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EXAMINER

SITTNER, MICHAEL J

ART UNIT	PAPER NUMBER
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3622

NOTIFICATION DATE	DELIVERY MODE
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08/03/2020

ELECTRONIC

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

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

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

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Office Action Summary**Application No.**

16/425,259

Applicant(s)

Shkedi, Roy

Examiner

MICHAEL J SITTNER

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AIA (FITF) 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 5/29/2019.

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

2a) ☐ This action is **FINAL**.

2b) ☒ This action is non-final.

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

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

Disposition of Claims*

5) ☒ Claim(s) 34-61 is/are pending in the application.

5a) Of the above claim(s) ____ is/are withdrawn from consideration.

6) ☐ Claim(s) ____ is/are allowed.

7) ☒ Claim(s) 34-61 is/are rejected.

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

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

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

Application Papers

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

11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a) ☐ All b) ☐ Some** c) ☐ None of the:

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

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

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

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

Attachment(s)

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

3) ☐ Interview Summary (PTO-413)

Paper No(s)/Mail Date ____.

2) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)

4) ☐ Other: ____.

Paper No(s)/Mail Date 5/29/2019; 7/12/2019.

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 5/29/2019.
3. Claims 1-33 were canceled by preliminary amendment.
4. Claims 34-61 are new.
5. Claims 34-61 have been examined and are currently pending.

Continuation

6. This application is a continuation of application Serial No. 15/893,354 ("Parent Application"), filed February 9, 2018, which is a continuation application Serial No. 14/080,999, filed November 15, 2013, which is a continuation of application Serial No. 13/631,244, filed September 28, 2012, now U.S. Patent 8,589,210, which is a continuation of application Serial No. 11/765,433, filed June 19, 2007, now U.S. Patent 8,280,758, which claims the benefit of provisional application Serial No. 60/805,114, filed June 19, 2006 See MPEP §201.07. In accordance with MPEP §609.02 A.2 and MPEP §2001.06(b) (last paragraph), the Examiner has reviewed and considered the prior art cited in the Parent Application and intervening applications. Also in accordance with MPEP §2001.06(b) (last paragraph), all documents cited or considered 'of record' in the Parent Application are now considered cited or 'of record' in this application. Additionally, Applicant(s) are reminded that a listing of the information cited or 'of record' in the Parent Application need not be resubmitted in this application unless Applicants desire the information to be printed on a patent issuing from this application. See MPEP §609.02 A.2. Finally, Applicants are reminded that the prosecution history of the Parent Application is relevant in this application. See e.g., *Microsoft Corp. v. Multi-Tech Sys., Inc.*, 357 F.3d 1340, 1350, 69 USPQ2d 1815, 1823 (Fed. Cir. 2004) (holding that statements made in prosecution of one patent are relevant to the scope of all sibling patents).

Interpretation of Claim Language

7. Per MPEP § 2106.II.C, unless a term is given an "explicit" and "clear" definition in the specification the examiner is obligated to give a claim term its broadest reasonable interpretation, in light of the specification as it would be interpreted by one of ordinary skilled in the art (MPEP § 2111). This means

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that the words of a claim must be given their “plain meaning” unless the plain meaning is inconsistent with the specification (MPEP § 2111.01.I and 2111.01.III). An explicit and clear definition must establish the metes and bounds of the terms. A clear definition must unambiguously establish what is and what is not included. An example of a term does not constitute a “clear definition” beyond the scope of the example. An applicant may define specific terms used to describe the invention, but must do so “with reasonable clarity, deliberateness, and precision” and, if done, must “set out his uncommon definition in some manner within the patent disclosure” so as to give one of ordinary skill in the art notice of the change in meaning (see MPEP § 2111.01.IV and 2173.05(a)).

