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13 Attorneys for Plaintiff, IconFind, Inc.

14 IN THE UNITED STATES DISTRICT COURT  
 FOR THE EASTERN DISTRICT OF CALIFORNIA

15 ICONFIND, INC.,

Case No. 2:11-cv-00319-GEB-JFM

16 Plaintiff,

**PLAINTIFF'S SECOND  
 SUPPLEMENTAL INFRINGEMENT  
 CONTENTIONS TO GOOGLE INC.**

17 v.

18 GOOGLE INC.,

19 Defendant.

20 Pursuant to the Parties meet and confer teleconference on January 27, 2012, the Parties  
 21 Joint Status Report (Dkt. No. 47), Plaintiff IconFind, Inc. ("IconFind") sets forth the following  
 22 supplemental infringement contentions with respect to the patent in suit, U.S. Patent No.  
 23

24 **PLAINTIFF'S SUPPLEMENTAL INFRINGEMENT CONTENTIONS TO GOOGLE INC. Case No. 2:11-cv-**  
 25 **00319-GEB-JFM**

1 7,181,459 B2 ("459 patent"). IconFind's investigation of the matters disclosed is ongoing.  
2 Moreover, while Google has produced documents in this litigation, many of them contain  
3 redactions which eviscerate the usefulness of the document to IconFind in gathering additional  
4 evidence to support its contentions against Google. Additionally, these infringement contentions  
5 are by their nature preliminary and IconFind objects to any attempt by Google to improperly and  
6 prematurely force IconFind to narrow its positions, particularly where Google's objections are  
7 properly the subject of the claim construction process.

8 Moreover, IconFind reserves the right to supplement or modify these disclosures as new  
9 information becomes available through fact and expert discovery or other investigation as  
10 provided in the Federal Rules of Civil Procedure, and if the claim(s) of the '459 patent are  
11 construed by this Court or any other court.

## 12 **I. INFRINGEMENT CONTENTIONS**

### 13 **A. Asserted Claim(s)**

14 IconFind contends that Google has infringed and continues to infringe at least claims 1, 6,  
15 9, 16, 17, 19, 20, 21, 22, 29, 30 and 31 of the '459 patent under 35 U.S.C. § 271(a) through  
16 Google's use, ownership and operation of the websites in which it incorporates and facilitates  
17 Creative Commons licenses, including but not limited to Google Knol, Google Books and  
18 Google Picasa. IconFind further contends that Google has infringed and continues to infringe at  
19 least claims 27 and 28 of the '459 patent under 35 U.S.C. § 271(a) through Google's use,  
20 ownership and operation of the websites in which it incorporates and facilitates Creative  
21 Commons licenses, including but not limited to Google Knol.

### 22 **B. Each Accused Instrumentality**

23 IconFind contends that Google has infringed and continues to infringe at least claims 1, 6,  
24 9, 16, 17, 19, 20, 21, 22, 29, 30 and 31 of the '459 patent under 35 U.S.C. § 271(a) through

1 Google's use, ownership and operation of the websites in which it incorporates and facilitates  
2 Creative Commons licenses, including but not limited to Google Knol, Google Books and  
3 Google Picasa. IconFind further contends that Google has infringed and continues to infringe at  
4 least claims 27 and 28 of the '459 patent under 35 U.S.C. § 271(a) through Google's use,  
5 ownership and operation of the websites in which it incorporates and facilitates Creative  
6 Commons licenses, including but not limited to Google Knol.

7 **C. Claim Charts**

8 IconFind notes that discovery has just begun, and Google has not produced any document  
9 or other information that may provide further factual bases for IconFind's claim of infringement,  
10 including any document pertaining to or constituting Google's technical documentation and  
11 source code of the Accused Instrumentality. Therefore, this disclosure may well be preliminary  
12 or incomplete, and IconFind expressly reserves the right to modify and supplement its disclosure  
13 if additional information is discovered from Google or third parties.

14 Subject to these limitations, attached hereto as: (a) Exhibit A is a claim chart identifying  
15 Google's infringement through Google Knol; (b) Exhibit B is a claim chart identifying Google's  
16 infringement through Google Books; and (3) Exhibit C is a claim chart identifying Google's  
17 infringement through Google Picasa. IconFind reserves the right to supplement, modify and  
18 revise the attached claim charts as discovery progresses and based on the Court's claim  
19 construction as provided in the Federal Rules of Civil Procedure.

20 **D. Priority Date for Each Asserted Claim**

21 Claims 1, 6, 9, 16, 17, 19, 20, 21, 22, 27, 28, 29, 30 and 31 of the '459 patent are entitled  
22 to a priority date of at least as early as August 9, 2001.

1           **E.     Basis for Wilfullness**

2           IconFind contends that Google’s infringement has occurred with knowledge of the ‘459  
3 patent and willfully and deliberately in violation of 35 U.S.C. § 284. As an initial matter,  
4 IconFind notes that discovery has just begun and Google has not produced any document or  
5 other information that may provide further factual bases for IconFind’s claim of willful  
6 infringement, including any document pertaining to Google’s course of conduct and commercial  
7 activities after learning of the ‘459 patent. Accordingly, IconFind’s disclosure being made  
8 herein may well be preliminary or incomplete given that Google itself possesses documents and  
9 materials that may provide further bases for IconFind’s claim of willful infringement. Thus,  
10 IconFind expressly reserves the right to modify and supplement its disclosure once additional  
11 information is produced in this litigation from Google and third parties.

12           Subject to and limited by the above comments, IconFind states that Google was given  
13 actual notice of the ‘459 patent on or about January 2009, when IconFind provided notice to  
14 Google that the ‘459 patent covered Google’s operation of its website. At least as a result of this  
15 actual notice of infringement, Google was aware of IconFind’s rights in the ‘459 patent and its  
16 direct relevance to Google’s business and commercial activities no later than January 2009.  
17 Furthermore, Google and its patent attorneys were also aware of the ‘459 patent as evidenced by  
18 the prosecution of Google’s own U.S. Patent Nos. 7,664,734, 7,693,825, 7,707,142, 7,788,274,  
19 and 7,873,632.

20           Despite this notice, Google has continued its acts of infringement. It has taken no steps  
21 to avoid infringement, much less adequate and necessary steps, and has not changed its course of  
22 conduct with respect to its Accused Instrumentality. To the contrary, even following the actual  
23 notice of infringement and the filing of the instant lawsuit, Google has continued its course of  
24 conduct in objectively reckless disregard of the ‘459 patent.

1 Subject to future supplementation upon receipt of the information within or under the  
2 control of Google IconFind states that Google's conduct establishes objectively reckless  
3 disregard for IconFind's patent rights so as to be liable for willful infringement of the '459 patent  
4 under the Title 35. As stated above, IconFind reserves the right to supplement, alter, or modify  
5 this disclosure as discovery progresses.

7 Respectfully submitted,

8 NIRO, HALLER & NIRO  
9 Raymond P. Niro (*Pro hac vice*)  
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14 BIRNEY, LLP  
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17 **Attorneys for Plaintiff, IconFind, Inc.**

1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies that on February 3, 2012 the foregoing

3 **PLAINTIFF'S SECOND SUPPLEMENTAL INFRINGEMENT CONTENTIONS TO**  
4 **GOOGLE INC.**

5 was served via electronic transmission to the following counsel of record:

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16 *Attorneys for Defendant Google Inc.*

17 I certify that all parties in this case are represented by counsel who are CM/ECF participants.

18 /s/ Anna B. Folgers

19 Attorneys for Plaintiff

# EXHIBIT A

Contains Google **CONFIDENTIAL OUTSIDE COUNSEL ONLY** Information





# U.S. Patent No. 7,181,459 - Claim 1

Claim 1.

