AO 120 (Rev. 08/10)

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

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.	DATE FILED	U.S. DISTRICT COURT
6:21-cv-00876	8/20/2021	Western District of Texas

PLAINTIFF	DEFENDANT
ALMONDNET, INC.	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	(BY) DEPUTY CLERK	DATE
PHILIP J. DEVLIN		11/28/2022

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

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
6:21-cv-896	8/27/2021	Western District of Texas

PLAINTIFF	DEFENDANT
ALMONDNET, INC., and INTENT IQ, LLC	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.

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

CLERK	(BY) DEPUTY CLERK	DATE
Phillip J. Devlin	Susanne Miles	12/15/2022

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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

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.	DATE FILED	U.S. DISTRICT COURT
6:21-cv-00891	8/26/2021	Western District of Texas

PLAINTIFF	DEFENDANT
ALMONDNET, INC., and INTENT IQ, LLC	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
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	(BY) DEPUTY CLERK	DATE
PHILIP J. DEVLIN		11/28/2022

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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

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.	DATE FILED	U.S. DISTRICT COURT
6:21-cv-00876	8/20/2021	Western District of Texas

PLAINTIFF	DEFENDANT
ALMONDNET, INC.	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.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
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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	(BY) DEPUTY CLERK	DATE
PHILIP J. DEVLIN		11/28/2022

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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.	DATE FILED	U.S. DISTRICT COURT
	11/18/2022	Western District of Texas

PLAINTIFF	DEFENDANT
ALMONDNET, INC. AND INTENT IQ, LLC	MICROSOFT CORPORATION, AND XANDR, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,861,260	12/28/2010	ALMONDNET, INC.
2	7,979,307	7/12/2011	ALMONDNET, INC.
3	8,775,249	7/8/2014	ALMONDNET, INC.
4	8,959,146	2/17/2015	ALMONDNET, INC.
5	10,715,878	7/14/2020	INTENT IQ, LLC

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

CLERK	(BY) DEPUTY CLERK	DATE

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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

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.	DATE FILED	U.S. DISTRICT COURT
	11/18/2022	Western District of Texas

PLAINTIFF	DEFENDANT
ALMONDNET, INC. AND INTENT IQ, LLC	AMAZON.COM, INC.; AMAZON.COM SERVICES LLC; AND AMAZON WEB SERVICES, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,747,745	6/29/2010	ALMONDNET, INC.
2	7,861,260	12/28/2010	INTENT IQ, LLC
3	7,979,307	7/12/2011	ALMONDNET, INC.
4	8,204,783	7/19/2012	ALMONDNET, INC.
5	8,775,249	7/8/2014	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 8,959,146	2/17/2015	ALMONDNET, INC.
2 10,715,878	7/14/2020	INTENT IQ, LLC
3		
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

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Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

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.	DATE FILED	U.S. DISTRICT COURT
6:22-cv-1204	11/18/2022	Western District of Texas

PLAINTIFF	DEFENDANT
ALMONDNET, INC. AND INTENT IQ, LLC	AMAZON.COM, INC.; AMAZON.COM SERVICES LLC; AND AMAZON WEB SERVICES, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,747,745	6/29/2010	ALMONDNET, INC.
2	7,861,260	12/28/2010	INTENT IQ, LLC
3	7,979,307	7/12/2011	ALMONDNET, INC.
4	8,204,783	7/19/2012	ALMONDNET, INC.
5	8,775,249	7/8/2014	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	8,959,146	2/17/2015	ALMONDNET, INC.
2	10,715,878	7/14/2020	INTENT IQ, LLC
3			
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
6/1/2023 - Order Adopting Report and Recommendations - Doc #36

CLERK	(BY) DEPUTY CLERK	DATE
PHILIP J. DEVLIN		06/01/2023

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Trials@uspto.gov
Tel: 571-272-7822

Paper 9
Entered: March 2, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
Petitioner,

v.

ALMONDNET, INC.,
Patent Owner.

IPR2022-01480
Patent 8,959,146 B2

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

BOUDREAU, *Administrative Patent Judge.*

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

I. INTRODUCTION

Meta Platforms, Inc. ("Petitioner") filed a Petition (Paper 2, "Pet.") requesting *inter partes* review of claims 1, 3–11, 13–17, 19, 21, and 23 (the "challenged claims") of U.S. Patent No. 8,959,146 B2 (Ex. 1001, "the '146 patent"). AlmondNet, Inc. ("Patent Owner") filed a Preliminary Response (Paper 6, "Prelim. Resp.").

The Board has authority to determine whether to institute *inter partes* review. *See* 35 U.S.C. § 314 (2018); 37 C.F.R. § 42.4(a) (2022). Under 35 U.S.C. § 314(a), we may not authorize an *inter partes* review unless the information in the petition and the preliminary response "shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition."

For the reasons stated below, we determine that Petitioner has not established a reasonable likelihood that it would prevail with respect to any claim challenged in the Petition. We therefore deny institution of *inter partes* review.

II. BACKGROUND

A. *Related Matters*

Patent Owner identifies *AlmondNet, Inc. v. Microsoft Corp.*, No. 6:21-cv-00897 (W.D. Tex.); *AlmondNet, Inc. v. Amazon.com, Inc.*, No. 6:21-cv-00898 (W.D. Tex.); *AlmondNet, Inc. v. Amazon.com, Inc.*, No. 6:22-cv-01204 (W.D. Tex.); *AlmondNet, Inc. v. Meta Platforms, Inc.*, No. 6:22-cv-01205 (W.D. Tex.);[1] *AlmondNet, Inc. v. Microsoft Corp.*, No. 6:22-cv-01206

[1] We understand that Case No. 6:22-cv-01205 has been transferred from the Western District of Texas to the Northern District of California, where it is now pending as Case No. 4:23-cv-00438.

(W.D. Tex.); *AlmondNet, Inc. v. Meta Platforms, Inc.*, No. 4:22-cv-08911 (N.D. Cal.); *AlmondNet, Inc. v. Samsung Electronics Co.*, No. 3:22-cv-07515 (N.D. Cal.); and *AlmondNet, Inc. v. Roku, Inc.*, No. 1:22-cv-01540 (D. Del.), as proceedings involving the '146 patent. Paper 7, 1 (Patent Owner's Updated Mandatory Notices).

Petitioner also identifies *AlmondNet, Inc. v. Microsoft Corp.*, No. 6:21-cv-00897 (W.D. Tex.); and *AlmondNet, Inc. v. Amazon.com, Inc.*, No. 6:21-cv-00898 (W.D. Tex.), and further identifies *AlmondNet, Inc. v. Oath Holdings Inc.*, No. 1:19-cv-00247 (D. Del.); *AlmondNet, Inc. v. Roku, Inc.*, No. 6:21-cv-00876 (W.D. Tex.); *AlmondNet, Inc. v. Samsung Electronics Co.*, No. 6:21-cv-00891 (W.D. Tex.); *AlmondNet, Inc. v. Meta Platforms, Inc.*, No. 6:21-cv-00896 (W.D. Tex.), and *Yahoo! Inc. v. AlmondNet, Inc.*, CBM2017-00056 (institution denied, Nov. 22, 2017), as pending or previous proceedings involving the '146 patent. Pet. 7–8.

B. Real Parties in Interest

Meta Platforms, Inc. identifies itself as the real party in interest for Petitioner. Pet. 7. AlmondNet, Inc. identifies itself as the real party in interest for Patent Owner. Paper 7, 1. At this stage, neither party challenges those identifications.

Intent IQ, LLC is named in the Petition and is listed, along with AlmondNet, Inc., as a plaintiff in district court litigation involving the '146 patent, but it is not identified by Patent Owner as a real party in interest in this proceeding. *See* Paper 7, 1. We have, therefore, removed Intent IQ, LLC from the case caption.

C. The '146 Patent

The '146 patent is titled "Media Properties Selection Method and System Based on Expected Profit from Profile-Based Ad Delivery." Ex. 1001, code (54). The patent discloses "profile-based behavioral targeting advertisement placement methods." *Id.* at 1:21–22.

According to the '146 patent, behavioral targeting (BT) companies "specialize in targeting ads based on observed behavior of sites' visitors." *Id.* at 1:64–67. BT companies or media properties (e.g., web sites) may track the "observed behavior" of a particular visitor, which the '146 patent refers to as "profile information" about the visitor. *Id.* at 3:34–48, 4:38–43.

Figure 3 of the '146 patent follows:

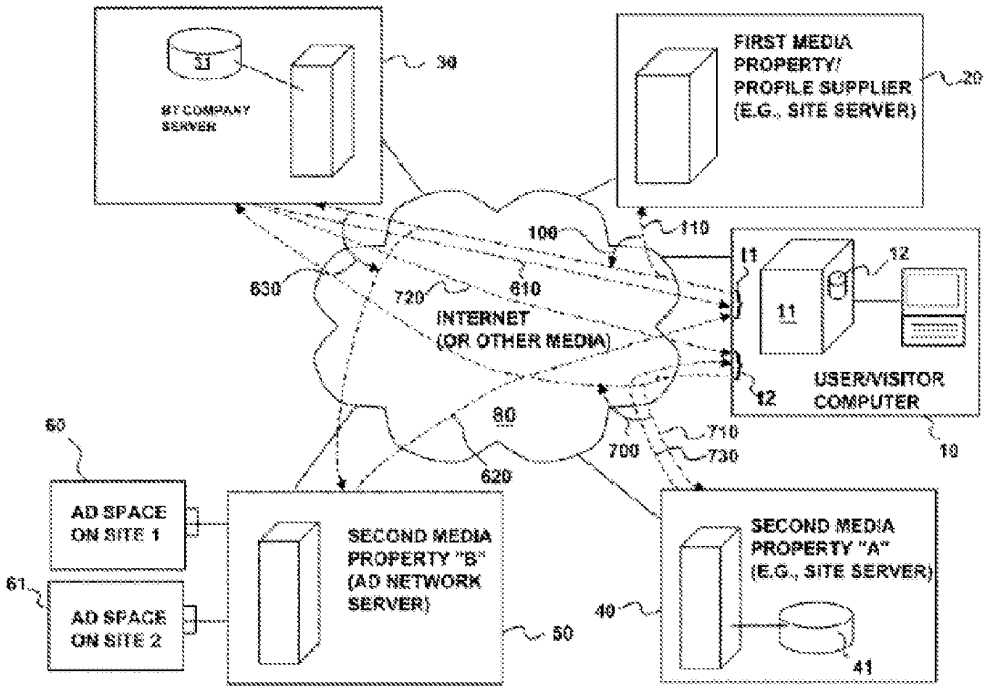

FIG. 3

Figure 3 is a schematic of an exemplary embodiment. Ex. 1001, 6:43–45. As shown in Figure 3, first media property/profile supplier 20 receives a

request (e.g., for a web page) from user 10 and redirects user 10 to BT company 30 "along with the visitor's profile." Ex. 1001, 7:39–53.

BT Company 30 recognizes and categorizes various types of information regarding the interaction between user 10 and profile supplier 20, such as "the content read by the user 10, the category to which the content read by the user 10 belongs, [or] the keyword searched for by the user." Ex. 1001, 7:54–8:7. BT company 30 then "calculates . . . expected revenues from delivering ads based on the collected profile" for user 10. *Id.* at 8:8–10.

Next, BT company 30 selects a media property, such as second media property 40, for delivery of an advertisement based on a calculated expected profit for doing so, using various equations disclosed in the '146 patent. Ex. 1001, 6:63–7:38, 8:30–36. BT company 30 then arranges for user 10 to be tagged with a tag (e.g., a cookie) readable by second media property 40 (e.g., by placing the tag itself or redirecting user 10 to second media property 40 with a request for it to tag user 10). *Id.* at 8:32–46.

Later, when user 10 visits second media property 40's ad space and is recognized via the tag, second media property 40 redirects user 10 to BT company 30 so that BT company 30 can serve the advertisement, "which will appear with the media content . . . requested by" user 10. Ex. 1001, 8:64–9:3.

BT company 30 pays second media property 40 to use its ad space to deliver the advertisement, receives payment from the advertiser for delivering the advertisement, and derives a profit, for example, because the former amount was determined to be less than the latter amount (in the expected profit calculation). Ex. 1001, 6:63–7:38, 9:27–64.

5

D. Illustrative Claim

The Petition challenges claims 1, 3–11, 13–17, 19, 21, and 23, of which claims 1, 17, and 21 are independent claims. Claim 1 is illustrative of the claimed subject matter and is reproduced below:

> 1. A method of directing electronic advertisements, performed by a computer system comprised of one or more computers, the method comprising:
>
> for each of a multitude of different electronic visitors to a first media property:
>
> (a) automatically with the computer system directing, to a third-party server computer controlling advertising space on a second media property, indicia of a condition, which condition relates specifically to an electronic visitor, for display of an advertisement to the electronic visitor when the electronic visitor visits the second media property at a time after the electronic visitor visits the first media property, subject to determining that the condition has been met;
>
> (b) wherein directing the indicia is based on information indicating to the computer system that at least one of a plurality of profile attributes is possibly applicable to the electronic visitor, which indicated profile attribute or attributes was received by the computer system as a result of the electronic visitor visiting the first media property; and
>
> (c) wherein the advertisement is correlated with the indicated profile attribute or attributes.

Ex. 1001, 12:59–13:14.

E. Prior Art References and Other Evidence

Petitioner relies on the following references:

Name	Reference	Exhibit
Roth	Roth et al., US 6,285,987 B1, issued Sept. 4, 2001	1003
Tawakol	Tawakol et al., US 7,299,195 B1, issued Nov. 20, 2007	1006
Bau	Bau, US 2006/0069616 A1, published Mar. 30, 2006	1005
Zeff	Excerpts from Robbin Zeff & Brad Aronson, *Advertising on the Internet* (2d ed. 1999)	1004

Pet. vi, 10. Petitioner additionally relies on a Declaration of Christopher M. Schmandt. Ex. 1002 ("Schmandt Decl."). At this stage, Patent Owner does not provide an expert declaration.

F. The Asserted Grounds of Unpatentability

Petitioner asserts the following grounds of unpatentability:

Claim(s) Challenged	35 U.S.C. §[2]	Reference(s)
1, 4–6, 8, 9, 17, 21	103(a)	Roth
10, 11, 13, 15, 16, 19, 23	103(a)	Roth, Zeff
6, 7	103(a)	Roth, Bau
3	103(a)	Roth, Tawakol
14	103(a)	Roth, Zeff, Tawakol

Pet. 9–10.

[2] Because the application from which the '146 patent issued was a continuation of an application filed before March 16, 2013, the pre-AIA ("America Invents Act") version of §103 applies. Leahy-Smith America

III. ANALYSIS OF THE CHALLENGED CLAIMS

A. Obviousness

A claim is unpatentable under 35 U.S.C. § 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) so-called "secondary considerations," including commercial success, long-felt but unsolved needs, failure of others, and unexpected results. *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966). At this stage, neither party has presented any evidence on the fourth *Graham* factor.

B. Level of Ordinary Skill in the Art

According to Petitioner, a person of ordinary skill in the pertinent art "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. 13 (citing Schmandt Decl. ¶¶ 10–14). Petitioner adds that "[a] person could also have qualified with more formal education and less technical experience, or vice versa." *Id.*

Invents Act, Pub. L. No. 112-29, 125 Stat. 284, 285–88 (2011); *see* Ex. 1001, code (63).

Patent Owner does not challenge this description at this stage. Prelim. Resp. 6.

We adopt the formulation of the level of ordinary skill in the art proposed by Petitioner as it is consistent with the prior art before us in this proceeding.

C. Claim Construction

In an *inter partes* review, the claims of a patent are construed using the same claim construction standard that would be used to construe the claims in a civil action under 35 U.S.C. § 282(b). 37 C.F.R. § 42.100(b); *see also Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–14 (Fed. Cir. 2005). Under that standard, and absent any special definitions, we give claim terms their ordinary and customary meaning, as would have been understood by one of ordinary skill in the art at the time of the invention. *See In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007). Any special definitions for claim terms must be set forth with reasonable clarity, deliberateness, and precision. *See In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994).

We construe claim terms only as relevant to the parties' contentions and only to the extent necessary to resolve the issues in dispute. *See Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999); *Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017).

Petitioner "does not believe an express claim construction is necessary at this time for this IPR." Pet. 15. Patent Owner responds that "the Petition appears to apply a meaning to the claim phrase 'third-party server computer' that is inconsistent with the language of claims 1, 17, and 21." Prelim.

Resp. 6. Patent Owner continues, "[t]he phrase 'third-party server computer' appears in each of the independent claims of the '146 Patent." *Id.* Patent Owner further asserts that "[i]t is apparent from the claim language of independent claims 1 and 21 themselves that the 'third-party server computer' *must be different or distinct* from the claimed 'system [comprised of]/[comprising] one or more computers,' because these claims specify that the latter directs indicia to the former," and "[t]he same is true of claim 17's 'tangible computer-server device' in relation to the 'third-party computer server.'" *Id.* at 6–7 (alteration in original) (emphasis added).

We agree with Patent Owner that construction of this term is necessary and we find that the claimed "third party server computer" in claims 1, 17, and 21 and their dependent claims must be different from the "system [comprised of]/[comprising] one or more computers" recited in the preambles of claims 1 and 21 and the "tangible computer-server device" recited in the preamble of claim 17.[3]

As Patent Owner points out, the language of the claims compels this construction. Prelim. Resp. 6–7. The Federal Circuit reminds us that "the Supreme Court made clear that the claims are 'of primary importance, in the effort to ascertain precisely what it is that is patented.'" *Phillips*, 415 F.3d at 1312 (quoting *Merrill v. Yeomans*, 94 U.S. 568, 570 (1876)).

Claims 1 and 21 recite that the "system" described in each claim's preamble is programmed to "automatically . . . direct[], to a third-party server computer controlling advertising space on a second media property, indicia of a condition . . . for display of an advertisement." Ex. 1001, 12:64–

[3] We do not express an opinion as to whether the preambles are limiting.

13:1, 14:56–60. Claim 17 similarly recites that the "tangible computer-server device" described in the claim preamble is programmed to "automatically . . . direct[], to a third-party server computer controlling advertising space on a second media property, indicia of a condition . . . for display of an advertisement." *Id.* at 14:17–21. If the third-party server computer were *not* separate from the "system [comprising of/comprising] one or more computers" or "tangible computer-server device," the system or device would be directing indicia to itself. This is not a reasonable construction. "[T]he context of the surrounding words of the claim . . . must be considered in determining the ordinary and customary meaning of those terms." *Phillips*, 415 F.3d at1314 (quoting *ACTV, Inc. v. Walt Disney Co.*, 346 F.3d 1082, 1088 (Fed. Cir. 2003)).

Patent Owner's construction also is supported by the prosecution history. Prelim. Resp. 7–8. The Federal Circuit has stated that "the prosecution history provides evidence of how the PTO and the inventor understood the patent." *Phillips*, 415 F.3d at 1317 (citing *Lemelson v. Gen. Mills, Inc.*, 968 F.2d 1202, 1206 (Fed. Cir. 1992)).

As Patent Owner points out, during prosecution of the great-grandparent of the '146 patent, U.S. Patent No. 7,747,745 ("the '745 patent"), an Examiner's amendment to the claims added "third-party" as a modifier to "second media property" in the phrase "automatically electronically authorizing, with at least one of the computers, a third party second media property to allow display, to the electronic visitor when later visiting the second media property, of an advertisement." Prelim. Resp. 3–4

(citing Ex. 2001, 11–12 (prosecution history of the '745 patent)).[4] The prosecution record reflects that this amendment was made to make it clear that the recited authorization was directed to an unrelated site, and was made to avoid prior art. *Id.* at 4 (citing Ex. 2001, 22). As Patent Owner further points out, a preliminary amendment filed with the application that led to the direct parent of the '146 patent, U.S. Patent No. 8,671,139 B2 ("the '139 patent"), included the "third party second media property" limitation in each of its independent claims. *Id.* at 4–5; Ex. 2002, 3, 5, 8 (prosecution history of the '139 patent). During prosecution of the '139 patent, an Examiner's amendment amended the phrase "third-party second media property" in each of those claims to instead read "third-party server computer controlling advertising space on a second media property." *Id.* at 5 (citing Ex. 2002, 91–92, 96–97, 102–103). The prosecution record indicates the Examiner "suggested clarifying that the 'second media property' involved a 'server computer.'" *Id.* (citing Ex. 2002, 85–86). And finally, Patent Owner points out, the same limitation, "third-party server computer controlling advertising space on a second media property," was introduced by Examiner Amendment during prosecution of the '146 patent into prosecution claims 37, 53, and 57, which issued as independent claims 1, 17, and 21 of the '146 Patent, respectively. *Id.* (citing Ex. 1007, 105, 136, 139–42, 172).

In view of the above, we agree with Patent Owner that the prosecution history of the '146 patent, its parent '139 patent, and its great-grandparent '745 patent makes it clear that "there is a distinction between the system or device performing the claimed process and the 'third-party server computer

[4] Unless otherwise stated, citations to exhibits use the page numbers assigned by the parties and not the original page numbers.

controlling advertising space on a second media property' that is authorized to cause display of the advertisement." Prelim. Resp. 7–8 (citing Ex. 2001, 22; Ex. 2002, 3, 5, 8, 19–21, 24–25, 30–31; Ex. 1007, 105, 136, 139–42, 172).

In summary, we conclude from the language of claims 1, 17, and 21 and the prosecution history that the "third-party server computer" cannot be part of the "system [comprised of / comprising] one or more computers" or "tangible computer-server device."

No additional claim terms are in controversy. Therefore, no other claim term needs to be construed at this stage. *See Vivid Techs., Inc.*, 200 F.3d at 803.

D. Description of the Prior Art References

1. Roth

Roth discloses a system for providing advertisements from a central server to viewers who access web sites. Ex. 1003, code (57). The central server stores both advertisements which are to be displayed and an information data base. *Id.* The data base includes information about viewers, information about the characteristics of particular web sites and other information relevant to which advertisements should be displayed for particular viewers. *Id.*

Proposed bids submitted by different advertisers are evaluated in real time in order to determine which particular advertisement will be displayed to a viewer. Ex. 1003, code (57). Each proposed bid can specify a price or amount that the advertiser is willing to pay for the opportunity to display an advertisement (a) to a viewer who has a particular set of characteristics and (b) on a web site and web page that meets a particular set of criteria. *Id.*

The system includes (a) a web server system which has data bases stored therein, (b) bidding agents which compare the characteristics of view-ops to the specifications in proposed bids and which submit bids as appropriate, and (c) bid selection logic which decides which bid to accept for each particular view-op. Ex. 1003, code (57). This is illustrated by following Figure 3 (color highlighting provided by Petitioner):

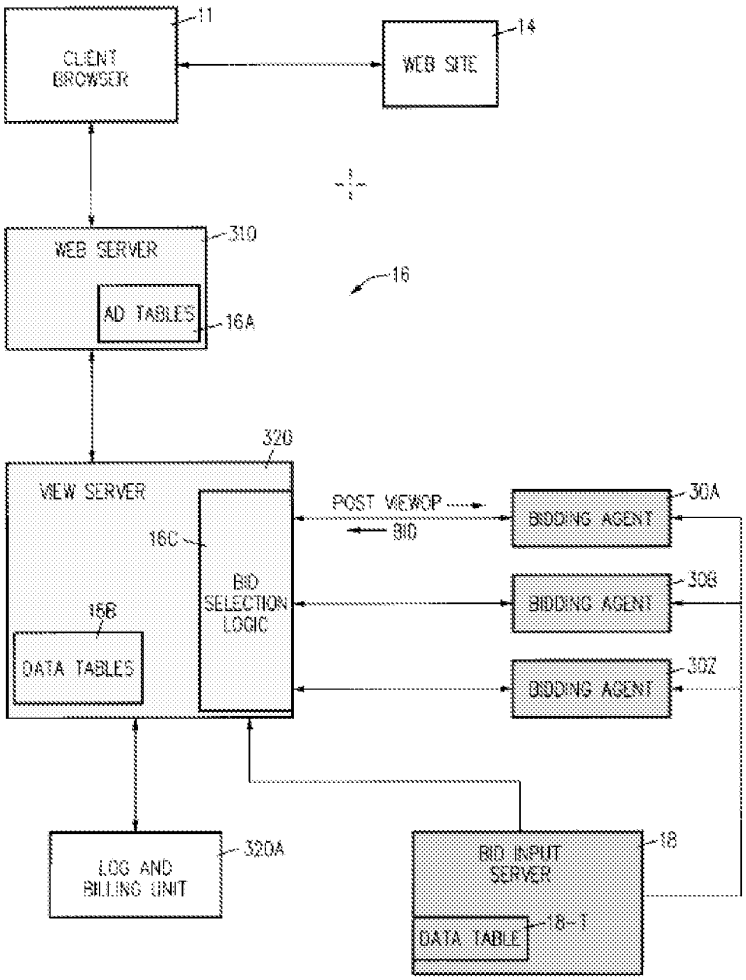

FIG. 3

Pet. 16. Figure 3 is an overall block diagram of a preferred embodiment. Ex. 1003, 6:11–12. This embodiment is composed of five main units,

namely, web server 310 (yellow), view server 320 (yellow), identical bidding agents 30A, 30B and 30Z (green), bid input server 18 (blue) and log and billing unit 320A (no color). *Id.* at 6:20–25. Servers 310 and 320 together comprise the advertising web server system 16 (*see* Fig. 1). *Id.* at 6:22–23.

The system can include any number of bidding agents. A typical system could include a thousand or more bidding agents. Ex. 1003, 6:25–28. For clarity of illustration only three bidding agents 30A, 30B and 30Z are specifically shown in Figure 3. *Id.* at 6:28–29.

2. Zeff

Zeff is a textbook on internet advertising that discloses using internet cookies to tag users when visiting a web site. Ex. 1004, 98–99.

3. Bau

Bau describes a system that can store and use historical user activities including searches run on previously visited web sites. Ex. 1005 ¶ 40. Bau further discloses the ability to use navigation history to select advertisements for a viewer. *Id.* ¶ 36.

4. Tawakol

Tawakol discloses an internet advertising system in which "advertisers bid on opportunities to advertise to particular audiences." Ex. 1006, 2:58–59. Tawakol also discloses the ability to specify when a bid expires. *See id.* at Fig. 3, field 333.

E. Obviousness of Claims 1, 4–6, 8, 9, 17, and 21 over Roth

1. Claim 1

Petitioner asserts that the subject matter of claim 1 would have been obvious in light of Roth. Pet. 16–36. Petitioner provides an element-by-

element claim analysis, supported by expert testimony. *See id.*; Schmandt Decl. ¶¶ 69–70, 76–82, 84–86, 88–95, 100–107. Petitioner contends that each limitation of claim 1 is disclosed by Roth. Petitioner asserts that Roth is "a strong reference that discloses the majority of the claim limitations of the challenged claims." Pet. 15.

For the preamble of claim 1 ("A method of directing electronic advertisements, performed by a computer system comprised of one or more computers"), Petitioner relies on Roth's Figure 3, reproduced *supra*. *Id.* at 16–20. Petitioner explains that "Figure 3 shows several computers, but for purposes of this Petition, the critical ones include server 310 and 320, bidding agents 30A through 30Z, and bid input server 18." *Id.* at 17 (highlighting omitted). Petitioner explains further that "[s]ervers 310 and 320 'together comprise the advertising web server system 16 shown in FIG. 1 [of Roth]' . . . with server 310 referred to as 'web server 310' and server 320 referred to as 'view server 320.'" *Id.* at 18 (highlighting omitted) (citing Ex. 1003, 6:20–25). Referring to web server 310, view server 320, bidding agents 30, and bid server 18, Petitioner summarizes its position as follows: "For purposes of the preamble, these computers disclose '**a computer system comprising one or more computers**' which perform "**a method of directing electronic advertisements**." *Id.* at 19.

