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14/080,999	11/15/2013	Roy Shkedi	14-PP-CON3	9158
26362 7590 09/15/2016 LOUIS J. HOFFMAN, P.C. 7689 East Paradise Lane Suite 2 Scottsdale, AZ 85260			EXAMINER SITTNER, MICHAEL J	
			ART UNIT 3622	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

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

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

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

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

Period for Reply

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

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

Status

- 1) ☒ Responsive to communication(s) filed on 11/15/2013.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

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

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

Application Papers

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

Priority under 35 U.S.C. § 119

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

Certified copies:

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

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

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date 12/8/2015, 10/16/2015, 8/25/2015, 10/23/2014, and 11/15/2013.
- 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 4) ☐ Other: ____.

DETAILED ACTION

Status of Claims

1. The present application is being examined under the pre-AIA first to invent provisions.
2. This action is in reply to the Continuation application filed 11/15/2013.
3. Claims 1-33 have been canceled by preliminary amendment.
4. Claims 34-66 are new.
5. Claims 34-66 have been examined and are pending.

Continuation

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

Information Disclosure Statement (IDS)

7. Acknowledgement is hereby made of receipt of Information Disclosure Statements filed by applicant on 12/8/2015, 10/16/2015, 8/25/2015, 10/23/2014, and 11/15/2013.
8. Additionally, due to the volume of disclosed Information (especially in the 11/15/2013 disclosure), the documents submitted have only received a cursory review. Based on the volume or size of the IDSs submitted in total, consideration has been given only to the extent that the relevance of the reference(s) has been established.
9. MPEP 609.04(c) states: "Although a concise explanation of the relevance of the information is not required for English language information, applicants are encouraged to provide a concise explanation of why the English-language information is being submitted and how it is understood to be relevant. Concise explanations (especially those which point out the relevant pages and lines) are helpful to the Office, particularly where documents are lengthy and complex and applicant is aware of a section that is highly relevant to patentability or where a large number of documents are submitted and applicant is aware that one or more are highly relevant to patentability."
10. Applicant is hereby requested to provide a representative document(s)/section(s) of each reference submitted in the 11/15/2013 disclosure that is/are particularly relevant to applicant's claimed invention which applicant would like for the examiner to consider. Accompanying the representative document(s)/section(s) should be a disclosure addressing why applicant believes each document(s)/section(s) is important to understanding applicant's invention.

Interpretation of Claim Language

11. **Note:** Per MPEP § 2106.II.C, unless a term is given an "explicit" and "clear" definition in the specification the examiner is obligated to give a claim term its broadest reasonable interpretation, in light of the specification as it would be interpreted by one of ordinary skill in the art (MPEP § 2111). This means that the words of a claim must be given their "plain meaning" unless the plain meaning is inconsistent with the specification (MPEP § 2111.01.I and 2111.01.III). An explicit

Art Unit: 3622

and clear definition must establish the metes and bounds of the terms. A clear definition must unambiguously establish what is and what is not included. A clear definition is indicated by a section labeled definitions, or by the use of phrases such as "by xxx we mean"; "xxx is defined as". An example of a term does not constitute a "clear definition" beyond the scope of the example. An applicant may define specific terms used to describe the invention, but must do so "with reasonable clarity, deliberateness, and precision" and, if done, must "set out his uncommon definition in some manner within the patent disclosure" so as to give one of ordinary skill in the art notice of the change" in meaning (MPEP § 2111.01.IV and 2173.05(a)).

