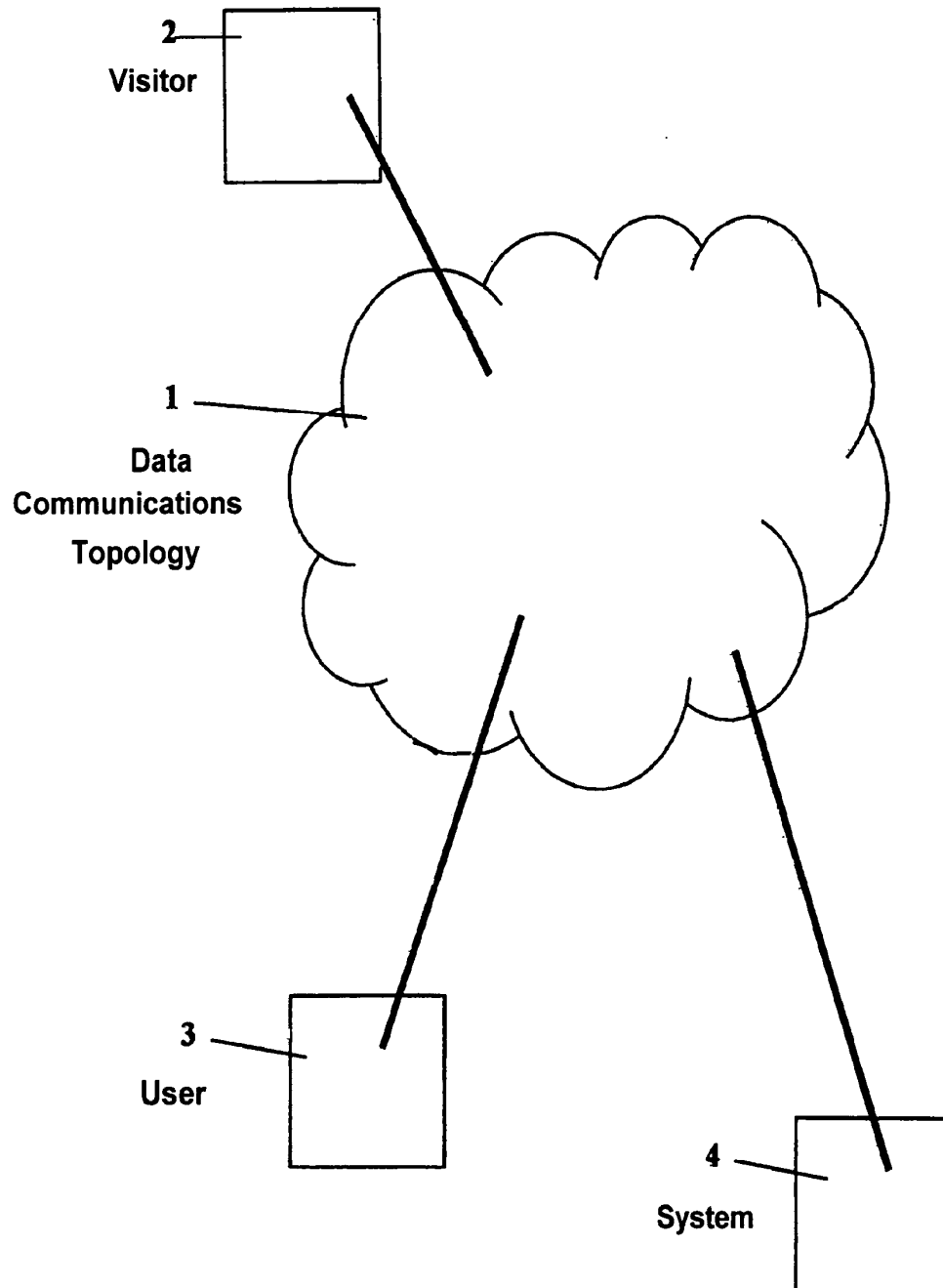


Fig. 2

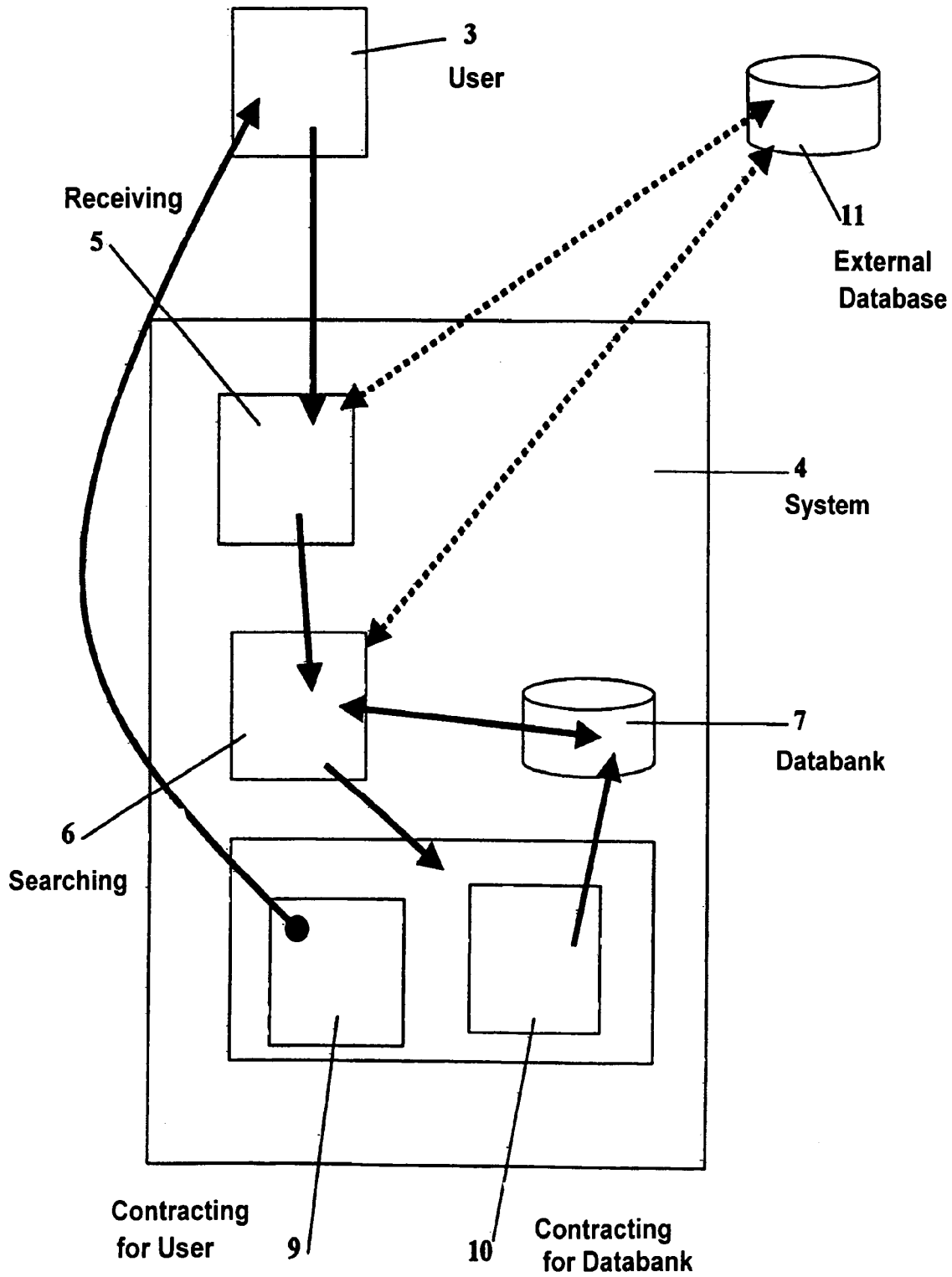


Fig. 3

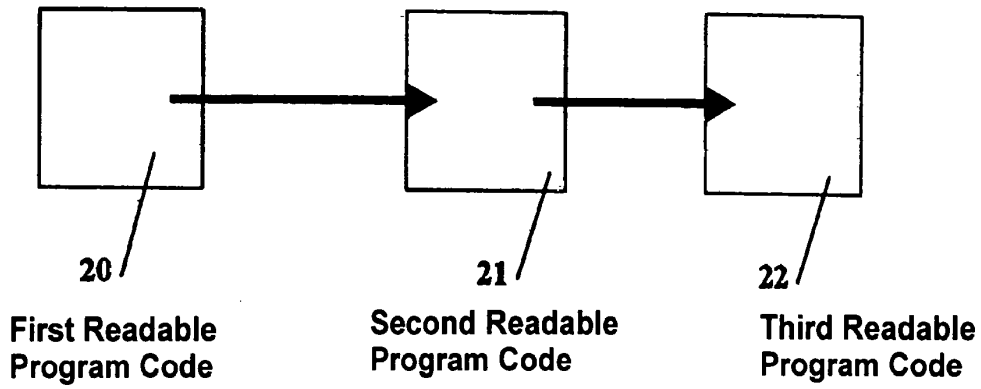


Fig. 4

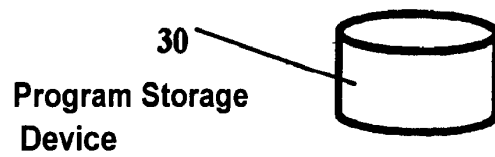
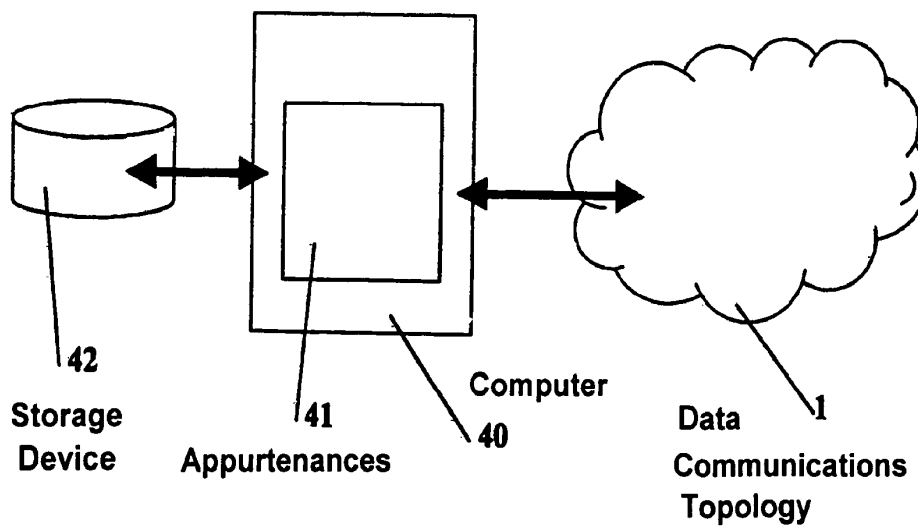


Fig. 5



DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)	Attorney Docket Number	14-DP-DIV
	First Named Inventor	Shkedi, Roy
	<i>COMPLETE IF KNOWN</i>	
	Application Number	NEW APPLICATION
	Filing Date	08/06/ 2008
	Art Unit	n/a
☒ Declaration Submitted With Initial Filing <i>OR</i> ☐ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)		Examiner Name n/a

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

A Descriptive-profile Mercantile Method

(Title of the Invention)

the specification of which

☒ is attached hereto

OR

☐ was filed on (MM/DD/YYYY) as United States Application Number or PCT International

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

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
IL133489	IL	12/13/1999	☐	☐	☒
			☐	☐	☐
			☐	☐	☐
			☐	☐	☐

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

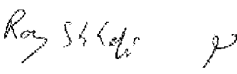
[Page 1 of 2]