For claim step 1(a) ("automatically with the computer system directing, to a third-party server computer . . ."), Petitioner provides tables

associating five terms from claim element 1(a) with the corresponding disclosures from Roth. The tables follow:

Element of Claim 37(a)	Summary of Disclosures from Roth
"electronic visitor"	The computer used by the viewer to access the first media property, and which is currently being used to access the second media property
"first media property"	Web page or web site previously accessed by the electronic visitor
"second media property"	Web page or web site currently accessed by the electronic visitor, which is associated with the current view opportunity (view-op)
"third-party server computer"	The web server in Roth which includes web server **310**, view server **320** (Fig. 3), which is also referred to as advertising web server system **16** (Fig. 2)

Element of Claim 37(a)	Summary of Disclosures from Roth
"condition"	The bid price an advertiser is willing to pay in connection with the current view-op, which is sent from bidding agent **30** to view server **320**

Pet. 20–21 (color highlighting provided by Petitioner) (citing Schmandt Decl. ¶ 77).

As shown in the first table, Petitioner contends the "third-party server computer" recitation in claim 1 is met by Roth's web server system comprising web server 320 (yellow) and view server 310 (yellow). *Id.* Petitioner explains that "[t]he '**third-party server computer**' in Roth refers to the web server computer system shown in Figure 3 described in the preamble discussion above." *Id.* at 22. Petitioner repeats its analysis of Figure 3 of Roth and concludes that "[f]or purposes of claim 1, the combination of web server 310 and view server 320 discloses the '**third-**

party server computer' regardless of whether they are implemented together or separately." *Id.* at 23 (citing Schmandt Decl. ¶ 81; Ex. 1003, 6:61–65).

Patent Owner responds that the Petition should be denied because "the Petition does not show that the cited prior art discloses or renders obvious the 'third-party server computer' of claim elements (a) and (b) of claim[] 1 . . . ." Prelim. Resp. 8. Patent Owner contends that "the plain language of the claims requires at least that the 'third-party server computer' ***is not part of*** the 'system [comprised of]/[comprising] one or more computers' of claims 1 and 21, or the 'tangible computer-server device' of claim 17." *Id.* at 9 (alteration in original). Patent Owner continues that "[t]he Petition, however, cannot make such a showing because the Petition maps the 'third-party server computer' to an element of Roth that the Petition admits ***is part of*** the 'system [comprised of]/[comprising] one or more computers' and the 'tangible computer-server device.'" *Id.* (alteration in original). Patent Owner specifically refers to the assertion in the Petition that identifies the claimed "third-party server computer" with the web server in Roth, "which includes web server 310, view server 320 (Fig. 3), which is also referred to as advertising web server system 16 (Fig. 2)." *Id.* (quoting Pet. 20) (emphasis omitted).

We agree with Patent Owner's argument that Petitioner has failed to demonstrate that Roth teaches or suggests the claimed "third-party server computer" under our claim construction. In discussing claim construction, we concluded that there is a distinction in the challenged claims between the system performing the claimed process and the "third-party server computer" that is authorized to cause display of the advertisement in

claim 1. *See supra* Section III.C. We concluded from the language of the claims and the prosecution history that the "third-party server computer" cannot be part of the recited "system comprised of one or more computers." *Id.* We are persuaded that the Petition fails to establish that Roth's web server system (identified by Petitioner as the "third-party server computer") is distinct from the claimed "system comprised of one or more computers," as is required by our construction. As discussed *supra*, in discussing the preamble the Petition identifies web server 310 and view server 320 (part of the alleged "third-party server computer") as part of the "system comprised of one or more computers." *See* Pet. 19. As Patent Owner points out, this is not an "isolated or accidental" oversight on the part of Petitioner. Prelim. Resp. 11. In Petitioner's analysis of claim element 1(b), Petitioner contends that "[t]he HUD [historic user] data is thus 'received by the computer system,' *i.e.*, by the system which includes view server 320." Pet. 34 (emphasis and highlighting omitted) (quoted at Prelim. Resp. 12).

Petitioner further argues that the web server computer system in Roth can be separate from the "other computers" in Roth, citing the first and second media properties and the bidding agents. Pet. 24. This argument also is unavailing. Our construction requires the "third-party server computer" to be separate from the "system comprised of one or more computers" recited in the preamble, which according to Petitioner includes servers 310 and 320. *Id.* at 19. Those computers are also part of the web server system in Roth (*id.* at 18) identified as the "third-party server computer" (*id.* at 20), and therefore, the web server system cannot be separate from the "third-party computer system."

For the reasons given, we determine that Petitioner has failed to demonstrate a reasonable likelihood of prevailing on its challenge to claim 1 as obvious over Roth.

2. Claims 4–6, 8, and 9

Claims 4–6, 8, and 9 depend from claim 1, and therefore incorporate the "third-party server computer" limitation. Ex. 1001, 13:23–39, 13:42–47. For the reasons given for claim 1, we accordingly determine that Petitioner also has failed to demonstrate a reasonable likelihood of prevailing on its challenge to claims 4–6, 8, and 9 as obvious over Roth.

3. Claims 17 and 21

Independent claim 17 recites "[a] tangible computer-server device comprising a processor and a memory and programmed to implement a method of directing electronic advertisements," where the method includes the same steps as recited in the body of claim 1 apart from the substitution of "device" or "computer server device" for claim 1's "computer system." Ex. 1001, 14:11–33. Similarly, independent claim 21 recites "[a] system comprising one or more computers programmed to implement a method of directing electronic advertisements," where the method again includes essentially the same steps as recited in claim 1. *Id.* at 14:51–15:7.

Petitioner contends that "[c]laim 17 is not materially different, for purposes of IPR, to claim 1 discussed above" and that "[c]laim 21 is also not also materially different, for purposes of IPR, to claim 1 and claim 17 discussed above." Pet. 45, 47. Petitioner further contends with respect to claim 17 that a person of ordinary skill in the art "would have understood and found it obvious that Roth's computer system (which includes web server 310, view server 320, bidding agents 30 and bid input server 18),

which is implemented using conventional computer components, is a 'computer-server device comprising a processor and memory,'" regardless of whether the claimed "computer-server device" must be physically embodied in a single computing device. *Id.* at 46–47 (emphasis omitted) (citing Schmandt Decl. ¶¶ 75, 108, 109, 136, 137; Ex. 1003, 6:53–56, 6:66–7:10, 14:56–57, 18:8). With respect to claim 21, Petitioner relies on the same disclosures of Roth as for the corresponding elements of claim 1. *Id.* at 47.

For the same reasons as set forth in our above discussion of claim 1, we conclude that Petitioner has failed to demonstrate that Roth teaches or suggests the claimed "third-party server computer," similarly recited in each of claims 17 and 21, under our claim construction also set forth above. In particular, for instance, in discussing claim construction, we concluded that there is a distinction in the challenged claims between the "tangible computer-server device" or "system comprising one or more computers" performing the claimed process in claims 17 and 21, respectively, and the "third-party server computer" that is authorized to cause display of the advertisement in each claim. *See supra* Section III.C. We concluded from the language of the claims and the prosecution history that the "third-party server computer" cannot be part of the recited "tangible computer-server device" or "system comprising one or more computers." *Id.* For these reasons, we accordingly agree with Patent Owner (*see* PO Resp. 10–11) that the Petition fails to establish that Roth's web server system (identified by Petitioner as the "third-party server computer") is distinct from the "tangible computer-server device" of claim 17 or the "system comprising one or more computers" of claim 21, as is required by our construction. Thus, we

determine that Petitioner also has failed to demonstrate a reasonable likelihood of prevailing on its challenge to claims 17 and 21 as obvious over Roth.

F. Obviousness of Claims 3, 6, 7, 10, 11, 13–16, 19, and 23 over Roth in Combination with Zeff, Bau, or Tawakol

In four separate grounds, Petitioner asserts that the subject matter of dependent claims 3, 6, 7, 10, 11, 13–16, 19, and 23 would have been obvious in light of Roth in combination with various secondary references (Zeff, Bau, and Tawakol). Pet. 10. Petitioner explains that "[t]he proposed grounds rely primarily on Roth . . . that discloses the majority of the claim limitations." *Id.* at 15.

Claims 3, 6, 7, 10, 11, and 13–16 depend, directly or indirectly, from claim 1; claim 19 depends from claim 21; and claim 23 depends from claim 21, and therefore these claims all incorporate the "third-party server computer" limitation of the respective independent claims. For these claims, Petitioner relies on Roth to meet the "third-party server computer" limitation and provides no additional analysis of that limitation beyond that provided for claims 1, 17, and 21. The secondary references, Zeff, Bau, and Tawakol, are relied on for other limitations added by the dependent claims. *See* Pet. 48–59 (Ground 2 based on Roth and Zeff), 59–62 (Ground 3 based on Roth and Bau), 62–67 (Ground 4 based on Roth and Tawakol), 68–69 (Ground 5 based on Roth, Zeff, and Tawakol).

Therefore, for the reasons given for claims 1, 17, and 21, from which these claims incorporate the "third party server computer" limitation, we determine that Petitioner has failed to demonstrate a reasonable likelihood of prevailing on its challenge to claims 3, 6, 7, 10, 11, 13–16, 19, and 23 as

obvious over Roth in various combinations with Zeff, Bau, and Tawakol. *See* Pet. 48–69.

IV. DISCRETIONARY DENIAL

Patent Owner asserts that the Board should exercise its discretion to deny institution of *inter partes* review under 35 U.S.C. § 325(d). *See* Prelim. Resp. 13–26.

Because we deny institution on the merits of Petitioner's challenges to patentability, we need not address Patent Owner's arguments urging denial of institution under § 325(d).

V. CONCLUSION

For the foregoing reasons, we have determined that Petitioner has not shown a reasonable likelihood of prevailing with respect to any challenged claim. Thus, we do not institute an *inter partes* review.

VI. ORDER

Upon consideration of the record before us, it is:

ORDERED that the Petition is *denied*, and no trial is instituted.

For PETITIONER:

Heidi Keefe
Philip Morton
Andrew Mace
COOLEY LLP
hkeefe@cooley.com
pmorton@cooley.com
amace@cooley.com

For PATENT OWNER:

Reza Mirzaie
Jonathan Link
James A. Milkey
Amy E. Hayden
Philip X. Wang
RUSS, AUGUST & KABAT
rmirzaie@raklaw.com
jlink@raklaw.com
jmilkey@raklaw.com
ahayden@raklaw.com
pwang@raklaw.com

AO 120 (Rev. 08/10)

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	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**

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.	DATE FILED	U.S. DISTRICT COURT
	8/26/2021	Western District of Texas

PLAINTIFF	DEFENDANT
ALMONDNET, INC., and INTENT IQ, LLC	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
5		

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

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DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
	8/20/2021	Western District of Texas

PLAINTIFF	DEFENDANT
ALMONDNET, INC.	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			
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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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First Named Inventor	Shkedi, Roy
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☑ Attorney or agent of record. Registration Number 38918.

☐ Patent practitioner acting in a representative capacity whose correspondence address is the correspondence address of record. Notice has been given to the patentee or owner. Registration Number 38918.

Signature	/Louis J. Hoffman/
Typed or Printed Name	Louis J. Hoffman
Date	10/23/2020
Telephone	(480) 948-3295

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This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Post Issue, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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EFS ID:	40936548
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Confirmation Number:	5927
Title of Invention:	MEDIA PROPERTIES SELECTION METHOD AND SYSTEM BASED ON EXPECTED PROFIT FROM PROFILE-BASED AD DELIVERY
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-EP-CON4
Receipt Date:	23-OCT-2020
Filing Date:	07-MAR-2014
Time Stamp:	19:00:19
Application Type:	Utility under 35 USC 111(a)

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Trials@uspto.gov
571-272-7822

Paper: 7
Entered: November 22, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

YAHOO! INC.,
Petitioner,

v.

ALMONDNET, INC.,
Patent Owner.

Case CBM2017-00056
Patent 8,959,146 B2

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

ARBES, *Administrative Patent Judge*.

DECISION
Denying Institution of Covered Business Method Patent Review
37 C.F.R. § 42.208

Petitioner, Yahoo! Inc., filed a Petition (Paper 2, "Pet.") requesting covered business method patent review of claims 1, 2, 4, 9, 15–18, 21, and 22 of U.S. Patent No. 8,959,146 B2 (Ex. 1001, "the '146 patent") pursuant to 35 U.S.C. § 321(a). Patent Owner, AlmondNet, Inc., filed a Preliminary Response (Paper 6, "Prelim. Resp.") pursuant to 35 U.S.C. § 323. Patent Owner states, in its Preliminary Response, that it filed with the Office a statutory disclaimer of claims 2, 18, and 22 of the '146 patent pursuant to 37 C.F.R. § 1.321(a). Prelim. Resp. 36; *see* Ex. 3001 (copy of statutory disclaimer filed in the underlying application file). Accordingly, no covered business method patent review will be instituted for claims 2, 18, and 22. *See* 37 C.F.R. § 42.207(e).

For the remaining claims 1, 4, 9, 15–17, and 21, we determine whether to institute a covered business method patent review under 35 U.S.C. § 324.[1] Pursuant to 35 U.S.C. § 324(a), the Director may not authorize a covered business method patent review unless the information in the petition, if unrebutted, "would demonstrate that it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable." For the reasons that follow, we have decided not to institute a covered business method patent review.

[1] *See* Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,764–65 (Aug. 14, 2012) ("[A] patent owner may file a statutory disclaimer of one or more challenged claims to streamline the proceedings. Where no challenged claims remain, the Board would terminate the proceeding. Where one or more challenged claims remain, the Board's decision on institution would be based solely on the remaining claims.").

I. BACKGROUND

A. The '146 Patent[2]

The '146 patent discloses "profile-based behavioral targeting advertisement placement methods." Ex. 1001, col. 1, ll. 21–22. Behavioral targeting (BT) companies "specialize in targeting ads based on observed behavior of sites' visitors." *Id.* at col. 1, ll. 64–67. BT companies or media properties (e.g., web sites) may track the "observed behavior" of a particular visitor, which the '146 patent refers to as "profile information" about the visitor. *Id.* at col. 3, ll. 34–48, col. 4, ll. 38–43.

Figure 3 of the '146 patent is reproduced below.

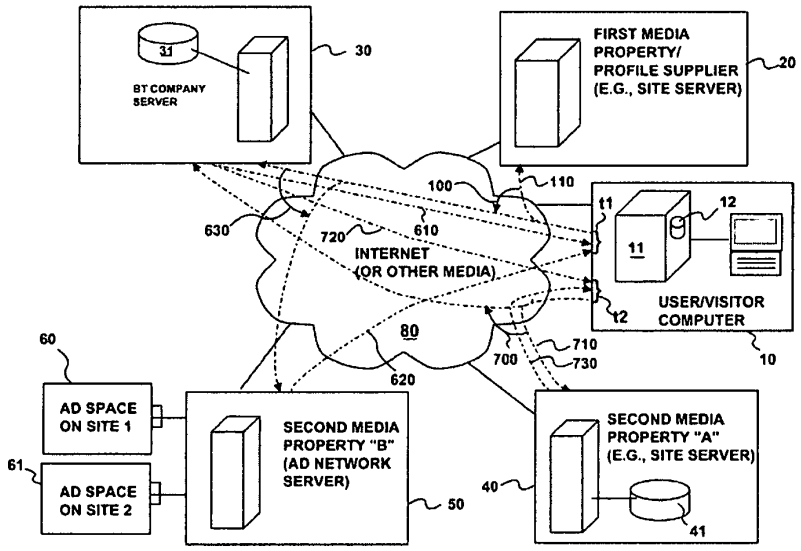

FIG. 3

As shown in Figure 3, first media property/profile supplier 20 receives a request (e.g., for a web page) from user 10, and redirects user 10 to BT company 30 "along with the visitor's profile." *Id.* at col. 7, ll. 41–53. BT Company 30 recognizes and categorizes various types of information

[2] The '146 patent is a continuation of U.S. Patent No. 8,671,139 B2 ("the '139 patent"), which is being challenged in Case CBM2017-00058.

regarding the interaction between user 10 and profile supplier 20, such as "the content read by the user 10, the category to which the content read by the user 10 belongs, [or] the keyword searched for by the user." *Id.* at col. 7, l. 54–col. 8, l. 7. BT company 30 then "calculates . . . expected revenues from delivering ads based on the collected profile" for user 10. *Id.* at col. 8, ll. 8–10. Expected revenues depend on the type of profile information:

> (a) Expected revenues from content read by the visitor 10 can be calculated by checking, for example, how much advertisers are willing to pay for delivering ads to visitors who read specific content. (b) Expected revenues from delivering ads based on a keyword searched by the visitor 10 can be calculated by checking, for example, how much advertisers are willing to pay for each click on an ad related to the keyword for which the visitor searched and multiplying that price per click by an assumed click-through rate on ads related to the searched-for keyword, up to 14 days after the visitor's search.

Id. at col. 8, ll. 10–22. Next, BT company 30 selects a media property, such as second media property 40, for delivery of an advertisement based on a calculated expected profit for doing so, using various equations disclosed in the '146 patent. *Id.* at col. 6, l. 63–col. 7, l. 38, col. 8, ll. 29–36.
BT company 30 then arranges for user 10 to be tagged with a tag (e.g., a cookie) readable by second media property 40 (e.g., by placing the tag itself or redirecting user 10 to second media property 40 with a request for it to tag user 10). *Id.* at col. 8, ll. 32–46.

Later, when user 10 visits second media property 40's ad space and is recognized via the tag, second media property 40 redirects user 10 to BT company 30 so that BT company 30 can serve the advertisement, "which will appear with the media content . . . requested by" user 10. *Id.* at col. 8, l. 64–col. 9, l. 3. BT company 30 pays second media property 40 to use its

ad space to deliver the advertisement, receives payment from the advertiser for delivering the advertisement, and derives a profit, for example, because the former amount was determined to be less than the latter amount (in the expected profit calculation). *Id.* at col. 6, l. 63–col. 7, l. 38, col. 9, l. 27–64.

Finally, the '146 patent states that although the description illustrated above "focuses on profit calculation that takes into account expected revenues from delivery of an ad based on a collected profile, media property ad space cost and other costs, other parameters beyond costs and revenues might be taken into account." *Id.* at col. 12, ll. 32–36. The '146 patent also describes a time-based condition for display of advertisements:

> Given that some kind[s] of profiles such as behavioral profiles are time-sensitive (in other words, their value diminishes with time), the BT company 30—in addition to arranging the placement of a tag readable by the second media property 40, 50—may also provide the second media property 40 . . . (via the tag, for example) with a time period within which the BT company 30 will agree to deliver ads to the profiled visitor 10 within the ad space of the second media property 40 . . . .

Id. at col. 10, ll. 21–28.

B. Illustrative Claim

Claim 1 of the '146 patent recites:

> 1. A method of directing electronic advertisements, performed by a computer system comprised of one or more computers, the method comprising:
>
> for each of a multitude of different electronic visitors to a first media property:
>
> (a) automatically with the computer system directing, to a third-party server computer controlling advertising space on a second media property, indicia of a condition, which condition relates specifically to an

> electronic visitor, for display of an advertisement to the electronic visitor when the electronic visitor visits the second media property at a time after the electronic visitor visits the first media property, subject to determining that the condition has been met;
>
> (b) wherein directing the indicia is based on information indicating to the computer system that at least one of a plurality of profile attributes is possibly applicable to the electronic visitor, which indicated profile attribute or attributes was received by the computer system as a result of the electronic visitor visiting the first media property; and
>
> (c) wherein the advertisement is correlated with the indicated profile attribute or attributes.

C. The Asserted Ground

Petitioner challenges claims 1, 4, 9, 15–17, and 21 of the '146 patent[3] on the ground that the claims do not recite patent-eligible subject matter under 35 U.S.C. § 101.

D. Claim Interpretation

The Board interprets claims in an unexpired patent using the "broadest reasonable construction in light of the specification of the patent in which [they] appear[]." 37 C.F.R. § 42.300(b); *see also Cuozzo Speed Techs., LLC v. Lee*, 136 S. Ct. 2131, 2144–46 (2016) (upholding the use of the broadest reasonable interpretation standard). Under this standard, we interpret claim terms using "the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that

[3] As explained above, Patent Owner disclaimed claims 2, 18, and 22.

may be afforded by the written description contained in the applicant's specification." *In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997). We presume that claim terms have their ordinary and customary meaning. *See Trivascular, Inc. v. Samuels*, 812 F.3d 1056, 1062 (Fed. Cir. 2016) ("Under a broadest reasonable interpretation, words of the claim must be given their plain meaning, unless such meaning is inconsistent with the specification and prosecution history."); *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007) ("The ordinary and customary meaning is the meaning that the term would have to a person of ordinary skill in the art in question." (internal quotation marks omitted)). A patentee, however, may rebut this presumption by acting as his own lexicographer, providing a definition of the term in the specification with "reasonable clarity, deliberateness, and precision." *In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994). Petitioner provides proposed interpretations for two claim terms, "condition" and "advertisement," both of which Patent Owner disputes. *See* Pet. 18–31; Prelim. Resp. 24–36.

1. "Condition"

Claim 1 recites (emphases added):

> (a) automatically with the computer system directing, to a third-party server computer controlling advertising space on a second media property, indicia of a *condition*, which *condition* relates specifically to an electronic visitor, for display of an advertisement to the electronic visitor when the electronic visitor visits the second media property at a time after the electronic visitor visits the first media property, subject to determining that the *condition* has been met.

Claims 17 and 21 include similar limitations.

Petitioner argues that "condition" should be interpreted to mean "profitability criteria" for two reasons. Pet. 20–28. First, Petitioner contends that the statement in the Specification that "the present invention relates to electronic advertisement placement based on expected profit from the placement" characterizes the present invention as "targeting advertisements based on profitability." *Id.* at 20–21 (quoting Ex. 1001, col. 1, ll. 23–25). Second, according to Petitioner, the Specification defines the term by implication because it "consistently and repeatedly indicates that advertisements are only displayed when profitable." *Id.* at 21–28. Petitioner points to the title of the '146 patent ("Media Properties Selection Method and System Based on Expected Profit From Profile-Based Ad Delivery") and various descriptions in the Specification of calculating expected revenues and profit. *Id.* at 22–24 (citing, *inter alia*, Ex. 1001, col. 6, l. 63–col. 7, l. 10, Figs. 1 (steps 2000 and 3000), 2 (steps 400 and 500); Ex. 1002 ¶¶ 67–69). Petitioner also argues that the Specification "disparages the prior art for failing to adequately consider profitability when targeting advertisements." *Id.* at 24–25 (citing, *inter alia*, Ex. 1001, col. 5, l. 43–col. 6, l. 8; Ex. 1002 ¶ 70).

Patent Owner responds that "condition" is not limited to criteria based on profitability, as it also can be, for example, a time-based condition. Prelim. Resp. 24–29. Patent Owner relies on certain dependent claims and portions of the Specification disclosing other types of conditions, as well as the prosecution histories of parent applications to the '146 patent, where the applicant allegedly broadened the claims beyond profitability-based conditions. *Id.* at 25–27.

We agree with Patent Owner. The Specification does not include an express definition for the claim term "condition" or otherwise indicate that the inventor was acting as a lexicographer and limited the term to only criteria based on profitability. The "present invention" statement cited by Petitioner appears in the "Field of the Invention" portion of the Specification, and merely introduces the general field of what is disclosed. *See* Ex. 1001, col. 1, ll. 21–25. We are not persuaded that it limits the scope of the claims, particularly given that it is not tied to any "condition," and the claims do not recite any limitations regarding profit or expected profit.

Further, although the Specification includes various descriptions of placing advertisements based on profitability that is not the only condition for displaying an advertisement that is disclosed. The Specification states that because "some kind[s] of profiles such as behavioral profiles are time-sensitive (in other words, their value diminishes with time)," the BT company may provide "a time period within which the BT company 30 will agree to deliver ads to the profiled visitor 10 within the ad space of the second media property 40." *Id.* at col. 10, ll. 21–28. Thus, the Specification discloses at least two examples of conditions—one based on whether placement of the advertisement will be profitable, and one based on the time period in which the advertisement would be displayed after receiving information about the user.

This is reflected in the claims that depend from claim 1. Claim 2 recites the profitability-based condition: "the condition for display of the advertisement is that a price charged by the second media property is less than a profile-attribute-dependent price that an advertiser is willing to pay for display of the advertisement." Claim 3 recites the following time-based

condition: "the condition is a specified time period after receiving profile-attribute information about the electronic visitor." *See also id.*, claim 14 ("the condition comprises that the advertisement will be displayed only during a specified time period after receiving the information about the electronic visitor"). Petitioner argues that the time-based condition in the dependent claims is still "rooted in profitability," based on the Specification's statement that certain profiles are time-sensitive, because "their value diminishes with time." Pet. 26–27 (quoting Ex. 1001, col. 10, ll. 22–23). Regardless of the underlying motivation for using a particular type of condition, though, the actual condition disclosed in the Specification, and recited in the dependent claims, is a "time period," which is time-based, not profitability-based as Petitioner contends. *See* Ex. 1001, col. 10, ll. 21–28, claims 3, 14; Prelim. Resp. 25–27.

The Specification suggests that other types of conditions are possible as well, specifically noting that "other parameters beyond costs and revenues might be taken into account." Ex. 1001, col. 12, ll. 32–36. For example, "an advertiser might insist that its ads appear on media properties that have certain content and not on other media properties," or "a media property might not agree to show ads from a certain category." *Id.* at col. 12, ll. 36–41. Petitioner attempts to discount this language by arguing that the parameters are in addition to profitability, not substitutes for profitability. Pet. 22 n.5. We are unpersuaded, however, as the Specification refers to them as "other," not "additional," parameters. *See* Ex. 1001, col. 12, ll. 32–36.

Finally, we agree with Patent Owner that the prosecution histories of the parent applications also support its position. *See* Prelim. Resp. 25–26.

The original application in the chain of continuation applications leading to the '146 patent, U.S. Patent Application No. 11/763,286, included claims reciting determining "revenue" and authorizing display of an advertisement "for a price that does not exceed a price cap that is a selected amount less than the revenue available for display of the advertisement." Ex. 1007, 301. During prosecution of the next application in the chain, U.S. Patent Application No. 12/823,709, the applicant stated that it was "remov[ing] the step . . . of determining the revenue and the 'price cap'" and "instead generaliz[ing] the concept by inserting the limitation that the authorizing is performed 'subject to a visitor-specific condition for display of the advertisement,'" arguing that the claims resulting from the "broadening amendment" should still be patentable because the prior art does not disclose authorizing subject to "any condition." Ex. 1008, 207 (emphases omitted). The applicant also cited as support the same portions of the Specification quoted above regarding time-based and "other" types of conditions. *Id.* at 208. Patent Owner made similar arguments during prosecution of the subsequent application that issued as the '139 patent, U.S. Patent Application No. 13/491,454, as well. *See* Ex. 1009, 125 n.1, 196 n.2 (noting the two types of conditions recited in the dependent claims); *see also* Ex. 1009, 116 (Examiner stating that the "condition" claim language is "substantially broad"). Thus, contrary to Petitioner's position that "condition" is limited to profitability criteria, we find that the prosecution histories of the '146 patent's parent applications demonstrate an intent to broaden the types of conditions being claimed.

The written description and dependent claims of the '146 patent, as well as the prosecution histories of its parent applications, when considered

collectively, demonstrate that "condition" is not limited to profitability criteria. On this record, applying the broadest reasonable interpretation of the claims in light of the Specification, we do not interpret "condition" as limited to criteria based on profitability and conclude that it may be, for example, based on time instead. No further interpretation is necessary.

2. "Advertisement"

Claim 1 recites "display of an *advertisement* to the electronic visitor when the electronic visitor visits the second media property" where "the *advertisement* is correlated with the indicated profile attribute or attributes" (emphases added). Claims 17 and 21 include similar limitations.

