APPENDIX F

U.S. Pat. No. 7,181,459	*Cole*
1. A computer implemented method of categorizing a network page, comprising:	*Cole* discloses a categorizing system for network pages, implemented on a computer: "A computer system identifies web pages of interest to a client. The system comprises a cataloging function which defines a hierarchy of subject categories, logically arranges a multitude of web pages in the categories and periodically adds web pages to the categories." *Cole* at Abstract; *Cole* at col. 2, ll. 35-41.
[a] providing a list of categories, wherein said list of categories include a category for transacting business and a category for providing information, and wherein said list of categories include a category based on copyright status of material on a page;	*Cole* discloses providing a list of categories: "The system comprises a cataloging function which defines a hierarchy of subject categories, logically arranges a multitude of web pages in the categories and periodically adds web pages to the categories." *Cole* at col. 2, ll. 35-41. "The cataloging form supports both hierarchical and key word searching, and lists the broad categories 42—recreation, arts, business, science, education . . . obtained from the cataloging function." *Cole* at col. 4, ll. 35-38. The inventors of the '459 patent attempted to distinguish their purported invention from *Cole* by claiming that they have created novel categories while admitting that their method for categorizing network pages was not novel. *See* Amendment In Response To Non-Final Office Action, April 10, 2006 at 10 ("Merely describing the ability to create various categories does not render the element of creating categories based on the copyright status of material on a Page obvious [. . .]. This claim limitation is not only about having a copyright category; it is also about creating categories based on the copyright status of material on a page."). Creating categories for "transacting business," "providing information," and a category based on the copyright status of material on a page were known element prior to August 9, 2001. Their combination with the *Cole* system is a combination of known elements that yields predictable results and is thus obvious. *See KSR Intern. Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1739 (2007) ("The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results."). Categories for "transacting business" and "providing information" were known elements prior to August 9, 2001 as evidenced by a number of online directories. *See, e.g.*, Yahoo!'s homepage from February 8, 1999 available at

	http://web.archive.org/web/19990208021547/http://www.yahoo.com/; *see also Baeza-Yates* at 10.4.2.1 ("There exist today many large online text collections to which category labels have been assigned. Traditional online bibliographic systems have for decades assigned subject headings to books and other documents. MEDLINE, a large collection of biomedical articles, has associated with it Medical Subject Headings (MeSH) consisting of approximately 18,000 categories . The Association for Computing Machinery (ACM) has developed a hierarchy of approximately 1200 category (keyword) labels. Yahoo!, one of the most popular search sites on the World Wide Web, organizes Web pages into a hierarchy consisting of thousands of category labels."); *see, e.g.*, *Baeza-Yates* at 10.4.2.1 discussing MeSH categories and HiBrowse interface. Categories based on copyright status were also known elements in the field of categorization of online content prior to August 9, 2001. *See, e.g.*, Open Publication License v1.0, published June 8, 1999, available at http://www.opencontent.org/openpub/; The Assayer: Help, publicly available since at least February 2, 2001 at http://www.theassayer.org/help.html (Listing the following categories based on copyright status: "0. Copyrighted, with a licensing agreement that prohibits selling or permanent use (an anti-book) 1. Copyrighted, with no licensing agreement (a traditional book) [also books on iUniverse] 2. Copyrighted, doesn't cost money to read, but otherwise not free 3. Public domain 4. Copylefted, but with restrictions on modification and/or sale 5. Copylefted: anyone can read, modify, and sell").
[b] assigning said network page to one or more of said list of categories;	*Cole* discloses assigning network pages to one or more categories provided by the system: "The system comprises a cataloging function which defines a hierarchy of subject categories, logically arranges a multitude of web pages in the categories and periodically adds web pages to the categories." *Cole* at col. 2, ll. 36-40. "In the illustrated embodiment, 30 the key word search also utilizes cataloging function 20, but alternately could use a different key-word search engine provided the engine assigns a category to each data web page and is periodically updated with new data web pages." *Cole* at col. 5, ll. 30-34; *see also Cole* at col. 9, ll. 5-9. Assigning network pages to one or more categories was well know in the art prior to August 9, 2001. *See, e.g.*, *Baeza-Yates* at 10.4.2.1 ("Most interfaces that depict category hierarchies graphically do so by associating a document directly with the node of the category