1. A computer implemented method of categorizing a network page, comprising:

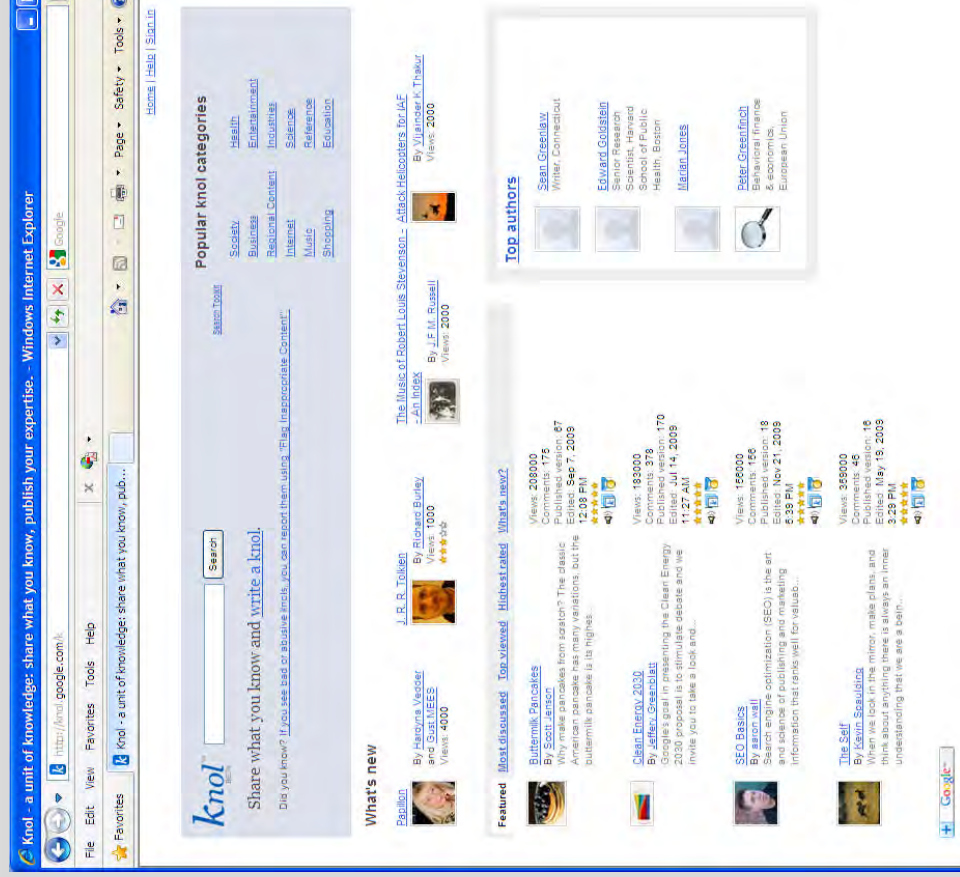
providing a list of categories, wherein said list of categories include a category for transacting business and a category for providing information, and wherein said list of categories include a category based on copyright status of material on a page;

assigning said network page to one or more of said list of categories;

providing a categorization label for the network page using the copyright status of material on the network page; and

controlling usage of the network page using the categorization label and the copyright status of the network page.

Google Inc.'s Knol is an online knowledge resource that allows users to share and add content collaboratively. By and through its Knol website, Google categorizes pages on the Internet that contain its users' content.



# U.S. Patent No. 7,181,459 - Claim 1

Claim 1.

1. A computer implemented method of categorizing a network page, comprising:

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;

assigning said network page to one or more of said list of categories;

providing a categorization label for the network page using the copyright status of material on the network page; and

controlling usage of the network page using the categorization label and the copyright status of the network page.

Google's "Knol Design Document" confirms that a knol is a "page."

REDACTED

# U.S. Patent No. 7,181,459 - Claim 1

Claim 1.

1. A computer implemented method of categorizing a network page, comprising:

**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;**

assigning said network page to one or more of said list of categories;

providing a categorization label for the network page using the copyright status of material on the network page; and

controlling usage of the network page using the categorization label and the copyright status of the network page.

Google incorporates into its Knol website the use of Creative Commons licenses. Google provides a list of categories for Knol including categories for network pages that have as a purpose transacting business, categories for network pages that have as a purpose the provision of information and categories based on copyright status of the material. Specifically, Knol includes categories for commercial and noncommercial use, and a variety of copyright status options. For example, Creative Commons Attribution 3.0 License allows commercial use, and accordingly has as a purpose transacting business. As a further example, Creative Commons Attribution-Noncommercial 3.0 License has as a purpose the provision of information. As a further example, the “All Rights Reserved” License includes a copyright status.



# U.S. Patent No. 7,181,459 - Claim 1

Claim 1.

1. A computer implemented method of categorizing a network page, comprising:

**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;**

assigning said network page to one or more of said list of categories;

providing a categorization label for the network page using the copyright status of material on the network page; and

controlling usage of the network page using the categorization label and the copyright status of the network page.

Google further provides its list of categories, and settings regarding the same, on its “Licenses in Knol” page.

The screenshot shows the 'Licenses in Knol' page with a navigation menu on the left containing 'Contents', 'Setting the license', 'Default license', and 'Searching for knols by license'. The main content area is titled 'Setting the license' and includes a paragraph: 'We are encouraging authors to use a popular "some rights reserved" license for their content. Click on the Settings link and go to the General panel. You can specify the license for each knol you write.' Below this is a section 'License: Learn more' with a red dashed box highlighting the 'Select the license for sharing and adapting this knol:' options. These options are: 'Creative Commons Attribution 3.0 License', 'Creative Commons Attribution-Noncommercial 3.0 License', 'Creative Commons Attribution-Share Alike 3.0 License', 'All Rights Reserved', and 'Set as default for all future knols'. The 'Set as default for all future knols' option is checked. Below the options are sections for 'Default license' and 'Searching for knols by license', both with explanatory text and links.

# U.S. Patent No. 7,181,459 - Claim 1

## Claim 1.

1. A computer implemented method of categorizing a network page, comprising:

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;

assigning said network page to one or more of said list of categories;

providing a categorization label for the network page using the copyright status of material on the network page; and

controlling usage of the network page using the categorization label and the copyright status of the network page.

Google internal documents confirm its use of Licenses in Knol.

REDACTED

# U.S. Patent No. 7,181,459 - Claim 1

Claim 1.

1. A computer implemented method of categorizing a network page, comprising:  
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;

**assigning said network page to one or more of said list of categories;**

providing a categorization label for the network page using the copyright status of material on the network page; and

controlling usage of the network page using the categorization label and the copyright status of the network page.

**REDACTED**

Google assigns the Knol pages to one or more of the categories based on the user's selection, or based on the default setting.





# U.S. Patent No. 7,181,459 - Claim 1

Claim 1.

1. A computer implemented method of categorizing a network page, comprising:

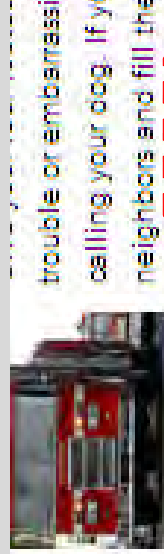
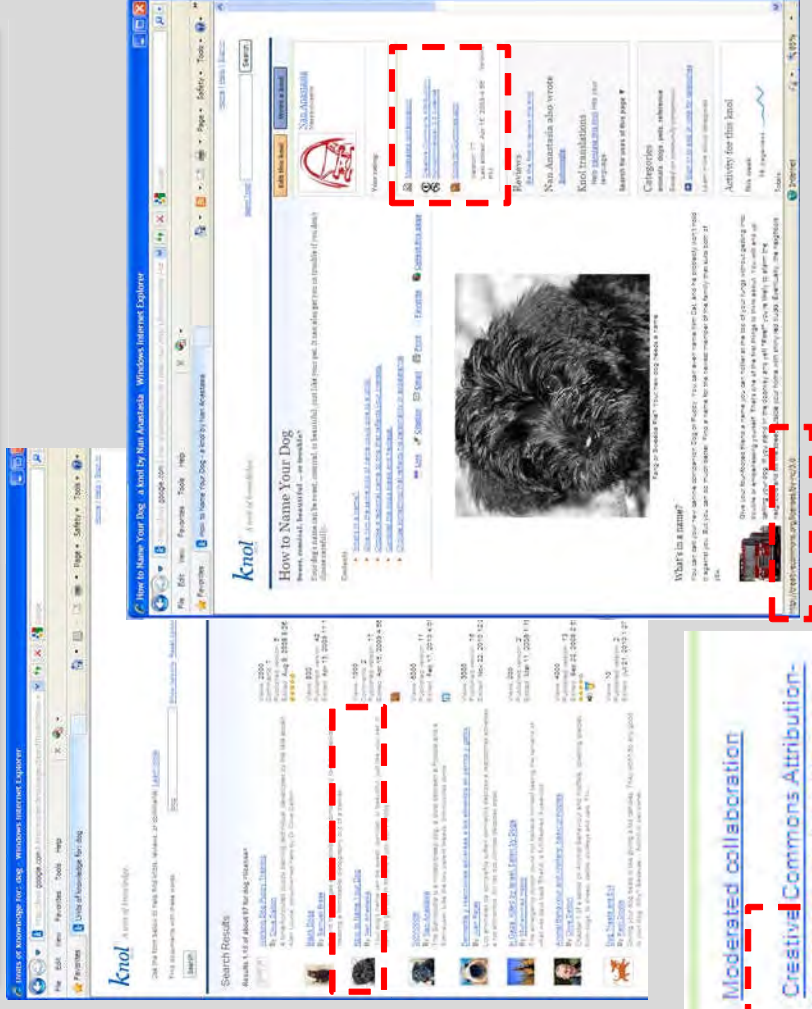
providing a list of categories, wherein said list of categories include a category for transacting business and a category for providing information, and wherein said list of categories include a category based on copyright status of material on a page;

assigning said network page to one or more of said list of categories;

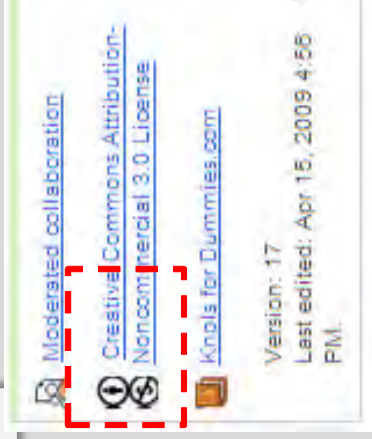
providing a categorization label for the network page using the copyright status of material on the network page; and

controlling usage of the network page using the categorization label and the copyright status of the network page.