Petitioner argues that "advertisement" should be interpreted to mean "paid announcement," because "the central focus of the '146 [p]atent is to ensure that a BT company profits from targeted advertisements," and the Specification "consistently and repeatedly indicates that an advertiser pays the BT company, and the BT company pays a media property, for delivering advertisements." Pet. 28–31. Patent Owner disagrees. Prelim. Resp. 29–36.

Again, we are persuaded that Petitioner's proposed interpretation is too narrow and improperly reads into the claims a limitation from the Specification. First, the claim language itself imposes no condition on the recited "advertisement." There is no adjective modifying the term (e.g., "paid" or "unpaid"), whereas Petitioner's proposed interpretation reads in a qualification to the type of "advertisement." Second, the ordinary meaning of "advertisement" is not limited to paid announcements. Although many advertisements are paid for, certainly there exist types of advertisements that are disseminated without charge, such as public service announcements.

A dictionary definition submitted by Patent Owner confirms that fact. *See* Ex. 2001, 20 (defining "advertisement" as "a public notice or announcement, *usually* paid for, as of things for sale, needs, etc." (emphasis added)). The dictionary definitions submitted by Petitioner do not support its position, as they merely indicate that a paid announcement is an example of an "advertisement," not that the term is limited to such types of announcements. *See* Pet. 30–31; Ex. 1005, 20 ("[a] notice, *such as* a poster or a paid announcement in the print, broadcast, or electronic media, designed to attract public attention or patronage" (emphasis added)); Ex. 1006, 20 ("[a] notice, *such as* a poster, newspaper display, or paid announcement in the electronic media to attract public attention or patronage" (emphasis added)). Third, the Specification of the '146 patent does not include an express definition of the term, and instead discloses merely exemplary embodiments where various entities purchase ad space and receive funds for the display of advertisements. *See, e.g.*, Ex. 1001, col. 6, l. 47–col. 7, l. 38 ("Description of Preferred Exemplary Embodiments"), col. 9, ll. 27–64. Petitioner does not point to—and we do not see—any language in the Specification indicating that the term is defined to require payment in all circumstances.

On this record, applying the broadest reasonable interpretation of the claims in light of the Specification, we do not interpret "advertisement" as limited to being a paid announcement, and conclude that no further interpretation is necessary.

II. DISCUSSION

Section 18 of the Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284 (2011) ("AIA"), provides for the creation of a

transitional program for reviewing covered business method patents, and limits reviews to persons or their privies that have been sued or charged with infringement of a "covered business method patent," which does not include patents for "technological inventions." AIA §§ 18(a)(1)(B), 18(d)(1); *see* 37 C.F.R. § 42.302. Petitioner bears the burden of demonstrating that the '146 patent is a covered business method patent. *See* 37 C.F.R. § 42.304(a). For the reasons explained below, Petitioner has not demonstrated that the '146 patent is a covered business method patent.

A "covered business method patent" is "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." AIA § 18(d)(1) (emphasis added); *see* 37 C.F.R. § 42.301(a). The Federal Circuit has limited the scope of covered business method (CBM) patent review as follows:

> 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." The patent for a novel lightbulb that is found to work particularly well in bank vaults does not become a CBM patent because of its incidental or complementary use in banks. Likewise, it cannot be the case that a patent covering a method and corresponding apparatuses becomes a CBM patent because its practice could involve a potential sale of a good or service. All patents, at some level, relate to potential sale of a good or service. Take, for example, a patent for an apparatus for digging ditches. Does the sale of the dirt that results from use of the ditch digger render the patent a CBM patent? No, because the claims of the ditch-digging method or apparatus are not directed to "performing data processing or other operations" or "used in

> the practice, administration, or management of a financial product or service," as required by the statute. It is not enough that a sale has occurred or may occur, or even that the specification speculates such a potential sale might occur.

Unwired Planet, LLC v. Google Inc., 841 F.3d 1376, 1382 (Fed. Cir. 2016) (citations omitted); *see also Secure Axcess, LLC v. PNC Bank Nat'l Ass'n*, 848 F.3d 1370, 1381 (Fed. Cir. 2017) ("Necessarily, the statutory definition of a CBM patent requires that the patent have a claim that contains, however phrased, a financial activity element."), *reh'g en banc denied*, 859 F.3d 998 (Fed. Cir. 2017); *Blue Calypso, LLC v. Groupon, Inc.*, 815 F.3d 1331, 1340 (Fed. Cir. 2016) (approving of prior Board decisions that "properly focuse[d] on the claim language at issue and, finding nothing explicitly or inherently financial in the construed claim language, decline[d] to institute CBM review," and finding that the challenged patent was eligible for review because the claims recited "an express financial component in the form of a subsidy" that was "central to the operation of the claimed invention"); *Versata Dev. Grp., Inc. v. SAP Am., Inc.*, 793 F.3d 1306, 1325 (Fed. Cir. 2015) (stating that "the definition of 'covered business method patent' is not limited to products and services of only the financial industry" and "on its face covers a wide range of finance-related activities"). A patent need have only one claim directed to a covered business method to be eligible for review. Transitional Program for Covered Business Method Patents—Definitions of Covered Business Method Patent and Technological Invention; Final Rule, 77 Fed. Reg. 48,734, 48,736 (Aug. 14, 2012).

Petitioner cites six claims of the '146 patent in support of its argument that the '146 patent is a covered business method patent: dependent claims 2, 18, and 22, and independent claims 1, 17, and 21. Pet. 32–37.

A. Dependent Claims 2, 18, and 22

Patent Owner statutorily disclaimed claims 2, 18, and 22. *See* Prelim. Resp. 36; Ex. 3001. For purposes of establishing covered business method patent review eligibility, we treat the '146 patent as though these claims never existed. *See Facebook, Inc. v. Skky, LLC*, Case CBM2016-00091, slip op. at 4–8 (PTAB Sept. 28, 2017) (Paper 12). Petitioner's arguments regarding claims 2, 18, and 22, therefore, are not persuasive. *See* Pet. 33.

B. Independent Claims 1, 17, and 21

Petitioner's arguments regarding independent claims 1, 17, and 21 are premised entirely on its proposed interpretations of the claim terms "condition" and "advertisement." *See* Pet. 34–36. Specifically, Petitioner argues that "condition" means "profitability criteria" and, therefore, the claims "require determining that a profitability criteria has been met, which relates to monetary matters." *Id.* at 34 (citing Ex. 1002 ¶ 79). Likewise, Petitioner contends that "advertisement" means "paid announcement" and "[p]aying for announcements . . . is an electronic sale of a good or service that falls squarely in the definition of 'finance-related activities.'" *Id.* at 35–36 (citing Ex. 1002 ¶ 80).

As explained above, we disagree with both of Petitioner's proposed interpretations. *See supra* Section I.D. Given their broadest reasonable interpretation in light of the Specification, the recited "condition" is not limited to profitability criteria (e.g., it can be a time-based condition) and the recited "advertisement" need not be a paid announcement. *Id.* Thus, independent claims 1, 17, and 21 do not recite any financial activity element.

Claim 1, for example, recites (emphases added) a method of directing electronic advertisements comprising:

> (a) automatically with the computer system directing, to a third-party server computer controlling *advertising* space on a second media property, indicia of a *condition*, which *condition* relates specifically to an electronic visitor, for display of an *advertisement* to the electronic visitor when the electronic visitor visits the second media property at a time after the electronic visitor visits the first media property, subject to determining that the *condition* has been met;
>
> . . .
>
> (c) wherein the *advertisement* is correlated with the indicated profile attribute or attributes.

As used in claim 1, "condition" and "advertisement" are generic, context-neutral terms, without any express or implicit connection to financial products or services. Although Internet advertising often involves one or more entities paying for, and being paid for, delivering an advertisement, the fact that a sale has occurred or may occur is not enough when the challenged claims neither recite a sale nor are otherwise directed to the practice, administration, or management of a financial product or service. *See Unwired Planet*, 841 F.3d at 1379, 1382. Further, the fact that the Specification discloses various embodiments in which the "condition" is based on profitability and the "advertisement" is paid is not sufficient. Our focus is on what the '146 patent claims, not solely the exemplary embodiments described in the Specification. *See Secure Axcess*, 848 F.3d at 1378–79 ("the written description alone cannot substitute for what may be missing in the patent 'claims,' and therefore does not in isolation determine

CBM status"). Petitioner's arguments are not persuasive, given the generic claim language and non-limiting disclosure in the Specification cited above.[4]

C. Conclusion

For the foregoing reasons, based on the record presented and particular facts of this proceeding, Petitioner has not established that the '146 patent claims a method or apparatus for performing data processing or other operations used in the practice, administration, or management of a financial product or service. Therefore, the '146 patent does not qualify as a "covered business method patent" under § 18(d)(1) of the AIA, and we do not institute a covered business method patent review on the asserted ground as to any of the challenged claims.

III. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Petition is denied as to all challenged claims of the '146 patent.

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[4] Petitioner also argues that the Specification of the '146 patent "makes plain" that the '146 patent meets the financial product or service requirement, but "acknowledges that this argument is inconsistent with the Federal Circuit's language in *Secure Axcess*" and states that it "submits this argument for the Board's consideration should the Federal Circuit or Supreme Court overrule or modify the *Secure Axcess* decision." Pet. 36–37 & n.8. As *Secure Axcess* has not been overruled, we do not consider this argument.

CBM2017-00056
Patent 8,959,146 B2

PETITIONER:

James M. Glass
John T. McKee
Ognjen Zivojnovic
QUINN EMANUEL URQUHART & SULLIVAN, LLP
jimglass@quinnemanuel.com
johnmckee@quinnemanuel.com
ogizivojnovic@quinnemanuel.com

PATENT OWNER:

Louis J. Hoffman
LOUIS J. HOFFMAN, P.C.
donald@valuablepatents.com

Justin J. Lesko
LAW OFFICES OF STEVEN G. LISA, LTD.
justinlesko@patentit.com

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DISCLAIMER IN PATENT UNDER 37 CFR 1.321(a)

Name of Patentee	Docket Number (Optional)
Roy Shkedi	14-EP-CON4
Patent Number	**Date Patent Issued**
8,959,146	02/17/2015

Title of Invention

Media properties selection method and system based on expected profit from profile-based ad delivery

I hereby disclaim the following complete claims in the above identified patent: 2, 18, and 22

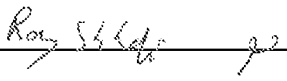
The extent of my interest in said patent is (if assignee of record, state liber and page, or reel and frame, where assignment is recorded): 100% owner and assignee of record, see Reel 032383/Frame 0040, on behalf of me and my successors and assigns.

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 Forest Hills, State of NY, this 12th day of September 2017.



Signature

Registration Number, if applicable

Roy Shkedi for AlmondNet, Inc.

Typed or printed name of patentee/ attorney or agent of record

(646) 217-0930

Telephone Number

37-18 Northern Boulevard, Suite 404

Address

Long Island City, New York 11101

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:	14201494			
Filing Date:	07-Mar-2014			
Title of Invention:	MEDIA PROPERTIES SELECTION METHOD AND SYSTEM BASED ON EXPECTED PROFIT FROM PROFILE-BASED AD DELIVERY			
First Named Inventor/Applicant Name:	Roy Shkedi			
Filer:	Louis J. Hoffman/Donald Hertz			
Attorney Docket Number:	14-EP-CON4			
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	**Fee Code**	**Quantity**	**Amount**	**Sub-Total in USD($)**
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
STATUTORY OR TERMINAL DISCLAIMER	1814	1	160	160

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**160**

Electronic Acknowledgement Receipt	
EFS ID:	30357472
Application Number:	14201494
International Application Number:	
Confirmation Number:	5927
Title of Invention:	MEDIA PROPERTIES SELECTION METHOD AND SYSTEM BASED ON EXPECTED PROFIT FROM PROFILE-BASED AD DELIVERY
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-EP-CON4
Receipt Date:	13-SEP-2017
Filing Date:	07-MAR-2014
Time Stamp:	19:12:06
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	091417INTEFSW19123001
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	17-09-12-AN-EP_CON4-8959146-StatDisclaimer-signed.pdf	170448 18dd3550396a8adcc76af8dc12dafa92a2dfe67a	no	1
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30569 69253f3172434fe543c98ab46a58d10d6c17e30b	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	201017		

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
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/201,494	02/17/2015	8959146	14-EP-CON4	5927

26362 7590 01/27/2015

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):

AlmondNet, Inc., New York, NY, Assignee (with 37 CFR 1.172 Interest);
Roy Shkedi, Forest Hills, NY;

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage and facilitate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

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

Serial No.: _____
Applicant: Shkedi, Roy
Filed: 03/07/2014
Art Unit: 2441 (in parent)
Examiner: Katsikis, Kostas J. (in parent)

U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Publication Date MM/DD/YYYY	Name of Patentee or Applicant	
	88	20060064351	03/23/2006	Hamor, et al.	
	89	20060069614	03/30/2006	Agarwal, et al.	
	90	20060095322	~~04/04/2006~~	Dierks	May 4, 2006
	91	20060106710	05/18/2006	Meek, et al.	
	92	20060116924	06/01/2006	Angles, et al.	
	93	20060122879	06/08/2006	O'Kelley	
	94	20060161553	07/20/2006	Woo	
	95	20060183467	08/17/2006	Stewart	
	96	20060212350	09/21/2006	Ellis et al.	
	97	20060224496	10/05/2006	Sandholm et al.	
	98	20070027850	02/01/2007	Chan et al.	
	99	20070121843	05/31/2007	Atazky et al.	
	100	20070157228	07/05/2007	Bayer et al.	
	101	20070198385	08/23/2007	McGill et al.	
	102	20070203794	08/30/2007	Hajdukiewicz et al.	
	103	20090106100	04/23/2009	Mashinsky	
	104	20100293057	11/18/2010	Haveliwala et al.	
	105	20110258049	10/20/2011	Ramer et al.	
	106	6832207	12/14/2004	Shkedi	
	107	6925440	08/02/2005	Shkedi	
	108	6973436	12/06/2005	Shkedi	
	109	7072853	07/04/2006	Shkedi	
	110	7428493	09/23/2008	Shkedi	
	111	7454364	11/18/2008	Shkedi	
	112	7822637	10/26/2010	Shkedi	
	113	7822639	10/26/2010	Shkedi	
	114	7861260	12/28/2010	Shkedi	
	115	7890609	02/15/2011	Shkedi	
	116	7979307	07/12/2011	Shkedi	

Change(s) applied to document, /D.D./ 11/13/2014

Examiner: /Kostas Katsikis/ Date Considered: 07/25/2014

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. /K.K./

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

Serial No.: _____
Applicant: Shkedi, Roy
Filed: 03/07/2014
Art Unit: 2441 (in parent)
Examiner: Katsikis, Kostas J. (in parent)

U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Publication Date MM/DD/YYYY	Name of Patentee or Applicant	
	59	20030110497	06/12/2003	Yassin, et al.	
	60	20030135413	07/17/2003	Nishi, et al.	
	61	20030135853	07/17/2003	Goldman, et al.	
	62	20030149938	08/07/2003	McElfresh, et al.	
	63	20030154126	08/14/2003	Gehlot et al.	
	64	20030171990	09/11/2003	Rao, et al.	
	65	20030208404	11/06/2003	Michie	
	66	20030220837	11/27/2003	Asayama	
	67	20040024632	02/05/2004	Perry	
Change(s) applied to document, /D.D./ 11/13/2014	68	20040059632	~~04/15/2004~~	Kang et al.	March 25, 2004
	69	20040068436	04/08/2004	Boubek et al.	
	70	20040117322	06/17/2004	Bjorksten et al.	
	71	20040260605	12/23/2004	McIntyre et al.	
	72	20050010472	01/13/2005	Quatse et al.	
	73	20050021397	01/27/2005	Cui, et al.	
	74	20050028188	02/03/2005	Latona, et al.	
	75	20050038698	02/17/2005	Lukose et al.	
	76	20050038702	02/17/2005	Merriman et al.	
	77	20050080772	04/14/2005	Bem	
	78	20050120091	06/02/2005	Casais	
	79	20050131762	06/16/2005	Bharat et al.	
	80	20050165644	07/28/2005	Beyda, et al.	
	81	20050216336	09/29/2005	Roberts et al.	
	82	20050216823	09/29/2005	Petersen, et al.	
	83	20050222905	10/06/2005	Wills	
	84	20050278443	12/15/2005	Winner, et al.	
	85	20060020508	01/26/2006	Gorti et al.	
	86	20060020510	01/26/2006	Vest	
	87	20060053047	03/09/2006	Garcia et al.	

Examiner: /Kostas Katsikis/ Date Considered: 07/25/2014

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. /K.K./

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 10/02/2014
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 transmittal is being filed with the USPTO via EFS-Web, on the date indicated below.

Donald L. Hertz	(Depositor's name)
/Donald L. Hertz/	(Signature)
12/31/2014	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/201,494	03/07/2014	Roy Shkedi	14-EP-CON4	5927

TITLE OF INVENTION: MEDIA PROPERTIES SELECTION METHOD AND SYSTEM BASED ON EXPECTED PROFIT FROM PROFILE-BASED AD DELIVERY

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	$960	$0	$0	$960	01/02/2015

EXAMINER	ART UNIT	CLASS-SUBCLASS
KATSIKIS, KOSTAS J	2441	709-203000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

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

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Louis J. Hoffman
2 David S. Alavi
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 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. (through EFS-Web system)
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

☐ Applicant certifying micro entity status. See 37 CFR 1.29
NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

☐ Applicant asserting small entity status. See 37 CFR 1.27
NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

☐ Applicant changing to regular undiscounted fee status.
NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature /Louis J. Hoffman/ Date 12/31/2014

Typed or printed name Louis J. Hoffman Registration No. 38,918

PTOL-85 Part B (10-13) Approved for use through 10/31/2013. OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Electronic Patent Application Fee Transmittal					
Application Number:	14201494				
Filing Date:	07-Mar-2014				
Title of Invention:	MEDIA PROPERTIES SELECTION METHOD AND SYSTEM BASED ON EXPECTED PROFIT FROM PROFILE-BASED AD DELIVERY				
First Named Inventor/Applicant Name:	Roy Shkedi				
Filer:	Louis J. Hoffman/Donald Hertz				
Attorney Docket Number:	14-EP-CON4				
Filed as Large Entity					
Filing Fees for	**Utility under 35 USC 111(a)**				
Description		**Fee Code**	**Quantity**	**Amount**	**Sub-Total in USD($)**
Basic Filing:					
Pages:					
Claims:					
Miscellaneous-Filing:					
Petition:					
Patent-Appeals-and-Interference:					
Post-Allowance-and-Post-Issuance:					

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Utility Appl Issue Fee	1501	1	960	960
Publ. Fee- Early, Voluntary, or Normal	1504	1	0	0
Extension-of-Time:				
Miscellaneous:				
		Total in USD ($)		**960**

Electronic Acknowledgement Receipt	
EFS ID:	21097507
Application Number:	14201494
International Application Number:	
Confirmation Number:	5927
Title of Invention:	MEDIA PROPERTIES SELECTION METHOD AND SYSTEM BASED ON EXPECTED PROFIT FROM PROFILE-BASED AD DELIVERY
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-EP-CON4
Receipt Date:	31-DEC-2014
Filing Date:	07-MAR-2014
Time Stamp:	11:41:20
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$960
RAM confirmation Number	22342
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	Issue Fee Payment (PTO-85B)	14-12-31-AlmondNet-EP_CON4-Issue_fee_trans.pdf	117848 5f54ede9983a8a2c4f273fba9f7675e7aa1e1e32	no	1
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	32404 c66ed5d4e80acc7fab23521767c06b2cc164d291	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	150252		

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

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor	:	Shkedi, Roy	Art Unit	:	Katsikis, K.J.
Serial No.	:	14/201,494	Examiner	:	2441
Filing Date	:	03/07/2014	Conf. No.	:	5927
Title	:	Media properties selection method and system based on expected profit from profile-based ad delivery			

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

Filed via EFS-Web – November 4, 2014

INTERVIEW REPORT

Dear Sir:

The undersigned counsel thanks the examiner for the telephonic interview in this matter, held on September 19 and 24, 2014.

The undersigned and the examiner discussed new claims for this application (canceling claim 1) numbered as claim 37-60. In the interview, the undersigned presented as a working draft certain changes especially to the independent claims, redlined compared to certain claims issued in the parent application, for discussion purposes only.

The participants in the call then discussed differences from the parent claim language, including the proper interpretation of the parent and the desire to change the language in a revised version to avoid possible misinterpretation of the parent. The participants further discussed the filing of a terminal disclaimer. Also, the participants discussed Section 101 and concluded that the claims could be allowed as within the scope of the statute and without concern about "abstract subject matter" arising from the new *Alice Bank* court decision.

At the conclusion of the interview, the undersigned recorded in clean form the claims that the examiner and applicant agreed should be patentable, with conforming changes and reordered dependent claims (compared to the parent). The examiner agreed to enter the claim set via examiner's amendment, with applicant's permission. The Notice of Allowance dated October 2, 2014, enters the claims.

With entry of the examiner's amendment, the application contains three (3) independent claims and twenty-four (24) total claims. Because assignee previously paid for three (3) independent claims and twenty (20) total claims, the fee for four (4) extra total claims is submitted concurrently.

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: November 4, 2014

/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

PTO/SB/17 (03-13)
Approved for use through 01/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

FEE TRANSMITTAL

Complete if known	
Application Number	14/201,494
Filing Date	03/07/2014
First Named Inventor	Shkedi, Roy
Examiner Name	Katsikis, Kostas J.
Art Unit	2441
Practitioner Docket No.	14-EP-CON4

☐ Applicant asserts small entity status. See 37 CFR 1.27.

☐ Applicant certifies micro entity status. See 37 CFR 1.29. Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

TOTAL AMOUNT OF PAYMENT ($) 320.00

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☐ Deposit Account Deposit Account Number: _____ Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to (check all that apply):

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**

☐ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayment of fee(s)

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.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES (U = undiscounted fee; S = small entity fee; M = micro entity fee)

	FILING FEES			SEARCH FEES			EXAMINATION FEES			
Application Type	**U ($)**	**S ($)**	**M ($)**	**U ($)**	**S ($)**	**M ($)**	**U ($)**	**S ($)**	**M ($)**	**Fees Paid ($)**
Utility	280	140*	70	600	300	150	720	360	180	
Design	180	90	45	120	60	30	460	230	115	
Plant	180	90	45	380	190	95	580	290	145	
Reissue	280	140	70	600	300	150	2,160	1,080	540	
Provisional	260	130	65	0	0	0	0	0	0	

* The $140 small entity status filing fee for a utility application is further reduced to $70 for a small entity status applicant who files the application via EFS-Web.

2. EXCESS CLAIM FEES

Fee Description	**Undiscounted Fee ($)**	**Small Entity Fee ($)**	**Micro Entity Fee ($)**
Each claim over 20 (including Reissues)	80	40	20
Each independent claim over 3 (including Reissues)	420	210	105
Multiple dependent claims	780	390	195

Total Claims		**Extra Claims**	**Fee ($)**		**Fee Paid ($)**
24	-20 or HP =	4	x 80.00	=	320.00

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims		**Extra Claims**	**Fee ($)**		**Fee Paid ($)**
	-3 or HP =		x	=	

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims	**Fee ($)**	**Fee Paid ($)**

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $400 ($200 for small entity) ($100 for micro entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets		**Extra Sheets**		**Number of each additional 50 or fraction thereof**	**Fee ($)**		**Fee Paid ($)**
_____	- 100 =	_____	/ 50 =	_____ (round **up** to a whole number)	x _____	=	_____

4. OTHER FEE(S) **Fees Paid ($)**

Non-English specification, $130 fee (no small or micro entity discount) _____

Non-electronic filing fee under 37 CFR 1.16(t) for a utility application, $400 fee ($200 small or micro entity) _____

Other (e.g., late filing surcharge): _____ _____

SUBMITTED BY

Signature	/Louis J. Hoffman/	Registration No. (Attorney/Agent) 38,918	Telephone (480) 948-3295
Name (Print/Type)	Louis J. Hoffman		Date 11/04/2014

This collection of information is required by 37 CFR 1.136. 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 30 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:	14201494
Filing Date:	07-Mar-2014
Title of Invention:	MEDIA PROPERTIES SELECTION METHOD AND SYSTEM BASED ON EXPECTED PROFIT FROM PROFILE-BASED AD DELIVERY
First Named Inventor/Applicant Name:	Roy Shkedi
Filer:	Louis J. Hoffman/Donald Hertz
Attorney Docket Number:	14-EP-CON4
Filed as Large Entity	

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Claims in Excess of 20	1202	4	80	320
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
			Total in USD ($)	**320**

Electronic Acknowledgement Receipt	
EFS ID:	20605097
Application Number:	14201494
International Application Number:	
Confirmation Number:	5927
Title of Invention:	MEDIA PROPERTIES SELECTION METHOD AND SYSTEM BASED ON EXPECTED PROFIT FROM PROFILE-BASED AD DELIVERY
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-EP-CON4
Receipt Date:	04-NOV-2014
Filing Date:	07-MAR-2014
Time Stamp:	16:47:39
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$320
RAM confirmation Number	3192
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

1	Applicant summary of interview with examiner	14-11-04-AlmondNet-EP_CON4-Interview_Report.pdf	46304 04061eee78beed875d94e376a6456cde6ba9717c	no	2
Warnings:					
Information:					
2	Transmittal Letter	14-11-04-AlmondNet-EP_CON4-Fee_transmittal_extra_claims.pdf	190507 7a7601ebb007c1ea3190049c9312cbc1bbda733c	no	1
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	30337 9c1f6135474a4170c481764f629104129748f98f	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	267148		

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOTICE OF ALLOWANCE AND FEE(S) DUE

26362 7590 10/02/2014

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

EXAMINER
KATSIKIS, KOSTAS J

ART UNIT	PAPER NUMBER
2441	

DATE MAILED: 10/02/2014

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/201,494	03/07/2014	Roy Shkedi	14-EP-CON4	5927

TITLE OF INVENTION: MEDIA PROPERTIES SELECTION METHOD AND SYSTEM BASED ON EXPECTED PROFIT FROM PROFILE-BASED AD DELIVERY

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	$960	$0	$0	$960	01/02/2015

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 ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

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**
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 10/02/2014
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.
14/201,494	03/07/2014	Roy Shkedi	14-EP-CON4	5927

TITLE OF INVENTION: MEDIA PROPERTIES SELECTION METHOD AND SYSTEM BASED ON EXPECTED PROFIT FROM PROFILE-BASED AD DELIVERY

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	$960	$0	$0	$960	01/02/2015

EXAMINER	ART UNIT	CLASS-SUBCLASS
KATSIKIS, KOSTAS J	2441	709-203000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
- ❑ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ❑ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ❑ Individual ❑ Corporation or other private group entity ❑ Government

4a. The following fee(s) are submitted:
- ❑ Issue Fee
- ❑ Publication Fee (No small entity discount permitted)
- ❑ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
- ❑ A check is enclosed.
- ❑ Payment by credit card. Form PTO-2038 is attached.
- ❑ The Director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
- ❑ Applicant certifying micro entity status. See 37 CFR 1.29 — NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.
- ❑ Applicant asserting small entity status. See 37 CFR 1.27 — NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.
- ❑ Applicant changing to regular undiscounted fee status. — NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

PTOL-85 Part B (10-13) Approved for use through 10/31/2013. OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/201,494	03/07/2014	Roy Shkedi	14-EP-CON4	5927

26362 7590 10/02/2014

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

EXAMINER	
KATSIKIS, KOSTAS J	
ART UNIT	PAPER NUMBER
2441	

DATE MAILED: 10/02/2014

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

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.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B 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.

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.

