

EXHIBIT 1

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LIST OF ADDITIONAL MATERIALS CONSIDERED

In addition to the references cited in my Opening Declaration the following materials were considered.

A. Case Related Documents

- Plaintiff ValueClick's, Inc's Claim Construction Brief
- Declaration of William W. Flachsbart in Support of ValueClick, Inc.'s Claim Construction Brief, including the following exhibits:
 - a. '396 Patent
 - b. '736 Patent
 - c. Transcript of July 23, 2007
 - d. JCCC
 - e. Wikipedia dated October 14, 2007
 - f. American Heritage 2000 "profile"
 - g. Dictionary.com 2007 "profile"
 - h. Wilkins, 5,446,919 ("Wilkins" or the "'919 Patent")
 - i. Paper 13 filed May 4, 1998 in '396 F. H.
 - j. Declaration of Peter Kent, signed October 13, 2007 ("Kent")
 - k. American Heritage 2000 "advertisement"
- Defendant Revenue Science, Inc.'s Opening Markman Brief
- Federal Circuit Decision 2006-1440 ("AllVoice Decision")
- United States Patent 5,799,273, Mitchell, filed September 27, 1996, issued August 25, 1998, entitled "Automated proofreading using interface linking recognized words to their audio data while text is being changed" ("AllVoice Patent" or "'273 Patent")

- Federal Circuit Decision 2002-1491, ACTV, Inc. and HyperTV Networks, Inc., v. The Walt Disney Company, American Broadcasting Companies, Inc. (ABC), and ESPN, Inc., October 8, 2003 (“ACTV Decision”)
- U.S. Patent Nos. 5,774,664 (“664 Patent”), 5,778,181 (“181 Patent”), and 6,018,768 (“768 Patent”), (collectively the “ACTV Patents”)

B. Electronic Data and CD-ROMs

- Core Java, Java Series, The Sunsoft Press, © 1996 Sun Microsystems, Inc., in particular /CoreJavaBook/ch2/ImageViewer/ImageViewer.java
- Lynx and “www” source code and documentation found on “Infoware 2: Internet Edition” CD-ROM, published by SunSoft, ©1994 Sun Microsystems, Inc., dated April 24, 1994, volume name “INFOWARE_VOLUME_2”, including:
 - /.pkg/sparc/PUBlynx/reloc/\$PKGDIR/docs/about_lynx/about_lynx.html
 - GZip file (containing source code) found at
/.pkg/sparc/PUBlynx/reloc/\$PKGDIR/lynx2-2.tar.gz, dated April 23, 1994,
including “WWW” directory containing source code from CERN and
“README.txt”
- PointCast Network installer, pcinstl.exe
- Unix man (help) pages for “sh”

C. World Wide Web Sites

- <http://web.archive.org>, archived pages from:
 - pointcast.com
 - www.peterkentconsulting.com

D. Other Publications

- Berners-Lee, Tim, *Weaving the Web*, HarperCollins, 1999 (in particular pp. 28-29, 45-51)

- Kent, Peter, *The Complete Idiot's Guide to the Internet, with Windows 95*, QUE® Corporation, 1995 (in particular pp. 102-103)
- Kent, Peter, *The Complete Idiot's Guide to the Internet*, 7th Edition, Alpha Books, Penguin Group (USA) Inc., February 2001 (in particular pp. 1, 24-27, 59, 198)
- Kent, Peter, and Rob Young, *The Complete Idiot's Guide to the Internet*, 2003 Edition, Prentice-Hall, November 2, 2002
- *New products allow for more monitoring*, Todd Spangler of PC Computing, *The Journal Record*, dated July 3, 1995
- *PointCast announces Journalist 3.0 for CompuServe; New version delivers enhanced ease-of-use and functionality*, *Business Wire*, dated August 10, 1995
- *PointCast make debut on Internet Screens to Acclaim*, *Internet Business News*, dated January 1, 1996 (regarding "screen saver")