Google controls use of pages on Knol by providing indicia which inform the viewer of the category or categories to which the pages are assigned, including copyright status, which govern the use of the material.



<http://creativecommons.org/licenses/by-nc/3.0>





# U.S. Patent No. 7,181,459 - Claim 1

Claim 1.

1. A computer implemented method of categorizing a network page, comprising:

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;

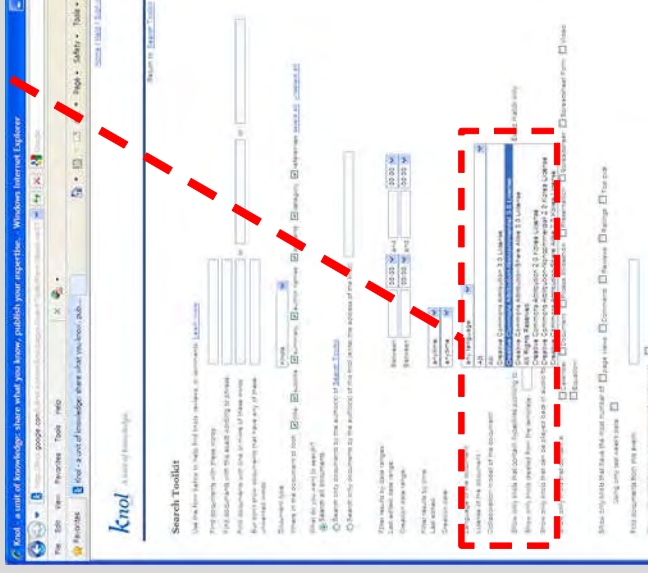
assigning said network page to one or more of said list of categories;

providing a categorization label for the network page using the copyright status of material on the network page; and

controlling usage of the network page using the categorization label and the copyright status of the network page.

REDACTED

Additionally, the label assigned to each page is used for the organization and retrieval of each network page. Thus, usage of the page is controlled using the categorization label and the copyright status of the network page. For example, Knol's Search Toolkit page provides the option to search by "License of the document."



# U.S. Patent No. 7,181,459 - Claim 1

Claim 1.

1. A computer implemented method of categorizing a network page, comprising:

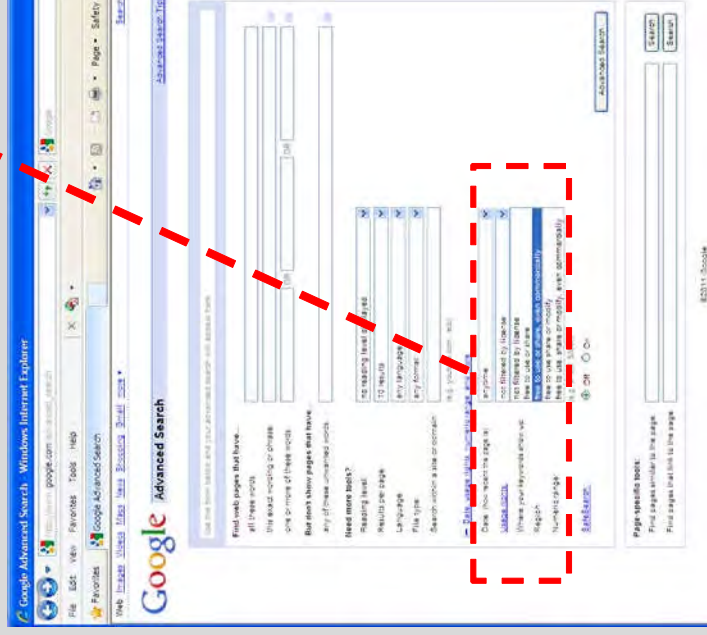
providing a list of categories, wherein said list of categories include a category for transacting business and a category for providing information, and wherein said list of categories include a category based on copyright status of material on a page;

assigning said network page to one or more of said list of categories;

providing a categorization label for the network page using the copyright status of material on the network page; and

controlling usage of the network page using the categorization label and the copyright status of the network page.

As a further example, the Google Advanced Search page also provides the option to search by "Usage rights." Accordingly, Google has made its categorization label readable by web crawlers.

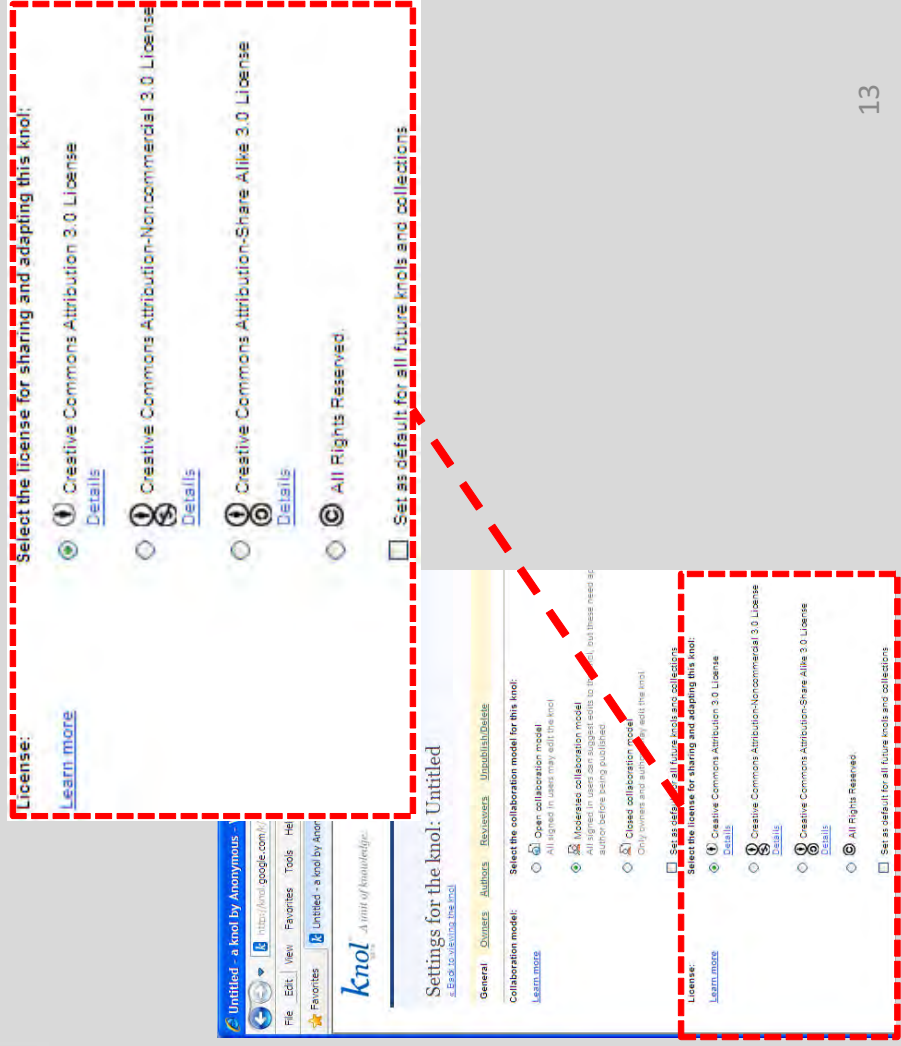
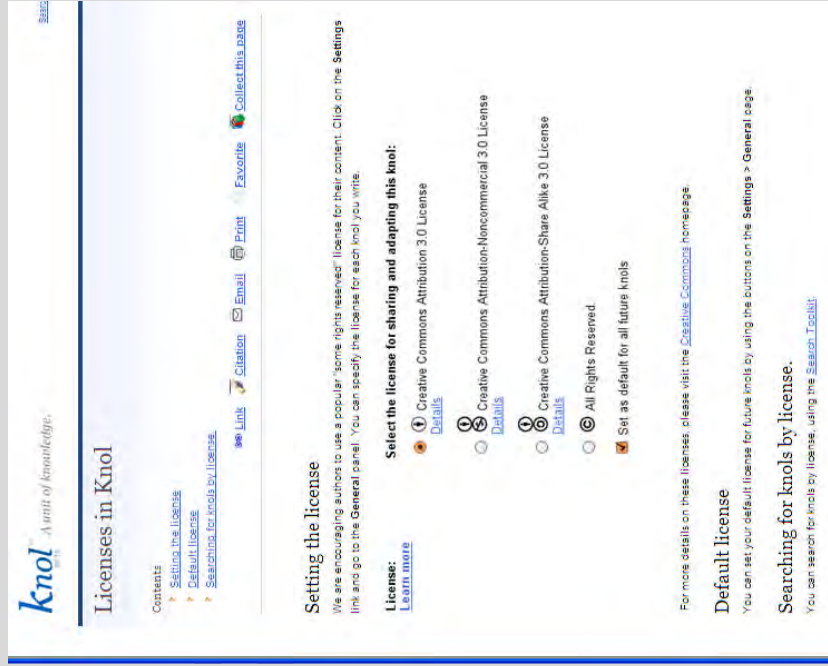


# U.S. Patent No. 7,181,459 - Claim 6

## Claim 6.

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.