Applicant-Initiated Interview Summary	Application No.	Applicant(s)	
	14/201,494	SHKEDI, ROY	
	Examiner	Art Unit	
	KOSTAS KATSIKIS	2441	

All participants (applicant, applicant's representative, PTO personnel):

(1) *KOSTAS KATSIKIS*. (3)_____.

(2) *LOUIS J. HOFFMAN (Reg. No. 38,918)*. (4)_____.

Date of Interview: *24 September 2014*.

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

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

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

Claim(s) discussed: *1*.

Identification of prior art discussed: *N/A*.

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

Examiner proposed amendments for applicant's consideration, by canceling claim 1 and re-writing claim 1 as new claim 37, as claims 2-36 were previously canceled by the preliminary amendment filed 03/07/2014. Particularly, agreement was reached regarding canceling claim 1, and including limitations and features within new independent claim 37 that recites similar features from allowed parent case 13/491,454, with the exception of excluding the feature of "automatically with the computer system electronically authorizing the server computer to automatically cause display of an advertisement" from the limitation of part b), as Applicant did not want the "indicia of the condition" to be construed as causing performance of an additional step of "automatically electronically authorizing," but rather that the "display of the advertisement" is "subject to determining that the condition has been met". Applicant also agreed to file an electronic terminal disclaimer to tie the application to all of the parent cases in the prosecution history.

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

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

☐ Attachment

/KOSTAS KATSIKIS/ Primary Examiner, Art Unit 2441	

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

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

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

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

———

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

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

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

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

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

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

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

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

Examiner to Check for Accuracy

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

Notice of Allowability	Application No. 14/201,494	Applicant(s) SHKEDI, ROY	
	Examiner KOSTAS KATSIKIS	Art Unit 2441	AIA (First Inventor to File) Status No

-- 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 *the interview held on 09/24/2014*.
   ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on_____.
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 *37-60*. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov .
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   Certified copies:

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

   * 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. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
4. ☒ Interview Summary (PTO-413), Paper No./Mail Date *09/24/2014* .
5. ☒ Examiner's Amendment/Comment
6. ☒ Examiner's Statement of Reasons for Allowance
7. ☐ Other _____.

/KOSTAS KATSIKIS/
Primary Examiner, Art Unit 2441

Interview Summary

1. A proposed amendment was submitted for applicant's consideration. Examiner suggested the Applicant to amend claims as shown in the Examiner's amendment below in order to place the application in condition for allowance.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. Authorization for this examiner's amendment was given in a telephone interview with the Applicant's Representative, Mr. LOUIS J. HOFFMAN (Reg. No. 38,918), on September 24, 2014.

4. Please amend the claims as below:

Claims 1-36 **(Canceled)**

Claim 37. **(New)** A method of directing electronic advertisements, performed by a computer system comprised of one or more computers, the method comprising:

for each of a multitude of different electronic visitors to a first media property:

(a) automatically with the computer system directing, to a third-party server computer controlling advertising space on a second media property, indicia of a condition, which condition relates specifically to an electronic visitor, for display of an advertisement to the electronic visitor when the electronic visitor visits the second media property at a time after the electronic visitor visits the first media property, subject to determining that the condition has been met;

(b) wherein directing the indicia is based on information indicating to the computer system that at least one of a plurality of profile attributes is possibly applicable to the electronic visitor, which indicated profile attribute or attributes was received by the computer system as a result of the electronic visitor visiting the first media property; and

(c) wherein the advertisement is correlated with the indicated profile attribute or attributes.

Claim 38. **(New)** The method of claim 37 wherein the condition for display of the advertisement is that a price charged by the second media property is less than a profile-attribute-dependent price that an advertiser is willing to pay for display of the advertisement.

Claim 39. **(New)** The method of claim 37 wherein the condition is a specified time period after receiving profile-attribute information about the electronic visitor.

Claim 40. **(New)** The method of claim 37 further comprising building a look-up data structure associating at least one selected of a plurality of possible profile attributes with at least one selected of a plurality of second media properties, and wherein the method comprises sending the condition to the server computers controlling advertising space on those selected second media properties using the lookup data structure associated with the profile-attribute information received about the electronic visitor.

Claim 41. **(New)** The method of claim 37 wherein directing the indicia is performed by the computer system responsive to receiving an electronic redirect of a visitor computer accompanied by profile-attribute information about the electronic visitor.

Claim 42. **(New)** The method of claim 37 wherein directing the indicia is performed by the computer system responsive to recognizing an action conducted on the first media property by the electronic visitor.

Claim 43. **(New)** The method of claim 42 wherein the action is a search request by the electronic visitor on the first media property.

Claim 44. **(New)** The method of claim 37 wherein directing the indicia is performed by the computer system responsive to receiving information about a characteristic of the electronic visitor.

Claim 45. **(New)** The method of claim 37 further comprising categorizing the profile attribute within at least one of a plurality of predefined categories.

Claim 46. **(New)** The method of claim 37 wherein directing the indicia comprises arranging for placement of a tag on the electronic visitor, wherein the electronic visitor is a computer, and wherein the tag is readable by the server computer.

Claim 47. **(New)** The method of claim 46 wherein the indicia of the condition is given to the server computer at the time arranging for placement of a tag takes place.

Claim 48. **(New)** The method of claim 47 wherein the indicia of the condition is directed by incorporating the indicia in a URL used to redirect the electronic visitor to the server computer to enable the server computer to place a tag associated with the visitor's computer.

Claim 49. **(New)** The method of claim 46 wherein arranging for placement of a tag comprises redirecting the electronic visitor to the server computer for the server

computer to place a tag on the electronic visitor readable by the server computer.

Claim 50. **(New)** The method of claim 37 wherein directing the indicia comprises, responsive to receiving information via an electronic redirect of a visitor computer accompanied by profile-attribute information about the electronic visitor, directing the indicia by arranging for placement of a tag readable by the server computer, and wherein the condition comprises that the advertisement will be displayed only during a specified time period after receiving the information about the electronic visitor.

Claim 51. **(New)** The method of claim 37 wherein the server computer controls ad space that is in a different medium than the medium of the first media property.

Claim 52. **(New)** The method of claim 37 wherein the server computer controls the ad space only temporarily.

Claim 53. **(New)** A tangible computer-server device comprising a processor and a memory and programmed to implement a method of directing electronic advertisements, the method comprising:

for each of a multitude of different electronic visitors to a first media property:

(a) automatically with the device directing, to a third-party server computer controlling advertising space on a second media property, indicia of a

condition, which condition relates specifically to an electronic visitor, for display of an advertisement to an electronic visitor when the electronic visitor visits the second media property at a time after the electronic visitor visits the first media property, subject to determining that the condition has been met;

(b) wherein directing the indicia is based on information indicating to the computer server device that at least one of a plurality of profile attributes is possibly applicable to the electronic visitor, which indicated profile attribute or attributes was received by the device as a result of the electronic visitor visiting the first media property; and

(c) wherein the advertisement is correlated with the indicated profile attribute or attributes.

Claim 54. **(New)** The device of claim 53 wherein the condition for display of the advertisement is that a price charged by the second media property is less than a profile-attribute-dependent price that an advertiser is willing to pay for display of the advertisement.

Claim 55. **(New)** The device of claim 53 wherein the device is programmed to implement a method wherein directing the indicia comprises arranging for placement of a tag on the electronic visitor, wherein the electronic visitor is a computer, and wherein the tag is readable by the server computer.

Claim 56. **(New)** The device of claim 55 wherein the device is programmed to implement a method wherein the condition is given to the server computer at the time arranging for placement of a tag takes place by incorporating the indicia of the condition in a URL used to redirect the electronic visitor to the server computer to enable the server computer to place a tag associated with the visitor's computer.

Claim 57. **(New)** A system comprising one or more computers programmed to implement a method of directing electronic advertisements, the method comprising:

for each of a multitude of different electronic visitors to a first media property:

(a) automatically directing, to a third-party server computer controlling advertising space on a second media property, indicia of a condition, which condition relates specifically to an electronic visitor, for display of an advertisement to an electronic visitor when the electronic visitor visits the second media property at a time after the electronic visitor visits the first media property, subject to determining that the condition has been met;

(b) wherein directing the indicia is based on information indicating to the system comprising one or more computers that at least one of a plurality of profile attributes is possibly applicable to the electronic visitor, which indicated profile attribute or attributes was received by the system comprising one or more computers as a result of the electronic visitor visiting the first media property; and

(c) wherein the advertisement is correlated with the indicated profile

attribute or attributes.

Claim 58. **(New)** The system of claim 57 wherein the condition for display of the advertisement is that a price charged by the second media property is less than a profile-attribute-dependent price that an advertiser is willing to pay for display of the advertisement.

Claim 59. **(New)** The system of claim 57 wherein directing the indicia comprises arranging for placement of a tag on the electronic visitor, wherein the electronic visitor is a computer, and wherein the tag is readable by the server computer.

Claim 60. **(New)** The system of claim 59 wherein the condition is given to the server computer at the time arranging for placement of a tag takes place by incorporating the indicia of the condition in a URL used to redirect the electronic visitor to the server computer to enable the server computer to place a tag associated with the visitor's computer.

5. Claims 37-60 are allowed.

6. The following is an examiner's statement of reasons for allowance:

Each of independent claims 37, 53 and 57 recite limitations containing similar

features as those allowed parent case 13/491,454; therefore they are also allowed.

In particular, **Haveliwala et al. (United States Patent Application Publication No. US 2010/0293057 A1), hereinafter "Haveliwala,"** discloses providing targeted advertisements to an advertisement consumer based on a user profile, a page profile, or a combination thereof. In embodiments where a user of a search engine is an advertisement consumer, the user utilizes a search engine to obtain search results relevant to a search query. A user profile of the user's interests is used to select advertisements for inclusion with search results. The user profile is evaluated by an advertisement server which determines which advertiser(s) offers a highest price for the user profile. Advertisements from these advertisers are then selected. In another embodiment, where the user is accessing a page on a third party website, the page may include a request for advertisements. A page profile is evaluated by an advertisement server that determines which advertiser(s) offers a highest price for the page profile. Advertisements from these advertisers are then selected, and provided to the user, where they are included in the retrieved page **(See Haveliwala, Abstract)**.

More particularly, **Haveliwala** teaches that a system 100 (See FIG. 1b) provides targeted advertisements in response to an advertisement request. The advertisement request is made by a client 118 when accessing a third party website 119, which has agreed to have system 100 to place advertisements on its pages. The client 118 first makes a page request of the third party website 119, for example, loading the home page of the site, of which a webpage is returned by the site 119. The webpage may

have, for example, both content provided by the third party and an iframe object that makes a request for advertisements from the system 100. The page request will include information associated with the page of the third party website 119, for example, the URL of the page, or other metadata **(See Haveliwala, FIG. 1b, paragraphs [0043]-[0044])**.

In addition, **Haveliwala** teaches that in one embodiment, the advertisement server 114 uses both the user profile and the page profile to determine each advertiser's price, but any advertiser may individually discard or weight either of these components as it so desires. For example, one advertiser may only consider the page profile of the current page when providing a price, while another advertiser may consider both the user profile and the page profile, but weight them separately (e.g., weighting the page profile at 70% and the user profile at 30% to determine a price). Once the advertisement server 114 has determined which advertiser or advertisers have offered the highest effective price for the page profile and the user profile, the server 114 selects one or more advertisements associated with those advertisers. These targeted advertisements are returned to the front end server 102, which forwards the targeted advertisements to the client 118. The client 118 combines the advertisements into the page received from the third party website 119 for display to the user. The front end server 102 may determine how many of the targeted advertisements are to appear on the page, their order, and their placement. The targeted advertisements can be displayed next in side panel (e.g., in the iframe on the page) in a separate frame of the window, or in any other graphical format deemed

appropriate **(See Haveliwala, paragraphs [0057]-[0058])**.

Kamal Jain (United States Patent Application Publication No. US 2007/0179845 A1), hereinafter "Jain," discloses a mechanism that facilitates a new advertising ranking architecture in Internet advertising spaces, e.g., for advertising on search engine web pages and/or on content web pages. Particularly, a mechanism is provided to confirm transactions even without monitoring them e.g., and, once verified, the customer can rank the merchant based upon the customer's satisfaction with the merchant and/or the underlying transaction. The merchant ranking can be calculated in a variety of ways, and utilized to modify the pricing of an ad for that merchant, as well as which customers will be presented the ad, or even if the ad not be display (e.g., due to a low ranking). Merchants with high rankings can be attracted with incentives, improving the overall quality of the ads, which can attract more consumers **(See Jain, Abstract)**.

More specifically, **Jain** discloses a computer implemented system 200 (See FIG. 2) that ranks advertisers and/or consumers and facilitates equitable use of advertising space. Generally, the system 200 can include a search engine provider website (SEW) 202 coupled to the Internet 106 that can host an ad 204 for an advertiser 206 at a price that varies according to an advertiser ranking 208. Also depicted is the search engine provider (SEP) 104 that hosts and/or maintains the SEW 202 and that can compute the advertiser ranking 208 based at least in part upon a rating from a consumer 210 who clicked on the ad 204 and completed a purchase from the advertiser 206. **Jain** further discloses that the consumer 210 and a visitor 212 access the SEW 202 by way of the

Internet 106. The SEP 104 can provide a consumer ranking 214 to the consumer 210 and/or the visitor 212, which can be employed to determine a particular ad 204 to be displayed upon access to the SEW 202. The consumer ranking 214 can be based upon past purchases, past clicks on ads 204, whether the consumer 210 is a new or frequent customer, the percentage of click-throughs 218 that resulted in a purchase, demographics information, and the like. One distinction between the consumer 210 and the visitor is that the consumer 210 is typically considered to have clicked on the ad 204 and redirected to the advertiser website 216 by way of the click-through path 218 (shown in FIG. 2 with broken lines with longer dashes) and subsequently completed a purchase from the advertiser 206. In contrast, the visitor 212 has merely been exposed to the ad 204, but has not clicked on the ad 204 (although visitor 212 may do so at a later time or may have clicked on other ads 204) **(See Jain, FIG. 2, paragraphs [0042]-[0043])**.

Jain notes that the rankings 208, 214 can have an impact on the behavior of both the consumers 210 and the advertisers 214. For example, in addition to being a multiplier for conventional rankings (e.g., auction-style bid for ad space and/or click-through rate (CTR)), the advertiser ranking 208 can be used to set “cut-off” levels. Thus, if it is determined (e.g., due to consumer 210 feedback) that an advertiser 206 satisfies less than, e.g., 80% of consumers 210, then the SEP 104 can choose to forbid the advertiser 206 from placing an ad 204 on the SEW 202, regardless of how much the advertiser 206 is willing to pay for the ad space **(See Jain, paragraph [0048])**.

The closest prior art of record, **Neal et al. (United States Patent Application Publication No. US 2006/0282327 A1), hereinafter "Neal,"** discloses advertisement servers (adservers) with the ability to access advertiser cookies and vice versa when both are serving from an advertiser's domain, thereby avoiding the overhead and delay in backend cookie synchronization efforts. Further, **Neal** teaches that advertising cookie data can be gathered regardless of whether a user is browsing a publisher's web site with an advertisement served by an adserver, or browsing the advertiser's web site, because the cookies were previously set when the user visited the advertiser's web site in the context of a first-party cookie. Even if the user has configured his or her browser to limit the setting of third-party cookies, the cookies can still be read by the adserver. By making cookie and advertising data immediately available in real time to both the advertiser and the adserver, **Neal** teaches that the solution also provides for instantaneous and accurate targeting of web advertising to allow an educated ad selection process by either party **(See Neal, Abstract)**.

More specifically, **Neal** discloses that a web site 106 (See FIG. 1) includes a banner advertisement 110 served by an adserver 112. The adserver 112 is associated with at least one advertiser 114 and provides advertisements in the banner 110 on behalf of at least one advertiser 114. One or more other components of the web site may be served by a content provider other than the publisher 108, such as another advertiser or other content provider. The adserver 112 shares a domain 116 ("advertiser.com") with the advertiser 114, and the adserver 112 is assigned a sub-domain of the advertiser's domain, i.e., "ads.advertiser.com". Since the adserver 112

shares the domain of the advertiser 114, the adserver 112 has first party access to a cookie that has been previously been set by the advertiser 114. Thus, if the user has previously made a purchase on a web site published by the advertiser 114, the advertiser site may have set a cookie on the user's browser 102 identifying the user as a customer. The user's browser 102 then sends a copy of the cookie set by the advertiser 114 to the adserver 112 along with a request for content for the banner advertisement 110 **(See Neal, FIG. 1, paragraphs [0028]-[0029])**.

In addition, **Neal** discloses that when an adserver DNS server receives a redirect, it takes the logical name of a sub-domain sent from the advertiser DNS server (e.g., "ads.companyname.com") and resolves it into an adserver IP address. For example, "ads.companyname.com" would be resolved into an IP address, such as "216.150.209.230". A user's browser request for the web site "ads.companyname.com" would thus travel to the advertiser DNS server and then to the adserver DNS server. The adserver DNS server would then return the IP address "216.150.209.230" to the user's browser. After receiving the associated IP address, the user's browser sends any cookies associated with the domain ".advertiser.com" along with the web page request to the associated IP address. One advantage of DNS delegation noted by **Neal**, is that it can seamlessly integrate with an adserver's existing proprietary solutions for load-balancing and fail-over of advertisement serving **(See Neal, paragraph [0031])**.

Moreover, **Neal** discloses that the adserver 112 receives the request to serve the advertiser banner 110 and determines an appropriate advertisement for displaying in the banner 110. The adserver 112, for example, may determine an appropriate content

for the advertising banner 110 depending upon at least one value of a cookie received from the browser 102. When the adserver 112 receives and reads a cookie 104 accompanying a browser request, for example, the adserver 112 may recognize cookie values identified for advertisement selection that the advertiser's web server originally placed in the cookie. For example, if an advertiser's web server recognizes that a particular customer who is visiting the advertiser's web site is a high value customer, the web server sets a cookie 104 to the customer's browser 102 containing the domain ".advertiser.com" and the data "Target=high_value". **Neal** teaches that the advertiser 114 previously communicated with an adserver 112 to convey the rule that whenever the adserver 112 encounters cookie data with "Target=high_value", the adserver 112 should recognize that it is dealing with a high value customer of the advertiser 114 and should serve advertising appropriate to such a customer. Each time the customer visits the "www.advertiser.com" web site, the "Target" cookie value can be reset by the advertiser's web server to reflect the customer's current value status. For instance, the customer may be a "medium_value" customer when he first accesses the advertiser's web site, but then makes a large purchase. The advertiser's web server can then update the customer's status to "high_value" and then reset the cookie information accordingly. If the customer's browser 102 subsequently interacts with the adserver's web server, the updated cookie value will instantaneously cause a "high_value" advertisement to be returned from the adserver's web server to the customer's browser 102 **(See Neal, paragraph [0032])**.

However, the prior art of records, individually or in combination, fail to explicitly teach or render obvious a method of directing electronic advertisements, performed by a computer system comprised of one or more computers, the method comprising:

for each of a multitude of different electronic visitors to a first media property:

(a) automatically with the computer system directing, to a third-party server computer controlling advertising space on a second media property, indicia of a condition, which condition relates specifically to an electronic visitor, for display of an advertisement to the electronic visitor when the electronic visitor visits the second media property at a time after the electronic visitor visits the first media property, subject to determining that the condition has been met;

(b) wherein directing the indicia is based on information indicating to the computer system that at least one of a plurality of profile attributes is possibly applicable to the electronic visitor, which indicated profile attribute or attributes was received by the computer system as a result of the electronic visitor visiting the first media property; and

(c) wherein the advertisement is correlated with the indicated profile attribute or attributes, as set forth in independent claim 37.

Likewise, the prior art of records, individually or in combination, fail to explicitly teach or render obvious a tangible computer-server device comprising a processor and a memory and programmed to implement a method of directing electronic advertisements, the method comprising:

for each of a multitude of different electronic visitors to a first media property:

(a) automatically with the device directing, to a third-party server computer controlling advertising space on a second media property, indicia of a condition, which condition relates specifically to an electronic visitor, for display of an advertisement to an electronic visitor when the electronic visitor visits the second media property at a time after the electronic visitor visits the first media property, subject to determining that the condition has been met;

(b) wherein directing the indicia is based on information indicating to the computer server device that at least one of a plurality of profile attributes is possibly applicable to the electronic visitor, which indicated profile attribute or attributes was received by the device as a result of the electronic visitor visiting the first media property; and

(c) wherein the advertisement is correlated with the indicated profile attribute or attributes, as set forth in independent claim 53.

Furthermore, the prior art of records, individually or in combination, fail to explicitly teach or render obvious a system comprising one or more computers programmed to implement a method of directing electronic advertisements, the method comprising:

for each of a multitude of different electronic visitors to a first media property:

(a) automatically directing, to a third-party server computer controlling

advertising space on a second media property, indicia of a condition, which condition relates specifically to an electronic visitor, for display of an advertisement to an electronic visitor when the electronic visitor visits the second media property at a time after the electronic visitor visits the first media property, subject to determining that the condition has been met;

(b) wherein directing the indicia is based on information indicating to the system comprising one or more computers that at least one of a plurality of profile attributes is possibly applicable to the electronic visitor, which indicated profile attribute or attributes was received by the system comprising one or more computers as a result of the electronic visitor visiting the first media property; and

(c) wherein the advertisement is correlated with the indicated profile attribute or attributes, as set forth in independent claim 57.

7. 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.”

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kostas Katsikis whose telephone number is (571)270-5434. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s

supervisor, Wing Chan can be reached on (571)272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). 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.

/KOSTAS KATSIKIS/
Primary Examiner, Art Unit 2441

September 25, 2014

Applicant-Initiated Interview Summary	Application No.	Applicant(s)	
	14/201,494	SHKEDI, ROY	
	Examiner	Art Unit	
	KOSTAS KATSIKIS	2441	

All participants (applicant, applicant's representative, PTO personnel):

(1) *KOSTAS KATSIKIS*. (3)_____.

(2) *LOUIS J. HOFFMAN (Reg. No. 38,918)*. (4)_____.

Date of Interview: *24 September 2014*.

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

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

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

Claim(s) discussed: *1*.

Identification of prior art discussed: *N/A*.

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

Examiner proposed amendments for applicant's consideration, by canceling claim 1 and re-writing claim 1 as new claim 37, as claims 2-36 were previously canceled by the preliminary amendment filed 03/07/2014. Particularly, agreement was reached regarding canceling claim 1, and including limitations and features within new independent claim 37 that recites similar features from allowed parent case 13/491,454, with the exception of excluding the feature of "automatically with the computer system electronically authorizing the server computer to automatically cause display of an advertisement" from the limitation of part b), as Applicant did not want the "indicia of the condition" to be construed as causing performance of an additional step of "automatically electronically authorizing," but rather that the "display of the advertisement" is "subject to determining that the condition has been met". Applicant also agreed to file an electronic terminal disclaimer to tie the application to all of the parent cases in the prosecution history.

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

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

☐ Attachment

/KOSTAS KATSIKIS/ Primary Examiner, Art Unit 2441	

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

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

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

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

———

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

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

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

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

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

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

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

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

Examiner to Check for Accuracy

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

Notice of References Cited	Application/Control No. 14/201,494	Applicant(s)/Patent Under Reexamination SHKEDI, ROY	
	Examiner KOSTAS KATSIKIS	Art Unit 2441	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2005/0131762 A1	06-2005	Bharat et al.	705/014
*	B	US-2006/0282327 A1	12-2006	Neal et al.	705/014
*	C	US-2007/0179845 A1	08-2007	Jain, Kamal	705/014
*	D	US-7,428,493 B2	09-2008	Shkedi, Roy	705/35
*	E	US-2010/0293057 A1	11-2010	Haveliwala et al.	705/14.66
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14201494	SHKEDI, ROY
	Examiner	Art Unit
	KOSTAS KATSIKIS	2441

✓	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								
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	2	-	-							
	3	-	-							
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	36	-	-							

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14201494	SHKEDI, ROY
	Examiner	**Art Unit**
	KOSTAS KATSIKIS	2441

✓	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

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24	60		=							

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14201494	SHKEDI, ROY
	Examiner	**Art Unit**
	KOSTAS KATSIKIS	2441

CPC						
Symbol					**Type**	**Version**
G06Q		30	/	0249	F	2013-01-01
G06Q		30	/	02	I	2013-01-01
G06Q		30	/	0241	I	2013-01-01
G06Q		30	/	0242	I	2013-01-01
G06Q		30	/	0246	I	2013-01-01
G06Q		30	/	0247	I	2013-01-01
G06Q		30	/	0255	I	2013-01-01
G06Q		30	/	0269	I	2013-01-01
G06Q		30	/	0277	I	2013-01-01
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CPC Combination Sets							
Symbol					**Type**	**Set**	**Ranking**	**Version**
			/					
			/					

NONE		**Total Claims Allowed:**	
(Assistant Examiner)	(Date)	24	
/KOSTAS KATSIKIS/ Primary Examiner.Art Unit 2441	09/25/2014	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	3

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14201494	SHKEDI, ROY
	Examiner	**Art Unit**
	KOSTAS KATSIKIS	2441

US ORIGINAL CLASSIFICATION		INTERNATIONAL CLASSIFICATION										
CLASS	SUBCLASS	CLAIMED					NON-CLAIMED					
709	203	G	0	6	F	15 / 16 (2006.01.01)						
CROSS REFERENCE(S)												
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)											
705	14.66											

NONE (Assistant Examiner)	(Date)	**Total Claims Allowed:** 24	
/KOSTAS KATSIKIS/ Primary Examiner.Art Unit 2441 (Primary Examiner)	09/25/2014 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 3

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14201494	SHKEDI, ROY
	Examiner	**Art Unit**
	KOSTAS KATSIKIS	2441

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
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	6		22	2	38	18	54								
	7		23	3	39	19	55								
	8		24	4	40	20	56								
	9		25	5	41	21	57								
	10		26	6	42	22	58								
	11		27	7	43	23	59								
	12		28	8	44	24	60								
	13		29	9	45										
	14		30	10	46										
	15		31	11	47										
	16		32	12	48										

NONE (Assistant Examiner)	(Date)	**Total Claims Allowed:** 24	
/KOSTAS KATSIKIS/ Primary Examiner.Art Unit 2441 (Primary Examiner)	09/25/2014 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 3

U.S. Patent and Trademark Office Part of Paper No. 20140924

EAST Search History

EAST Search History (Prior Art)

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S3	2	"8671139"	US-PGPUB; USPAT	ADJ	ON	2014/07/26 12:21
S4	12	"8204783"	US-PGPUB; USPAT	ADJ	ON	2014/07/26 12:22
S5	26	"7747745"	US-PGPUB; USPAT	ADJ	ON	2014/07/26 12:22
S6	2	"13418320"	US-PGPUB; USPAT	ADJ	ON	2014/07/26 12:23
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S93	1	S81 and S83	US-PGPUB;	ADJ	ON	2014/09/24 22:22

			USPAT			
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EAST Search History

EAST Search History (Interference)

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BIB DATA SHEET

CONFIRMATION NO. 5927

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
14/201,494	03/07/2014 RULE	709	2441	14-EP-CON4

APPLICANTS

AlmondNet, Inc., New York, NY, Assignee (with 37 CFR 1.172 Interest);

INVENTORS

Roy Shkedi, Forest Hills, NY;

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

This application is a CON of 13/491,454 06/07/2012 PAT 8671139 *
which is a CON of 12/823,709 06/25/2010 PAT 8204783
which is a CON of 11/763,286 06/14/2007 PAT 7747745
which claims benefit of 60/804,937 06/16/2006
and claims benefit of 60/805,119 06/19/2006
(*)Data provided by applicant is not consistent with PTO records.

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

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ****

03/26/2014

Foreign Priority claimed ☐ Yes ☑ No 35 USC 119(a-d) conditions met ☐ Yes ☑ No Verified and Acknowledged /KOSTAS J KATSIKIS/ Examiner's Signature	☐ Met after Allowance Initials	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
		NY	3	1	1

ADDRESS

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

TITLE

Media properties selection method and system based on expected profit from profile-based ad delivery

FILING FEE RECEIVED		
1740	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

BIB (Rev. 05/07).