	hierarchy to which it has been assigned. For example, clicking on a category link in Yahoo! brings up a list of documents that have been assigned that category label. Conceptually, the document is stored within the category label.").
[c] providing a categorization label for the network page using the copyright status of material on the network page; and	*Cole* discloses indicating the categorization label for the network page to the user: "Typically, the client will proceed further down the hierarchy by a repetition of selections from the current web page (decision 239) in which case, the processing loops back to step 220. Each time the client is furnished with the corresponding cataloging form comprising hot links to a list of subcategories and hot links to data web pages. However, at any category in the hierarchy which includes a hot link to a data web page, the client can also select the hot link to the data web page (client step 241)." *Cole* at col. 5, ll. 13-21; *see also Cole* at col. 8, ll. 56-64; *Cole* at Fig. 5. "These results [from step 332 of Fig. 7] include a list of titles of the data web pages which include the key word and the category of each of the data web pages referenced by the hot links. Then, profile building function adds the header and footer to the results and sends the html to client 12 (step 334)." *Cole* at col. 5, ll. 54-59; *see also Cole* at col. 9, ll. 21-27. Indicating the categorization label using the copyright status was well known in the art prior to August 9, 2001. *See, e.g.*, the copyright notice at the bottom of *HTML 4.0* ("Copyright © 1997 W3C (MIT, INRIA, Keio), All Rights Reserved.").
[d] controlling usage of the network page using the categorization label and the copyright status of the network page.	*Cole* discloses "providing indicia" of the categorization label for the network page to the user: "Typically, the client will proceed further down the hierarchy by a repetition of selections from the current web page (decision 239) in which case, the processing loops back to step 220. Each time the client is furnished with the corresponding cataloging form comprising hot links to a list of subcategories and hot links to data web pages. However, at any category in the hierarchy which includes a hot link to a data web page, the client can also select the hot link to the data web page (client step 241)." *Cole* at col. 5, ll. 13-21; *see also Cole* at col. 8, ll. 56-64; *Cole* at Fig. 5. "These results [from step 332 of Fig. 7] include a list of titles of the data web pages which include the key word and the category of each of the data web pages referenced by the hot links. Then, profile

	building function adds the header and footer to the results and sends the html to client 12 (step 334)." *Cole* at col. 5, ll. 54-59; *see also Cole* at col. 9, ll. 21-27. Providing indicia of the categorization label using the copyright status was well known in the art prior to August 9, 2001. *See, e.g.*, the copyright notice at the bottom of *HTML 4.0* ("Copyright © 1997 W3C (MIT, INRIA, Keio), All Rights Reserved.").
6. The method of claim 1, wherein said plurality of categories based on the copyright status of material on a page comprise categories related to public domain, fair use only, use with attribution, and permission of copyright owner needed.	The claimed categories are obvious permutations of copyright categories known prior to August 9, 2001. *See, e.g.*, Open Publication License v1.0, published June 8, 1999, available at http://www.opencontent.org/openpub/; The Assayer: Help, publicly available since at least February 2, 2001 at http://www.theassayer.org/help.html.
9. The method of claim 1, wherein said categories include: a plurality of categories based on the copyright status of the material on a page.	A plurality of categories based on copyright status of material is obvious in view of known prior to August 9, 2001. *See, e.g.*, Open Publication License v1.0, published June 8, 1999, available at http://www.opencontent.org/openpub/.
16. The method of claim 1, further comprising providing an indicium for each of said categories.	*Cole* discloses providing an indicium for each of the categories: "Typically, the client will proceed further down the hierarchy by a repetition of selections from the current web page (decision 239) in which case, the processing loops back to step 220. Each time the client is furnished with the corresponding cataloging form comprising hot links to a list of subcategories and hot links to data web pages. However, at any category in the hierarchy which includes a hot link to a data web page, the client can also select the hot link to the data web page (client step 241)." *Cole* at col. 5, ll. 13-21; *see also Cole* at col. 8, ll. 56-64; *Cole* at Fig. 5. Providing indicia of the categorization label using the copyright status was well known in the art prior to August 9, 2001. *See, e.g.*, the copyright notice at the bottom of *HTML 4.0* ("Copyright © 1997 W3C (MIT, INRIA, Keio), All Rights Reserved."); *see also, e.g.*, *Baeza-Yates* at 10.4.2.1 ("Most interfaces that depict category hierarchies graphically do so by associating a document directly with the node of the category hierarchy to which it has been assigned. For example, clicking on a category link in Yahoo! brings up a list of