12. **A tag** is not given an "explicit" and "clear" definition in the specification. Per Spec [4:20-25], a tag is only generally described as *any unique identifier used to mark a person electronically visiting a media property, such as a web site, TV channel, or the like using any device*. According to spec [6:10-11], *"the tag could be whatever the software wants it to be, including a cookie of any domain"*; the tag is therefore seen as being contemplated as not being limited to any form. According to at least [6:11-15], the tag is also not limited to a specific function nor implementation: *"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"*; see also Spec [19:20-30].
13. **Profile information** is interpreted as any information characterizing a visitor/user of content/ads distributed through any media distribution channel per spec at least at [3:1-10].
14. **Profile owner** is not given an "explicit" and "clear" definition in the specification. Profile owner is interpreted as any entity that gathers and/or uses and/or transmits profile information. Note that Spec [8:13-15] states, *"...profile owners (i.e., who either own the profiles or have the right to resell the profiles on behalf of another profile owner)..."*; and [11:15-20], *"the Profile Owner*

Art Unit: 3622

company owns profiles directly or acts as a databank representing other profile owners. Such other profile owners provide the databank with their profiles in return for (i) royalties paid to them whenever the profiles are used, or (ii) a payment. Any profile supplier (defined above) can also be a PO profile owner company."

15. **Profile supplier** is not given an "explicit" and "clear" definition in the specification. Profile supplier, as noted above at Spec [11:15-20] may be a profile owner and is interpreted as any entity that gathers and/or uses and/or transmits profile information. Note that at Spec [3:3-4] any entity (e.g. a publisher that is a BT company) may also be its own profile supplier.
16. **Electronic-advertising-space-controlling-entity** is not recited nor discussed anywhere in the entire specification and is not given an "explicit" and "clear" definition anywhere in the specification. The term "*Electronic-advertising-space-controlling-entity*" is interpreted to include any entity which has any manner of control (including contractual and/or physical ownership and/or control) of advertising space and therefore may be more than one entity at any given time. Such entities may include but is not limited to a publisher who has ad space available to present advertisements as well as an advertiser who has been given a publisher's ad space and/or a third-party broker who has purchased or received some type of contractual control of an ad space but who may transfer physical and/or contractual control in part or whole of such ad space to another entity. Therefore, under a broadest reasonable interpretation, the "entity" includes advertisers, publishers, and brokers, amongst others, as well as combinations of such entities, who have any type of control over ad space.

Claim Rejections - 35 USC § 101

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

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
18. Claims 34-66 are rejected under 35 U.S.C. 101 as the claimed invention is directed to a judicial exception (i.e., a law of nature, a natural phenomenon, or an abstract idea) without significantly more.

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

That is, the claims describe the concept of *comparing new information [profile information] and stored information [stored requests from different entities] and using rules [undisclosed algorithms] to identify options [select an electronic-advertising-space controlling-entity] which may be a contractual relationship (i.e. “controlling” meaning contractually/legally/ownership, etc...); and using a tag, which may take any form per the specification, in an undisclosed manner for the purpose of human activity relating to commercial practices [cause delivery of an electronic advertisement].*

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

The claim(s) do not include additional elements that are sufficient to amount to significantly more than the judicial exception because these elements (such as: *automatically arranging storage of a tag, etc...* without reciting nor claiming any specific method for automating such routine activities such as storage; descriptions of the visitor profile associated with the visitor being “derived”, but without disclosing any method of derivation from the visitor's activity, which may include any activity; description that the activity may occur through use of a first generic device; and reciting the intended use is to target advertisements to a second generic device of

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

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

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

Art Unit: 3622

the visitor, etc...), all either further describe the abstract idea but do not make it less abstract or are merely insignificant extra-solution activity because such activity is necessary and routine in implementing the aforementioned abstract concepts.

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

In viewing the claims as a whole, including the limitations of the dependent claims, the claims simply instruct the practitioner to implement the abstract concepts through the use of routine and conventional activity only disclosed at a high level of generality and with no specific examples of the algorithms themselves which achieve the functionalities claimed. Therefore, when viewed either as individual limitations or as an ordered combination, the claim(s) as a whole do not add significantly more to the abstract idea(s).

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

Claim Rejections - 35 USC § 112

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

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

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

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

20. Claims 39, 40-42, 45, 49, and 56, 57-58, 61 are rejected under 35 U.S.C. 112(b) or (for pre-AIA) 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor, a joint inventor, or (for pre-AIA) the applicant regards as the invention.