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14201494	SHKEDI, ROY
	Examiner	Art Unit
	KOSTAS KATSIKIS	2441

CPC- SEARCHED		
Symbol	Date	Examiner
G06Q30/0269	7/26/2014 (Updated 09/24/2014)	KK
G06Q30/0249	7/26/2014 (Updated 09/24/2014)	KK

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
709	203	7/26/2014 (Updated 09/24/2014)	KK
705	14.49, 14.51, 14.52, 14.53, 14.73, 14.48, 14.66, 26.41	7/26/2014 (Updated 09/24/2014)	KK

SEARCH NOTES		
Search Notes	Date	Examiner
Examiner conducted thorough EAST search.	7/26/2014 (Updated 09/24/2014)	KK
EAST (USPAT, US-PGPUB) - see search history printout.	7/26/2014 (Updated 09/24/2014)	KK
EAST (EPO, JPO, FPRS) - see search history printout.	7/26/2014 (Updated 09/24/2014)	KK

	/KOSTAS KATSIKIS/ Primary Examiner.Art Unit 2441

SEARCH NOTES

Search Notes	Date	Examiner
Examiner conducted Inventor Name search in EAST.	7/26/2014 (Updated 09/24/2014)	KK
709/203 (text search - see search history printout).	7/26/2014 (Updated 09/24/2014)	KK
705/14.49 (text search - see search history printout).	7/26/2014 (Updated 09/24/2014)	KK
705/14.51 (text search - see search history printout).	7/26/2014 (Updated 09/24/2014)	KK
705/14.52 (text search - see search history printout).	7/26/2014 (Updated 09/24/2014)	KK
705/14.53 (text search - see search history printout).	7/26/2014 (Updated 09/24/2014)	KK
705/14.73 (text search - see search history printout).	7/26/2014 (Updated 09/24/2014)	KK
705/14.48 (text search - see search history printout).	7/26/2014 (Updated 09/24/2014)	KK
705/14.66 (text search - see search history printout).	7/26/2014 (Updated 09/24/2014)	KK
705/26.41 (text search - see search history printout).	7/26/2014 (Updated 09/24/2014)	KK

INTERFERENCE SEARCH

US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
	See Interference Search History Printout.	09/24/2014	KK

	/KOSTAS KATSIKIS/ Primary Examiner.Art Unit 2441

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	14201494
Filing Date	07-Mar-2014
First Named Inventor	Roy Shkedi
Attorney Docket Number	14-EP-CON4
Title of Invention	Media properties selection method and system based on expected profit from profile-based ad delivery

☒ 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)

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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 the following fee status:

○ Small Entity

○ Micro Entity

◉ Regular Undiscounted

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 38918

○ A sole inventor

○ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors as evidenced by the power of attorney in the application

○ A joint inventor; all of whom are signing this request

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:	14201494
Filing Date:	07-Mar-2014
Title of Invention:	Media properties selection method and system based on expected profit from profile-based ad delivery
First Named Inventor/Applicant Name:	Roy Shkedi
Filer:	Louis J. Hoffman/Donald Hertz
Attorney Docket Number:	14-EP-CON4

Filed as Large Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Statutory or Terminal Disclaimer	1814	1	160	160
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($)
Miscellaneous:				
			Total in USD ($)	**160**

Doc Code: DISQ.E.FILE
Document Description: Electronic Terminal Disclaimer – Approved

Application No.: 14201494

Filing Date: 07-Mar-2014

Applicant/Patent under Reexamination: Shkedi et al.

Electronic Terminal Disclaimer filed on September 25, 2014

☒ 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:	20244061
Application Number:	14201494
International Application Number:	
Confirmation Number:	5927
Title of Invention:	Media properties selection method and system based on expected profit from profile-based ad delivery
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-EP-CON4
Receipt Date:	25-SEP-2014
Filing Date:	07-MAR-2014
Time Stamp:	14:35:49
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$160
RAM confirmation Number	783
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

1	Electronic Terminal Disclaimer-Filed	eTerminal-Disclaimer.pdf	34806 0898fd08166b94fac094045d80cb0b5ca2b1d87a	no	3
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30248 af3a4d925af13f1e2a40e097e27e2c273c91683b	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	65054		

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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/201,494	03/07/2014	Roy Shkedi	14-EP-CON4	5927

26362 7590 07/31/2014

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

EXAMINER	
KATSIKIS, KOSTAS J	
ART UNIT	PAPER NUMBER
2441	

NOTIFICATION DATE	DELIVERY MODE
07/31/2014	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. 14/201,494	Applicant(s) SHKEDI, ROY	
	Examiner KOSTAS KATSIKIS	Art Unit 2441	AIA (First Inventor to File) Status No

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

Period for Reply

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

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

Status

1)☒ Responsive to communication(s) filed on *7 March 2014*.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

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

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

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

Disposition of Claims*

5)☒ Claim(s) *1* 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) *1* is/are rejected.

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

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

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

Application Papers

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

11)☒ The drawing(s) filed on *7 March 2014* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date *03/07/2014, 03/26/2014*.

3) ☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. *07/25/2014* .

4) ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to the preliminary Amendment filed on March 7, 2014, in which claims 2-36 have been canceled. Accordingly, claim 1 remains presented for examination.

2. The present application is being examined under the pre-AIA first to invent provisions.

Status of Claims

3. Claim 1 is pending, of which claim 1 is rejected under 35 U.S.C. 103. Claim 1 is also rejected under 35 U.S.C. 101. Claim 1 is also subject to Double Patenting rejection.

Priority

4. Examiner has acknowledged Applicant's claim of priority from U.S. Provisional Patent Application Serial No. 60/804,937, filed June 16, 2006, and U.S. Provisional Patent Application Serial No. 60/805,119, filed June 19, 2006.

5. Examiner has further acknowledged Applicant's claim of priority from U.S. Non-Provisional Patent Application Serial No. 13/491,454, filed June 7, 2012, U.S. Non-Provisional Patent Application Serial No. 12/823,709, filed June 25, 2010, and U.S. Non-Provisional Patent Application Serial No. 11/763,286, filed June 14, 2007.

Information Disclosure Statement

6. The information disclosure statements, filed March 7, 2014 and March 26, 2014 are in compliance with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. They have been placed in the application file, and the information referred to therein has been considered as to the merits.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

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

8. Claim 1 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 is rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claim recites a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to particular machine, or (2) transform underlying subject matter (such as an article or material) to a different state or thing. See page 10 of In Re Bilski 88 USPQ2d 1385. The instant claims are neither positively tied to a particular machine that accomplishes the claimed method steps nor transform underlying subject matter, and therefore do not qualify as a statutory process. The method of directing electronic advertisements is broad enough that the claims could be completely performed mentally, verbally or without a machine nor is any transformation apparent.

Particularly with claim 1, in light of the instant specification and given the context of the claim as a whole, the limitations of "determining a profile-attribute-dependent revenue available for display of a profile-attribute-related advertisement," and "for each of a multitude of different electronic visitors to a first media property, responsive to receiving information about at least one of a plurality of profile attributes possibly applicable to the visitor, automatically electronically authorizing a second media property to allow display, to the electronic visitor when later visiting the second media property, of an advertisement correlated with the profile-attribute information received about the visitor, for a price that does not exceed a price cap that is a selected amount less than the revenue available for display of the advertisement" are determined to merely amount to an abstract idea. A human can [mentally] determine a profile-attribute-dependent revenue and also automatically electronically authorize (determine

and directing/instructing another human), responsive to receiving information. MPEP 2106 states that where a machine or apparatus is recited or inherent in a patent claim, a relevant factor to be considered in an abstract idea determination of a method claim is the particularity or generality of the elements of a machine or apparatus; i.e., the degree to which the machine in the claim can be specifically identified (not any and all machines). Incorporation of a particular machine or apparatus into the claimed method steps weighs toward eligibility. For computer implemented processes, the "machine" is often disclosed as a general purpose computer. In these cases, the general purpose computer may be sufficiently "particular" when programmed to perform the process steps. Such programming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software. To qualify as a particular machine under the test, the claim must clearly convey that the computer is programmed to perform the steps of the method because such programming, in effect, creates a special purpose computer limited to the use of the particularly claimed combination of elements (i.e., the programmed instructions) performing the particularly claimed combination of functions. If the claim is so abstract and sweeping that performing the process as claimed would cover substantially all practical applications of a judicial exception, such as a mathematical algorithm, the claim would not satisfy the test as the machine would not be sufficiently particular. In the instant claim, Examiner can find no reference to any actual machine, and given the broadest reasonable interpretation, in light of the instant Specification, a human being can at least signal

electronically (with email using a PC, a PDA, or even a flashlight) to another human to authorize a media property. Examiner notes that claim 1 does not recite exactly what the "media property" is. Moreover, even if Examiner were to impart limitations from the instant Specification into the claims and narrowly construe the "electronically authorizing" as being performed by a machine, the machine is still not taken to be any [special purpose] machine/computer, since neither procedural step of "determining" and "electronically authorizing" are steps that are required to be performed by any [special purpose] machine/computer, but rather each of the above recited procedural steps can be performed by any general purpose computer.

Furthermore, MPEP 2106 states that a factor to consider when analyzing method claims for an abstract idea is whether performance of the claimed method results in or otherwise involves a transformation of a particular article. Specifically, "Transformation and reduction of an article 'to a different state or thing' is the clue to patentability of a process claim that does not include particular machines". If such a transformation exists, the claims are less likely to be drawn to an abstract idea; if not, they are more likely to be so drawn. An "article" includes a physical object or substance which must be particular, meaning it can be specifically identified. An article can also be electronic data that represents a physical object or substance. For the test, the data should be more than an abstract value. Data can be specifically identified by indicating what the data represents, the particular type or nature of the data, and/or how or from where the data was obtained. "Transformation" of an article means that the "article" has changed to a different state or thing. Changing to a different state or thing usually means more

than simply using an article or changing the location of an article. A new or different function or use can be evidence that an article has been transformed. Manufactures and compositions of matter are the result of transforming raw materials into something new with a different function or use. Purely mental processes in which thoughts or human based actions are "changed" are not considered an eligible transformation. For data, mere "manipulation of basic mathematical constructs [i.e.,] the paradigmatic 'abstract idea'," has not been deemed a transformation. *Cybersource v. Retail Decisions*, 654 F.3d 1366, 1372 n.2, 99 USPQ2d 1690, 1695 n.2 (Fed. Cir. 2011)*(quoting In re Warmerdam*, 33 F.3d 1354, 1355, 1360 (Fed. Cir. 1994). However, transformation of electronic data has been found when the nature of the data has been changed such that it has a different function or is suitable for a different use. *In re Bilski*, 545 F.3d 943, 962-63 (Fed. Cir. 2009)(*aff'd sub nom Bilski v. Kappos*, 130 S. Ct. 3218 (2010)). Thus, in the instant claim, the only recited element that appears at first sight to be "transformed" is the "second media property". However, the "second media property," while recited as being "authorized" is not deemed a valid transformation, as purely mental processes in which thoughts or human based actions are "changed" are not considered an eligible transformation.

Therefore, claim 1 is non-statutory.

9. **Examiner's Note:** Examiner has cited particular paragraphs and/or columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art

and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim Rejections - 35 USC § 103

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

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

11. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brian O'Kelley (United States Patent Application Publication No. US 2006/0122879 A1), hereinafter "O'Kelley", in view of Charles A. Eldering (United States Patent No. US 6,324,519 B1), hereinafter "Eldering".

Regarding claim 1, **O'Kelley** discloses a method of directing electronic advertisements, the method comprising:

(a) determining a profile-attribute-dependent revenue available for display of a profile-attribute-related advertisement *(wherein pricing advertisement includes receiving request for electronic advertisement to be presented to user, setting price for advertisement, providing ability for advertiser to pay only as much as necessary to secure impression, maximizing publisher revenue while ensuring Return of Investment (ROI) goals are met)* **(O'Kelley, Abstract, paragraphs [0003], and [0025]-[0027])**; and

(b) for each of a multitude of different electronic visitors to a first media property, responsive to receiving information about the visitor, automatically electronically authorizing a second media property to allow display, to the electronic visitor when later visiting the second media property, of an advertisement correlated with the information received about the visitor, for a price that does not exceed a price cap that is a selected amount less than the revenue available for display of the advertisement *(wherein users visiting a website may have advertisements presented to them, requesting through web browser to receive advertisement from server system which makes conversion data calculations based on combination of web browser session data, cookies, and HTTP calls from sites visited by users to advertisement server system, decision process to price electronic ads comprises request form browser to display ad, identifying eligible ads for price auctioning, applying soft targeting based on projected actions from visitor, and calculating expected revenues for statically priced electronic ads)* **(O'Kelley, Abstract, FIG. 1-FIG. 2, paragraphs [0052]-[0056])**. **O'Kelley** does not explicitly disclose information about at least one of a plurality of profile attributes possibly applicable to the visitor, and an advertisement correlated with the profile-attribute

information received about the visitor.

However **Eldering** discloses information about at least one of a plurality of profile attributes possibly applicable to the visitor, and an advertisement correlated with the profile-attribute information received about the visitor *(wherein characterization ad information is correlated with consumer profile and transmitted by advertiser, upon acceptance of bid for advertisement opportunity, ad is delivered to consumer, profiler maintains consumer profile server containing characterization of consumer, consumer profile is determined based on viewing habits of consumer, obtaining importance of ad in demographic and product profile by interest categories and spent viewing time)* **(Eldering, Abstract, FIG. 1A-1B, FIG. 2A-2D, col. 1, line 31-col. 2, line 21, col. 2, line 58-col. 3, line 25, col. 3, lines 56-64, col. 4, line 7-col. 5, line 58)**.

O'Kelley and **Eldering** are analogous art because they are from the same field of endeavor, namely, methods and systems for pricing electronic advertisements. At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of **O'Kelley** and **Eldering** before him or her, to modify the electronic advertisement pricing method of **O'Kelley** to include the consumer-profile-attribute information such as that of **Eldering** with reasonable expectation that this would result in a system that allowed consumers to receive more targeted advertisements which matched their lifestyles and interests, insured advertisers that their advertisements will be received by appropriate audiences, and allowed the content/opportunity provider the ability to maximize revenue for advertising opportunities. This method of improving the electronic advertisement pricing method of

O'Kelley was well within the ordinary ability of one of ordinary skill in the art based on the teachings of **Eldering**. Therefore, it would have been obvious to one having ordinary skill in the art to combine the teachings of **O'Kelley** with **Eldering** to obtain the invention as specified in claim 1.

Double Patenting

12. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the claims at issue are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the reference application or patent either is shown to

be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

The USPTO internet Web site contains terminal disclaimer forms which may be used. Please visit http://www.uspto.gov/forms/. The filing date of the application will determine what form should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed and approved immediately upon submission. For more information about eTerminal Disclaimers, refer to http://www.uspto.gov/patents/process/file/efs/guidance/eTD-info-I.jsp.

13. Claim 1 is rejected on the ground of nonstatutory double patenting as being unpatentable over claim 1 of U.S. Patent No. US 7,747,745 B2, hereinafter "745". Although the claims at issue are not identical, they are not patentably distinct from each other because claim 1 of the instant Application is anticipated by claim 1 of 745.

Regarding claim 1 of the instant Application, claim 1 recites, "*A method of directing electronic advertisements, the method comprising:*

(a) determining a profile-attribute-dependent revenue available for display of a profile-attribute-related advertisement; and

(b) for each of a multitude of different electronic visitors to a first media property,

responsive to receiving information about at least one of a plurality of profile attributes possibly applicable to the visitor, automatically electronically authorizing a second media property to allow display, to the electronic visitor when later visiting the second media property, of an advertisement correlated with the profile-attribute information received about the visitor, for a price that does not exceed a price cap that is a selected amount less than the revenue available for display of the advertisement".

Claim 1 of **745** recites "*A method of directing electronic advertisements using one or more computers, the method comprising:*

(a) determining automatically, with at least one of the computers, a profile-attribute-dependent revenue available for display of a profile-attribute-related advertisement; and

(b) for each of a multitude of different electronic visitors to a first media property, responsive to receiving information about at least one of a plurality of profile attributes possibly applicable to the visitor, automatically electronically authorizing, with at least one of the computers, a third-party second media property to allow display, to the electronic visitor when later visiting the second media property, of an advertisement correlated with the profile-attribute information received about the visitor, for a price that does not exceed a price cap that is a selected amount less than the revenue available for display of the advertisement".

Clearly from the plain text, each and every limitation of independent claim 1 of the instant Application is within claim 1 of **745** and therefore claim 1 of the instant Application is anticipated by claim 1 of **745**. Therefore, Claim 1 is unpatentable under Non-statutory Obviousness-type Double Patenting.

14. Claim 1 is rejected on the ground of nonstatutory double patenting as being unpatentable over claim 1 of U.S. Patent No. US 8,204,783 B2, hereinafter "783". Although the claims at issue are not identical, they are not patentably distinct from each other because claim 1 of the instant Application is an obvious variant of claim 1 of 783.

As discussed above, claim 1 of the instant Application recites, "*A method of directing electronic advertisements, the method comprising:*

(a) determining a profile-attribute-dependent revenue available for display of a profile-attribute-related advertisement; and

(b) for each of a multitude of different electronic visitors to a first media property, responsive to receiving information about at least one of a plurality of profile attributes possibly applicable to the visitor, automatically electronically authorizing a second media property to allow display, to the electronic visitor when later visiting the second media property, of an advertisement correlated with the profile-attribute information received about the visitor, for a price that does not exceed a price cap that is a selected

amount less than the revenue available for display of the advertisement".

Claim 1 of **783** recites "*A method of directing electronic advertisements, the method comprising:*

(a) for each of a multitude of different electronic visitors to a first media property, responsive to receiving information about at least one of a plurality of profile attributes possibly applicable to the visitor, automatically electronically authorizing a third-party second media property to allow display, to the electronic visitor when the visitor visits the second media property at a time after the visitor visits the first media property, of an advertisement correlated with the profile-attribute information received about the visitor, subject to a visitor-specific condition for display of the advertisement; and

(b) automatically electronically authorizing a third-party third media property, for the electronic visitor to the first media property, to allow display, to the electronic visitor when the visitor visits the third media property at a time after the visitor visits the first media property, of an advertisement correlated with the profile-attribute information received about the visitor, for a price charged by the third media property that is less than a profile-attribute-dependent price that an advertiser is willing to pay for display of the advertisement".

Clearly from the plain text, the main difference is the absence of the limitation of "*determining a profile-attribute-dependent revenue available for display of a profile-attribute-related advertisement*" from **783**. However, **783** also recites that the media

property is automatically authorized "*for a price charged by the third media property that is less than a profile-attribute-dependent price that an advertiser is willing to pay for display of the advertisement*," which is substantially similar to "*for a price that does not exceed a price cap that is a selected amount less than the revenue available for display of the advertisement*," recited in claim 1 of the instant application. Therefore, though not expressly recited, it is at least implied that "*a profile-attribute-dependent revenue*" has been pre-agreed upon. Thus the claims are obvious variants and claim 1 is unpatentable under Non-statutory Obviousness-type Double Patenting.

15. Claim 1 is rejected on the ground of nonstatutory double patenting as being unpatentable over claim 1 of U.S. Patent No. US 8,200,822 B1, hereinafter "822". Although the claims at issue are not identical, they are not patentably distinct from each other because claim 1 of the instant Application is an obvious variant of claim 1 of 822.

Again, claim 1 of the instant Application recites, "*A method of directing electronic advertisements, the method comprising:*

(a) determining a profile-attribute-dependent revenue available for display of a profile-attribute-related advertisement; and

(b) for each of a multitude of different electronic visitors to a first media property, responsive to receiving information about at least one of a plurality of profile attributes possibly applicable to the visitor, automatically electronically authorizing a second

media property to allow display, to the electronic visitor when later visiting the second media property, of an advertisement correlated with the profile-attribute information received about the visitor, for a price that does not exceed a price cap that is a selected amount less than the revenue available for display of the advertisement".

Claim 1 of **822** recites "*A method of directing electronic advertisements, the method comprising:*

for each of a multitude of different electronic visitors to a first media property, responsive to receiving information about at least one of a plurality of profile attributes possibly applicable to the visitor, automatically electronically authorizing a third-party second media property to allow display, to the electronic visitor when the visitor visits the second media property at a time after the visitor visits the first media property, of an advertisement correlated with the profile-attribute information received about the visitor, subject to a visitor-specific condition for display of the advertisement that a price charged by the second media property is less than a profile-attribute-dependent price that an advertiser is willing to pay for display of the advertisement".

Clearly from the plain text, the main difference is the absence of the limitation of "*determining a profile-attribute-dependent revenue available for display of a profile-attribute-related advertisement*" from **822**. However, **822** also recites that the media property is automatically authorized "*subject to a visitor-specific condition for display of the advertisement that a price charged by the second media property is less than a*

profile-attribute-dependent price that an advertiser is willing to pay for display of the advertisement," which is substantially similar to "*for a price that does not exceed a price cap that is a selected amount less than the revenue available for display of the advertisement*," recited in claim 1 of the instant application. Therefore, though not expressly recited, it is at least implied that "*a profile-attribute-dependent revenue*" has been pre-agreed upon. Thus the claims are obvious variants and claim 1 is unpatentable under Non-statutory Obviousness-type Double Patenting.

16. Claim 1 is rejected on the ground of nonstatutory double patenting as being unpatentable over claim 1 of U.S. Patent No. US 8,671,139 B2, hereinafter "139" in view of O'Kelley.

As above, claim 1 of the instant Application recites, "*A method of directing electronic advertisements, the method comprising:*

(a) determining a profile-attribute-dependent revenue available for display of a profile-attribute-related advertisement; and

(b) for each of a multitude of different electronic visitors to a first media property, responsive to receiving information about at least one of a plurality of profile attributes possibly applicable to the visitor, automatically electronically authorizing a second media property to allow display, to the electronic visitor when later visiting the second media property, of an advertisement correlated with the profile-attribute information received about the visitor, for a price that does not exceed a price cap that is a selected

amount less than the revenue available for display of the advertisement".

Claim 1 of **139** recites "*A method of directing electronic advertisements, performed by a computer system comprised of one or more computers, the method comprising:*

for each of a multitude of different electronic visitors to a first media property:

(a) automatically with the computer system directing, to a third-party server computer controlling advertising space on a second media property, indicia of a condition for display of an advertisement, which condition relates specifically to an electronic visitor; and

(b) automatically with the computer system electronically authorizing the server computer to automatically cause display of an advertisement, to the electronic visitor when the electronic visitor visits the second media property at a time after the electronic visitor visits the first media property, subject to determining that the condition has been met;

(c) wherein the act of authorizing in part (b) is based on information indicating at least one of a plurality of profile attributes possibly applicable to the electronic visitor, which indicated profile attribute or attributes was received by the computer system as a result of the electronic visitor visiting the first media property; and

(d) wherein the advertisement is correlated with the indicated profile attribute or attributes". Claim 1 does not expressly recite, "*an advertisement correlated with the profile-attribute information received about the visitor, for a price that does not exceed a*

price cap that is a selected amount less than the revenue available for display of the advertisement".

However **O'Kelley** discloses "*an advertisement correlated with the information received about the visitor, for a price that does not exceed a price cap that is a selected amount less than the revenue available for display of the advertisement*" *(wherein as discussed above with regard to claim 1, users visiting a website may have advertisements presented to them, requesting through web browser to receive advertisement from server system which makes conversion data calculations based on combination of web browser session data, cookies, and HTTP calls from sites visited by users to advertisement server system, decision process to price electronic ads comprises request form browser to display ad, identifying eligible ads for price auctioning, applying soft targeting based on projected actions from visitor, and calculating expected revenues for statically priced electronic ads)* **(O'Kelley, Abstract, FIG. 1-FIG. 2, paragraphs [0052]-[0056])**.

Thus it would be obvious to modify claim 1 of **139** to include "*an advertisement correlated with the information received about the visitor, for a price that does not exceed a price cap that is a selected amount less than the revenue available for display of the advertisement*" so that advertisers can maximize profits. Therefore claim 1 is unpatentable under Non-statutory Obviousness-type Double Patenting.

Conclusion

17. Further references of interest are cited on Form PTO-892, which is an attachment to this Office Action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kostas Katsikis whose telephone number is (571)270-5434. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571)272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). 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.

/KOSTAS KATSIKIS/

Primary Examiner, Art Unit 2441

July 26, 2014

Examiner-Initiated Interview Summary	**Application No.** 14/201,494	**Applicant(s)** SHKEDI, ROY	
	Examiner KOSTAS KATSIKIS	**Art Unit** 2441	

All participants (applicant, applicant's representative, PTO personnel):

(1) *KOSTAS KATSIKIS*. (3)_____.

(2) *LOUIS J. HOFFMAN (Reg. No. 38,918)*. (4)_____.

Date of Interview: *25 July 2014*.

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

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

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

Claim(s) discussed: *1*.

Identification of prior art discussed: *N/A*.

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

See Continuation Sheet.

Applicant recordation instructions: It is not necessary for applicant to provide a separate record of the substance of interview.

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

☐ Attachment

/KOSTAS KATSIKIS/ Primary Examiner, Art Unit 2441	

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner discussed the claimed invention with Applicant's representative and proposed adding similar features from allowed independent claim 37 from Application serial no. 11/763,286, as well as material from canceled dependent claim 2, into independent claim 1, to exercise compact prosecution and avoid a Statutory Double Patenting rejection and a rejection under 35 U.S.C. 101. Particularly, Examiner suggested adding a limitation of "using one or more computers," and to clarify that each limitation is performed by the "one or more computers" to avoid a 101 rejection. Additionally, Examiner proposed adding the allowed material of a "third-party" to clarify that the second media property was that of a third-party, and to additionally add at least one additional feature to change a potential Statutory Double Patenting rejection into a mere Non-statutory Obviousness-type Double Patenting rejection that could easily be overcome with a terminal disclaimer. Thus, Examiner proposed simply adding a feature from canceled dependent claim 2, "wherein the automatically authorizing further comprises selecting at least one of a plurality of third-party second media propoerties". Applicant's representative indicated that the best course of action would be to issue an Office Action with the appropriate relevant rejections, and to discuss the rejections with Applicant to determine as to how to proceed.

