

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Shkedi, Roy et al. Art Unit: : 2623
Serial No. : 11/968,117 Examiner: : Grant, Christopher C.
Filing Date : 12/31/2007
Title : Targeted online advertisements based on viewing or interacting
with television advertisements

Commissioner for Patents
P.O. Box 1450
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PRELIMINARY AMENDMENT

Please amend the above named application as set forth below.

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

Remarks begin on page 8 of this paper.

AMENDMENTS TO THE SPECIFICATION

Please amend the specification as set forth herein below.

Please replace paragraph [0002] with the following:

[0002] Systems or methods disclosed herein may be related to U.S. non-provisional App. No. ~~11/736,286~~ 11/736,544 filed 04/17/2007, which application is hereby incorporated by reference as if fully set forth herein.

Please replace paragraph [0035] with the following:

[0035] Regardless of whether PII is used or not, targeting advertising in one medium based on activity in another can be problematic. Various schemes currently are implemented, under development, or being considered wherein PII is used, *e.g.*, to target television advertisements based on a viewer's online behavior. Some of those schemes involve agreements or alliances among television providers, online access providers, online search portals, or online sites. The PII has typically been required to make the connection between the different media, because different devices are typically employed to access each one. Other proposed schemes would enable targeting of television ads based on observed online behavior without requiring the use of PII (*e.g.*, App. No. ~~11/736,286~~ 11/736,544 cited above). Whether or not PII is used, however, the prevalent use of dynamic device addresses, *e.g.*, for enabling online access, creates significant technological impediments to cross-media targeting of ads.

Please replace paragraph [0053] with the following:

[0053] The targeted television advertisement is directed to the user's STB 36 via ISP 22 if modem 32 and STB 36 share the online access IP address IP_{modem} (as in Fig. 5A), or via TVP 24 using an associated set-top box identifier ID_{STB} (as in Fig. 5B). The association between the online access IP address for the earlier online activity and the STB identifier can be established for targeting the television advertisement in any suitable way, including but not limited to those disclosed in App. No. ~~11/736,286~~ 11/736,544, already incorporated herein by reference. For example, the association between the online behavior from IP_{modem} and subsequent delivery of the targeted ad to ID_{STB} can be

established by: use of PII or non-PII as needed, desired, or permitted; use of a common identifier or user pseudonym for a user's modem and set-top box by an ISP/TVP; use of a common online access IP address used by both modem 32 and STB 36; cooperation between the ISP, TVP, and/or CAS to associate IP_{modem} and ID_{STB} with or without using PII; and so on.

Please replace paragraph [0063] with the following:

[0063] Another implementation of systems and methods according to the present disclosure is suitable for instances in which users are provided with both online access and television service by a common ISP/TVP (represented in the drawings by both of the boxes 22 and 24). As already described, it is typically the case that the users of online access service (*i.e.*, the subscribers) are not provided with a static IP address; instead a dynamic IP address IP_{modem} is temporarily allocated to the user's modem 32 for online access, often through DHCP. The dynamically assigned online access IP address is replaced after some time interval (or after some event occurs) by another IP address allocated to modem 32. The ISP/TVP 22/24 transmits (as in Fig. 8A) to a CAS 40, or perhaps to multiple CASs, the online access IP addresses of a multitude of users, perhaps along with corresponding pseudonyms, aliases, or other identifiers uniquely associated with the IP addresses, *e.g.*, user XY123 is connected to the Internet through a modem 32 that is assigned IP address abc.def.ghi.jkl. Each online access IP address, and perhaps also its associated pseudonym, can be transmitted to CAS 40 immediately upon its allocation or reallocation by ISP/TV 22/24, which could be advantageous in sending targeted online ads to the user's modem quickly. Alternatively, online access IP addresses, and perhaps also the corresponding pseudonyms, can be transmitted periodically to CAS 40 at any necessary or desirable time interval or after any specified event, such as the collection of a predefined number of pairings. The pseudonyms and online access IP addresses typically comprise non-PII, although PII can be included as well if needed, desired, or permitted. The use of pseudonyms or other identifiers to associate online access and set-top box identifiers is disclosed in App. No. 11/736,286 11/736,544, already incorporated herein by reference.

Please replace paragraph [0070] with the following:

[0070] In yet another implementation of systems and methods according to the present disclosure, the user need not receive both television service and Internet access from a common service provider. In an exemplary embodiment arranged as in Fig. 2, a user's STB 36 can periodically contact a CAS 40 (or multiple CASs) via the IP address of the user's modem 32 that is therefore common to STB 36. The common IP address (IP_{modem}) is dynamically assigned by ISP 22 to the user's modem 32 or other online access equipment. Modem 32 can include a router to route network traffic properly among the user's computer (or computers or other devices) 34 and the user's STB 36.