Dependent claims 41 and 57 each recite, “...*the visitor device* ...”. However, the parent

Art Unit: 3622

claims discuss multiple different visitor devices. Therefore it is not clear to which specific device the term “the visitor device” now refers. For this reason, the claim limitation is indefinite.

Dependent claims 42 and 58 inherit the deficiencies of their parent claim and are also rejected under 35 U.S.C. 112(b) or (for pre-AIA) 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor, a joint inventor, or (for pre-AIA) the applicant regards as the invention.

Dependent claim 49 recites, “...*the URL*...”. However, this limitation lacks an antecedent basis. The term “the” is a definite article. As such, this term must refer to a definite previous recitation of the noun which it modifies. However, no previous recitation of “URL...” has been provided. Therefore, this limitation lacks an antecedent basis for the claimed step. Because this limitation lacks an antecedent basis, the claim limitation is indefinite.

Dependent claims 39, 41, 45, 56, 57, and 61 each recite, “...*the profile owner company*...”. However, this limitation lacks an antecedent basis. The term “the” is a definite article. As such, this term must refer to a definite previous recitation of the noun which it modifies. However, no previous recitation of such a “company” has been provided. Therefore, this limitation lacks an antecedent basis for the claimed step. Because this limitation lacks an antecedent basis, the claim limitation is indefinite.

Dependent claims 40, 42, and 58 inherit the deficiencies of their parent claim and are also rejected under 35 U.S.C. 112(b) or (for pre-AIA) 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor, a joint inventor, or (for pre-AIA) the applicant regards as the invention.

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

21. 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

Art Unit: 3622

would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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

103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
23. Claims 34-46, 49-62, 65-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jaschke et al.** (U.S. 2007/0130005 A1; hereinafter, "Jaschke") in view of **Horowitz** (U.S. 2005/0097204 A1; hereinafter, "Horowitz").

Claims 34, 51, 66: (New)

Pertaining to the below limitations, Jaschke teaches the following:

(a) with a computer system automatically arranging storage of a tag associated with a visitor device following receipt from a profile owner computer of indicia of a profile associated with the visitor, for a profile of the visitor matching a profile or kind of profiles desired by an entity controlling the computer system (Jaschke, see at least [0029]-[0030], [0064], and [0076]: Jaschke's system sends and receives information indicating availability to place an advertisement; inherently requires storage by the entity receiving such information; the information sent and received is associated with a user's device, such as cookie, SIM card, fixed IP addresses, cable or TV identifiers, or "any other means of uniquely identifying a user", etc... applicant's claim and spec [4:20-25] read directly on Jaschke's teachings; examiner notes applicant fails to recite or stipulate any specific embodiment for what constitutes "arranging" and what is encompassed by the term "tag" and therefore these are completely open to interpretation; see notes on claim interpretation given above.);

(b) wherein the profile owner computer is programmed:

(i) to automatically select an electronic-advertising-space controlling entity based on a comparison of (A) profile information about a visitor who electronically accessed electronic apparatus of a profile supplier with (B) a plurality of stored requests from different entities, each stored request being for requested profiles or kinds of profiles, which plurality of stored requests includes the desired profile or kind of profiles (Jaschke, see at least [0030]-[0031], teaching: "The consumer information broker determines which advertiser will be permitted to utilize the advertisement opportunity by using a mathematical calculation..."; the consumer information broker selects an advertiser [entity to control ad space] to whom control of advertising opportunity will be transferred. This occurs after receiving notification of an advertising opportunity [visitor who accessed apparatus]. After receiving such notification, the consumer information broker requests the target profile [profile info of visitor] from one or more target profile processor(s) [profile suppliers] and correlates [compares] the target profile to the associated description [stored requests for profiles] of each advertiser [different entities] participating in the bidding process; the bidding is dynamically calculated based on a correlation between the associated description defined by the advertiser and the target profile; see also at least [0065]-[0069].),

and

[...]