Notice of References Cited	Application/Control No. 14/201,494	Applicant(s)/Patent Under Reexamination SHKEDI, ROY	
	Examiner KOSTAS KATSIKIS	Art Unit 2441	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2004/0193488 A1	09-2004	Khoo et al.	705/014
*	B	US-2009/0281954 A1	11-2009	WAELBROECK et al.	705/80
*	C	US-2010/0268605 A1	10-2010	WAELBROECK et al.	705/14.53
*	D	US-2011/0258049 A1	10-2011	Ramer et al.	705/14.66
*	E	US-2012/0209709 A1	08-2012	Ramer et al.	705/14.51
*	F	US-2012/0209708 A1	08-2012	Ramer et al.	705/14.51
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*	H	US-2012/0209706 A1	08-2012	Ramer et al.	705/14.51
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	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
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NON-PATENT DOCUMENTS

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

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

PTO/SB/08a (07-09)
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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known	
Application Number	14/201,494
Filing Date	03/07/2014
First Named Inventor	Shkedi, Roy
Art Unit	~~2447~~
Examiner Name	
Attorney Docket Number	14-EP-CON4

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code[2] *(if known)*	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 20070027901	02-01-2007	Chan et al.	
		US- 20070038516	02-15-2007	Apple et al.	
		US- 20070067297	03-22-2007	Kublickis	
		US- 20070214048	09-13-2007	Chan et al.	
		US-			
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Examiner Signature	/Kostas Katsikis/	Date Considered	07/25/2014

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours 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, 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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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /K.K./

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14201494	SHKEDI, ROY
	Examiner	Art Unit
	KOSTAS KATSIKIS	2441

CPC- SEARCHED		
Symbol	Date	Examiner
G06Q30/0269	7/26/2014	KK
G06Q30/0249	7/26/2014	KK

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
709	203	7/26/2014	KK
705	14.49, 14.51, 14.52, 14.53, 14.73, 14.48, 14.66, 26.41	7/26/2014	KK

SEARCH NOTES		
Search Notes	Date	Examiner
Examiner conducted thorough EAST search.	7/26/2014	KK
EAST (USPAT, US-PGPUB) - see search history printout.	7/26/2014	KK
EAST (EPO, JPO, FPRS) - see search history printout.	7/26/2014	KK
Examiner conducted Inventor Name search in EAST.	7/26/2014	KK
709/203 (text search - see search history printout).	7/26/2014	KK
705/14.49 (text search - see search history printout).	7/26/2014	KK
705/14.51 (text search - see search history printout).	7/26/2014	KK
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705/14.53 (text search - see search history printout).	7/26/2014	KK
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705/14.48 (text search - see search history printout).	7/26/2014	KK
705/14.66 (text search - see search history printout).	7/26/2014	KK
705/26.41 (text search - see search history printout).	7/26/2014	KK

INTERFERENCE SEARCH	
	/KOSTAS KATSIKIS/ Primary Examiner.Art Unit 2441

US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

	/KOSTAS KATSIKIS/ Primary Examiner.Art Unit 2441

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14201494	SHKEDI, ROY
	Examiner	**Art Unit**
	KOSTAS KATSIKIS	2441

✓	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	07/25/2014								
	1	✓								

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

Serial No.: _____
Applicant: Shkedi, Roy
Filed: 03/07/2014
Art Unit: 2441 (in parent)
Examiner: Katsikis, Kostas J. (in parent)

U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Publication Date MM/DD/YYYY	Name of Patentee or Applicant
_____	1	5710884	01/20/1998	Dedrick
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_____	4	5752238	05/12/1998	Dedrick
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Examiner: /Kostas Katsikis/ Date Considered: 07/25/2014

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List of Patents and Publications For Information Disclosure Statement

Serial No.: _____
Applicant: Shkedi, Roy
Filed: 03/07/2014
Art Unit: 2441 (in parent)
Examiner: Katsikis, Kostas J. (in parent)

U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Publication Date MM/DD/YYYY	Name of Patentee or Applicant
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	58	20030083938	05/01/2003	Smith et al.

Examiner: /Kostas Katsikis/ Date Considered: 07/25/2014

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Filed: 03/07/2014
Art Unit: 2441 (in parent)
Examiner: Katsikis, Kostas J. (in parent)

U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Publication Date MM/DD/YYYY	Name of Patentee or Applicant
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	80	20050165644	07/28/2005	Beyda, et al.
	81	20050216336	09/29/2005	Roberts et al.
	82	20050216823	09/29/2005	Petersen, et al.
	83	20050222905	10/06/2005	Wills
	84	20050278443	12/15/2005	Winner, et al.
	85	20060020508	01/26/2006	Gorti et al.
	86	20060020510	01/26/2006	Vest
	87	20060053047	03/09/2006	Garcia et al.

Examiner: /Kostas Katsikis/ Date Considered: 07/25/2014

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. /K.K./

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

Serial No.: _____
Applicant: Shkedi, Roy
Filed: 03/07/2014
Art Unit: 2441 (in parent)
Examiner: Katsikis, Kostas J. (in parent)

U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Publication Date MM/DD/YYYY	Name of Patentee or Applicant
	88	20060064351	03/23/2006	Hamor, et al.
	89	20060069614	03/30/2006	Agarwal, et al.
	90	20060095322	04/04/2006	Dierks
	91	20060106710	05/18/2006	Meek, et al.
	92	20060116924	06/01/2006	Angles, et al.
	93	20060122879	06/08/2006	O'Kelley
	94	20060161553	07/20/2006	Woo
	95	20060183467	08/17/2006	Stewart
	96	20060212350	09/21/2006	Ellis et al.
	97	20060224496	10/05/2006	Sandholm et al.
	98	20070027850	02/01/2007	Chan et al.
	99	20070121843	05/31/2007	Atazky et al.
	100	20070157228	07/05/2007	Bayer et al.
	101	20070198385	08/23/2007	McGill et al.
	102	20070203794	08/30/2007	Hajdukiewicz et al.
	103	20090106100	04/23/2009	Mashinsky
	104	20100293057	11/18/2010	Haveliwala et al.
	105	20110258049	10/20/2011	Ramer et al.
	106	6832207	12/14/2004	Shkedi
	107	6925440	08/02/2005	Shkedi
	108	6973436	12/06/2005	Shkedi
	109	7072853	07/04/2006	Shkedi
	110	7428493	09/23/2008	Shkedi
	111	7454364	11/18/2008	Shkedi
	112	7822637	10/26/2010	Shkedi
	113	7822639	10/26/2010	Shkedi
	114	7861260	12/28/2010	Shkedi
	115	7890609	02/15/2011	Shkedi
	116	7979307	07/12/2011	Shkedi

Examiner: /Kostas Katsikis/ Date Considered: 07/25/2014

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

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

Page 5 of 6

Serial No.: _____
Applicant: Shkedi, Roy
Filed: 03/07/2014
Art Unit: 2441 (in parent)
Examiner: Katsikis, Kostas J. (in parent)

U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Publication Date MM/DD/YYYY	Name of Patentee or Applicant
_____	117	8051444	11/01/2011	Shkedi
_____	118	8239264	08/07/2012	Shkedi
_____	119	8244574	08/14/2012	Shkedi
_____	120	8244582	08/14/2012	Shkedi
_____	121	8244583	08/14/2012	Shkedi
_____	122	8244586	08/14/2012	Shkedi
_____	123	8280758	10/02/2012	Shkedi
_____	124	8281336	10/02/2012	Shkedi
_____	125	8494904	07/23/2013	Shkedi
_____	126	8566164	10/22/2013	Shkedi
_____	127	8589210	11/19/2013	Shkedi
_____	128	8595069	11/26/2013	Shkedi
_____	129	8600815	12/03/2013	Shkedi
_____	130	8607267	12/10/2013	Shkedi
_____	131	8677398	03/18/2014	Shkedi
_____	132	20050086112	04/21/2005	Shkedi
_____	133	20090049468	02/19/2009	Shkedi
_____	134	20090172723	07/02/2009	Shkedi et al.

Examiner: /Kostas Katsikis/ Date Considered: 07/25/2014

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

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

Page 6 of 6

Serial No.: _____
Applicant: Shkedi, Roy
Filed: 03/07/2014
Art Unit: 2441 (in parent)
Examiner: Katsikis, Kostas J. (in parent)

FOREIGN PATENT DOCUMENTS

Examiner Initials		Document Number	Publication Date	Country	Name of Patentee	Translation Yes / No
_____	135	2005/046237	5/19/2005	WO	Gutta et al.	No
_____	136	2004/084109	9/30/2004	WO	NHN Corp.	No
_____	137	10-2004-0099222	11/26/2004	Korea	Echo Marketing Co., Ltd.	Yes
_____	138	10-2001-0096343	11/07/2001	Korea	MyOne Card Corp.	Yes

OTHER ART

Examiner Initials	Item	Author Title Date Pertinent Pages Etc.
_____	139	Engage Technologies, Inc.; Form S-1A; filed with the SEC; pp. 36-50; July 19, 1999.
_____	140	The e-Marketing Report; Morgan Stanley Dean Whitter; May, 2000; portions.
_____	141	"ClickOver, Inc. introduces ClickWise, the first inteligent, high-performance ad management system for electronic advertising", Business Wire; March 24, 1997.

Examiner: /Kostas Katsikis/ Date Considered: 07/25/2014

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

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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	1	"14201494"	US-PGPUB; USPAT	ADJ	ON	2014/07/26 12:12
S2	1	"20140188600"	DERWENT	ADJ	ON	2014/07/26 12:12
S3	2	"8671139"	US-PGPUB; USPAT	ADJ	ON	2014/07/26 12:21
S4	12	"8204783"	US-PGPUB; USPAT	ADJ	ON	2014/07/26 12:22
S5	26	"7747745"	US-PGPUB; USPAT	ADJ	ON	2014/07/26 12:22
S6	2	"13418320"	US-PGPUB; USPAT	ADJ	ON	2014/07/26 12:23
S7	96	((Roy) near2 (Shkedi)).INV.	US-PGPUB; USPAT	ADJ	ON	2014/07/26 12:37
S8	9	S7 and ("profile-attribute-dependent").clm.	US-PGPUB; USPAT	ADJ	ON	2014/07/26 12:38
S9	9	S7 and (media adj1 properties adj1 selection).ti.	US-PGPUB; USPAT	ADJ	ON	2014/07/26 12:40
S10	10	S7 and (media adj1 properties adj1 selection)	US-PGPUB; USPAT	ADJ	ON	2014/07/26 12:40
S11	61	S7 and (profile near attribute$1)	US-PGPUB; USPAT	ADJ	ON	2014/07/26 12:43
S12	26	S7 and (profile near attribute$1).clm.	US-PGPUB; USPAT	ADJ	ON	2014/07/26 12:43
S13	10	S7 and ((profile near attribute$1) and (media near propert$3)).clm.	US-PGPUB; USPAT	ADJ	ON	2014/07/26 12:44
S14	3788	g06q30/0269.cpc.	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:34
S15	366	g06q30/0249.cpc.	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:34
S16	2145	705/14.49$	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:36

S17	466	705/14.51$	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:37
S18	615	705/14.52$	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:37
S19	1457	705/14.53$	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:37
S20	1488	705/14.73$	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:38
S21	978	705/26.41$	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:39
S22	131	705/14.48$	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:41
S23	49342	709/203$	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:41
S24	1743	705/14.66$	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:42
S25	33708	advertisement$1 and (user near (profile or attribute$1 or interest$1))	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:43
S26	1917	S14 and S25	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:43
S27	149	S15 and S25	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:43
S28	837	S16 and S25	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:43
S29	128	S17 and S25	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:43
S30	243	S18 and S25	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:43
S31	620	S19 and S25	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:43
S32	540	S20 and S25	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:43
S33	94	S21 and S25	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:43
S34	43	S22 and S25	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:43
S35	2208	S23 and S25	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:43

S36	825	S24 and S25	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:43
S37	439	(price near cap) or ((less or below) near4 (revenue or profit) near4 maximum)	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:45
S38	27	S26 and S37	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:45
S39	9	S27 and S37	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:45
S40	4	S28 and S37	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:45
S41	8	S29 and S37	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:45
S42	1	S30 and S37	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:45
S43	3	S31 and S37	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:46
S44	1	S32 and S37	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:46
S45	1	S33 and S37	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:46
S46	2	S34 and S37	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:46
S47	1	S35 and S37	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:46
S48	5	S36 and S37	US-PGPUB; USPAT	ADJ	ON	2014/07/26 14:46
S49	1106	advertisement$1 and (user near (profile or attribute$1 or interest$1))	FPRS; EPO; JPO	ADJ	ON	2014/07/26 14:50
S50	7	(price near cap) or ((less or below) near4 (revenue or profit) near4 maximum)	FPRS; EPO; JPO	ADJ	ON	2014/07/26 14:51
S51	0	S49 and S50	FPRS; EPO; JPO	ADJ	ON	2014/07/26 14:51
S52	0	advertisement$1 and (user near (profile or attribute$1 or interest$1)) and (maxim$5 near (profit$1 or revenue$1))	FPRS; EPO; JPO	ADJ	ON	2014/07/26 14:52

7/26/2014 2:52:54 PM
C:\Users\kkatsikis1\Documents\EAST\Workspaces\14201494.wsp

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
14/201,494	03/07/2014	Roy Shkedi	14-EP-CON4

CONFIRMATION NO. 5927

26362
LOUIS J. HOFFMAN, P.C.
14301 North 87th Street, Suite 312
Scottsdale, AZ 85260

PUBLICATION NOTICE

OC000000069403519

Title: Media properties selection method and system based on expected profit from profile-based ad delivery

Publication No.US-2014-0188600-A1
Publication Date:07/03/2014

NOTICE OF PUBLICATION OF APPLICATION

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

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

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's 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 Managment, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
14/201,494	03/07/2014	Roy Shkedi	14-EP-CON4

CONFIRMATION NO. 5927

26362
LOUIS J. HOFFMAN, P.C.
14301 North 87th Street, Suite 312
Scottsdale, AZ 85260

POA ACCEPTANCE LETTER

OC000000068726018

Date Mailed: 06/02/2014

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/26/2014.

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.

/tchaka/

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

PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number: 14/201,494

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY FEE($)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	280
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	600
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	720
TOTAL CLAIMS (37 CFR 1.16(i))	1 minus 20 =	*			OR	x 80 =	0.00
INDEPENDENT CLAIMS (37 CFR 1.16(h))	1 minus 3 =	*				x 420 =	0.00
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						0.00
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							0.00
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	1600

APPLICATION AS AMENDED - PART II

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

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

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
14/201,494	03/07/2014	3622	1740	14-EP-CON4	1	1

CONFIRMATION NO. 5927

UPDATED FILING RECEIPT

26362
LOUIS J. HOFFMAN, P.C.
14301 North 87th Street, Suite 312
Scottsdale, AZ 85260

OC000000068726064

Date Mailed: 06/02/2014

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

Inventor(s)

Roy Shkedi, Forest Hills, NY;

Applicant(s)

AlmondNet, Inc., New York, NY

Assignment For Published Patent Application

ALMONDNET, INC., New York, NY

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

Domestic Priority data as claimed by applicant

This application is a CON of 13/491,454 06/07/2012 PAT 8671139 *
which is a CON of 12/823,709 06/25/2010 PAT 8204783
which is a CON of 11/763,286 06/14/2007 PAT 7747745
which claims benefit of 60/804,937 06/16/2006
and claims benefit of 60/805,119 06/19/2006
(*)Data provided by applicant is not consistent with PTO records.

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

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 03/26/2014

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 14/201,494**

Projected Publication Date: 07/03/2014

Non-Publication Request: No

Early Publication Request: No

Title

Media properties selection method and system based on expected profit from profile-based ad delivery

Preliminary Class

705

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

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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

NOT GRANTED

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

SelectUSA

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor	:	Shkedi, Roy	Art Unit	:	Katsikis, K.J. (in parent)
Serial No.	:	14/201,494	Examiner	:	2447
Filing Date	:	03/07/2014	Conf. No.	:	5927
Title	:	Media properties selection method and system based on expected profit from profile-based ad delivery			

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

Filed via EFS – May 28, 2014

RESPONSE TO FORMALITIES LETTER

Dear Sir:

In response to the March 28, 2014 Notice to File Missing Parts, applicant advises that it filed a declaration in compliance with 37 CFR 1.63 for inventor Roy Shkedi on March 26, 2014, and paid the $140 surcharge as set forth in 37 CFR 1.16(f) on April 23, 2014, satisfying the requirements of the Formalities Notice.

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

Respectfully submitted,

INTENT IQ, LLC

by its attorney

Dated: May 28, 2014

/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:	19153223
Application Number:	14201494
International Application Number:	
Confirmation Number:	5927
Title of Invention:	Media properties selection method and system based on expected profit from profile-based ad delivery
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-EP-CON4
Receipt Date:	28-MAY-2014
Filing Date:	07-MAR-2014
Time Stamp:	20:37:44
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Applicant Response to Pre-Exam Formalities Notice	14-05-28-AlmondNet-EP_CON4-Resp_Ntc_Miss_Parts.pdf	34060 ff62a3e6cdb1454fd8b6123237e04de1cbda868a	no	1
Warnings:					
Information:					

Total Files Size (in bytes):	34060

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

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

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

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

Electronic Patent Application Fee Transmittal

Application Number:	14201494
Filing Date:	07-Mar-2014
Title of Invention:	Media properties selection method and system based on expected profit from profile-based ad delivery
First Named Inventor/Applicant Name:	Roy Shkedi
Filer:	Louis J. Hoffman/Donald Hertz
Attorney Docket Number:	14-EP-CON4

Filed as Large Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Late Filing Fee for Oath or Declaration	1051	1	140	140
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

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

Electronic Acknowledgement Receipt

EFS ID:	18842024
Application Number:	14201494
International Application Number:	
Confirmation Number:	5927
Title of Invention:	Media properties selection method and system based on expected profit from profile-based ad delivery
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-EP-CON4
Receipt Date:	23-APR-2014
Filing Date:	07-MAR-2014
Time Stamp:	17:18:26
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$140
RAM confirmation Number	3724
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

1	Fee Worksheet (SB06)	fee-info.pdf	30004 12d2afa1014d9fb38cd6c8365c869ffff3c95cd7	no	2
Warnings:					
Information:					
			Total Files Size (in bytes):	30004	

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

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
14/201,494	03/07/2014	2447	1600	14-EP-CON4	1	1

CONFIRMATION NO. 5927

26362
LOUIS J. HOFFMAN, P.C.
14301 North 87th Street, Suite 312
Scottsdale, AZ 85260

FILING RECEIPT

Date Mailed: 03/28/2014

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

Inventor(s)

Roy Shkedi, Forest Hills, NY;

Applicant(s)

AlmondNet, Inc., New York, NY

Assignment For Published Patent Application

ALMONDNET, INC., New York, NY

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 13/491,454 06/07/2012 PAT 8671139 *
which is a CON of 12/823,709 06/25/2010 PAT 8204783
which is a CON of 11/763,286 06/14/2007 PAT 7747745
which claims benefit of 60/804,937 06/16/2006
and claims benefit of 60/805,119 06/19/2006
(*)Data provided by applicant is not consistent with PTO records.

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

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 03/26/2014

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 14/201,494**

Projected Publication Date: 07/03/2014

Non-Publication Request: No

Early Publication Request: No

Title

Media properties selection method and system based on expected profit from profile-based ad delivery

Preliminary Class

709

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

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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.

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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number: 14/201,494

APPLICATION AS FILED - PART I

	(Column 1)	(Column 2)	SMALL ENTITY		OR	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			N/A	280
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	600
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	720
TOTAL CLAIMS (37 CFR 1.16(i))	1 minus 20 =	*			OR	x 80 =	0.00
INDEPENDENT CLAIMS (37 CFR 1.16(h))	1 minus 3 =	*				x 420 =	0.00
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						0.00
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							0.00
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	1600

APPLICATION AS AMENDED - PART II

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

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

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.

PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number: 14/201,494

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY FEE($)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	280
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	600
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	720
TOTAL CLAIMS (37 CFR 1.16(i))	1 minus 20 =	*			OR	x 80 =	0.00
INDEPENDENT CLAIMS (37 CFR 1.16(h))	1 minus 3 =	*				x 420 =	0.00
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						0.00
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							0.00
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	1600

APPLICATION AS AMENDED - PART II

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

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

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
14/201,494	03/07/2014	Roy Shkedi	14-EP-CON4

CONFIRMATION NO. 5927

26362
LOUIS J. HOFFMAN, P.C.
14301 North 87th Street, Suite 312
Scottsdale, AZ 85260

FORMALITIES LETTER

OC000000067381975

Date Mailed: 03/28/2014

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

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

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

- Surcharge as set forth in 37 CFR 1.16(f) must be submitted.
  The surcharge is due for any one of:
  - late submission of the basic filing fee, search fee, or examination fee,
  - late submission of inventor's oath or declaration,
  - filing an application that does not contain at least one claim on filing, or
  - submission of an application filed by reference to a previously filed application.

SUMMARY OF FEES DUE:

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

- $ **140** surcharge.
- $(**.00**) previous unapplied payment amount.
- $ **140** TOTAL FEE BALANCE DUE.

Items Required To Avoid Processing Delays:

Applicant is notified that the above-identified application contains the deficiencies noted below. No period for reply is set forth in this notice for correction of these deficiencies. However, if a deficiency relates to the inventor's oath or declaration, the applicant must file an oath or declaration in compliance with 37 CFR 1.63, or a substitute statement in compliance with 37 CFR 1.64, executed by or with respect to each actual inventor no later than the expiration of the time period set in the "Notice of Allowability" to avoid abandonment. See 37 CFR 1.53(f).

- A properly executed inventor's oath or declaration has not been received for the following inventor(s):
  Roy Shkedi

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

Replies should be mailed to:

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

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

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/atesfaye/

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

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

PTO/AIA/82B (07-13)
Approved for use through 11/30/2014. OMB 0651-0051
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

POWER OF ATTORNEY BY APPLICANT

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

Application Number	Filing Date
14/201,494	03/07/2014

(Note: The boxes above may be left blank if information is provided on form PTO/AIA/82A.)

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

OR

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

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I am the Applicant (if the Applicant is a juristic entity, list the Applicant name in the box):

AlmondNet, Inc.

☐ Inventor or Joint Inventor (title not required below)

☐ Legal Representative of a Deceased or Legally Incapacitated Inventor (title not required below)

☑ Assignee or Person to Whom the Inventor is Under an Obligation to Assign (provide signer's title if applicant is a juristic entity)

☐ Person Who Otherwise Shows Sufficient Proprietary Interest (e.g., a petition under 37 CFR 1.46(b)(2) was granted in the application or is concurrently being filed with this document) (provide signer's title if applicant is a juristic entity)

SIGNATURE of Applicant for Patent

The undersigned (whose title is supplied below) is authorized to act on behalf of the applicant (e.g., where the applicant is a juristic entity).

Signature		Date (Optional)	
Name	Roy Shkedi		
Title	President and CEO		

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

☐ Total of forms are submitted.

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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known	
Application Number	14/201,494
Filing Date	03/07/2014
First Named Inventor	Shkedi, Roy
Art Unit	2447
Examiner Name	
Attorney Docket Number	14-EP-CON4

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code[2] *(if known)*	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 20070027901	02-01-2007	Chan et al.	
		US- 20070038516	02-15-2007	Apple et al.	
		US- 20070067297	03-22-2007	Kublickis	
		US- 20070214048	09-13-2007	Chan et al.	
		US-			
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document Country Code[3]-Number[4]-Kind Code[5] *(if known)*	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T[6]

Examiner Signature		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. [1] Applicant's unique citation designation number (optional). [2] See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3] Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [6] Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours 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, 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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Electronic Acknowledgement Receipt

EFS ID:	18591874
Application Number:	14201494
International Application Number:	
Confirmation Number:	5927
Title of Invention:	Media properties selection method and system based on expected profit from profile-based ad delivery
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman
Filer Authorized By:	
Attorney Docket Number:	14-EP-CON4
Receipt Date:	26-MAR-2014
Filing Date:	07-MAR-2014
Time Stamp:	16:55:06
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	Oath or Declaration filed	14-03-08-AlmondNet-EP_CON4-Declaration_signed.pdf	158023 6c97745a12527b16c2e1ab989f5e2d5fa9709011	no	1

Warnings:	
Information:	

2	Power of Attorney	14-03-08-AlmondNet-EP_CON4-POA_signed.pdf	103097 bfbf1ed5ec682429af2de784ed7a7e851956a7ca	no	1
Warnings:					
Information:					
3	Information Disclosure Statement (IDS) Form (SB08)	14-03-26-AlmondNet-EP_CON4-Supp_IDS.pdf	179500 245eea70fdbc65300c6543d17a8f9a2beb04a7c3	no	1
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
			Total Files Size (in bytes):	440620	

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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.

PTO/AIA/01 (06-12)
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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	Media properties selection method and system based on expected profit from profile-based ad delivery

As the below named inventor, I hereby declare that:

This declaration is directed to:

☐ The attached application, or

☒ United States application or PCT international application number 14/201,494

filed on 03/07/2014.

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

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

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

WARNING:

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

LEGAL NAME OF INVENTOR Roy Shkedi

Inventor: _____ Date (Optional) : _____

Signature: Roy Shkedi

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

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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PTO/AIA/15 (03-13)
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UTILITY PATENT APPLICATION TRANSMITTAL

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

Attorney Docket No.	14-EP-CON4
First Named Inventor	Shkedi, Roy
Title	Media properties selection method and system based on expected profit from profile-based ad delivery
Express Mail Label No.	n/a - filed via EFS

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☐ **Fee Transmittal Form** (PTO/SB/17 or equivalent)
2. ☐ **Applicant asserts small entity status.** See 37 CFR 1.27
3. ☐ **Applicant certifies micro entity status.** See 37 CFR 1.29. Applicant must attach form PTO/SB/15A or B or equivalent.
4. ☑ **Specification** [*Total Pages* 26] Both the claims and abstract must start on a new page. *(See MPEP § 608.01(a) for information on the preferred arrangement)*
5. ☑ **Drawing(s)** (35 U.S.C. 113) [*Total Sheets* 3]
6. **Inventor's Oath or Declaration** [*Total Pages* ____] *(including substitute statements under 37 CFR 1.64 and assignments serving as an oath or declaration under 37 CFR 1.63(e))*
   a. ☐ Newly executed (original or copy)
   b. ☐ A copy from a prior application (37 CFR 1.63(d))
7. ☑ **Application Data Sheet** ** See note below.* See 37 CFR 1.76 (PTO/AIA/14 or equivalent)
8. **CD-ROM or CD-R** in duplicate, large table, or Computer Program (*Appendix*)
   ☐ Landscape Table on CD
9. **Nucleotide and/or Amino Acid Sequence Submission** (*if applicable, items a. – c. are required*)
   a. ☐ Computer Readable Form (CRF)
   b. ☐ Specification Sequence Listing on:
      i. ☐ CD-ROM or CD-R (2 copies); or
      ii. ☐ Paper
   c. ☐ Statements verifying identity of above copies

ADDRESS TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**

ACCOMPANYING APPLICATION PAPERS

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

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

19. CORRESPONDENCE ADDRESS

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

Name					
Address					
City		State		Zip Code	
Country		Telephone		Email	

Signature	/Louis J. Hoffman/	Date	03/07/2014
Name (Print/Type)	Louis J. Hoffman	Registration No. (Attorney/Agent)	38918

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MEDIA PROPERTIES SELECTION METHOD AND SYSTEM BASED ON EXPECTED PROFIT FROM PROFILE-BASED AD DELIVERY

CROSS REFERENCE TO RELATED APPLICATIONS

This application claims the benefit of provisional application Serial No. 60/804,937, filed June 16, 2006, and provisional application Serial No. 60/805,119, filed June 19, 2006, which are herein incorporated by reference.

FIELD OF THE INVENTION

The present invention generally relates to profile-based behavioral targeting advertisement placement methods. More specifically, the present invention relates to electronic advertisement placement based on expected profit from the placement.

BACKGROUND OF THE INVENTION

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

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

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

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

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

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

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

A publisher may also be referred to as a "profile supplier" when it transfers profile information, such as behavioral information, demographic information, etc., to a

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

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

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

The central server may also tag the visitor or arrange for the visitor to be tagged by operators of other media properties. A BT company can place a cookie on a site's section when a visitor's computer visits that section, if a code of the company was integrated into the page of that section by the site that owns the page. The code (e.g., HTML or Java) redirects to the BT company's server all visitors to the page. Also, in the

case that the BT company is the publisher itself, the publisher will simply "cookie" (by itself) all visitors that either read a specific content, search, click, ask for information, make a phone call, etc.

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

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

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

Because the purpose of the tag is to enable the delivery of additional ads on other media properties visited by the visitor, and because the delivery of an ad requires only control of the ad space and not necessarily control of the entire media property visited by the visitor, a media property (in the present context) can also be defined as any

equipment that controls an ad space viewed by a visitor, including a web site, an ad network's site (where the ad network represents the ad space of different sites), a TV program, some of the ad space within TV programs or TV channels (represented by a cable company), a TV network, or any ad space for which an entity is allowed to sell an advertisement and deliver it within the ad space; whether the ad space is owned by that entity, or whether the entity pays the owner of the ad space when using its ad space to deliver an ad sold by the entity. Ad space can be on a web site, in a TV program, in a text message, in a radio show, in any broadcasted material, in any streaming video or audio, etc. An ad space can be a fixed position on a page, or the ad space can be made available by a web site to an ad network (for example) only when the web site did not sell all of the site's ad inventory and therefore wishes to make some of the inventory available to the ad network.