Google incorporates into its Knol website the use of Creative Commons licenses. Google provides a list of categories for Knol, as shown below, including a variety of copyright status options “related to public domain, fair use only, use with attribution, and permission of copyright owner needed.” For example, “© all rights reserved” is a category related to “permission of copyright owner needed.”

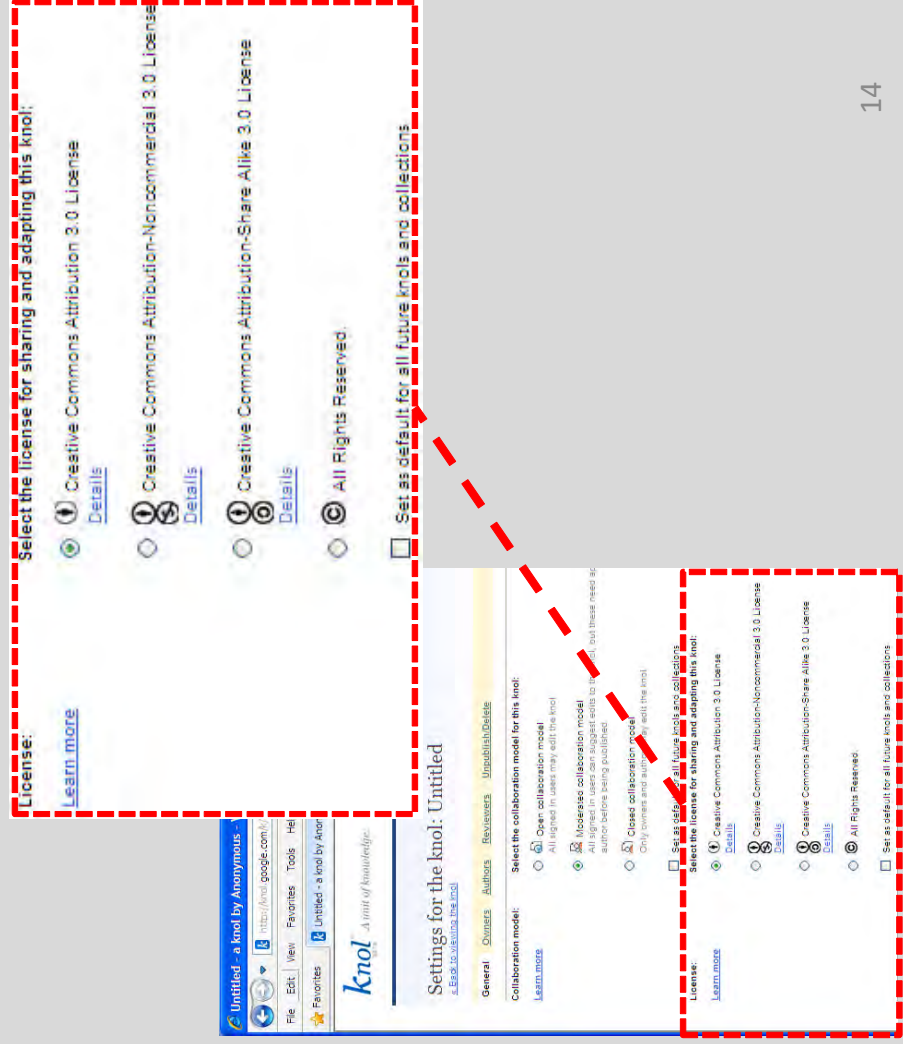


# U.S. Patent No. 7,181,459 - Claim 9

Claim 9.

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.

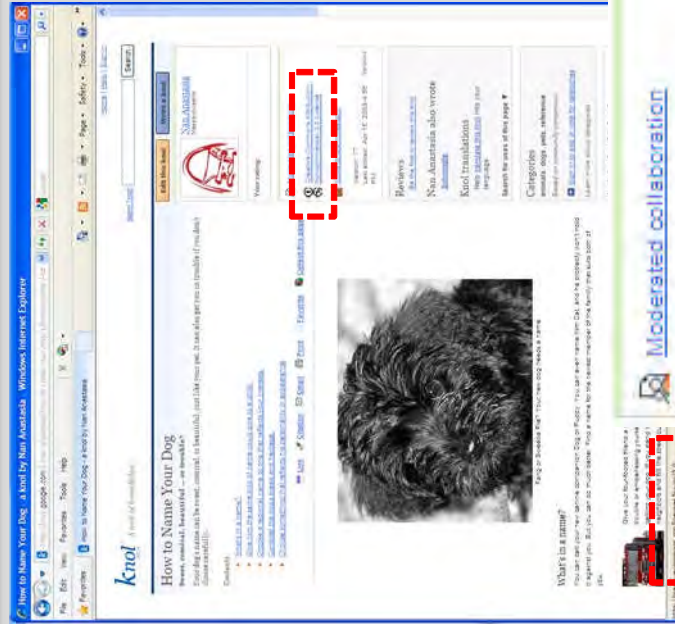
Google incorporates into its Knol website the use of Creative Commons licenses. Google provides a list of categories for Knol including a variety of copyright status options.



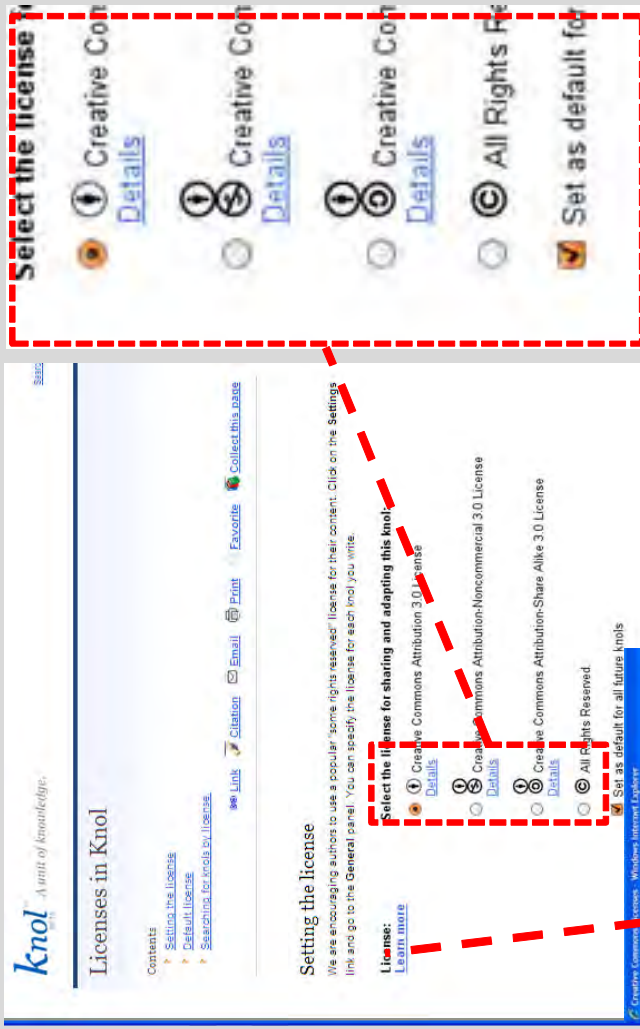
# U.S. Patent No. 7,181,459 - Claim 16

Claim 16.

16. The method of claim 1, further comprising providing an indicium for each of said categories.



Google Knol provides an indicium for each of said categories.