(c) later, when the visitor device is available to receive an advertisement, with the computer system, using the tag to automatically cause delivery of an electronic advertisement to the visitor device, wherein the electronic advertisement is dependent on the profile associated with the visitor (Jaschke, see at least [0029]-[0032] and [0073]-[0074], teaching: the consumer information broker may select an appropriate advertisement from the winning advertiser's reference to marketing materials. After the advertisement has been selected, it is conveyed to the targeted visitor (i.e. when

Art Unit: 3622

available to receive such targeted advertising). The winning advertiser is selected dynamically based on a correlation between the associated description defined by the advertiser and the target profile retrieved through use of the information identifying the target visitor such as a cookie, etc..., the correlation is then multiplied by an advertiser's submitted bid price. In this way, the winning advertiser is permitted to exploit the advertisement opportunity.)

Although Jaschke teaches the above limitations and Jaschke teaches ***(ii)...a tag that is associated with the visitor and that is readable by an electronic-advertising-space-controlling equipment controlled by the selected entity, which equipment is part of the computer system of part (a) when the selected entity is the entity controlling the computer system*** (Jaschke, see at least 0029]-[030], [0064], and [0076]: Jaschke stores information associated with a user's device such as cookie, SIM card, fixed IP addresses, cable or TV identifiers, or "any other means of uniquely identifying a user", is readable by Jaschke's system [*the computer system of part (a) when the selected entity is the entity controlling the computer system*]), Jaschke may not explicitly teach the nuances of automatically arranging for storage of such information. However, concerning such storage,

automatically arrange for electronic storage of a tag (Horowitz, see at least [0047] and [0081]-[0082] teaching: a Click Server 522 can encrypt and place information in a Uniform Resource Locator (URL), can give [automatically arrange for storage] a browser of the End User 110 a cookie [a tag] that can be used to identify the click for matching with subsequent conversions, and can redirect to the URL of the listing (e.g., an Advertiser Site 106). Additionally, a Conversion/Pixel Server 524 can be configured to handle conversion-related requests that allow tracking of conversions, and the like. For example, a mechanism in the HTML may cause the browser of the End User 110 to make a request for and store a tracking pixel [another type of tag], and the like; the request may be sent to the Conversion Server 524. The Conversion Server 524 then can take the cookie set by the Click Server 522 and extract information from the request URL,

Art Unit: 3622

which identifies the listing, and log such information to the Log Processor 510. Etc...; as applicant fails to stipulate an embodiment of his "tag" and fails to stipulate what is meant by "automatically arranging" for storage; these are open to interpretation); **and**

Therefore, the Examiner understands that automatically arranging to store cookies and/or tracking pixels [both of which are types of tags] is merely applying a known technique (techniques of Horowitz) to a known device, method or product (device/method of Jaschke) to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Horowitz with the device/method of Jaschke to realize that Jaschke's cookies may be automatically arranged for storage as taught by Horowitz because both Jaschke and Horowitz are analogous art in the same field of endeavor (at least G06Q30/02) and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claims 35, 52: (New)

The combination Jaschke/Horowitz teaches the limitations upon which these claims depends.

Furthermore, pertaining to the below limitations, Jaschke teaches the following:

wherein the profile associated with the visitor is derived from the visitor's activity using a first device, and wherein the visitor device that is available to receive an advertisement is a second device of the visitor (Jaschke, see at least [0052], [0064]-[0065] and [0074], A profiler 100 can be a profiler collecting target user profiles by tracking user usage behavior on various devices but targeted advertisements may be delivered and customized to the technical capabilities of the current device on which there is an opportunity to target an advertisements and the two devices may be different devices.)

Claims 36, 53: (New)

Art Unit: 3622

The combination Jaschke/Horowitz teaches the limitations upon which these claims depends.

Furthermore, pertaining to the below limitations, Jaschke teaches the following:

wherein the first device is a computer of the visitor and the second device is a mobile phone of the visitor (Jaschke, see at least Fig. 1 and [0063], the first device may be computer PC 172 and the second device may be mobile telephone 170.)

Claims 37, 54: (New)

The combination Jaschke/Horowitz teaches the limitations upon which these claims depends.