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

The tag can be placed on the device used by the user to access the first media property where the user's profile was collected (in case of observed behavior, that behavior can be reading a specific content, searching, clicking an ad or content, making a phone call, asking for product information, acquiring a product, or taking any other kind of action). A tag placed on the device (1) could be read only by a server operating under the same domain as the server that placed the tag on the device to begin with as in the case of a cookie for example, (2) could be placed on the device when the user

visited the first media property, and then the tag can be read by any second media property visited by the visitor, or (3) could be encrypted and, while accessed by any second media property visited by the visitor, the tag could be deciphered only by second media property computers that received the deciphering code from the first media property. In case of a tag placed by software installed on a user's computer, the tag could be whatever the software wants it to be, including a cookie of any domain.

A tag does not have to be placed on the user's device. A tag can also be used in a central database of a BT company or a central database of any second media property visited by the visitor, where the tag could be a unique identifier either of the device or of the user. In the case where the tag identifies the device, the tag might denote an IP address, a phone number, a device's manufacturer serial number, etc. A cookie placed on the device can also uniquely identify the device and the cookie therefore can be used as a tag in a central database. In the case where the tag identifies the user, the tag might denote the username and password used to access a media property, a user's name and address, a user's e-mail, a user's social security number, or any other personal identifiable information.

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

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

One of the major challenges in targeting a first site visitor on another site with an ad based on his observed behavior on sites visited by him previously (such as the first site) is actually finding the visitor on other sites.

Depending on the tag placed (or arranged to be placed) by the BT companies, the visitor could be recognized either by the entity that placed the tag to begin with (which requires access by that entity to the tag when the visitor visits a second media property) or by the second media property reading the tag (in which case the tag can be placed by the second media property if the BT company so arranges).

BT companies, acting as an agent, can find visitors tagged by them, when the tagged visitors are present on sites that use the BT companies' software (either to serve ads or in conjunction with those sites' ad servers). BT companies (whether it is acting as an agent, is the publisher itself, or is operating with any other BT company) can find visitors tagged by them, when the visitors are present on sites and ad networks where the BT companies buy media.

To make the process of finding people who visited a first media property on other media properties more efficient, BT companies enable sites and ad networks (from whom the BT companies buy media) to also place their cookies on the computers of people (visitors) on whose computers the BT company has placed its own cookie. That technique is similar to the way DoubleClick's Boomerang system places cookies on visitors to an advertiser site for the purpose of finding those visitors later on other sites where Doubleclick serves ads.

An ad network ad server (or any other server of the ad network) or a site's ad server (or any other server of the site) can place their own cookies on the computers of visitors that are redirected to them by the BT companies, for the purpose of later recognizing those visitors within their own ad space (i.e., the ad space of the ad networks or the sites).

This process – where sites and ad networks place cookies on visitors' computers redirected to them by BT companies (or other entities interested in additional ads presented to their audience elsewhere) – is sometimes referred to as "cookie matching."

For example, weather.com might place a weather.com cookie on a user's computer marking him or her as a visitor to BT company #1, following a redirect from BT company #1 server. Later, if and when the weather.com ad server recognizes that the same visitor (previously redirected to him by BT company #1) happened to visit

weather.com (weather.com will recognize the visitor by reading its own weather.com cookie, which marked the visitor as a BT company #1 visitor), the weather.com ad server can, if it wishes, redirect the visitor's computer to the BT company #1 server, to have an ad served to the visitor, either by BT company #1's ad server or another ad server to which BT company #1 ad server further redirects the visitor. The weather.com ad server's decision, whether or not to redirect the visitor's computer to BT company #1's server can be based on the price that BT company #1 promised to pay weather.com for the presentation of an ad within weather.com's ad space, to a visitor previously redirected to weather.com by BT company #1's server.

Although the above-described processes enable a second media property to recognize a first media property visitor, it is still a very inefficient process for the following reasons:

(1) Media properties' ad space prices vary.

(2) Profiles of media properties' visitors are worth different amounts to advertisers depending on the profiles. For example, a person who searched for a "mortgage" on a search engine might be presented with a mortgage-related ad, for which the advertiser is willing to pay $3 if that person clicks on that ad. A person who searched for "socks" on a search engine might be presented with a socks-related ad, for which the advertiser is willing to pay $0.50 if that person clicks on that ad. A person who visited the mutual fund section of a site might be presented with a mutual-fund related ad (wherever the person is found, i.e., either on the same site or on other sites), in which case the advertiser is willing to pay $25 for every thousand ads (CPM) presented to people who visited that mutual fund section.

(3) The same person might have several profile attributes in his or her profile (as a result, for example, of that person conducting several different searches and visiting different sites). Different advertisers might be willing to pay different amounts for delivering ads to the person based on the specific profile attribute or attributes that the respective advertisers are looking to target.

In summary, the cost of ad space at a second media property might not be covered by revenues generated for a BT company buying the space, i.e., from an ad

delivered within the second media property ad space based on a profile collected in a first media property or properties. Alternatively, the revenues might cover the media cost but not deliver satisfactory margins to the BT company, when taking into account other costs, such as ad sales people cost, ad serving cost etc.

SUMMARY OF THE INVENTION

According to various aspects of the invention, therefore, an automatic system is described to facilitate selection of media properties on which to display an advertisement, responsive to a profile collected on a first media property, where a BT company calculates expected profit for an ad correlated with the profile and arranges for the visitor to be tagged with a tag readable by the selected media property.

The profit can be calculated by deducting, from the revenues that are expected to be generated from an ad delivered based on the collected profile, at least the price of ad space at a media property where the BT company might like to deliver ads to the profiled visitor. When the calculated profit is positive (i.e., not a loss), the BT company arranges for the visitor to be tagged with a tag readable by the selected media property through which the BT company expects to profit.

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

BRIEF DESCRIPTION OF THE DRAWINGS

Figure 1 is a flow diagram of an exemplary embodiment of a profit-based selection method.

Figure 2 is a flow diagram of an exemplary embodiment of a profit-based selection method.

Figure 3 is a schematic of an exemplary embodiment of entities and associated equipment used with a profit-based selection method.

DESCRIPTION OF PREFERRED EXEMPLARY EMBODIMENTS

Referring to the embodiment of Fig. 1, responsive to receiving (1000) profile information (e.g., actions) of an electronic visitor with respect to a first media property, the instant method includes (i) determining (2000) anticipated revenues and/or profit resulting from placing an advertisement targeted to the visitor based on the received profile, and (ii) automatically selecting (3000) at least one media property for which it is anticipated that there will be a positive profit in delivering an ad to the profiled visitor. The method includes, via an electronic communications media, for each of the selected media properties, arranging (4000) for electronic storage of a tag readable by said media property, wherein the tag is associated with the visitor.

Profit can be defined as:

(1) revenues expected to be generated, from an ad delivered based on the collected profile, minus the ad space cost at a specific media property (i.e., Pr = Rev (profile) – P (mp), where "Pr" is profit, "Rev" is revenue generated from advertising to a visitor with a particular profile, and "P" is the price charged by media property "mp" for advertising in an ad space);

(2) revenues expected to be generated, from an ad delivered based on the collected profile, minus the sum of (a) the price for buying ad space on the specific media property, (b) ad serving cost, (c) ad sales associated cost, and (d) desired profit margin (i.e., Pr = Rev(profile) – P(mp) – C – Mar, where "C" represents costs and "Mar" represents desired profit margin), or

(3) in other ways.

If the calculated profit indicates that the BT company will lose (negative profit) from delivering an ad, based on the received profile on any of the possible media properties where it is buying ad space, the BT company won't arrange for the visitor to be tagged by a tag readable by any of those media properties, and the BT company might even decide not to collect the profile (so the visitor's profile will not be stored).

Using the equation defining profit in item (2) just above, the question of whether the profit is positive or negative, as stated in this paragraph, equates to testing (4) whether Rev(profile) – P(mp) – C – Mar > 0, which is the same as (5) whether Rev(profile) – P(mp) – C > Mar, or (6) whether Rev(profile) > P(mp) + C + Mar, or (7) whether P(mp) < Rev(profile) - C - Mar. Grouping the terms on the right-hand side of the equation in item (7) reduces that equation to the same as testing whether the price charged by a media property is less than a price cap, with the price cap being defined as the difference determined by subtracting from the revenue generated from advertising to a visitor with a particular profile a selected amount, here defined by the costs and desired profit margin.

Likewise, using the equation defining profit in item (1) just above, the question of whether the profit is positive or negative equates to testing (8) whether Rev(profile) - P(mp) > 0, which equates to testing (9) whether P(mp) < Rev(profile), which again is the same as testing whether the price charged by a media property is less than a price cap, with the price cap being defined in this instance simply as the available revenue generated from advertising to a visitor with a particular profile.

The method includes the following basic steps, shown in Figs. 2 and 3:

1. A profile supplier 20 redirects (100) a visitor 10 to a BT company 30 along with the visitor's profile. In case the profile supplier 20 is also the BT company 30, this step either does not take place or takes place internally, for example via an internal redirect from one server to another server operating under the same domain that belongs to the publisher/BT Company. In case the BT company 30 has software on a user's computer 11 that enables it to monitor the user's visits to media properties (e.g., 20, 40, 50) without the cooperation of the media properties, this step either does not take place or takes place internally, e.g., by the software on the user's computer communicating the collected profile to the BT company's central server.

2. The BT company 30 recognizes (200) the content read by the user 10, the category to which the content read by the user 10 belongs, the keyword searched for by the user 10, an ad clicked by the user 10, or any other action conducted on the page/site 20 by the user 10 (such as click on an item of content or an ad, purchase of a product,

request for more information, etc) during the site visit (110). The recognizing might be as simple as pulling a keyword for which the visitor 10 searched from a URL used by the profile supplier 20 to redirect the visitor 10 to the BT company 30, for example.

3. The BT company 30 optionally can categorize (300) specific content read by the user 10, or an action conducted by a user 10. An example action might be a search for a keyword. To illustrate, suppose a person searched for an airline ticket to Florida on a travel site. When the BT company 30 receives that information, in addition to recording the search for the flight to Florida in the visitor's profile (whether the profile is stored in the cookie or tag, the BT company's central database 31, or both of those places), the BT company 30 may further categorize the person under the "Travel" category and in the "Search for Flights" subcategory of "Travel."

4. The BT company 30 calculates (400) expected revenues from delivering ads based on the collected profile (Rev(profile) in the equations above). The revenues are calculated based on the kind of collected profile: (a) Expected revenues from content read by the visitor 10 can be calculated by checking, for example, how much advertisers are willing to pay for delivering ads to visitors who read specific content. (b) Expected revenues from delivering ads based on a keyword searched by the visitor 10 can be calculated by checking, for example, how much advertisers are willing to pay for each click on an ad related to the keyword for which the visitor searched and multiplying that price per click by an assumed click-through rate on ads related to the searched-for keyword, up to 14 days after the visitor's search. In general, expected revenues can be calculated for the delivery of ads based on a category of content read by the visitor 10, for specific content read by the visitor 10, or for action taken by the visitor 10 (e.g., made a phone call, clicked an ad, clicked specific content, asked for information, acquired product, etc.).

5. The BT company 30 selects (500) media properties (e.g., 40) for the delivery of an advertisement based on a profile collected on a first media property 20. The BT company 30 makes the selection based on a calculated expected profit and then arranges for the visitor 10 to be tagged (610 or 620) with a tag readable by the selected

media property 40. The profit is calculated in any of the alternative manners stated above.

The BT company's arranging placement of the tag can be achieved in different ways:

A. The BT company 30 can redirect (630) a visitor to the selected media property 40, 50 with a request to have the selected media property 40, 50 tag (620) the visitor with the media property's own tag, which obviously is readable by the selected media property 40, 50 (such a tag could be a cookie on the visitor's storage device 12).

B. The BT company 30 can itself place (610) a tag that will be readable by the selected media property 40.

C. The BT company 30 can place an encoded tag that, although accessible by any media property (e.g., 40, 50), can be read only by a selected media property 40 to which the BT company gave a deciphering code.

D. In cases when the BT company 30 has software installed on a user's computer 10, the BT company 30 can arrange for the software to place (not shown) a tag readable by the selected media property 40 (such a tag could be a cookie operating under the selected media property domain).

E. The BT company 30 can arrange for the selected media property 40 to place a tag in the selected media property's central database 41, in which case the tag can uniquely identify (1) the device 11 that the visitor 10 will use to access the selected media (IP address, set-top box ID, mobile phone number, manufacturer serial number, cookie readable by the selected media property, etc.), or (2) the user as a person (personal identifiable information).

When a selected media property 40 recognizes a tagged visitor 10 (tagged previously, at time t1) later (at time t2) visiting (710) its ad space, the media property 40 will arrange for the BT company 30 to serve an ad (720) to the visitor 10 (which will appear with the media content (730) requested by the visitor), by redirecting (700) a visitor to the BT company 30, for example.

The media properties can be of the same kind of media (e.g., two web sites 40, 60 on the Internet 80) or of different media (e.g., first media property can be a web site 40

on the Internet 80, and the second media property can be a TV channel on TV or a text message system on a mobile phone, etc.). In the case (not shown) where the second media property operates within a different media than the first media, the tagging of the visitor with a tag readable by the second media property (which is arranged by the BT company 30) might include finding the device used by the visitor 10 to access the second media by using personal identifiable information about the visitor 10. As there may be no connection between the device used by the visitor to access the first media property (computer 11, for example) and the device used by the visitor to access the second media property (TV, for example) besides the commonality of the user (visitor) 10, personal identifiable information about the visitor 10 could be used to allow the second media property to learn which device the visitor 10 uses to access the second media property and tag the visitor 10. The second media property could tag the device used by the visitor 10 to access the second media property by placing a tag on the device itself or in a central database of the second media property, for example).

Although the BT company 30 stores the visitor's collected profile, in the above-described implementation it does not transfer the collected profile to the second media property 40, 50 but simply asks the second media property 40, 50 to tag the visitor as a BT company visitor or arrange for a tag to be placed (620) that is readable by the second media property 40 and that marks the visitor as a BT company visitor. As the BT company 30 buys ad space from the proprietor of the second media property 40 and delivers therein an ad based on the collected profile, the BT company 30 has no economic incentive to transfer the profile information itself (such as the fact that the visitor searched for "car insurance") to the second media property 40. The second media company's proprietor is being paid for the ad space and therefore just needs to know that the visitor 10 has been profiled by the BT company 30, which will pay the second media property's proprietor for an opportunity to deliver an ad to this visitor 10 within the ad space of the second media property 40.

Suppose, for example, a person searches for "mortgage" on Google (Google is a BT company 30 in this example). Using the method above, Google calculates that advertisers are willing to pay $3 per click on a mortgage-related ad, that the expected

click-through on a mortgage-related ad is 0.3%, and therefore Google will earn $9 for every thousand mortgage-related ads delivered to people that searched for "mortgage" on Google when those people are found later, anywhere on the web (i.e., this is "Rev(profile)"). Google further knows that it costs Google $3 CPM to deliver a thousand ads on weather.com (i.e., "P(mp)") to computers that were tagged by weather.com as Google visitors. Google therefore can calculate a profit of $6 CPM (without taking into account other costs, i.e., "C") for delivering a thousand mortgage-related ads to Google visitors who searched for "mortgage" on Google when found later within the ad space of weather.com. Google will therefore arrange for weather.com to tag the person who searched for "mortgage" on Google as a Google visitor (by redirecting the visitor to weather.com with the request to tag the person as a Google visitor, for example).

In the case where a second media property controls ad space with prices that fall within a range, the BT company 30 – in addition to arranging for the second media property (e.g., 50) to tag (620) its visitor – may also provide the second media property 50 with the price the BT company 30 is willing to pay the second media property 50 for delivering an ad within the second media property's ad space. In Fig. 3, second media property 50 is shown as an ad network's site (where the ad network represents the ad space of different sites, 60, 61), as described above. The price delivered from the BT company 30 enables the second media property 50 to determine which ad space it should allocate to the BT company 30 when the tagged visitor 10 visits the second media property 50. Although some of the ad space (e.g., on site 60) might be too expensive, i.e., above the cap defined by the price the BT company 30 is willing to pay, other ad space (e.g., on site 61) might have a cost that would be covered by the price the BT company 30 is willing to pay. However, obviously, the BT company 30 will not arrange for tag placement if the price it is willing to pay for delivering an ad to the profiled visitor 10 is less than the lowest price demanded by a second media property 50 for delivering an ad within that ad space, i.e., price cap < min[P(mp)].

Given that some kind of profiles such as behavioral profiles are time-sensitive (in other words, their value diminishes with time), the BT company 30 – in addition to arranging the placement of a tag readable by the second media property 40, 50 – may

also provide the second media property 40, 50 (via the tag, for example) with a time period within which the BT company 30 will agree to deliver ads to the profiled visitor 10 within the ad space of the second media property 40, 50. Suppose, for example, a BT company 30 collected a profile of a visitor 10 who searched for "flowers." The BT company 30 might arrange for the visitor 10 to be tagged with a tag, readable by a second media property 40, marking the visitor 10 as the BT company's visitor and setting a time limit of two days, which means that the second media property 40 can call upon the BT company 30 to serve an ad to the tagged visitor 10 only when the visitor 10 is found within the second media property's ad space up to two days after the visitor 10 was tagged (the tag may have a time stamp identifying the date and time the tag was placed to help the second media property 40 calculate the date before which the second media property 40 can call upon the BT company 30 to serve an ad).

The calculation that takes place in steps 4 and 5 of the above-described method may take place not at the time of profile collection as described above but beforehand. Conducting the calculation before the profile is collected can shorten the time it takes the server 30 to select the media properties. The calculation might be done beforehand for other reasons.

Specifically, step 4 (which states that the BT company 30 calculates the expected revenues from delivering ads based on the collected profile, where the revenues are calculated based on the kind of collected profile, i.e., "Rev(profile)") may take place in advance. If for example, a collected profile describes the content read by a visitor, then, if other profiles were previously collected of the same kind of profile, there is no need to check how much advertisers are willing to pay for delivering ads, as it was already checked for profiles of the same kind.

The word "calculating" expected revenues can encompass a scenario in which there are no arithmetic calculations, but rather simply an act of locating the correct information. In this example, the information concerning how much advertisers are willing to pay for delivering their ads to visitors 10 that read a specific content is located, and no arithmetic calculation is needed.

For another example, if the expected revenues for delivering an ad for someone who searched for "mortgage" has recently been calculated, then there is no need to calculate it again, and the information can simply be located.

Although the examples describe calculation of revenues from delivering an ad at a media property 40, 50, depending on the method of payment for the media property, different calculations of expected revenues can take place.

If the media property only gets paid for when a visitor visiting it takes action, then the revenues per profile-based ad delivery should also be based on an action. Such a visitor action can be a click on an ad, a request for information from the advertiser (following a click on the ad), a registration with the advertiser, an act of buying a product or service from the advertiser, etc.

For example, if the media property 40 is paid at the rate of $0.40 per click on an ad presented to the media property's visitor, the BT company 30 will check how much the advertiser will pay the BT company 30 per visitor click when viewing an ad based on the collected profile. If the price per click paid by the advertiser at least exceeds the price per click paid for the media property, then the BT company 30 can arrange for the tagging of the visitor 10 with a tag readable by the selected media property (the one that will cost $0.40 per click).

In some scenarios, the BT company 30 might be paid for every ad delivered to a visitor, but the media property might trigger payment for every visitor click on an ad. Conversely, the BT company 30 might be paid for a visitor click on an ad, but the media property might trigger payment for every delivered ad regardless of whether a click took place or not. In those scenarios, so as not to expose itself to the risk of loss, the BT company 30 preferably translates the payment it receives (whether per ad delivery or ad click or per action) to the payment method applied to the media property. For example, if the BT company 30 is paid $0.25 per click on an ad by a visitor who searched for a "DVD" but a media property triggers payment for every ad delivery at $0.50 CPM (regardless of whether a click took place), the BT company 30 can translate the payment per click it receives to payment for ad delivery. In this example, the BT company 30 can calculate that, with an expected click-through of 0.4% on DVD-related ads by people

who searched for "DVD" up to seven days before they are presented with an ad, the BT company 30 will generate $1 CPM (0.4% CTR * 1,000 ads * $0.25 per click = $1), i.e., Rev(profile) ≈ $1 CPM. Because $1 CPM is more than the $0.50 cost of the media property (i.e., Rev(profile) > P(mp)), the BT company 30 will make a gross profit of $0.50 CPM and therefore (assuming costs are low or ignored) arrange for tag placement.

Likewise with respect to step 5 (which states that the BT company 30 selects media properties for delivery of an advertisement based on a profile collected on a first media property where the selection is made by the BT company 30 based on a calculated expected profit), the calculation on which the media property selection is based could be a calculation done beforehand. If the collected profile is of the same kind as another profile that was collected recently (for example, both profiles describe "searching for flights") then the information concerning how much revenues would be generated from such a profile is already available, and there is no need to recalculate. Also, the profit has also been calculated, because the cost of ad space at the different media properties probably does not change in a short period of time. A look-up table can be used that lists, based on the kind of profile, the media properties that should be selected. In such a scenario, the steps of the method will be:

1. The BT company 30 calculates expected revenues from delivering ads based on different collected profiles.

2. The BT company 30 calculates expected profits (or losses) for the delivery of ads based on different collected profiles within the ad space of different available media properties 40, 50.

3. The BT company 30 builds a table wherein each kind of profile is assigned media properties where ads will be delivered based on the profile, and wherein the selection of media properties is made based on the previously calculated profit. The table is updated on a regular basis to make sure it is up to date.

4. The BT company 30 collects a profile.

5. The BT company 30 arranges for placement of a tag readable by a selected media property, where the selected media properties are taken from the table described in step 3 above.

The above is just one possible implementation. Instead of a table, a database or any other data structure can be used. The calculation could be done entirely in advance, entirely when the profile is collected, or a combination wherein some of the calculation is done in advance and some when the profile is collected.

Accordingly, the method can be described in the following more general steps:

1. The BT company 30 collects a profile.

2. The BT company 30 arranges (610, 620) for a tag (readable by a selected media property 40, 50, or both) to be placed, where the media property is selected based on the expected profit from the delivery of an ad (720) based on the collected profile within the ad space of the media property.

Although the above method focuses on profit calculation that takes into account expected revenues from delivery of an ad based on a collected profile, media property ad space cost and other costs, other parameters beyond costs and revenues might be taken into account. For example, an advertiser might insist that its ads appear on media properties that have certain content and not on other media properties, a media property might not agree to show ads from a certain category (for example, a sports media property might not agree to show sports-related ads, to avoid promoting competitors), etc.

PUBLIC NOTICE REGARDING THE SCOPE OF THE INVENTION AND CLAIMS

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

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

I claim:

1. A method of directing electronic advertisements, the method comprising:

(a) determining a profile-attribute-dependent revenue available for display of a profile-attribute-related advertisement; and

(b) for each of a multitude of different electronic visitors to a first media property, responsive to receiving information about at least one of a plurality of profile attributes possibly applicable to the visitor, automatically electronically authorizing a second media property to allow display, to the electronic visitor when later visiting the second media property, of an advertisement correlated with the profile-attribute information received about the visitor, for a price that does not exceed a price cap that is a selected amount less than the revenue available for display of the advertisement.

2. The method of claim 1 further comprising selecting at least one of a plurality of second media properties for the authorizing step in part (b).

3. The method of claim 1 wherein authorizing for a price that does not exceed a price cap comprises ensuring that (i) the revenue available for display of the advertisement is not less than (ii) a sum of the price for allowing display of the advertisement to the electronic visitor when later visiting the second media property and an amount that depends on cost or desired profit.

4. The method of claim 3:

(i) wherein part (a) is done before part (b);

(ii) further comprising building a look-up data structure associating at least one selected of a plurality of possible profile attributes with at least one selected of a plurality of second media properties; and

(iii) wherein part (b) comprises, responsive to receiving an electronic redirect of a visitor computer accompanied by profile-attribute information about the visitor, authorizing said at least one selected second media property on the lookup data structure associated with the profile-attribute information received about the visitor, only during a specified time period after receiving

profile-attribute information about the visitor, by arranging for placement of a tag readable by said at least one selected second media property.

5. The method of claim 3 wherein authorizing for a price that does not exceed a price cap comprises calculating the selected amount and wherein calculating the selected amount is done responsive to receiving the profile-attribute information about the visitor.

6. The method of claim 1 wherein part (a) is done before part (b).

7. The method of claim 6 further comprising building a look-up data structure associating at least one selected of a plurality of possible profile attributes with at least one selected of a plurality of second media properties, and wherein part (b) comprises authorizing those selected second media properties on the lookup data structure associated with the profile-attribute information received about the visitor.

8. The method of claim 1 wherein authorizing responsive to receiving information comprises authorizing responsive to receiving an electronic redirect of a visitor computer accompanied by profile-attribute information about the visitor.

9. The method of claim 1 wherein authorizing responsive to receiving information comprises recognizing an action conducted on the first media property by the visitor.

10. The method of claim 1 wherein authorizing responsive to receiving profile-attribute information comprises authorizing responsive to receiving a search request by the visitor to the first media property.

11. The method of claim 1 wherein authorizing responsive to receiving profile-attribute information comprises authorizing responsive to receiving information about a characteristic of the visitor.

12. The method of claim 1 wherein authorizing responsive to receiving profile-attribute information comprises authorizing responsive to receiving information about a profile attribute of the visitor and categorizing the profile attribute within at least one of a plurality of predefined categories.

13. The method of claim 1 wherein authorizing comprises redirecting the visitor's computer to the second media property for the second media property to place a tag on the visitor's computer readable by the second media property.

14. The method of claim 1 wherein authorizing comprises placing a tag on the visitor's computer readable by the second media property.

15. The method of claim 1 wherein authorizing comprises delivering the price cap to a second media property that controls ad space on a plurality of different media properties, with understanding that second media property will allow placement of the advertisement only into ad space having a price that does not exceed the price cap.

16. The method of claim 15 wherein authorizing comprises locating previously determined information concerning the profile-attribute-dependent revenue available for display of the advertisement.

17. The method of claim 16 wherein: (i) part (a) is done before part (b), (ii) part (b) comprises, responsive to receiving an electronic redirect of a visitor computer accompanied by profile-attribute information about the visitor, authorizing display of the advertisement by arranging for placement of a tag readable by the second media property, and (iii) authorizing comprises authorizing display of the advertisement only during a specified time period after receiving profile-attribute information about the visitor.

18. The method of claim 1 wherein authorizing comprises authorizing display of the advertisement only during a specified time period after receiving profile-attribute information about the visitor.

19. The method of claim 1 wherein the second media property comprises media-property equipment controlling ad space that is in a different media than the media of the first media property.

20. The method of claim 1 wherein the second media property comprises equipment controlling ad space only temporarily.

21. The method of claim 1 wherein the second media property comprises equipment controlling ad space at different Internet sites.

22. The method of claim 21 wherein the second media property comprises equipment controlling ad space on Internet sites not owned by the second media property.

23. The method of claim 1 further comprising, in the course of authorizing for a price that does not exceed a price cap, translating the revenue determined in part (a) in accordance with a first payment method to a second, different payment method utilized by the second media property.

24. A computer server programmed to implement a method of directing electronic advertisements comprising:

(a) determining a profile-attribute-dependent revenue available for display of a profile-attribute-related advertisement; and

(b) for each of a multitude of different electronic visitors to a first media property, responsive to receiving information about at least one of a plurality of profile attributes possibly applicable to the visitor, automatically electronically authorizing a second media property to allow display, to the electronic visitor when visiting the second media property, of an advertisement correlated with the profile-attribute information received about the visitor, for a price that does not exceed a price cap that is a selected amount less than the revenue available for display of the advertisement.