8. **A tag** is not given an “explicit” and “clear” definition in the specification. Therefore applicant’s term “tag” is given the broadest reasonable interpretation, in light of the specification. Per Provisional Specification (60/805,114) at pg. 4: “cookie is only one example of a possible Tag”; Per Provisional Spec at pg. 4 and also per Specification [4:20-25], *“A tag generally is any unique identifier used to mark a person electronically visiting a media property, such as a web site, TV channel, or the like using any device...”*. According to spec [6:10-11], *“the tag could be whatever the software wants it to be, including a cookie of any domain”*. According to at least [6:11-15], *“A tag does not have to be placed on the user’s device. A tag can also be used in a central database of a BT (Behavioral targeting) company or a central database of any second media property visited by the visitor, where the tag could be a unique identifier either of the device or of the user. In the case where the tag identifies the device, the tag might denote an IP address, a phone number, a device’s manufacturer serial number, etc. A cookie placed on the device can also uniquely identify the device and the cookie therefore can be used as a tag in a central database”*; see also Spec [19:20-30].
9. **Profile owner** is not given an “explicit” and “clear” definition in the specification. Therefore the term “PO” or “Profile Owner” is given the broadest reasonable interpretation, in light of the specification. Spec [pg. 8:13-15] states, *“...profile owners (i.e., who either own the profiles or have the right to resell the profiles on behalf of another profile owner)...”*; and [pg. 11:15-20], *“the Profile Owner company owns profiles directly or acts as a databank representing other profile owners. Such other profile owners provide the databank with their profiles in return for (i) royalties paid to them whenever the profiles are used, or (ii) a*

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payment. Any profile supplier (defined above) can also be a PO profile owner company.” and [pg. 12:23-26] A Publisher may be a Profile Owner and also be the Profile Supplier.

10. **Profile supplier** is not given an “explicit” and “clear” definition in the specification. Therefore the term “PS” or “Profile Supplier” is given the broadest reasonable interpretation, in light of the specification. Profile supplier, as noted above at Spec [pg. 11:15-20] may be the profile owner and is interpreted as any entity that gathers and/or uses and/or transmits profile information. Note that at Spec [pg. 3:3-4] any entity (e.g. a publisher that is a BT company) may also be its own profile supplier. And [pg. 12:23-26] A Publisher may also be a Profile Owner and also be the Profile Supplier.
11. **Ad Network** Per Provisional Specification (60/805,114) at pg. 5 Applicant provides the following note:

“...a media property for this application could also be defined as any entity that controls an ad space viewed by a visitor. This definition of a media property will therefore include a web site, an ad network of sites where the ad network represents the ad space of different sites, a TV program, a cable company that represents some of the ad space within TV programs or TV channels, a TV network, any entity allowed to sell an advertisement and deliver it within an advertisement space whether the ad space is owned by that entity or whether the entity pays the owner of the ad space when using its ad space to deliver an ad sold by the entity. Ad space could be on a web site, in a TV program, in a text message, in a radio show, in any broadcasted material, in any streaming video or audio etc. An ad space could be a fixed position on a page or the ad space could be made available by a web site to an ad network for example only when the web site did not sell all of the site's ad inventory and therefore makes some of the inventory available to the ad network ...”

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

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

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

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13. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

14. Claims 34-37, 39, 41-43, 45, 47-51, 53-56, 58, 60-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kublickis** et al. (US 2007/0067297 A1; hereinafter, "Kublickis") in view of **Jaschke** et al. (U.S. 2007/0130005 A1; hereinafter, "Jaschke")

Claims 34, 48, 61:

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

Kublickis teaches the following:

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

(a) with a computer system automatically storing, in a central database associated with the computer system, profile information associated with a visitor, as a result of electronic receipt from a profile owner computer of indicia of the profile information, which profile information associated with the visitor matches a profile or kind of profiles requested by a website or ad network controlling the computer system (Kublickis, see at least Figs. 5C, 10B, [0132], teaching: consumers provide selective access to data within their profiles to each website [website controlling the computer system] which they visit, including search engines, for the purposes of enabling each such website to deliver more relevant and personalized content; per [0155]-[0157] and [0205] "consumers selectively grant automated access of specific personal data [indicia of the profile information] to any third-party content provider 130A or 130B they visit which uses a method of the invention to request it."; see at least [0454]-[0474] regarding methods of requesting such information by websites and third-party content providers; the profile data

which is accessed is stored, for the purpose of targeting content, by the requesting website/third-party content provider visited by the consumer and this is as a result of receipt of selectively granted specific personal data received from marketplace servers storing consumer profile data in consumer databases 215 (e.g. see [0155]-[0157]); See also at least [0186], [0195]-[0197], and [0210]-[0211] [0283], [0325], [0397]-[0398], and [0488]), **wherein a tag associated with a visitor device serves as a link to the profile information associated with the visitor** (Kublickis, see at least [0423]-[0436] teaching: "... the third-party content provider 130A or 130B could request [arrange for] the custom browser [of the consumer] to construct [store] a cookie [a tag¹] on its behalf which contains the requested data points [profile information]. As the consumer navigates across successive web pages in the third-party content provider's website, similar requests embedded in each of the pages could direct the custom browser to append the cookie [tag] with additional consumer profile data relevant to the context of the web pages visited..."; examiner notes applicant fails to recite or stipulate any specific embodiment for what constitutes a "tag" and therefore this is completely open to interpretation);

(b) wherein the profile owner computer is programmed:

[...]

(ii) to automatically arrange for electronic storage of a requested profile linked to a tag that is associated with the visitor device and that is readable by equipment controlled by the selected website or ad network, which equipment is part of the computer system of part

(a) when the selected website or ad network is the website or ad network controlling the computer system and which tag is the tag of part (a) when the selected website or ad network is the website or ad network controlling the computer system (Kublickis, see at

least Fig. 4 and [0209]-[0220] teaching "toolset 400" which enables advertisers 110, ad agencies

¹ PerProvisional Specification (60/805,114) at pg. 4: "cookie is only one example of a possible Tag"; PerProvisional Spec at pg. 4 and also perSpecification [4:20-25], "A tag generally is any unique identifier used to mark a person electronically visiting a media property, such as a web site, TV channel, or the like using any device...". According to spec [6:10-11], "the tag could be whatever the software wants it to be, including a cookie of any domain". According to at least [6:11-15], "A tag does not have to be placed on the user's device. A tag can also be used in a central database of a BT (Behavioral targeting) company or a central database of any second media property visited by the visitor, where the tag could be a unique identifier either of the device or of the user. In the case where the tag identifies the device, the tag might denote an IP address, a phone number, a device's manufacturer serial number, etc. A cookie placed on the device can also uniquely identify the device and the cookie therefore can be used as a tag in a central database"; see also Spec [19:20-30].

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

(c) later, when the visitor device is available to receive an advertisement, with the computer system, (i) using the tag of part (a) that is associated with the visitor device to access the profile information stored in the central database, and (ii) using the profile information linked to the tag of part (a) to automatically cause delivery of an electronic advertisement to the visitor device, wherein the electronic advertisement is dependent on the profile information associated with the visitor (Kublickis, see at least [0436] the "cookie" [tag], which is accessible [readable] by the "third-party content provider", is used to exploit or customize webpage content and embed advertising and to target offers and merchandise progressively more relevant to the consumer member.)

Although Kublickis teaches the above limitations and teaches (e.g. [0430]) his custom browser stores, for each third-party, requested profile information of the user which the user has agreed to share during a previous visit to that third-party and (e.g. per [0433]) teaches the custom browser stores new requested data points of profile information as well as (e.g. per [0436]) cookies appended with the profile data points which the user allows a third-party to collect, he may not explicitly teach the nuance of the below limitation. However, regarding this feature, Kublickis in view of Jaschke teaches the following:

(b) wherein the profile owner computer is programmed: (i) to automatically select a website or ad network of a plurality of websites or ad networks based on a comparison of