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WARNING: Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available. 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 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.				
NAME OF SOLE OR FIRST INVENTOR:		☐ A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any])		Family Name or Surname		
Roy		Shkedi		
Inventor's Signature				Date
				08/6/2008
Residence: City	State	Country	Citizenship	
New York	New York	USA	IL	
Mailing Address				
c/o AlmondNet, Inc.; 134 Spring Street, Suite 302				
City	State	Zip	Country	
New York	New York	10012	USA	
☐ Additional inventors or a legal representative are being named on the supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.				

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: AlmondNet, Inc.Application No./Patent No.: NEW APPLICATIONFiled/Issue Date: 05/25/2011Titled: Descriptive-Profile Mercantile MethodAlmondNet, Inc., 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: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

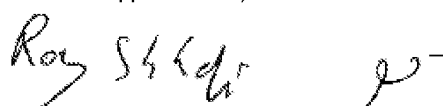
☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

- ☒ 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

05/25/2011

Date

Roy Shkedi

CEO - AlmondNet, Inc.

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.

ASSIGNMENT

FOR VALUE RECEIVED, I, the named inventor of the below-referenced patent application, sell, assign, and transfer to AlmondNet, Inc., a Delaware corporation, and any successor, assign, legal representative, or designated nominee ("Assignee"), the entire right, title, and interest, for all countries, in and to certain inventions relating to: "A Descriptive-profile Mercantile Method," described in a U.S. utility patent application filed August 6, 2008, and all the rights and privileges under all Letters Patent that may be granted for those inventions, including any regular applications and continuations, continuations-in-part, and divisions thereof, and reissue patents or applications thereof, and any foreign counterparts, international applications, or national applications related to those inventions.

I request that all patents for the inventions be issued to Assignee.

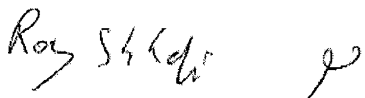
I agree that, when requested, I will, without charge to Assignee but at Assignee's expense, sign all papers, take all rightful oaths, and do all acts that may be necessary, desirable, or convenient for securing and maintaining patents for the inventions in all countries and for vesting title to such patents in Assignee.