25. The server of claim 24 wherein the server is programmed to implement a method wherein authorizing for a price that does not exceed a price cap comprises ensuring that (i) the revenue available for display of the advertisement is not less than (ii) a sum of the price for allowing display of the advertisement to the electronic visitor when later visiting the second media property and an amount that depends on cost or desired profit.

26. The server of claim 25 wherein the server is programmed to implement a method:

(i) wherein part (a) is done before part (b);

(ii) further comprising building a look-up data structure associating at least one selected of a plurality of possible profile attributes with at least one selected of a plurality of second media properties; and

(iii) wherein part (b) comprises, responsive to receiving an electronic redirect of a visitor computer accompanied by profile-attribute information about the visitor, authorizing said at least one selected second media property on the lookup data structure associated with the profile-attribute information received about the visitor, only during a specified time period after receiving profile-attribute information about the visitor, by arranging for placement of a tag readable by said at least one selected second media property.

27. The server of claim 24 wherein the server is programmed to implement a method wherein part (a) is done before part (b).

28. The server of claim 27 wherein the server is programmed to implement a method further comprising building a look-up data structure associating at least one selected of a plurality of possible profile attributes with at least one selected of a plurality of second media properties, and wherein part (b) comprises authorizing those selected second media properties on the lookup data structure associated with the profile-attribute information received about the visitor.

29. The server of claim 24 wherein the server is programmed to implement a method wherein authorizing responsive to receiving information comprises authorizing responsive to receiving an electronic redirect of a visitor computer accompanied by profile-attribute information about the visitor.

30. The server of claim 24 wherein the server is programmed to implement a method wherein authorizing responsive to receiving profile-attribute information comprises authorizing responsive to receiving information about a profile attribute of the visitor and categorizing the profile attribute within at least one of a plurality of predefined categories.

31. The server of claim 24 wherein the server is programmed to implement a method wherein authorizing comprises delivering the price cap to a second media property that controls ad space on a plurality of different media properties, with

understanding that second media property will allow placement of the advertisement only into ad space having a price that does not exceed the price cap.

32. The server of claim 31 wherein the server is programmed to implement a method wherein authorizing comprises locating previously determined information concerning the profile-attribute-dependent revenue available for display of the advertisement.

33. The server of claim 32 wherein the server is programmed to implement a method wherein: (i) part (a) is done before part (b), (ii) part (b) comprises, responsive to receiving an electronic redirect of a visitor computer accompanied by profile-attribute information about the visitor, authorizing display of the advertisement by arranging for placement of a tag readable by the second media property, and (iii) authorizing comprises authorizing display of the advertisement only during a specified time period after receiving profile-attribute information about the visitor.

34. The server of claim 24 wherein the server is programmed to implement a method wherein authorizing comprises authorizing display of the advertisement only during a specified time period after receiving profile-attribute information about the visitor.

35. The server of claim 24 wherein the server is programmed to implement a method wherein the second media property comprises media-property equipment controlling ad space that is in a different media than the media of the first media property.

36. The server of claim 24 wherein the server is programmed to implement a method further comprising, in the course of authorizing for a price that does not exceed a price cap, translating the revenue determined in part (a) in accordance with a first payment method to a second, different payment method utilized by the second media property.

ABSTRACT

An automatic system facilitates selection of media properties on which to display an advertisement, responsive to a profile collected on a first media property, where a behavioral-targeting company calculates expected profit for an ad correlated with the profile and arranges for the visitor to be tagged with a tag readable by the selected media property. The profit can be calculated by deducting, from the revenues that are expected to be generated from an ad delivered based on the collected profile, at least the price of ad space at a media property where the BT company might like to deliver ads to the profiled visitor. When the calculated profit is positive (i.e., not a loss), the BT company arranges for the visitor to be tagged with a tag readable by the selected media property through which the BT company expects to profit.

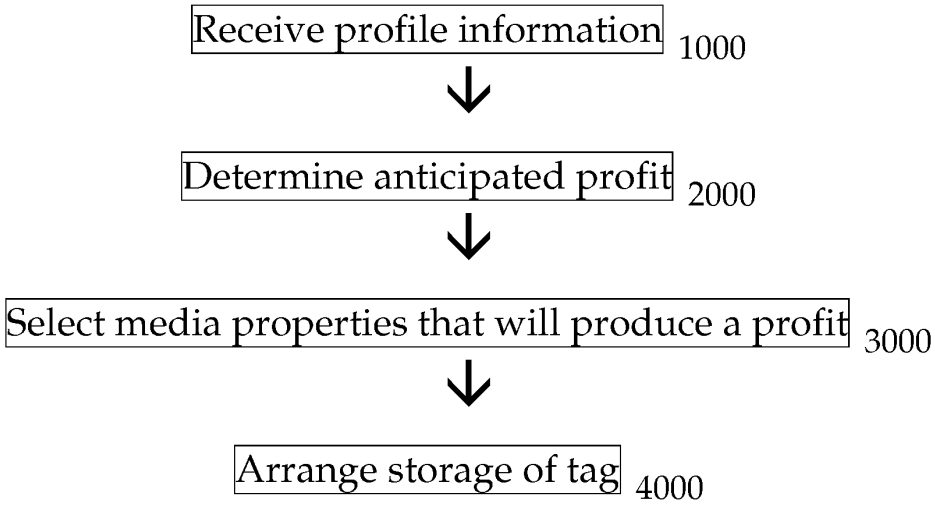
Receive profile information
1000
Determine anticipated profit
2000
Select media properties that will produce a profit
3000
Arrange storage of tag
4000

FIG. 1

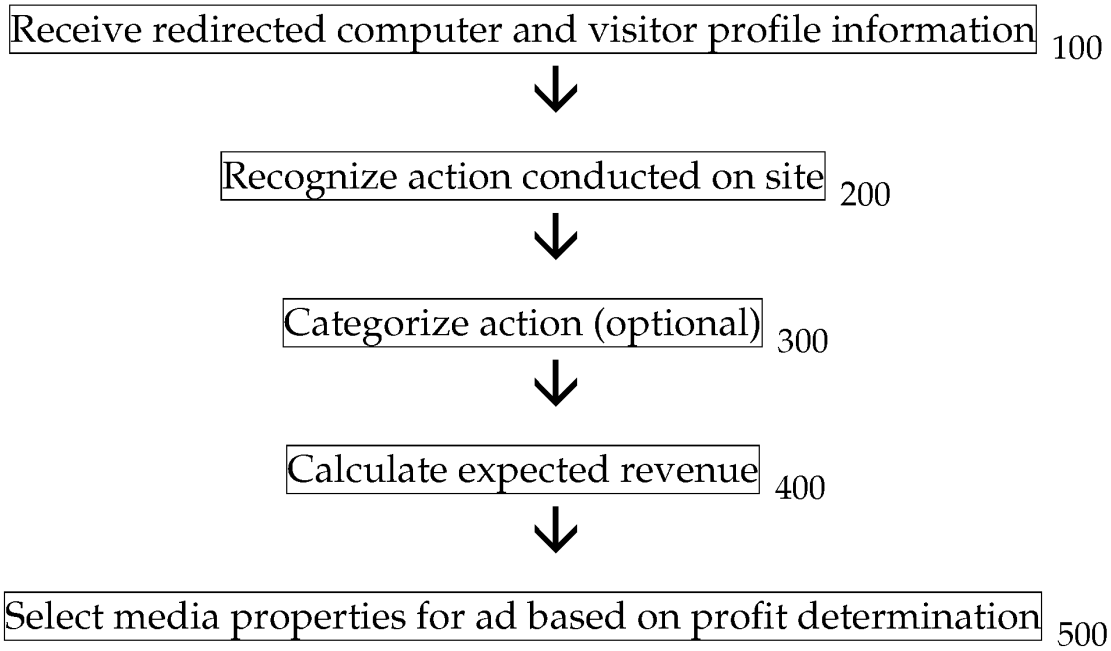
Receive redirected computer and visitor profile information
100
Recognize action conducted on site
200
Categorize action (optional)
300
Calculate expected revenue
400
Select media properties for ad based on profit determination
500

FIG. 2

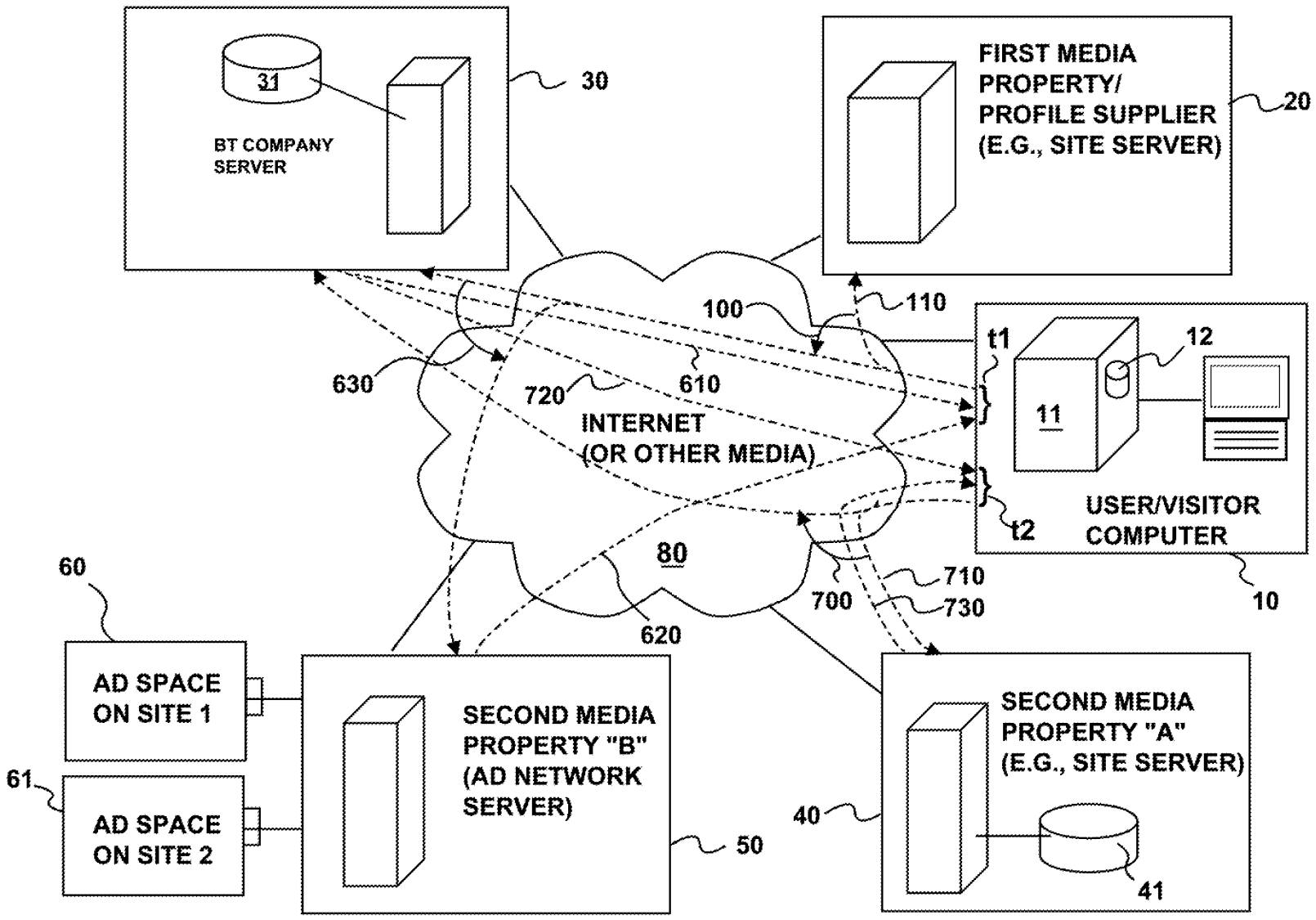
31
BT COMPANY SERVER
30
FIRST MEDIA PROPERTY/ PROFILE SUPPLIER (E.G., SITE SERVER)
20
100
110
630
610
720
INTERNET (OR OTHER MEDIA)
t1
12
11
t2
USER/VISITOR COMPUTER
10
80
710
700
730
620
60
AD SPACE ON SITE 1
61
AD SPACE ON SITE 2
SECOND MEDIA PROPERTY "B" (AD NETWORK SERVER)
50
SECOND MEDIA PROPERTY "A" (E.G., SITE SERVER)
40
41

FIG. 3

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	14-EP-CON4
	Application Number	
Title of Invention	Media properties selection method and system based on expected profit from profile-based ad delivery	

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

Secrecy Order 37 CFR 5.2

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

Inventor Information:

Inventor 1 Remove

Legal Name

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

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

City	Forest Hills	State/Province	NY	Country of Residence i	US

Mailing Address of Inventor:

Address 1	134 Spring Street		
Address 2			
City	New York	State/Province	NY
Postal Code	10012	Country i	US

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

Correspondence Information:

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

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

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

Application Information:

Title of the Invention	Media properties selection method and system based on expected profit from profile-based ad delivery		
Attorney Docket Number	14-EP-CON4	Small Entity Status Claimed	☐
Application Type	Nonprovisional		
Subject Matter	Utility		
Total Number of Drawing Sheets (if any)	3	Suggested Figure for Publication (if any)	

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	14-EP-CON4
	Application Number	
Title of Invention	Media properties selection method and system based on expected profit from profile-based ad delivery	

Filing By Reference :

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

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

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

Publication Information:

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

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

Representative Information:

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

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

Domestic Benefit/National Stage Information:

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

Prior Application Status	Patented			Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
	Continuation of	13/491454	2007-06-07	8671139	2014-03-11
Prior Application Status	Patented			Remove	

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	14-EP-CON4
	Application Number	
Title of Invention	Media properties selection method and system based on expected profit from profile-based ad delivery	

Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
13/491454	Continuation of	12/823709	2010-06-25	8204783	2012-06-19
Prior Application Status	Patented			Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
12/823709	Continuation of	11/763286	2007-06-14	7747745	2010-06-29
Prior Application Status	Expired			Remove	

Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
11/763286	Claims benefit of provisional	60/804937	2006-06-16
Prior Application Status	Expired		Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
11/763286	Claims benefit of provisional	60/805119	2006-06-19
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button.			Add

Foreign Priority Information:

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

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

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	14-EP-CON4
	Application Number	
Title of Invention	Media properties selection method and system based on expected profit from profile-based ad delivery	

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

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

Authorization to Permit Access:

☒ Authorization to Permit Access to the Instant Application by the Participating Offices

If checked, the undersigned hereby grants the USPTO authority to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the World Intellectual Property Office (WIPO), and any other intellectual property offices in which a foreign application claiming priority to the instant patent application is filed access to the instant patent application. See 37 CFR 1.14(c) and (h). This box should not be checked if the applicant does not wish the EPO, JPO, KIPO, WIPO, or other intellectual property office in which a foreign application claiming priority to the instant patent application is filed to have access to the instant patent application.

In accordance with 37 CFR 1.14(h)(3), access will be provided to a copy of the instant patent application with respect to: 1) the instant patent application-as-filed; 2) any foreign application to which the instant patent application claims priority under 35 U.S.C. 119(a)-(d) if a copy of the foreign application that satisfies the certified copy requirement of 37 CFR 1.55 has been filed in the instant patent application; and 3) any U.S. application-as-filed from which benefit is sought in the instant patent application.

In accordance with 37 CFR 1.14(c), access may be provided to information concerning the date of filing this Authorization.

Applicant Information:

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

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	14-EP-CON4
	Application Number	
Title of Invention	Media properties selection method and system based on expected profit from profile-based ad delivery	

Applicant 1 Remove

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

Clear

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

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

Name of the Deceased or Legally Incapacitated Inventor :

If the Applicant is an Organization check here. ☒

Organization Name	AlmondNet, Inc.		
Mailing Address Information:			
Address 1	134 Spring Street		
Address 2			
City	New York	**State/Province**	NY
Country [i]	US	Postal Code	10012
Phone Number	(646) 217-0930	Fax Number	
Email Address	roy@almondnet.com		

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

Assignee Information including Non-Applicant Assignee Information:

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

Assignee 1

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

Remove

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

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	14-EP-CON4
	Application Number	
Title of Invention	Media properties selection method and system based on expected profit from profile-based ad delivery	

Organization Name	AlmondNet, Inc.		
Mailing Address Information For Assignee including Non-Applicant Assignee:			
Address 1	134 Spring Street		
Address 2			
City	New York	**State/Province**	NY
Country i	US	Postal Code	10012
Phone Number	(646) 217-0930	Fax Number	
Email Address	roy@almondnet.com		

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

Signature:

Remove

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications

Signature	/Louis J. Hoffman/			Date (YYYY-MM-DD)	2013-03-07
First Name	Louis	Last Name	Hoffman	Registration Number	38918

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

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

Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor	:	Shkedi, Roy	Art Unit	:	* 2441
Serial No.	:	_____	Examiner	:	* Katsikis, Kostas J.
Filing Date	:	03/07/2014	** In parent application S.N. 13/491,454*		
Title	:	Media properties selection method and system based on expected profit from profile-based ad delivery			

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

Filed via EFS – March 7, 2014

PRELIMINARY AMENDMENT

Dear Sir:

Assignee requests entry of the following amendments and consideration of the following remarks in this continuation application.

Amendments to the specification are on page 2.

Amendments to the claims begin on page 3.

Remarks are on page 4.

Amendments

IN THE SPECIFICATION

At page 1, line 5, please replace the paragraph as follows:

This application is a continuation of application Serial No. 13/491,454, filed June 7, 2012, now U.S. Patent 8,671,139, which is a continuation of application Serial No. 12/823,709, filed June 25, 2010, now U.S. Patent 8,204,783, which is a continuation of application Serial No. 11/763,286, filed June 14, 2007, now U.S. Patent 7,747,745, which claims the benefit of provisional application Serial No. 60/804,937, filed June 16, 2006, and provisional application Serial No. 60/805,119, filed June 19, 2006, which are herein incorporated by reference.

IN THE CLAIMS:

Please amend the claims as follows:

1. (Original) A method of directing electronic advertisements, the method comprising:

(a) determining a profile-attribute-dependent revenue available for display of a profile-attribute-related advertisement; and

(b) for each of a multitude of different electronic visitors to a first media property, responsive to receiving information about at least one of a plurality of profile attributes possibly applicable to the visitor, automatically electronically authorizing a second media property to allow display, to the electronic visitor when later visiting the second media property, of an advertisement correlated with the profile-attribute information received about the visitor, for a price that does not exceed a price cap that is a selected amount less than the revenue available for display of the advertisement.

2.-36. (Canceled)

Remarks

Assignee cancels all but one claim from the parent application to avoid excess claims fees and plans to file a Supplemental Preliminary Amendment as soon as possible to present new claims for prosecution in this application.

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: March 7, 2014

/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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor	:	Shkedi, Roy	Art Unit	:	* Katsikis, Kostas J.
Serial No.	:	_____	Examiner	:	* 2441
Filing Date	:	03/07/2014	* *In parent application S.N. 13/491,454*		
Title	:	Media properties selection method and system based on expected profit from profile-based ad delivery			

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

Filed via EFS – March 7, 2014

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Assignee discloses the references listed on form PTO-1449 attached to this document. All foreign an non-patent literature references listed were cited in parent application Serial No. 13/491,454, therefore, copies of those references are not included here.

Assignee also wishes to direct Examiner to the applications listed in the table below (which share the same first inventor) as well as the references cited therein:

Serial No.	Filing Date	Earliest Parent Filing Date
12/131,798	06/02/2008	
12/536,451	08/05/2009	
12/906,007	10/15/2010	
12/912,726	10/26/2010	12/28/1999
13/097,885	04/29/2011	04/17/2007
13/274,242	10/14/2011	10/15/2010 (prov.)
13/566,881	08/03/2012	08/03/2011 (prov.)
13/754,639	01/30/2013	
13/906,211	05/30/2013	06/05/2012 (prov.)
13/948,661	07/23/2013	06/14/2000
14/080,999	11/15/2013	06/19/2006 (prov.)
14/089,645	11/25/2013	12/31/2007
14/091,285	11/26/2013	11/28/2000
14/101,156	12/09/2013	06/02/2008
14/196,844	03/04/2014	08/03/2011 (prov.)

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

Respectfully submitted,

INTENT IQ, LLC

by its attorney

Dated: March 7, 2014

/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

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

Page 1 of 6

Serial No.: _____
Applicant: Shkedi, Roy
Filed: 03/07/2014
Art Unit: 2441 (in parent)
Examiner: Katsikis, Kostas J. (in parent)

U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Publication Date MM/DD/YYYY	Name of Patentee or Applicant
_____	1	5710884	01/20/1998	Dedrick
_____	2	5717923	02/10/1998	Dedrick
_____	3	5724521	03/03/1998	Dedrick
_____	4	5752238	05/12/1998	Dedrick
_____	5	5794210	08/11/1998	Goldhaber, et al.
_____	6	5855008	12/29/1998	Goldhaber, et al.
_____	7	5918014	06/29/1999	Robinson
_____	8	5948061	09/07/1999	Merriman, et al.
_____	9	6026368	02/15/2000	Brown et al.
_____	10	6055513	04/25/2000	Katz, et al.
_____	11	6073241	06/06/2000	Rosenberg et al.
_____	12	6141010	10/31/2000	Hoyle
_____	13	6216129	04/10/2001	Eldering
_____	14	6285987	09/04/2001	Roth et al.
_____	15	6285991	09/04/2001	Powar
_____	16	6324519	11/27/2001	Eldering
_____	17	6366298	04/02/2002	Haitsuka et al.
_____	18	6377986	04/23/2002	Philyaw et al.
_____	19	6385592	05/07/2002	Angles, et al.
_____	20	6484492	11/26/2002	Meholic, et al.
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Serial No.: _____
Applicant: Shkedi, Roy
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Art Unit: 2441 (in parent)
Examiner: Katsikis, Kostas J. (in parent)

U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Publication Date MM/DD/YYYY	Name of Patentee or Applicant
_____	30	7181438	02/20/2007	Szabo
_____	31	7188076	03/06/2007	Bensemana
_____	32	7194424	03/20/2007	Greer et al.
_____	33	7558795	07/07/2009	Malik et al.
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_____	35	8036929	10/11/2011	Reisman
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U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Publication Date MM/DD/YYYY	Name of Patentee or Applicant
_____	59	20030110497	06/12/2003	Yassin, et al.
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_____	73	20050021397	01/27/2005	Cui, et al.
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_____	75	20050038698	02/17/2005	Lukose et al.
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_____	78	20050120091	06/02/2005	Casais
_____	79	20050131762	06/16/2005	Bharat et al.
_____	80	20050165644	07/28/2005	Beyda, et al.
_____	81	20050216336	09/29/2005	Roberts et al.
_____	82	20050216823	09/29/2005	Petersen, et al.
_____	83	20050222905	10/06/2005	Wills
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_____	87	20060053047	03/09/2006	Garcia et al.

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_____	88	20060064351	03/23/2006	Hamor, et al.
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_____	91	20060106710	05/18/2006	Meek, et al.
_____	92	20060116924	06/01/2006	Angles, et al.
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U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Publication Date MM/DD/YYYY	Name of Patentee or Applicant
_____	117	8051444	11/01/2011	Shkedi
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Applicant: Shkedi, Roy
Filed: 03/07/2014
Art Unit: 2441 (in parent)
Examiner: Katsikis, Kostas J. (in parent)

FOREIGN PATENT DOCUMENTS

Examiner Initials		Document Number	Publication Date	Country	Name of Patentee	Translation Yes / No
_____	135	2005/046237	5/19/2005	WO	Gutta et al.	No
_____	136	2004/084109	9/30/2004	WO	NHN Corp.	No
_____	137	10-2004-0099222	11/26/2004	Korea	Echo Marketing Co., Ltd.	Yes
_____	138	10-2001-0096343	11/07/2001	Korea	MyOne Card Corp.	Yes

OTHER ART

Examiner Initials	Item	Author Title Date Pertinent Pages Etc.
_____	139	Engage Technologies, Inc.; Form S-1A; filed with the SEC; pp. 36-50; July 19, 1999.
_____	140	The e-Marketing Report; Morgan Stanley Dean Whitter; May, 2000; portions.
_____	141	"ClickOver, Inc. introduces ClickWise, the first inteligent, high-performance ad management system for electronic advertising", Business Wire; March 24, 1997.

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Electronic Patent Application Fee Transmittal	
Application Number:	
Filing Date:	
Title of Invention:	Media properties selection method and system based on expected profit from profile-based ad delivery
First Named Inventor/Applicant Name:	Roy Shkedi
Filer:	Louis J. Hoffman/Donald Hertz
Attorney Docket Number:	14-EP-CON4
Filed as Large Entity	

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Utility application filing	1011	1	280	280
Utility Search Fee	1111	1	600	600
Utility Examination Fee	1311	1	720	720
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
		Total in USD ($)		**1600**

Electronic Acknowledgement Receipt

EFS ID:	18409457
Application Number:	14201494
International Application Number:	
Confirmation Number:	5927
Title of Invention:	Media properties selection method and system based on expected profit from profile-based ad delivery
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-EP-CON4
Receipt Date:	07-MAR-2014
Filing Date:	
Time Stamp:	18:19:32
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$1600
RAM confirmation Number	5723
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

1	Transmittal of New Application	14-03-07-AlmondNet-EP_CON4-App_trans.pdf	219710 fca426eaadcbe54455a433a7e2d5fefb80b35bc6	no	1
Warnings:					
Information:					
2		AlmondNet-EP-Specification_from_parent.pdf	113139 f0357b856b26f7cb86268944a855dbf5386fe7f0	yes	26
	Multipart Description/PDF files in .zip description				
	Document Description		**Start**	**End**	
	Specification		1	19	
	Claims		20	25	
	Abstract		26	26	
Warnings:					
Information:					
3	Drawings-only black and white line drawings	AlmondNet-EP-Drawings_from_parent.pdf	368890 3c5b266c73603db59847ac62304ac35ed297ebcb	no	3
Warnings:					
Information:					
4	Application Data Sheet	14-03-07-AlmondNet-EP_CON4-ADS.pdf	1561804 6abea9b591413d479f0c0addc14350346d40460a	no	7
Warnings:					
Information:					
5	Preliminary Amendment	14-03-07-AlmondNet-EP-CON4-Prelim_Amend.pdf	54069 c5251d2dbedee4fdf2de9f86d282c0297d1eedc5	no	4
Warnings:					
Information:					
6	Transmittal Letter	14-03-07-AlmondNet-EP_CON4-IDS_Cover.pdf	48846 f2b378597eaa51a577b85b154487edaebc222b0c	no	2
Warnings:					
Information:					
7	Information Disclosure Statement (IDS) Form (SB08)	14-03-07-AlmondNet-EP-CON4-FORM_1449.pdf	108637 8aecb36c105d022bc3199cb7fd980360e91b8fa5	no	6
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					

8	Fee Worksheet (SB06)	fee-info.pdf	32964 c5391ce1129aba8af22fd9df9793248ea5601471	no	2
Warnings:					
Information:					
			Total Files Size (in bytes):	2508059	

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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.

PTO/SB/06 (09-11)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 14/201,494	Filing Date 03/07/2014	☐ To be Mailed

ENTITY: ☒ LARGE ☐ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

	(Column 1)	(Column 2)		
FOR	NUMBER FILED	NUMBER EXTRA	RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT	03/07/2014	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 1	Minus	** 20	= 0	X $80 =	0
	Independent (37 CFR 1.16(h))	* 1	Minus	***3	= 0	X $420 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	0

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

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

LDRC
/STEPHEN W. HOOVER/

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

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