(A) profile information about a visitor who electronically accessed electronic apparatus of a profile supplier with (B) a plurality of stored requests from the plurality of websites or ad networks, one of which website or ad network is the website or ad network controlling the computer system, each stored request being for requested profiles or kinds of profiles, which plurality of stored requests includes the profile or kind of profiles requested by the website or ad network controlling the computer system (Jaschke, see at least [0019] teaching: "...Consumer information brokers [profile owner computer] manage (1) the process of identifying [automatically selecting] advertisement platforms [website or ad network] and opportunities and presenting those to advertisers..."; Jaschke see also at least [0022] noting: "A consumer information broker can also be an advertisement platform provider, advertiser, marketer, profiler, target or any combination thereof."; See also at least [0028]-[0031] and [0064]-[0073]; e.g. note per [0030] "...After receiving notification of an advertising opportunity, the consumer information broker requests the target profile from one or more target profile processor(s) and correlates [compares] the target profile to the associated description of each advertiser participating in the bidding process...")

Therefore, the Examiner understands that *identifying [automatically selecting] an advertisement platform [website or ad network] based on a correlation [comparison] of a target profile [of (A) profile information about a visitor who electronically accessed electronic apparatus of a profile supplier] to the associated description of each advertiser [with (B) a plurality of stored requests from the plurality of websites or ad networks, one of which website or ad network is the website or ad network controlling the computer system, each stored request being for requested profiles or kinds of profiles, which plurality of stored requests includes the profile or kind of profiles requested by the website or ad network controlling the computer system]* is merely applying a known technique of Jaschke to a known base device and method of Kublickis to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Jaschke with the base device/method of Kublickis to realize that Kublickis' custom browser, which already stores for each third-party various requested profile information of the user which the user has agreed to share with each particular third-party and which stores additional request for profile data points as the user navigates websites, and also

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stores cookies appended with the profile data points which the user allows a third-party to collect, may also be used via the technique as taught by Jaschke to automatically select between competing websites or ad networks based on this information already available to the browser (i.e. (A) profile information about a visitor, and (B) plurality of stored requests from different websites or ad networks) because both Kublickis and Jaschke are analogous art in the same field of endeavor (at least G06Q30/02) and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products (i.e. Kublickis' browser tool) in the same way (or which is ready for improvement) is obvious.

Claims 35, 49:

Although the combination Kublickis/Jaschke teaches the limitations upon which these claims depends, and (e.g. see at least [0273]) Kublickis teaches that more than one consumer may be associated with a single node [i.e. consumer device with particular IP address] and each consumer may be individually targeted as each member has a unique member serial number 505, etc... Kublickis may not explicitly teach the nuances of the below limitations directed towards deriving profile information from user activity on one device and targeted advertising to a second device of the user. However, pertaining to these features, Kublickis in view of Jaschke teaches the following:

...wherein the profile information associated with the visitor is derived from the visitor's activity using a first device, (Jaschke, see at least Fig. 1, the user may use various devices to interact with the system - i.e. visitor activity. These interactions are captured as profile information. See at least [0052], [0064]-[0065] and [0074]-[0075], teaching a profiler 100 collects target user profiles by tracking user usage behavior on various devices and per [0064] the profiled information may be via "cookies" or memory based identifiers (e.g. SIM cards, smart cards, computer memory, etc.), calling number identifiers, fixed IP addresses, cable or satellite TV identifiers, etc...) and wherein the visitor device that is available to receive an advertisement is a second device of the visitor (Jaschke, per at least [0074], teaching targeted advertisements may be delivered and customized to the technical capabilities of the particular customer premise equipment; i.e. current device on which there is an opportunity to target an advertisement. The device from which profile information was collected may be a different device than

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particular customer premise equipment which is targeted for advertising.)