Alternatively, a separate router can be employed, or computer 34 or STB 36 or television 38 can include routing functions, for properly routing network traffic passing through modem 32, with STB 36 providing routing functions or being connected to the separate router, to computer 34, or to television 38 as appropriate. STB 36 reports the common IP address to CAS 40 with which it is in contact. However, STB 36 itself might not know the common IP address it is using, because it communicates through modem 32. In such circumstances, STB 36 nevertheless can report the common IP address to CAS 40 (*e.g.*, at some appropriate time interval) simply by initiating communication through modem 32 to CAS 40, thereby enabling CAS 40 to extract the common IP address from the communication. The use of a common IP address associate online access and set-top box IP addresses is disclosed in App. No. ~~11/736,286~~ 11/736,544, already incorporated herein by reference.

Please replace paragraph [0077] with the following:

[0077] In another example, a database is maintained recording, for each television advertisement delivered to STB 36, the applicable common IP addresses then assigned to modem 32, along with corresponding dates and times and observed ad related user behavior (*e.g.*, mere user viewing of the TV ad, user interaction with the TV ad, or information related to targeting of the TV ad), if any. Such an STB/ad database also includes the most recent common IP address, whether any TV ad was delivered to the STB while assigned that IP address or not. The STB/ad database is often referenced as a "log" or "history," or by using alternative terms. For purposes here, the term

“database” shall be deemed to encompass such logs associating the specified data, regardless of the format in which the information is kept or how it is connected or associated. The STB/ad database can be stored and updated by STB 36 or computer 34, and can preferably be transmitted to and stored by CAS 40. The STB/ad database can be updated at regular temporal intervals, or updating can be triggered by specific events, *e.g.*, receiving a television ad or reassignment of the common IP address, and the updating includes transmission of the updated database to CAS 40. The STB/ad database typically would be updated using data provided by the STB itself, because the STB can most readily associate its current common IP address with its own past common IP addresses (as disclosed in App. No. ~~11/736,286~~ 11/736,544, already incorporated herein by reference).

Please replace paragraph [0080] with the following:

[0080] In another exemplary embodiment, the user’s modem 32, computer 34, or STB 36 can be assigned an extra identifier for validating an association established by searching the STB/ad database and avoiding erroneous online ads or tracking. Such an extra identifier need not include PII and can be permanently or temporarily assigned. Such extra identifiers are described in App. No. ~~11/736,286~~ 11/736,544 cited above, and any extra identifier can be included in the records of the STB/ad database and in the transmission of the current common IP address by modem 32 to CAS 40 or online site 50. Examples of extra identifiers could include an equipment serial number or a portion thereof, a device MAC address or a portion thereof, a username, a pseudonym, a confirmation number (random or not), a tag, or any other identifying code or data element. CAS 40 can place an extra identifier on STB 36 or computer 34 the first time contact is made and read or amend the extra identifier every time afterwards that contact is made. Such an extra identifier would be considered a “cookie” when stored on computer 34 and used by online servers to recognize the visitor’s computer; such an extra identifier on modem 32 or STB 36 would serve an analogous function. The extra identifier can include the common IP address that modem 32 and STB 36 use when in contact with CAS 40, so that, when in contact, CAS 40 can compare the current common IP address with previous common IP addresses without necessarily searching through a database. From a privacy perspective, there is an advantage to using extra identifiers

placed by CAS 40 on STB 36, modem 32, or computer 34, because that can enable the user to control the extra identifiers and set privacy settings to match user preference. A user may, for example, erase an extra identifier, alter an extra identifier to inform the CAS the next time it is in communication that the user is not interested in targeted ads, interested only in ads targeting behavior from the last seven days, interested in ads in certain categories only, or interested in all types of ads except for certain excluded categories (e.g., adult content). In addition to reporting the common IP address to CAS 40, STB 36, modem 32, or computer 34 can also report the extra identifier. Matching such an extra identifier can significantly reduce the likelihood that a targeted online ad will be misdirected.

Please replace paragraph [0083] with the following:

[0083] In any of the implementations requiring determination, use, storage, or transmission of IP addresses, those can be achieved in a variety of ways. Examples are disclosed in App. No. ~~11/736,286~~ 11/736,544, already incorporated herein by reference. In some of such implementations, more than one online user interface device can share an IP address.

Please replace paragraph [0084] with the following:

[0084] Additional targeting criteria can be employed to direct targeted online ads to or track online behavior from the correct online user interface device, based on information concerning user behavior related to a TV ad delivered to the associated set-top box. Examples of such targeting criteria are disclosed in App. No. ~~11/736,286~~ 11/736,544, already incorporated herein by reference. Even if the correct online user interface device (or group of devices sharing a network address) is determined, in some instances that device can be used by multiple users. In such instances, online advertisements can also be targeted, or online activity tracked, based on information concerning user behavior related to a TV ad delivered to the associated set-top box, but further taking into consideration the particular online activity on the user interface device at a given time (e.g., type of online content viewed or online searches performed). Examples of such online activity and how to take it into account are disclosed in App. No. ~~11/736,286~~ 11/736,544, already incorporated herein by reference.