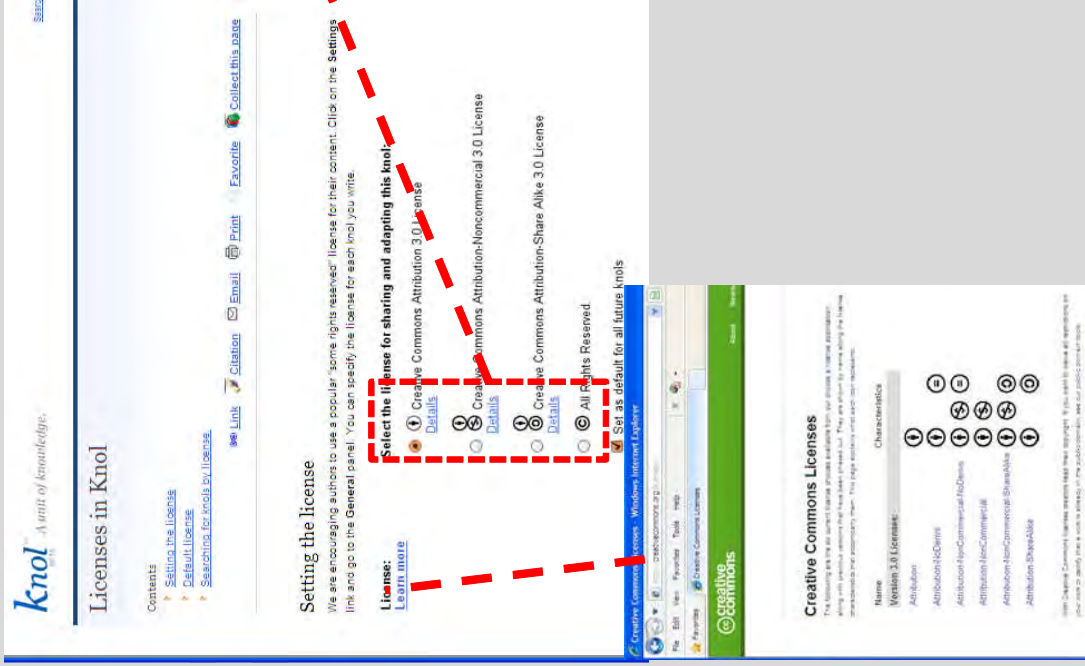
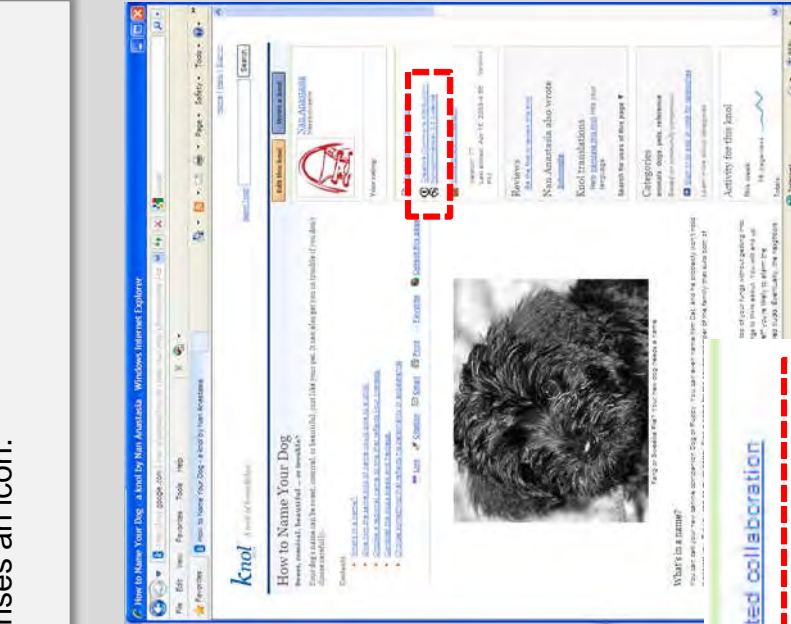


# U.S. Patent No. 7,181,459 - Claim 17

Claim 17.

17. The method of claim 16, wherein said indicium comprises an icon.

Google Knol provides an indicium for each of said categories that comprises an icon.











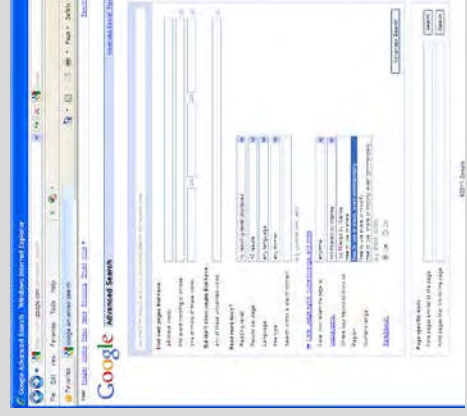
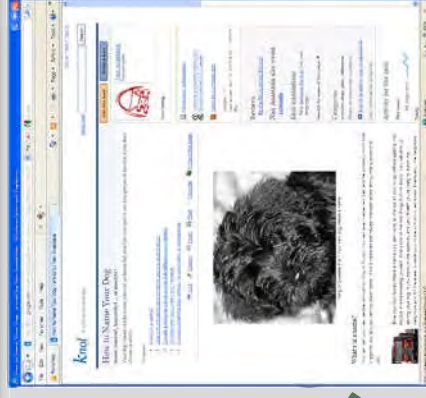
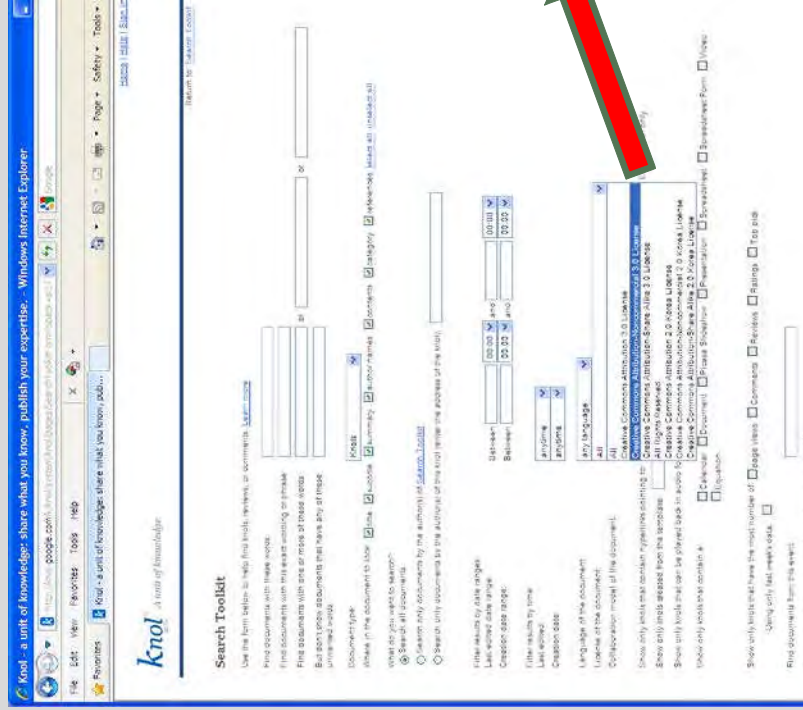


# U.S. Patent No. 7,181,459 - Claim 27

Claim 27.

27. The method of claim 19, further comprising making said categorization label recognizable by a search engine.

Google Knol makes its categorization label recognizable by a search engine. For instance, Google Knol's categorization labels are recognizable by the Knol Search Toolkit. As shown below, a search for "dog" on pages with a "Creative Commons Attribution-Noncommercial 3.0 License" returns 1,174 Knol pages. Additionally, Google Knol's categorization labels are recognizable by the Google Advanced Search engine.

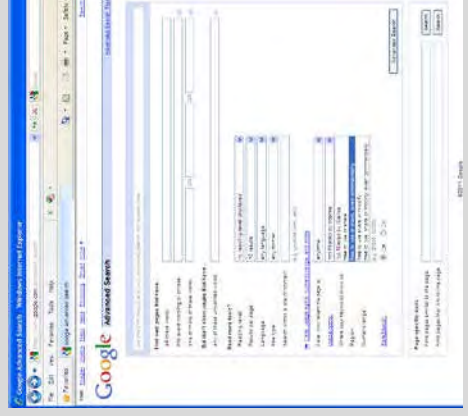
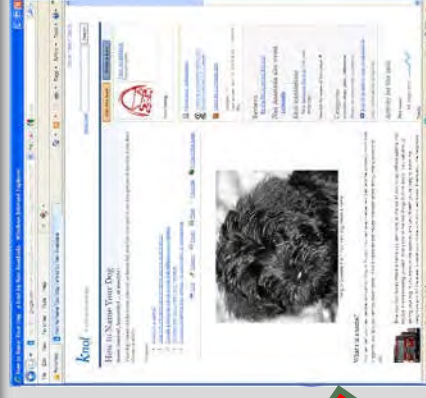
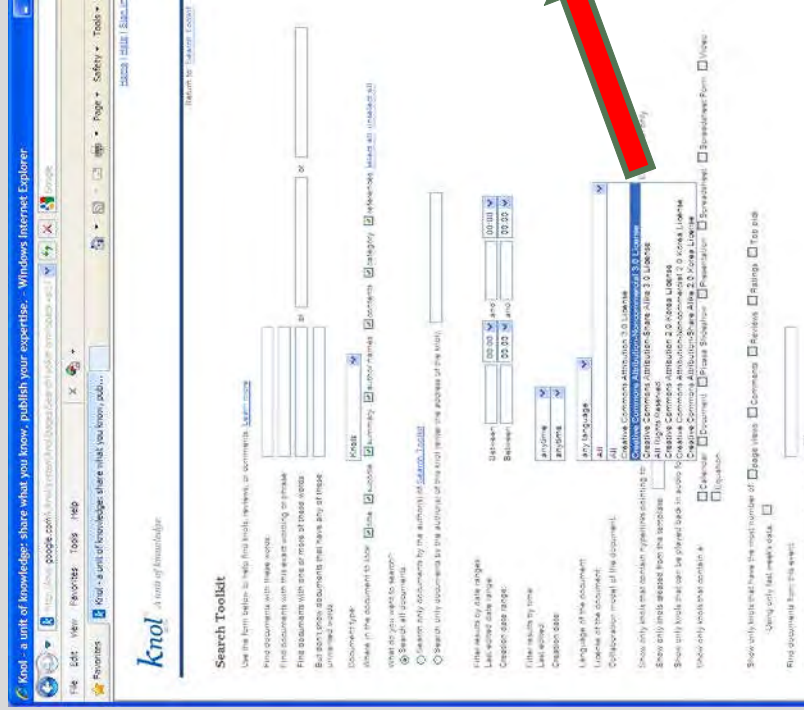


# U.S. Patent No. 7,181,459 - Claim 28

Claim 28.