Furthermore, pertaining to the below limitations, Jaschke teaches the following:

wherein the tag identifies the mobile phone (Jaschke, see at least [0029]-[030], [0064], and [0076]: memory based identifiers (e.g. Subscriber Identity Module); this implies the (IMSI) number and its related key, which are used to identify and authenticate subscribers on mobile telephony devices, is what Jaschke sends and receives as an identifier and these are identifiers of a mobile phone and user of the phone.)

Claims 38, 55: (New)

The combination Jaschke/Horowitz teaches the limitations upon which these claims depends.

Furthermore, pertaining to the below limitations, Jaschke teaches the following:

wherein the profile owner computer is programmed to automatically select an electronic-advertising-space-controlling entity using profile information about the visitor that was derived from the visitor's activity using the computer of the visitor (Jaschke, see at least [0030]-[0031], teaching: "The consumer information broker [one type of profile owner] determines which advertiser will be permitted to utilize the advertisement opportunity by using a mathematical calculation..."; the consumer information broker selects an advertiser [entity to control ad space] to whom control of advertising opportunity will be transferred. This occurs after receiving notification of an advertising opportunity [visitor who accessed apparatus]. After receiving such notification,

the consumer information broker requests the target profile [profile info of visitor] which, per at least [0030], the target profile is a data representation of the target. The information is collected through (1) the active data input of the target into databases of target profile processors, (2) the tracking of the usage behavior of targets which is collected in the databases of target profile processors, (3) the tracking of usage behavior of the target which is stored in digital memory (e.g. smart cards, (SIM) cards, computer memory, etc.) or cookies residing on the targets' premise equipment, and (4) the active data input of third parties concerning that particular target into databases of target profile processors; see also at least [0065]-[0069]),

Although Jaschke teaches the above limitations, Jaschke may not explicitly teach collection of such profile information is as a result of a URL redirect. However, pertaining to this technique for collection, Horowitz does teach the following:

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

(Horowitz, see at least Fig. 4 - #412, and [0045]-[0048] and [0061] teaching URL redirection; for example, "...the system can use a cookie-based tracking system and can include all features included in the tracking system, including (1) a cookie that can be dropped on a user's browser before redirecting to the user's destination; and (2) a pixel image on the destination site's acquisition page that can register a conversion for the system... the system also can be configured to utilize a back channel, and the like, for the advertiser to share information and to maintain security of purchasing and other information for the advertiser...")

Therefore, the Examiner understands that URL redirection and sharing user information such as profile information as a result of URL redirection is merely applying a known technique (techniques of Horowitz) to a known device, method or product (device/method of Jaschke) to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at

Art Unit: 3622

the time of the invention to combine the techniques of Horowitz with the device/method of Jaschke to realize that the profile information which Jaschke teaches is collected and compiled by target profile processor 131 and brokered by consumer information broker 130, could have been the result a *URL redirection from a website that is served by the electronic apparatus of the profile supplier*, both Jaschke and Horowitz are analogous art in the same field of endeavor (at least G06Q30/02) and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claims 39, 56: (New)

The combination Jaschke/Horowitz teaches the limitations upon which these claims depends.

Furthermore, pertaining to the below limitations, Jaschke teaches the following:

wherein the second device is a computer (Jaschke, see at least Fig. 1 and [0063], the second device may be computer PC 172) ***and wherein the computer system is further programmed to, after parts (a) and (c), electronically report, to the profile owner company, information about delivery of the advertisement to the second device***

(Note the 112, 2nd rejection given above. Jaschke, see at least [0059]-[0060], teaching:

The consumer information broker 130 may send or make accessible a report to advertisers as well as convey the selected marketing materials to the target 190, charge the advertiser's account and credit the accounts of the target 190, the advertisement platform provider 120 and/or the profiler 100; Examiner notes: as applicant fails to stipulate what "information" is reported about/concerning delivery of ads, this is open to interpretation and at least a "credit" [information] which is provided to the profiler [a profile owner] which supplied the profile used in the transaction is information about such ad delivery. Also, the information broker who is also a profile owner inherently has the information and therefore this has been made available [reported] in some manner to the broker.)