Therefore, the Examiner understands that deriving profile information from user activity via one device and targeted advertising to a second device of the user is merely applying a known technique of Jaschke to a known base device/method of Kublickis to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Jaschke with the base device/method of Kublickis in order to realize that the ad targeting done by Kublickis which uniquely targets a specific user based on unique member serial number, etc., would benefit from applying the technique of Jaschke for the purpose of targeting a user, who is visiting a website via use of a second device, based on profile information collected about that user, known by his unique member number, from the user's previous interaction with a website via a first device because both Jaschke and Kublickis are analogous art in the same field of endeavor and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claims 36, 50:

Although the combination Kublickis/Jaschke teaches the limitations upon which these claims depends, Kublickis may not explicitly teach the nuance of the below limitation. However, pertaining to the below limitations, Kublickis in view of Jaschke teaches the following:

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

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Jaschke with the base device/method of Kublickis in order to realize that the ad targeting done by Kublickis could be to a mobile device of a user based on profile information collected from a user's interaction with a computer device as taught by Jaschke because both Jaschke and Kublickis are analogous art in the same field of endeavor and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claims 37, 51:

Although the combination Kublickis/Jaschke teaches the limitations upon which these claims depends, Kublickis may not explicitly teach the nuance of the below limitation. However, pertaining to the below limitations, Kublickis in view of Jaschke teaches the following:

...wherein the tag identifies the mobile phone (Jaschke, see at least [0029]-[030], [0064], and [0076]: cookies and memory based identifiers (e.g. Subscriber Identity Module) are used to identify devices and subsequently profiles of users of such devices for the purpose of targeting those users; e.g. the (IMSI) number and its related key, are used to identify and authenticate subscribers on mobile telephony devices; these may be used to identify profile of a user and target advertising.)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Jaschke with the base device/method of Kublickis in order to realize that the cookie identifiers [tag] of Kublickis, which Kublickis teaches have profile information appended thereto, could append and identify a mobile device identifier of a user, which Jaschke in turn teaches may be used to subsequently target advertising, because both Jaschke and Kublickis are analogous art in the same field of endeavor and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claims 39, 53:

Although the combination Kublickis/Jaschke teaches the limitations upon which these claims depends, Kublickis may not explicitly teach the nuance of the below limitation. However, pertaining to the below limitations, Kublickis in view of Jaschke teaches the following:

...wherein the second device is a computer (Jaschke, see at least Fig. 1 and [0063], the second device may be computer PC 172) *and further comprising: after parts (a) and (c), with the computer system electronically reporting information about delivery of the advertisement to the second device, which report is provided to a profile owner controlling the profile owner computer* (Jaschke, see at least [0059]-[0060], teaching: The consumer information broker 130 may send or make accessible a report to

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advertisers as well as convey the selected marketing materials to the target 190, charge the advertiser's account and credit the accounts of the target 190, the advertisement platform provider 120 and/or the profiler 100; Examiner notes: as applicant fails to stipulate what "information" is reported "about"/concerning delivery of ads, this is open to interpretation and at least a "credit" [information] which is provided to the profiler [a profile owner] which supplied the profile used in the transaction is information about such ad delivery.)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Jaschke with the base device/method of Kublickis in order to realize that information regarding the targeted advertising of Kublickis could be electronically reported and could include information regarding delivery of the advertisement to the targeted device, as taught by Jaschke, because both Jaschke and Kublickis are analogous art in the same field of endeavor and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claims 41, 54:

Although the combination Kublickis/Jaschke teaches the limitations upon which these claims depends, Kublickis may not explicitly teach the nuance of the below limitation. However, pertaining to the below limitations, Kublickis in view of Jaschke teaches the following:

... further comprising, after parts (a) and (c), with the computer system electronically reporting information about delivery of the advertisement to the visitor device that is available to receive an advertisement, which report is provided to a profile owner company controlling the profile owner computer. (Jaschke, see at least [0060], teaching: "...The consumer information broker 130 [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 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 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

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advertisement. Also, the information broker who is a profile owner inherently has the information and therefore this has been made available [reported] in some manner.)