	documents that have been assigned that category label. Conceptually, the document is stored within the category label."); *Baeza-Yates* *d*iscussion of the Cat-a-Cone interface at § 10.8.6.
17. The method of claim 16, wherein said indicium comprises an icon.	An indicium comprised of an icon would have been obvious to one skilled in the art in because icons were commonly used to represent text in computer applications and web pages in 2001.
19. The method of claim 1, further comprising providing a categorization code that can be used to label the page with the categorization label that indicates the categories to which the page is assigned.	*Cole* discloses providing a hierarchy to create a label for each of the categories: "Typically, the client will proceed further down the hierarchy by a repetition of selections from the current web page (decision 239) in which case, the processing loops back to step 220. Each time the client is furnished with the corresponding cataloging form comprising hot links to a list of subcategories and hot links to data web pages. However, at any category in the hierarchy which includes a hot link to a data web page, the client can also select the hot link to the data web page (client step 241)." *Cole* at col. 5, ll. 13-21; *see also Cole* at col. 8, ll. 56-64; *Cole* at Fig. 5. A categorization code that could be used to label network pages and indicate the categories to which the pages is assigned was well known in the art prior to August 9, 2001. *See, e.g.*, Open Publication License v1.0, published June 8, 1999, available at http://www.opencontent.org/openpub/.
20. The method of claim 19, wherein said categorization code comprises an indicium for each of said categories.	*Cole* discloses providing an indicium for each of the categories: "Typically, the client will proceed further down the hierarchy by a repetition of selections from the current web page (decision 239) in which case, the processing loops back to step 220. Each time the client is furnished with the corresponding cataloging form comprising hot links to a list of subcategories and hot links to data web pages. However, at any category in the hierarchy which includes a hot link to a data web page, the client can also select the hot link to the data web page (client step 241)." *Cole* at col. 5, ll. 13-21; *see also Cole* at col. 8, ll. 56-64; *Cole* at Fig. 5. Providing indicia of each category in the categorization code was well known in the art prior to August 9, 2001. *See, e.g.*, the copyright notice at the bottom of *HTML 4.0* ("Copyright © 1997 W3C (MIT, INRIA, Keio), All Rights Reserved.").