Claim 40: (New)

Although Jaschke teaches the above limitations, Jaschke may not explicitly teach a technique of URL redirection when Jaschke's system utilizes a cookie for the purpose of delivering targeted advertising. However, pertaining to this technique, Horowitz does teach the following:

...automatically placing the second device in communication with computer equipment controlled by the profile owner, via URL redirection from the computer system, when the computer system utilizes the tag to cause delivery of the advertisement (Horowitz, see at least Fig. 4 - #412, and [0045]-[0048] and [0061] teaching URL redirection; for example, "...the system can use a cookie-based tracking system and can include all features included in the tracking system, including (1) a cookie that can be dropped on a user's browser before redirecting to the user's destination [cause delivery of the advertisement]; and (2) a pixel image on the destination site's acquisition page that can register a conversion for the system... the system also can be configured to utilize a back channel, and the like, for the advertiser to share information and to maintain security of purchasing and other information for the advertiser...")

Therefore, the Examiner understands that URL redirection and sharing and/or reporting information as a result of URL redirection is merely applying a known technique (techniques of Horowitz) to a known device, method or product (device/method of Jaschke) to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Horowitz with the device/method of Jaschke to realize that the profile information which Jaschke teaches is collected and compiled by target profile processor 131 and brokered by consumer information broker 130, could have been reported as the result a URL redirection from the computer system, when Jaschke's computer system utilizes the cookie to cause delivery of the advertisement, because both Jaschke and Horowitz are analogous art in the same field of endeavor (at least G06Q30/02) and because according to

Art Unit: 3622

MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claims 41, 57: (New)

The combination Jaschke/Horowitz teaches the limitations upon which these claims depends.

Furthermore, pertaining to the below limitations, Jaschke teaches the following:

... wherein the computer system is further programmed to, after parts (a) and (c),

electronically report, to the profile owner company, information about (i.e.

concerning) delivery of the advertisement to the visitor device (Note the 112, 2nd

rejection given above. Nonetheless, Jaschke see at least [0060], teaches: The consumer

information broker 130 [one type of profile owner] may send or make accessible a report

to advertisers as well as convey the selected marketing materials to the target 190,

charge the advertiser's account and credit the accounts of the target 190, the

advertisement platform provider 120 [yet another type of profile owner] and/or the profiler

100 [another type of profile owner]; Examiner notes: as applicant fails to stipulate what

"information" is reported about/concerning delivery of ads, this is open to interpretation

and at least a "credit" [information] which is provided by and to a type of profile owner

concerning the profile information used in the transaction of the advertisement is

information about delivery of the advertisement. Also, the information broker who is a

profile owner inherently has the information and therefore this has been made available

[reported] in some manner.)

Claims 42, 58: (New)

The combination Jaschke/Horowitz teaches the limitations upon which these claims depends.

Furthermore, pertaining to the below limitations, Jaschke teaches the following:

... wherein reporting further comprises automatically electronically identifying to

the profile owner company one of a plurality of profiles or kind of profiles used in

association with delivery of the advertisement (Note the 112, 2nd rejection given above. Jaschke, see at least [0099] profiles used in association with delivering ads are provided to profilers, information brokers, and advertisers.)

Claims 43, 59: (New)

The combination Jaschke/Horowitz teaches the limitations upon which these claims depends.

Furthermore, pertaining to the below limitations, Jaschke teaches the following:

... wherein the profile owner computer is programmed to automatically select an electronic-advertising-space-controlling entity using profile information about the visitor that was derived from the visitor's activity using the visitor device (Jaschke, see at least [0063]-[0073] and [0077] the advertiser is selected using profile information; the profile information may have been derived from visitor's activity using a device such as a mobile phone.)