28. The method of claim 1, further comprising making said categories to which a page is assigned recognizable by a search engine.

Google Knol makes the categories to which a page is assigned recognizable by a search engine. For instance, Google Knol makes the categories to which a page is assigned recognizable by the Knol Search Toolkit. As shown below, a search for “dog” on pages with a “Creative Commons Attribution-Noncommercial 3.0 License” returns 1,174 Knol pages. Additionally, Google Knol makes the categories to which a page is assigned recognizable by the Google Advanced Search engine.

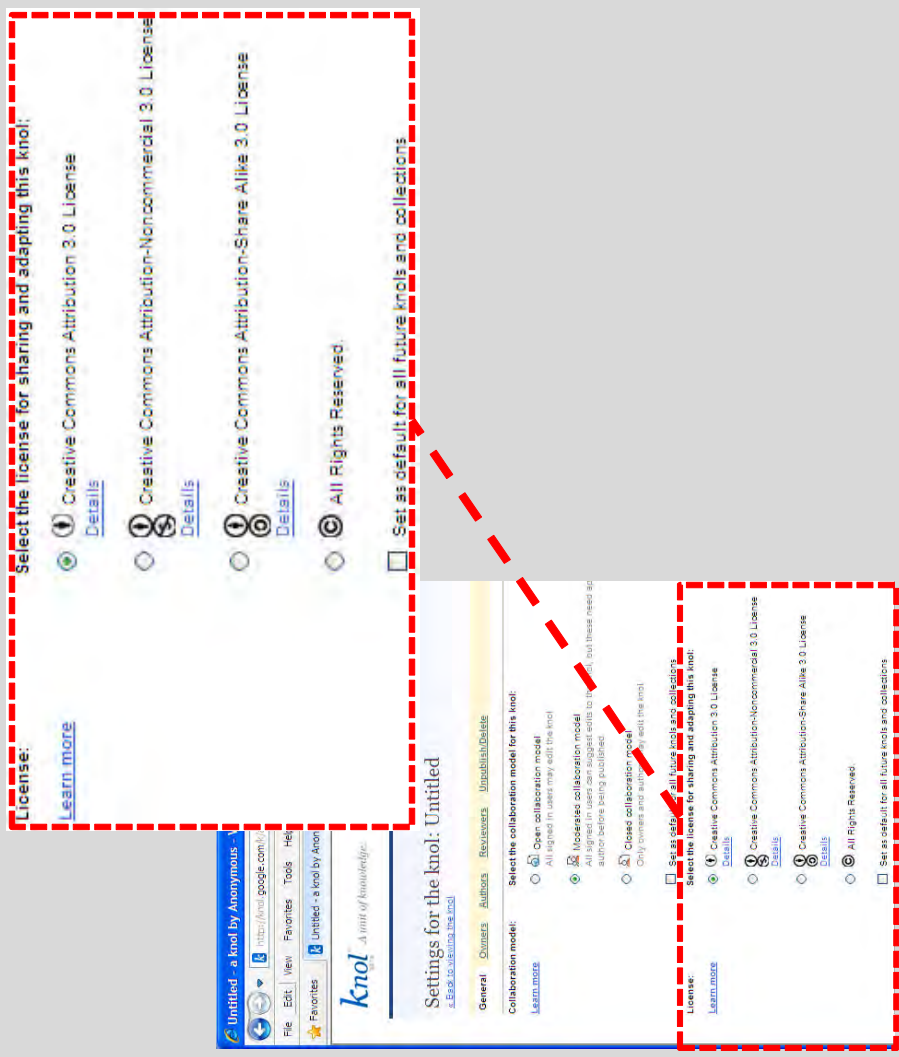


# U.S. Patent No. 7,181,459 - Claim 29

Claim 29.

29. The method of claim 1, wherein said list of categories is provided on a graphical user interface.

Google incorporates into its Knol website the use of Creative Commons licenses. Google Knol provides a list of categories for display on a graphical user interface.



# U.S. Patent No. 7,181,459 - Claim 30

Claim 30.

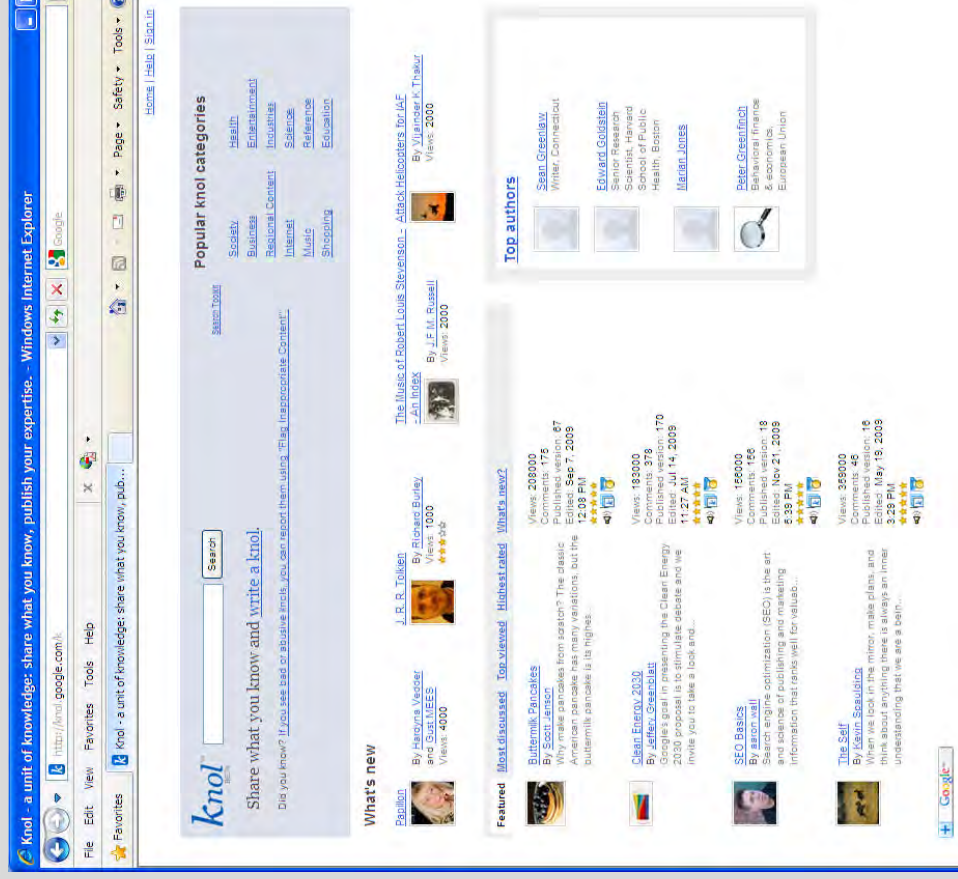
A computer implemented method for categorizing a network page, comprising:

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;

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

controlling usage of the network page using the categorization label and the copyright status of the network page.

Google Inc.'s Knol is an online knowledge resource that allows users to share and add content collaboratively. By and through its Knol website, Google categorizes pages on the Internet that contain its users' content.



# U.S. Patent No. 7,181,459 - Claim 30

Claim 30.

A computer implemented method for categorizing a network page, comprising:

**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;**

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

controlling usage of the network page using the categorization label and the copyright status of the network page.

Google incorporates into its Knol website the use of Creative Commons licenses. Google provides a list of categories for Knol including categories for network pages that have as a purpose transacting business, categories for network pages that have as a purpose the provision of information and categories based on copyright status of the material. Specifically, Knol includes categories for commercial and noncommercial use, and a variety of copyright status options. For example, Creative Commons Attribution 3.0 License allows commercial use, and accordingly has as a purpose transacting business. As a further example, Creative Commons Attribution-Noncommercial 3.0 License has as a purpose the provision of information. As a further example, the “All Rights Reserved” License includes a copyright status.



# U.S. Patent No. 7,181,459 - Claim 30

Claim 30.

A computer implemented method for categorizing a network page, comprising:

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;

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

controlling usage of the network page using the categorization label and the copyright status of the network page.

Google further provides its list of categories, and settings regarding the same, on its "Licenses in Knol" page.

The screenshot shows the 'Licenses in Knol' page. At the top, there is a navigation bar with links for 'Contents', 'Setting the license', 'Default license', and 'Searching for knols by license'. Below this, there are social media and utility links: 'see Link', 'Citation', 'Email', 'Print', 'Favorite', and 'Collect this page'. The main content area is titled 'Setting the license' and includes a paragraph: 'We are encouraging authors to use a popular "some rights reserved" license for their content. Click on the Settings link and go to the General panel. You can specify the license for each knol you write.' Below this is a section 'License:' with a 'Learn more' link. A red dashed box highlights the 'Select the license for sharing and adapting this knol:' section, which contains four radio button options: 'Creative Commons Attribution 3.0 License', 'Creative Commons Attribution-Noncommercial 3.0 License', 'Creative Commons Attribution-Share Alike 3.0 License', and 'All Rights Reserved'. The 'All Rights Reserved' option is selected. Below the radio buttons is a checked checkbox labeled 'Set as default for all future knols'. At the bottom of the page, there are three sections: 'Default license' (with a link to 'Creative Commons homepage'), 'Searching for knols by license' (with a link to 'Search Toolkit'), and a footer with the page number '26'.