21. The method of claim 20, wherein said indicium comprises two letters.	*Cole* provides that the category hierarchy may be stored in a database and the first two letters of the code may be used to designate the category. *Cole* at col. 4, ll. 10-11.
22. The method of claim 20, wherein said categorization label includes the indicia for each category to which a page is assigned.	*Cole* discloses providing an indicium for each of the categories: "Typically, the client will proceed further down the hierarchy by a repetition of selections from the current web page (decision 239) in which case, the processing loops back to step 220. Each time the client is furnished with the corresponding cataloging form comprising hot links to a list of subcategories and hot links to data web pages. However, at any category in the hierarchy which includes a hot link to a data web page, the client can also select the hot link to the data web page (client step 241)." *Cole* at col. 5, ll. 13-21; *see also Cole* at col. 8, ll. 56-64; *Cole* at Fig. 5. Providing indicia of the categorization label using the copyright status was well known in the art prior to August 9, 2001. *See, e.g.*, the copyright notice at the bottom of *HTML 4.0* ("Copyright © 1997 W3C (MIT, INRIA, Keio), All Rights Reserved.").
27. The method of claim 19, further comprising making said categorization label recognizable by a search engine.	All text on a network page is "recognizable" by a search engine, so the copyright notice at the bottom of many web pages prior to August 9, 2001 meet this limitation. *See, e.g.*, the copyright notice at the bottom of *HTML 4.0* ("Copyright © 1997 W3C (MIT, INRIA, Keio), All Rights Reserved.").
28. The method of claim 1, further comprising making said categories to which a page is assigned recognizable by a search engine.	All text on a network page, including a label that indicates the category to which a page is assigned, is "recognizable" by a search engine, so the copyright notice at the bottom of many web pages prior to August 9, 2001 meet this limitation. *See, e.g.*, the copyright notice at the bottom of *HTML 4.0* ("Copyright © 1997 W3C (MIT, INRIA, Keio), All Rights Reserved.").
29. The method of claim 1, wherein said list of categories is provided on a graphical user interface.	The categories provided by the Open Public License were provided in a web browser (i.e., a graphical user interface). *See, e.g.*, Open Publication License v1.0, published June 8, 1999, available at http://www.opencontent.org/openpub/.
30. A computer implemented method for categorizing a network page, comprising:	*Cole* discloses a categorizing system for network pages, implemented on a computer: "A computer system identifies web pages of interest to a client. The system comprises a cataloging function which defines a hierarchy of subject categories, logically arranges a multitude of web pages in the categories and periodically adds web pages to the

	categories." *Cole* at Abstract; *Cole* at col. 2, ll. 35-41.
[a] providing a list of categories, wherein said list of categories include a category for transacting business and a category for providing information, and wherein said list of categories include a plurality of categories based on the copyright status of material on a page;	*Cole* discloses providing a list of categories: "The system comprises a cataloging function which defines a hierarchy of subject categories, logically arranges a multitude of web pages in the categories and periodically adds web pages to the categories." *Cole* at col. 2, ll. 35-41.

"The cataloging form supports both hierarchical and key word searching, and lists the broad categories 42—recreation, arts, business, science, education . . . obtained from the cataloging function." *Cole* at col. 4, ll. 35-38.

The inventors of the '459 patent attempted to distinguish their purported invention from *Cole* by claiming that they have created novel categories while admitting that their method for categorizing network pages was not novel. *See* Amendment In Response To Non-Final Office Action, April 10, 2006 at 10 ("Merely describing the ability to create various categories does not render the element of creating categories based on the copyright status of material on a Page obvious [. . .]. This claim limitation is not only about having a copyright category; it is also about creating categories based on the copyright status of material on a page.").

Creating categories based on the copyright status of material on a page were known element prior to August 9, 2001. Their combination with the *Cole* system is a combination of known elements that yields predictable results and is thus obvious. *See KSR Intern. Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1739 (2007) ("The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.").

Categories for "transacting business" and "providing information" were known elements prior to August 9, 2001 as evidenced by a number of online directories. *See, e.g*., Yahoo!'s homepage from February 8, 1999 available at http://web.archive.org/web/19990208021547/http://www.yahoo.com/; *see also Baeza-Yates* at 10.4.2.1 ("There exist today many large online text collections to which category labels have been assigned. Traditional online bibliographic systems have for decades assigned subject headings to books and other documents. MEDLINE, a large collection of biomedical articles, has associated with it Medical Subject Headings (MeSH) consisting of approximately 18,000 categories . The Association for Computing Machinery (ACM) has developed a hierarchy of approximately 1200 category (keyword) |