I authorize and empower Assignee to invoke and claim, for any application for patent or other form of protection for the inventions filed by Assignee, the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention that may be substituted for it, and to invoke and claim such right of priority without further written or oral authorization from me.

I consent that a copy of this assignment shall be deemed a full legal and formal equivalent of any assignment, consent to file, or like document that may be required in any country for any purpose and more particularly in proof of the right of Assignee to claim the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention that may be substituted for it.

I represent and covenant with Assignee that the rights and property conveyed by this Assignment are free and clear of any encumbrance, and that I have full right to convey those rights and property.

Agreed:



Roy Shkedi

at New York, New York, August 6, 2008.

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.

POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS	Application Number	NEW APP.
	Filing Date	05/25/2011
	First Named Inventor	Shkedi, Roy
	Title	Descriptive-profile mercantile method
	Art Unit	3629 (in parent)
	Examiner Name	Ouellette, J.P. (in parent)
	Attorney Docket Number	14-DP-CON3

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ 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) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

26362

OR

☐ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s) to prosecute the application 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 application to:

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

OR

☐ The address associated with Customer Number:

OR

☐ Firm or Individual Name

Address

City

State

Zip

Country

Telephone

Email

I am the:

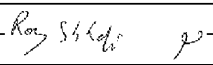
☐ Applicant/Inventor.

OR

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) (Form PTO/SB/96) submitted herewith or filed on _____.

SIGNATURE of Applicant or Assignee of Record

Signature		Date	05/25/2011
Name	Roy Shkedi	Telephone	(646) 419-4012
Title and Company	CEO - AlmondNet, Inc.		

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 1.31, 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.

Electronic Patent Application Fee Transmittal				
Application Number:				
Filing Date:				
Title of Invention:		Descriptive-Profile Mercantile Method		
First Named Inventor/Applicant Name:		Roy Shkedi		
Filer:		Louis J. Hoffman		
Attorney Docket Number:		14-DP-CON3		
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Utility filing Fee (Electronic filing)	4011	1	82	82
Utility Search Fee	2111	1	270	270
Utility Examination Fee	2311	1	110	110
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				462

Electronic Acknowledgement Receipt	
EFS ID:	10170519
Application Number:	13115949
International Application Number:	
Confirmation Number:	4473
Title of Invention:	Descriptive-Profile Mercantile Method
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman
Filer Authorized By:	
Attorney Docket Number:	14-DP-CON3
Receipt Date:	25-MAY-2011
Filing Date:	
Time Stamp:	21:42:22
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$462
RAM confirmation Number	8442
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	Transmittal of New Application	11-05-25-AlmondNet-DP-CON3-App_Trans.pdf	51080 fe4d1825ffb9187e8600e8f4dd8241353812508d	no	1
Warnings:					
Information:					
2	Preliminary Amendment	11-05-25-Almondnet-DescProfile-CON3-Grp2-Prelim_Amend.pdf	26622 6fcbd474b014a79d6fc1c6419594cd4c4679a44	no	3
Warnings:					
Information:					
3		DescriptiveProfile-DIV-SPEC.pdf	1978473 925f09fcd6f16b0dcb8f5d60579a12d38876365	yes	45
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Specification		1	29	
	Claims		30	44	
	Abstract		45	45	
Warnings:					
Information:					
4	Drawings-only black and white line drawings	DescriptiveProfile-DIV-CLEAN_FIGS.pdf	49753 c06637d2b7cd77265ee2272b47fcbbea609562f8	no	3
Warnings:					
Information:					
5	Oath or Declaration filed	08-08-06-DescProfile-DIV-Declaration.pdf	93656 4e2efe365aa56d56f67a007fd260c4cd27a4a26a	no	2
Warnings:					
Information:					
6	Assignee showing of ownership per 37 CFR 3.73(b).	11-05-25-AlmondNet-DP-CON2-Stmt_373b-signed.pdf	90739 9d0978e468eb733719149194e2282521dc3a5cfe	no	2
Warnings:					
Information:					
7	Power of Attorney	11-05-25-Almondnet-DescProfile-CON3-POA.pdf	26901 5db5cb16379120bf25149f07cdea7b5b454ff182	no	1
Warnings:					
Information:					

8	Fee Worksheet (PTO-875)	fee-info.pdf	32772	no	2
			7f45ec5ec79751fa4f97e8ef4ea1e4cd5908a439		
Warnings:					
Information:					
Total Files Size (in bytes):				2349996	
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					