Claims 44, 60: (New)

Although Jaschke teaches the above limitations, Jaschke may not explicitly teach a technique of URL redirection to a website where user profile information is gathered. However, pertaining to this technique, Horowitz does teach the following:

... wherein the profile information was received by the profile-owner computer as a result of URL redirection from a website that is served by the electronic apparatus of the profile supplier, which website is accessed by the visitor device (Horowitz, see at least Fig. 4 - #412, and [0045]-[0048] and [0061] teaching URL redirection; for example, "...the system can use a cookie-based tracking system and can include all features included in the tracking system, including (1) a cookie that can be dropped on a user's browser before redirecting to the user's destination [*cause delivery of the advertisement*]; and (2) a pixel image on the destination site's acquisition page that can register a conversion for the system... the system also can be configured to utilize a back

channel, and the like, for the advertiser to share information and to maintain security of purchasing and other information for the advertiser...”)

Therefore, the Examiner understands that URL redirection and sharing and/or reporting information as a result of URL redirection is merely applying a known technique (techniques of Horowitz) to a known device, method or product (device/method of Jaschke) to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Horowitz with the device/method of Jaschke to realize that the profile information which Jaschke teaches is collected and compiled by target profile processor 131 and brokered by consumer information broker 130, could have been reported or gathered as the result a URL redirection from the computer system, when Jaschke’s computer system utilizes the cookie to cause delivery of the advertisement, because both Jaschke and Horowitz are analogous art in the same field of endeavor (at least G06Q30/02) and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claims 45, 61: (New)

The combination Jaschke/Horowitz teaches the limitations upon which these claims depends.

Furthermore, pertaining to the below limitations, Jaschke teaches the following:

... the computer system automatically creating electronic data used to identify a payment amount due to the profile owner company as a result of delivery of the electronic advertisement to the visitor device that is available to receive an

advertisement (Jaschke, see at [0037], [0059], and [0095] The consumer information broker utilizes the winning bid to credit the account(s) of the target, the advertisement platform provider and/or the profiler. The consumer information broker may keep a percentage of the bid as a brokerage fee or charge a fixed amount to the advertisement platform provider, the target and/or the advertiser; accounts of targets 190 and/or profilers 100 and/or platform providers may be credited as a result of delivery of the

electronic ad to a visitor device which is able to receive such an ad.)

Claims 46, 62: (New)

The combination Jaschke/Horowitz teaches the limitations upon which these claims depends.

Furthermore, pertaining to the below limitations, Jaschke teaches the following:

... wherein the tag comprises personally identifiable information identifying the visitor (Jashcke, see at least [0029]-[0030], [0064], and [0076]: “identifiers” which may be any means of “uniquely identifying a user”; applicant fails to stipulate what is encompassed by “personally identifiable information” and therefore this is open to interpretation)

Claim 49: (New)

Although Jaschke teaches the above limitations, Jaschke may not explicitly teach a technique of URL redirection to a website which subsequently enables the advertiser to store the cookie [tag] which may be contained in the redirect URL. However, pertaining to this technique, Horowitz does teach the following:

... wherein automatically arranging storage of the tag comprises automatic redirection to the URL provided by the selected entity to place the visitor device in communication with computer equipment controlled by the selected entity to enable storage of the tag in association with the visitor device (Horowitz, see at least [0045]-[0048] specifically [0046] teaching: At step 416, tracking of the End User 110 can be performed. The Production Site 104, and/or the Advertiser 102 perform tracking of the End User 100 by assigning a unique identifier [tag] (e.g. a cookie) to the End User 110 and identifying actions performed by the End User 110. In an exemplary embodiment, if the End User 110 is a new user on the Advertiser Site 106, then when the Advertiser 102 assigns the End User 110 the unique identifier, the Web browser of the End User 110 can be redirected to the Advertisement Server 126 of the Production Site

Art Unit: 3622

104. The Advertiser Site 106 can submit a request to the Advertisement Server 126 of the Production Site 104. The redirect or request can include the unique identifier [tag] (e.g. cookie) of the End User 110 for the Advertiser Site 106, an originating advertisement query, click information, and the like.)