	labels. Yahoo!, one of the most popular search sites on the World Wide Web, organizes Web pages into a hierarchy consisting of thousands of category labels."); *see, e.g.*, *Baeza-Yates* at 10.4.2.1 discussing MeSH categories and HiBrowse interface. Categories based on copyright status were also known elements in the field of categorization of online content prior to August 9, 2001. *See, e.g.*, Open Publication License v1.0, published June 8, 1999, available at http://www.opencontent.org/openpub/; The Assayer: Help, publicly available since at least February 2, 2001 at http://www.theassayer.org/help.html (Listing the following categories based on copyright status: "0. Copyrighted, with a licensing agreement that prohibits selling or permanent use (an anti-book) 1. Copyrighted, with no licensing agreement (a traditional book) [also books on iUniverse] 2. Copyrighted, doesn't cost money to read, but otherwise not free 3. Public domain 4. Copylefted, but with restrictions on modification and/or sale 5. Copylefted: anyone can read, modify, and sell").
[b] providing a categorization code for labeling the network page with a categorization label, wherein said categorization label indicates a set of categories and subcategories to which the network page is assigned, and wherein said categorization label indicates the copyright status of material on the network page; and	*Cole* discloses providing a categorization code for labeling a network page: "The flow chart of FIG. 11 illustrates automatic operations performed by profile building server 510. Once each day, for example, at 2:00 AM (decision 600), profile building server 510 sends a request to the catalog server 520 for data entries for all new URLs/web pages added that day to the catalog server's database 35 (and hierarchy). Each data entry includes a respective URL, descriptive information for the URL such as its title or first paragraph, and the category in which the new URL falls. Catalog server 520 returns the data entries to profile building server 510 which stores the data entries with a date stamp for each (step 602). Profile building server 510 stores the data entries grouped by category." *Cole* at col. 7, ll. 41-52. *Cole* also discloses a categorization label indicating the categories to which the page is assigned: "Typically, the client will proceed further down the hierarchy by a repetition of selections from the current web page (decision 239) in which case, the processing loops back to step 220. Each time the client is furnished with the corresponding cataloging form comprising hot links to a list of subcategories and hot links to data web pages. However, at any category in the hierarchy which includes a hot link to a data web page, the client can also select the hot link to the data web page (client step 241)." *Cole* at col. 5, ll. 13-21; *see also Cole* at

	col. 8, ll. 56-64; *Cole* at Fig. 5.
	A categorization code that could be used to label network pages and indicate the categories to which the pages is assigned was well known in the art prior to August 9, 2001. *See, e.g.*, Open Publication License v1.0, published June 8, 1999, available at http://www.opencontent.org/openpub/; The Assayer: Help, publicly available since at least February 2, 2001 at http://www.theassayer.org/help.html.
[c] controlling usage of the network page using the categorization label and the copyright status of the network page.	*Cole* discloses providing indicia of the categorization label for the network page to the user: "Typically, the client will proceed further down the hierarchy by a repetition of selections from the current web page (decision 239) in which case, the processing loops back to step 220. Each time the client is furnished with the corresponding cataloging form comprising hot links to a list of subcategories and hot links to data web pages. However, at any category in the hierarchy which includes a hot link to a data web page, the client can also select the hot link to the data web page (client step 241)." *Cole* at col. 5, ll. 13-21; *see also Cole* at col. 8, ll. 56-64; *Cole* at Fig. 5. "These results [from step 332 of Fig. 7] include a list of titles of the data web pages which include the key word and the category of each of the data web pages referenced by the hot links. Then, profile building function adds the header and footer to the results and sends the html to client 12 (step 334)." *Cole* at col. 5, ll. 54-59; *see also Cole* at col. 9, ll. 21-27. Providing indicia of the categorization label using the copyright status was well known in the art prior to August 9, 2001. *See, e.g.*, the copyright notice at the bottom of *HTML 4.0* ("Copyright © 1997 W3C (MIT, INRIA, Keio), All Rights Reserved.").
31. A computer implemented method of categorizing a network page, comprising:	*Cole* discloses a categorizing system for network pages, implemented on a computer: "A computer system identifies web pages of interest to a client. The system comprises a cataloging function which defines a hierarchy of subject categories, logically arranges a multitude of web pages in the categories and periodically adds web pages to the categories." *Cole* at Abstract; *see also Cole* at col. 2, ll. 35-41.
[a] providing a list of categories, wherein said categories include a category based on the copyright status of material on a page, and wherein the copyright	*Cole* discloses providing a list of categories: "The system comprises a cataloging function which defines a hierarchy of subject categories, logically arranges a multitude of web pages in the categories and periodically adds web pages to the categories." *Cole* at col. 2, ll. 35-41.