Therefore, the Examiner understands that the limitation in question is merely applying a known technique of Jaschke which is applicable to a known base device/method of Kublickis to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the techniques of Jaschke to the base device/method of Kublickis for the benefit as taught *supra* by Jaschke, because both Jaschke and Kublickis are analogous art in the same field of endeavor and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claims 42, 55:

Although the combination Kublickis/Jaschke teaches the limitations upon which these claims depends, Kublickis may not explicitly teach the nuance of the below limitation. However, pertaining to the below limitations, Kublickis in view of Jaschke teaches the following:

... wherein reporting further comprises automatically electronically identifying to the profile owner company one of a plurality of profiles or kind of profiles used in association with delivery of the advertisement (Jaschke, see at least [0099] providing [identifying] profiles, used in association with delivering ads, to profilers, information brokers, and advertisers.)

Therefore, the Examiner understands automatically providing [identifying] profiles, used in association with delivering ads, to profilers, information brokers, and advertisers is merely a known technique of Jaschke which is applicable to a known base device/method of Kublickis to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Jaschke with the base device/method of Kublickis, who already collects profile information, for the benefit as taught by Jaschke *supra* and because both Jaschke and Kublickis are analogous art in the same field of endeavor and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

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Claims 43, 56: (Previously presented)

Although the combination Kublickis/Jaschke teaches the limitations upon which these claims depends, Kublickis may not explicitly teach the nuance of the below limitation. However, pertaining to the below limitations, Kublickis in view of Jaschke teaches the following:

... wherein the profile owner computer is programmed to automatically select a website or ad network using profile information about the visitor that was derived from the visitor's activity using the visitor device (Jaschke, see at least [0022], [0028]-[0032], and [0059]-[0075] teaching, in part, "... The brokerage processor 138 [profile owner] substantially correlates the target profile to the advertiser's associated description for all cleared advertisers, and ... determines the winning advertiser 110..."; note per [0022]: "A consumer information broker can also be an advertisement platform provider, advertiser, marketer, profiler, target or any combination thereof."; because Jaschke's information broker may be any combination of ad platform provider, advertiser, etc... it would have been obvious to a person of ordinary skill in the art at the time of the invention, via rearrangement or simple substitution, e.g. substituting Jaschke's 'ad platform provider' [applicant's "ad network"] per Jaschke at [0059]-[0075], for Jaschke's 'advertiser', that Jaschke's broker may also determines the winning ad platform provider [ad network] by using the profile information which he received because per MPEP 2144.04 (VI)(C) – Rearrangement is obvious and/or per MPEP 2143(I) (B) Simple substitution of one known element for another to obtain predictable results is obvious)

Therefore, the Examiner understands automatically selecting an ad platform provider [ad network] using user profile information is merely a known technique of Jaschke which may be applied to a known base device/method of Kublickis to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Jaschke with the base device/method of Kublickis, who already collects profile information, because both Jaschke and Kublickis are analogous art in the same field of endeavor and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claims 45, 58:

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Although the combination Kublickis/Jaschke teaches the limitations upon which these claims depends, and Kublickis (e.g. at least at [0436]) teaches his cookie [tag] contains user profile data corresponding to third-party content provider requested data points, Kublickis may not explicitly teach the nuance of the below limitation directed towards the profile information appended to his cookie [tag] comprising personally identifiable information. However, pertaining to the below limitations, Kublickis in view of Jaschke teaches the following:

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

Therefore, the Examiner understands that a tag, such as a cookie, may comprises identifiers which “uniquely identify a user” [*personally identifiable information identifying the visitor*] and this is merely a known technique of Jaschke which may be applied to a known base device/method of Kublickis, who already teaches appending user profile information to cookies [tags], to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the techniques of Jaschke to the base device/method of Kublickis in order to realize that the cookie of Kublickis may beneficially be comprised of identifiers which “uniquely identify a user” [*personally identifiable information identifying the visitor*] as taught by Jaschke because both Jaschke and Kublickis are analogous art in the same field of endeavor and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claims 47, 60:

Although the combination Kublickis/Jaschke teaches the limitations upon which these claims depends, Kublickis may not explicitly teach the below limitation. However, pertaining to this feature, Kublickis in view of Jaschke teaches the following:

... wherein the apparatus of the profile supplier operates in the Internet and the equipment of the selected website or ad network utilizes the profile data to cause delivery of the electronic advertisements

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on a television of the visitor. (Jashcke, see at least [0028] "Advertisement platforms include, but are not limited to, mobile telephones or pagers connected to a Mobile Switching Network; telephones connected to the Public Switched Telephone Network ("PSTN"); Personal Computers (PCs) connected to the Internet via the PSTN, a satellite network or a cable network; set top boxes connected to cable networks or satellite networks; television (TV) sets, etc..."; see also at least [0063]-[0064] and Fig. 1 Public Internet 142, TV 176 which may receive electronic ads, Profile Processor 131, Advertiser 110, Platform Provider 120, Consumer Information Broker 130 all operate through the Public Internet 142 to reach Satellite Network 158 and Cable Network 156 to send ads to TV 176).

Therefore, the Examiner understands that equipment of a profile supplier may operate via the Internet and the equipment of a selected ad platform supplier [ad network] may utilize profile data to cause delivery of an electronic advertisements to a television of a targeted user/visitor and these are merely known techniques of Jaschke applied to a known base device/method of Kublickis to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Jaschke with the base device/method of Kublickis in order to realize that the ad targeting done by Kublickis could be to a TV device of a user based on profile information collected from a user as taught by Jaschke because both Jaschke and Kublickis are analogous art in the same field of endeavor and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

15. Claims 38, 40, 44, 46, 52, 57, 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kublickis** in view of **Jaschke** further in view of **Horowitz** (U.S. 2005/0097204 A1; hereinafter, "Horowitz").

Claims 38, 52:

Although the combination Kublickis/Jaschke teaches the limitations upon which these claims depends, Kublickis may not explicitly teach the nuance of the below limitation. However, pertaining to the below limitations, Kublickis in view of Jaschke teaches the following:

...wherein the profile owner computer is programmed to automatically select a website or ad network using profile information about the visitor that was derived from the visitor's activity using the computer of the visitor ((Jaschke, see at least [0022], [0028]-[0032], and [0059]-[0075] teaching, in part, "...The brokerage processor 138 [profile owner] substantially correlates the target profile to the advertiser's associated description for all cleared advertisers, and ...determines the winning advertiser 110..."; note per [0022]: "A consumer information broker can also be an advertisement platform provider, advertiser, marketer, profiler, target or any combination thereof."; because Jaschke's information broker may be any combination of ad platform provider, advertiser, etc... it would have been obvious to a person of ordinary skill in the art at the time of the invention, via rearrangement or simple substitution, e.g. substituting Jaschke's 'ad platform provider' [applicant's "ad network"] per Jaschke at [0059]-[0075], for Jaschke's 'advertiser', that Jaschke's broker may also determines the winning ad platform provider [ad network] by using the profile information which he received because per MPEP 2144.04 (VI)(C) – Rearrangement is obvious and/or per MPEP 2143(I) (B) Simple substitution of one known element for another to obtain predictable results is obvious)

Therefore, the Examiner understands automatically selecting an ad platform provider [ad network] using user profile information is merely a known technique of Jaschke which may be applied to a known base device/method of Kublickis to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Jaschke with the base device/method of Kublickis, who already collects profile information, because both Jaschke and Kublickis are analogous art in the same field of endeavor and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Although Kublickis/Jaschke teaches the above limitations, neither may not explicitly teach the nuance of the below limitation directed towards collection of such profile information is as a result of a URL redirect. However, pertaining to this technique for collection, Horowitz does teach the following:

...which profile information was received by the profile owner computer as a result of URL redirection from a website that is served by the electronic apparatus of the profile supplier, which website is accessed by the computer of the visitor. (Horowitz, see at least Fig. 4 - #412, and [0045]-[0048] and

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

Therefore, the Examiner understands that URL redirection and sharing user information such as profile information as a result of URL redirection is merely applying a known technique (techniques of Horowitz) to a known device/method of Kublickis/Jaschke to yield predictable results. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the techniques of Horowitz with the device/method of Kublickis/Jaschke to realize that the profile information which Kublickis collects and/or which Jaschke collects and compiles by target profile processor 131 and brokered by consumer information broker 130, could have been the result a URL redirection from a website that is served by the electronic apparatus of the market place servers which store consumer profiles [profile supplier], because Kublickis, Jaschke, and Horowitz are analogous art in the same field of endeavor (at least G06Q30/02) and because according to MPEP 2143(I) (C) and/or (D), the use of known technique to improve a known device, methods, or products in the same way (or which is ready for improvement) is obvious.

Claim 40:

Although Kublickis/Jaschke teaches the above limitations, neither Kublickis nor Jaschke may explicitly teach a technique of URL redirection although each of their systems utilizes a cookie for the purpose of delivering targeted advertising. However, pertaining to this technique, Kublickis/Jaschke in view of Horowitz does teach the following:

The method of claim 39, wherein electronically reporting comprises automatically placing the second device in communication with computer equipment controlled by the profile owner, via URL redirection from the computer system, when the computer system utilizes the tag to cause delivery of the advertisement (Horowitz, see at least Fig. 4 - #412, and [0045]]-[0048] and [0061] teaching URL

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redirection; for example, "...the system can use a cookie-based tracking system and can include all features included in the tracking system, including (1) a cookie that can be dropped on a user's browser before redirecting to the user's destination [*cause delivery of the advertisement*]; and (2) a pixel image on the destination site's acquisition page that can register a conversion for the system... the system also can be configured to utilize a back channel, and the like, for the advertiser to share information and to maintain security of purchasing and other information for the advertiser...")

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

Claims 44, 57:

Although the combination Kublickis/Jaschke teaches the above limitations, neither Kublickis nor Jaschke may not explicitly teach a technique of URL redirection to a website where user profile information is gathered. However, pertaining to this technique, Kublickis/Jaschke in view of 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

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browser before redirecting to the user's destination [*cause delivery of the advertisement*]; and (2) a pixel image on the destination site's acquisition page that can register a conversion for the system... the system also can be configured to utilize a back channel, and the like, for the advertiser to share information and to maintain security of purchasing and other information for the advertiser...”)

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

Claims 46, 59:

Although the combination Kublickis/Jaschke teaches the above limitations, neither Kublickis nor Jaschke may explicitly teach a technique of URL redirection to a website which subsequently enables the advertiser to store the cookie [tag] which may be contained in the redirect URL. However, pertaining to this technique, Horowitz does teach the following:

... comprises the profile owner computer being programmed to perform automatic redirection to a URL provided by the selected website or ad network to place the visitor device in communication with computer equipment controlled by the selected website or ad network to enable storage, in a central database associated with the computer equipment of the selected website or ad network, of the profile information linked to the tag that is associated with the visitor device (Horowitz, see at least [0045]-[0048] specifically teaching: “...For example, in step 412, the End User 110 can be tracked by employing a

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cookie [tag] having information [profile information] that varies depending on the type of tracking scheme being employed or an ID [profile information] can be passed in the redirect [automatic redirection to a URL] and the Advertiser site 106 can remember [store] the ID and return it to the exemplary performance-based online advertising system 100 either in a tracking pixel request or in a direct request from the Advertisement server 126..."

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

Conclusion

16. 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 – 5:00PM (Mon. – Thur.), and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter H. Choi can be reached at (469) 295-9171.
17. 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

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or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

18. Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>

/Michael J Sittner/

Primary Examiner, Art Unit 3622