Therefore, the Examiner understands that URL redirection which may enable the advertiser to store the cookie is merely applying a known technique (techniques of Horowitz) to a known device, method or product (device/method of Jaschke) to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Horowitz with the device/method of Jaschke to realize Jaschke may employ the well-known technique of a URL redirection, as taught by Horowitz, to cause delivery of the advertisement by redirecting the user to the advertiser's URL along with a cookie in the URL redirect, because both Jaschke and Horowitz are analogous art in the same field of endeavor (at least G06Q30/02) and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claims 50, 65: (New)

The combination Jaschke/Horowitz teaches the limitations upon which these claims depends.

Furthermore, pertaining to the below limitations, Jaschke teaches the following:

... wherein the equipment of the profile supplier operates in the Internet and the equipment of the selected entity utilizes the profile data to cause delivery of the electronic advertisements on a television of the visitor (Jashcke, see at least [0063]-[0064] and Fig. 1 Public Internet 142, TV 176 which may receive electronic ads, Profile Processor 131, Advertiser 110, Platform Provider 120, Consumer Information Broker 130 all operate through the Public Internet 142 to reach Satellite Network 158 and Cable Network 156 to send ads to TV 176.

Art Unit: 3622

24. Claims 47 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jaschke** et al. (U.S. 2007/0130005 A1; hereinafter, "Jaschke") in view of **Horowitz** (U.S. 2005/0097204 A1; hereinafter, "Horowitz").

Claims 47, 63: (New)

Although the combination Jaschke/Horowitz teach the limitations upon which these claims depend, neither may explicitly teach that profile information may be stored in a cookie [tag].

However, Pertaining to the below limitations, Calinov teaches the following:

... arranging for electronic storage of the profile information in the tag (Calinov, see at least [7:1-17], teaching: "The authentication server 24 uses this information to create encrypted cookies... The cookies may include a Ticket cookie (including the PUID and a time stamp), a Profile cookie (storing the profile information), and a Visited Sites cookie (storing a list of sites where the user has signed in). After authentication server 24 creates the cookies, it uses the encryption key and site ID to encrypt the ticket and profile data. This encrypted data is then added as query string parameters to the return URL provided in the authentication request and authentication server 24 presents this URL to the user's browser. The user's browser then creates the cookies in the authsite.com domain on the user's client computer 12.")

Therefore, the Examiner understands that storing profile information in a cookie is merely applying a known technique (techniques of Calinov) to a known device, method or product (device/method of Jaschke) to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Calinov with the device/method of Jaschke to realize that Jaschke who stores cookies and profile information may store his profile information in a cookie as taught by Calinov for the reasons taught by Calinov and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

25. Claims 48 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jaschke et al.** (U.S. 2007/0130005 A1; hereinafter, "Jaschke") in view of **Horowitz** (U.S. 2005/0097204 A1; hereinafter, "Horowitz") further in view of **Smith** (U.S. 2005/0097204 A1; hereinafter, "Horowitz").

Claims 48, 64: (New)

Although the combination Jaschke/Horowitz teach the limitations upon which these claims depend, neither may explicitly teach that profile information is locatable through a cookie [tag].

However, Pertaining to the below limitations, Smith teaches the following:

... arranging for electronic storage of the profile information in a database

locatable through the tag (Smith, see at least [0038], teaching that a computer identifier such as cookie data or an IP address are used to locate various user profiles.

Therefore, the Examiner understands that using a cookie to locate profile information stored in a database is merely applying a known technique (techniques of Smith) to a known device, method or product (device/method of Jaschke) to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Smith with the device/method of Jaschke to realize that Jaschke who stores cookies and profile information may use the cookie to locate stored profile information as taught by Smith for the reasons taught by Smith and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Conclusion

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Sittner whose telephone number is (571) 270-3984. The examiner can normally be reached 7:30 AM - 5:00 PM (Mon. -Thur.), and every other Friday. If attempts to

Art Unit: 3622

reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan C Uber can be reached at (571) 270-3923.

27. 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.

/Michael J Sittner/

Examiner, Art Unit 3622

/ARTHUR DURAN/

Primary Examiner, Art Unit 3622