status comprises categories related to public domain, fair use only, use with attribution, and permission of copyright owner needed;	"The cataloging form supports both hierarchical and key word searching, and lists the broad categories 42—recreation, arts, business, science, education . . . obtained from the cataloging function." *Cole* at col. 4, ll. 35-38. The inventors of the'459 patent attempted to distinguish their purported invention from *Cole* by claiming that they have created novel categories while admitting that their method for categorizing network pages was not novel. *See* Amendment In Response To Non-Final Office Action, April 10, 2006 at 10 ("Merely describing the ability to create various categories does not render the element of creating categories based on the copyright status of material on a Page obvious [. . .]. This claim limitation is not only about having a copyright category; it is also about creating categories based on the copyright status of material on a page."). Creating categories based on the copyright status of material on a page were known element prior to August 9, 2001. Their combination with the *Cole* system is a combination of known elements that yields predictable results and is thus obvious. *See KSR Intern. Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1739 (2007) ("The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results."). Categories based on copyright status were also known elements in the field of categorization of online content prior to August 9, 2001. *See, e.g.*, Open Publication License v1.0, published June 8, 1999, available at http://www.opencontent.org/openpub/; The Assayer: Help, publicly available since at least February 2, 2001 at http://www.theassayer.org/help.html (Listing the following categories based on copyright status: "0. Copyrighted, with a licensing agreement that prohibits selling or permanent use (an anti-book) 1. Copyrighted, with no licensing agreement (a traditional book) [also books on iUniverse] 2. Copyrighted, doesn't cost money to read, but otherwise not free 3. Public domain 4. Copylefted, but with restrictions on modification and/or sale 5. Copylefted: anyone can read, modify, and sell").
[b] assigning said network page to one or more of a plurality of said list of categories;	*Cole* discloses assigning network pages to one or more categories provided by the system: "The system comprises a cataloging function which defines a hierarchy of subject categories, logically arranges a multitude of web pages in the categories and periodically adds web pages to the categories." *Cole* at col. 2, ll. 36-40.

	"In the illustrated embodiment, 30 the key word search also utilizes cataloging function 20, but alternately could use a different key-word search engine provided the engine assigns a category to each data web page and is periodically updated with new data web pages." *Cole* at col. 5, ll. 30-34; *Cole* at col. 9, ll. 5-9.
[c] providing a categorization label for the network page using the copyright status of material on the network page; and	*Cole* discloses indicating the categorization label for the network page to the user: "Typically, the client will proceed further down the hierarchy by a repetition of selections from the current web page (decision 239) in which case, the processing loops back to step 220. Each time the client is furnished with the corresponding cataloging form comprising hot links to a list of subcategories and hot links to data web pages. However, at any category in the hierarchy which includes a hot link to a data web page, the client can also select the hot link to the data web page (client step 241)." *Cole* at col. 5, ll. 13-21; *see also Cole* at col. 8, ll. 56-64; *Cole* at Fig. 5. Indicating the categorization label using the copyright status was well known in the art prior to August 9, 2001. *See, e.g.*, the copyright notice at the bottom of *HTML 4.0* ("Copyright © 1997 W3C (MIT, INRIA, Keio), All Rights Reserved.").
[d] controlling usage of the network page using the categorization label and the copyright status of the network page.	*Cole* discloses providing indicia of the categorization label for the network page to the user: "Typically, the client will proceed further down the hierarchy by a repetition of selections from the current web page (decision 239) in which case, the processing loops back to step 220. Each time the client is furnished with the corresponding cataloging form comprising hot links to a list of subcategories and hot links to data web pages. However, at any category in the hierarchy which includes a hot link to a data web page, the client can also select the hot link to the data web page (client step 241)." *Cole* at col. 5, ll. 13-21; *see also Cole* at col. 8, ll. 56-64; *Cole* at Fig. 5. "These results [from step 332 of Fig. 7] include a list of titles of the data web pages which include the key word and the category of each of the data web pages referenced by the hot links. Then, profile building function adds the header and footer to the results and sends the html to client 12 (step 334)." *Cole* at col. 5, ll. 54-59; *see also Cole* at col. 9, ll. 21-27. Providing indicia of the categorization label using the copyright status

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