Please replace paragraph [0085] with the following:

[0085] In any of the implementations including delivery of online ads, the user's computer 34 or other online user interface device can be configured to filter the targeted online advertisements. Examples are disclosed in App. No. ~~11/736,286~~ 11/736,544, already incorporated herein by reference.

Please replace paragraph [0086] with the following:

[0086] However the user's online access and STB IP addresses are associated, the association can in some instances be maintained even if the online user interface device 34 is a mobile device (e.g., an Internet-enabled cell phone, handset, PDA, or laptop computer) that is intermittently disconnected from modem 32 and is connected to the Internet through another connection (e.g., another LAN, a wireless hotspot, or a cell phone network, as in Fig. 9). Examples are disclosed in App. No. ~~11/736,286~~ 11/736,544, already incorporated herein by reference.

Please replace paragraph [0087] with the following:

[0087] In any of the implementations including delivery of targeted online ads, the online ads can be provided by a wide variety of sources or entities. Examples are disclosed in App. No. ~~11/736,286~~ 11/736,544, already incorporated herein by reference, of various sources for targeted television advertisements. Targeted online ads can be provided by a similar array of sources or entities.

Please replace paragraph [0088] with the following:

[0088] In any of the disclosed implementations, revenue can be generated and distributed among the involved entities in a wide variety of ways. Some examples are disclosed in App. No. ~~11/736,286~~ 11/736,544, already incorporated herein by reference. In various examples, a profile provider can be compensated for enabling targeting of a television advertisements as well as subsequent online ads targeted based on the television ad.

REMARKS

Claims 1-49 are pending, and are not amended by this paper.

The instant application was originally intended to incorporate by reference co-owned, co-pending App. No. 11/736,544 (filed 04/17/2007). During later preparation of another related application for one of the co-inventors of the instant application, it was discovered that App. No. 11/736,286 was erroneously cited in the specification instead of App. No. 11/736,544. The correct filing date was cited (04/17/2007). The specification has therefore been amended to replace "11/736,286" with 11/736,544 at paragraphs [0002], [0035], [0053], [0063], [0070], [0077], [0080], [0083], [0084], [0085], [0086], [0087], and [0088].

It is respectfully submitted that the amendment does not introduce new matter but merely corrects a typographical error in the specification. The error is believed to have occurred because co-owned App. No. 11/763,286 appears immediately adjacent App. No. 11/736,544 in a listing of the owner's pending patent applications. The 2nd and 3rd digits were evidently transposed, leading to the erroneous inclusion of the last three digits "286" into the cited application number instead of "544". Note that App. No. 11/763,286 was not filed on 04/17/2007 and is therefore clearly not the application number intended to be cited.

The subject matter of App. No. 11/736,544 clearly is the subject matter intended to be incorporated by reference. First, the filing date cited in the instant application is the filing date of App. No. 11/736,544. Second, the applications are co-owned and share an inventor. Third, the titles indicate closely related subject matter. Fourth, the repeated references in the instant application to the incorporated application each refer to specific subject matter that is disclosed in App. No. 11/736,544.

It is clear that App. No. 11/736,286 was not intended to be cited in the instant application. App. No. 11/736,286 was not filed by any inventor of the instant application, nor is it owned by the owner of the instant application. App. No. 11/736,286 has not been published, and neither the inventors nor the owner of the instant application have access to the contents of App. No. 11/736,286.

Conclusion

In view of the above, it is submitted that the instant application is ready for examination. Allowance of Claims 1-49 at an early date is earnestly solicited.

Respectfully submitted,
ALMONDNET, INC.
by its attorney

Dated: October 1, 2008

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Electronic Acknowledgement Receipt

EFS ID:	4046350
Application Number:	11968117
International Application Number:	
Confirmation Number:	8283
Title of Invention:	Targeted online advertisements based on viewing or interacting with television advertisements
First Named Inventor/Applicant Name:	Roy Shkedi
Customer Number:	26362
Filer:	Louis J. Hoffman/Donald Hertz
Filer Authorized By:	Louis J. Hoffman
Attorney Docket Number:	14-TV4
Receipt Date:	01-OCT-2008
Filing Date:	31-DEC-2007
Time Stamp:	21:06:30
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Preliminary Amendment	08-10-01-TV4-Prelim_Amend. pdf	56433 9c5e2b0c4d342ed292fdbb98316178c116086f2f	no	9

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