# U.S. Patent No. 7,181,459 - Claim 30

Google internal documents confirm its use of Licenses in Knol.

Claim 30.

A computer implemented method for categorizing a network page, comprising:

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;

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

controlling usage of the network page using the categorization label and the copyright status of the network page.

REDACTED

# U.S. Patent No. 7,181,459 - Claim 30

Claim 30.

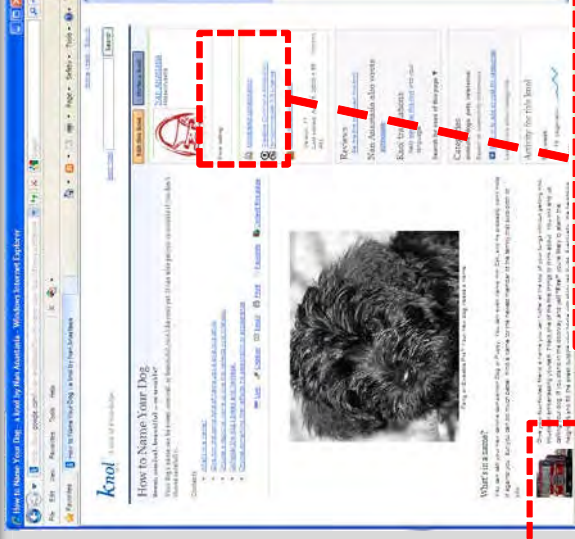
A computer implemented method for categorizing a network page, comprising:

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;

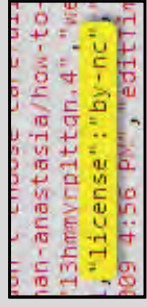
providing a categorization code for labeling the network page with a categorization label, wherein said categorization label indicates a set of categories and subcategories to which the network page is assigned, and wherein said categorization label indicates the copyright status of material on the network page; and

controlling usage of the network page using the categorization label and the copyright status of the network page.

Google Knol provides a system of characters or symbols that represent categories for labeling the page with a label indicating a category or categories to which a page is assigned. For instance, "by" is the code for "Attribution" and "nc" is the code for "Noncommercial." Therefore, "by-nc" is a categorization label which indicates the category "Attribution" and subcategory "Attribution-Noncommercial," as well as the copyright status of the material, to which the exemplary page below is assigned.



HTML below is for the page which is shown at left



# U.S. Patent No. 7,181,459 - Claim 30

Claim 30.

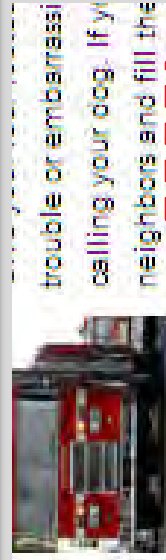
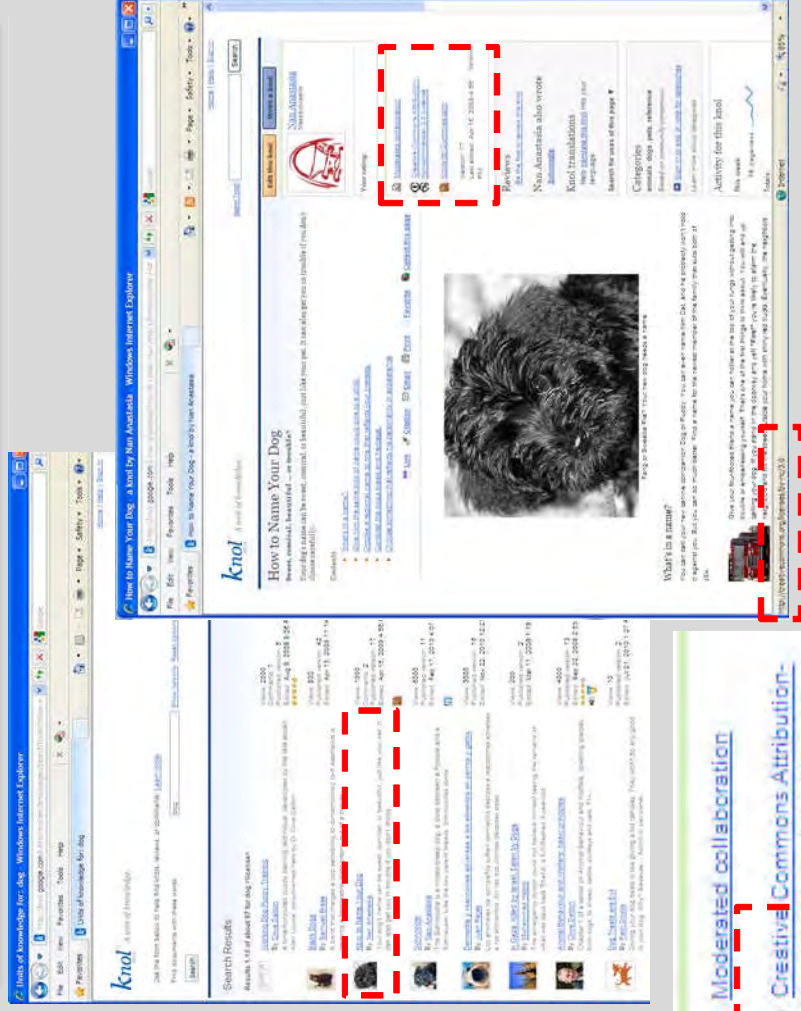
A computer implemented method for categorizing a network page, comprising:

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;

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

controlling usage of the network page using the categorization label and the copyright status of the network page.

Google controls use of pages on Knol by providing indicia which inform the viewer of the category or categories to which the pages are assigned, including copyright status, which govern the use of the material.



<http://creativecommons.org/licenses/by-nc/3.0>



# U.S. Patent No. 7,181,459 - Claim 30

Claim 30.

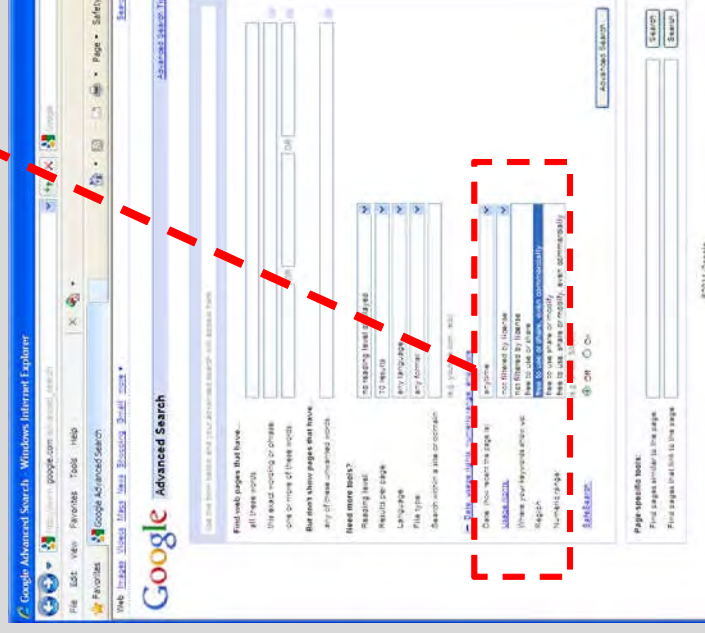
A computer implemented method for categorizing a network page, comprising:

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;

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

**controlling usage of the network page using the categorization label and the copyright status of the network page.**

As a further example, the Google Advanced Search page also provides the option to search by "Usage rights." Accordingly, Google has made its categorization label readable by web crawlers.



# U.S. Patent No. 7,181,459 - Claim 31

Claim 31.

A computer implemented method of categorizing a network page, comprising:

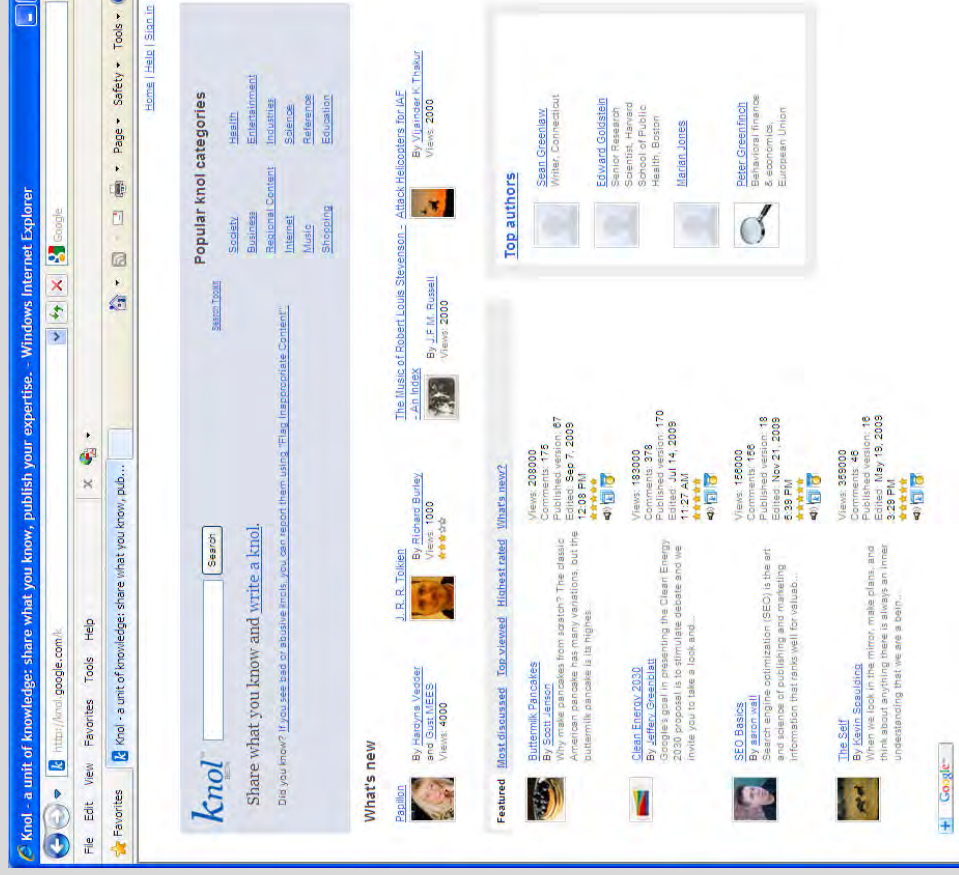
providing a list of categories, wherein said categories include a category based on the copyright status of material on a page, and wherein the copyright status comprises categories related to public domain, fair use only, use with attribution, and permission of copyright owner needed;

assigning said network page to one or more of a plurality of said list of categories;

providing a categorization label for the network page using the copyright status of material on the network page; and

controlling usage of the network page using the categorization label and the copyright status of the network page.

Google Inc.'s Knol is an online knowledge resource that allows users to share and add content collaboratively. By and through its Knol website, Google categorizes pages on the Internet that contain its users' content.



# U.S. Patent No. 7,181,459 - Claim 31

Claim 31.

A computer implemented method of categorizing a network page, comprising:

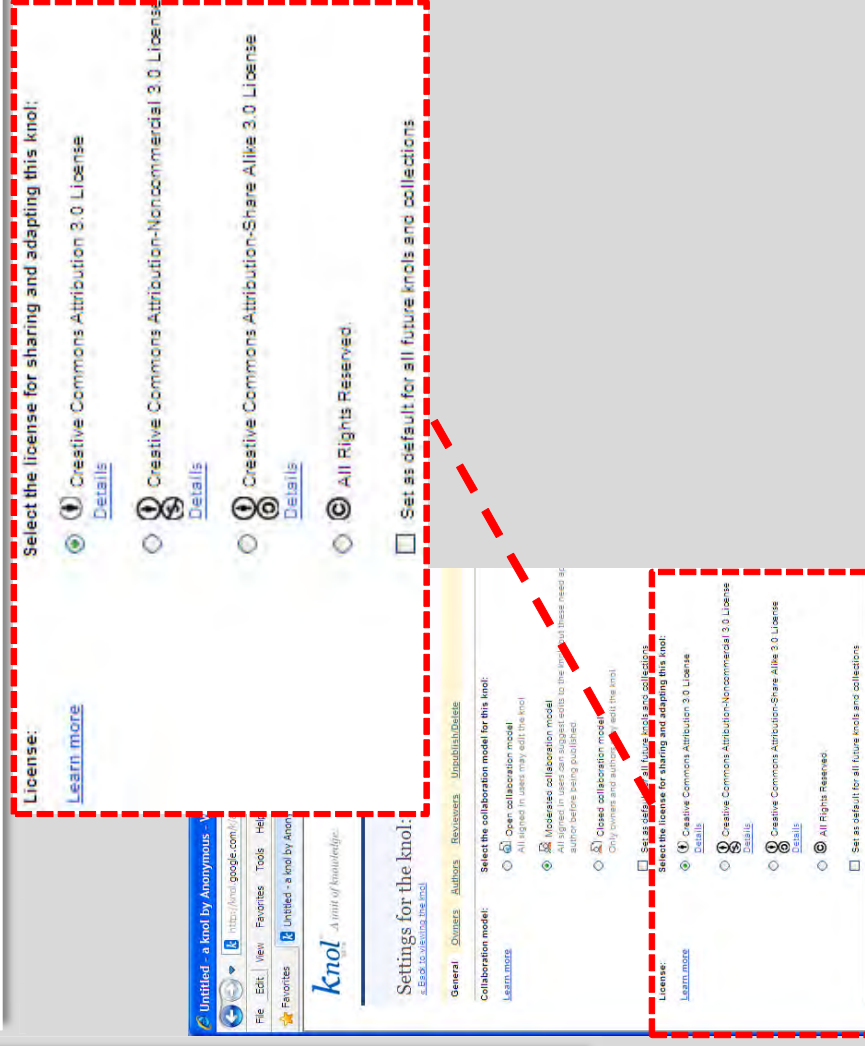
**providing a list of categories, wherein said categories include a category based on the copyright status of material on a page, and wherein the copyright status comprises categories related to public domain, fair use only, use with attribution, and permission of copyright owner needed;**

assigning said network page to one or more of a plurality of said list of categories;

providing a categorization label for the network page using the copyright status of material on the network page; and

controlling usage of the network page using the categorization label and the copyright status of the network page.

Google incorporates into its Knol website the use of Creative Commons licenses. Google provides a list of categories for Knol, as shown below, including a variety of copyright status options “related to public domain, fair use only, use with attribution, and permission of copyright owner needed.” For example, “© all rights reserved” is a category related to “permission of copyright owner needed.”



# U.S. Patent No. 7,181,459 - Claim 31

Claim 31.

A computer implemented method of categorizing a network page, comprising:

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 status comprises categories related to public domain, fair use only, use with attribution, and permission of copyright owner needed;

assigning said network page to one or more of a plurality of said list of categories;

providing a categorization label for the network page using the copyright status of material on the network page; and

controlling usage of the network page using the categorization label and the copyright status of the network page.

Google further provides its list of categories, and settings regarding the same, on its “Licenses in Knol” page.

The screenshot displays the 'Licenses in Knol' page. At the top, there is a navigation menu with links for 'Contents', 'Setting the license', 'Default license', and 'Searching for knols by license'. Below this, there are utility links for 'see Link', 'Citation', 'Email', 'Print', 'Favorite', and 'Collect this page'. The main content area is titled 'Setting the license' and includes a paragraph: 'We are encouraging authors to use a popular "some rights reserved" license for their content. Click on the Settings link and go to the General panel. You can specify the license for each knol you write.' Below this is a section 'License:' with a 'Learn more' link. A red dashed box highlights the 'Select the license for sharing and adapting this knol:' section, which contains several radio button options: 'Creative Commons Attribution 3.0 License', 'Creative Commons Attribution-Noncommercial 3.0 License', 'Creative Commons Attribution-Share Alike 3.0 License', 'All Rights Reserved', and 'Set as default for all future knols'. The 'Set as default for all future knols' option is checked. Below the license selection, there are sections for 'Default license' and 'Searching for knols by license', each with a brief description and a link to the 'Settings > General page'.



# U.S. Patent No. 7,181,459 - Claim 31

Claim 31.

A computer implemented method of categorizing a network page, comprising:

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 status comprises categories related to public domain, fair use only, use with attribution, and permission of copyright owner needed;

assigning said network page to one or more of a plurality of said list of categories;

providing a categorization label for the network page using the copyright status of material on the network page; and

controlling usage of the network page using the categorization label and the copyright status of the network page.

Google internal documents confirm its use of Licenses in Knol.

REDACTED

# U.S. Patent No. 7,181,459 - Claim 31

Claim 31.

A computer implemented method of categorizing a network page, comprising:

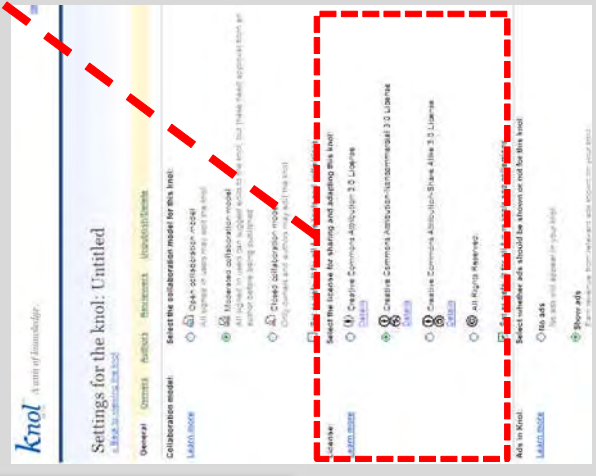
providing a list of categories, wherein said categories include a category based on the copyright status of material on a page, and wherein the copyright status comprises categories related to public domain, fair use only, use with attribution, and permission of copyright owner needed;

assigning said network page to one or more of a plurality of said list of categories;

providing a categorization label for the network page using the copyright status of material on the network page; and

controlling usage of the network page using the categorization label and the copyright status of the network page.

Google assigns the Knol pages to one or more of the categories based on the user's selection, or based on the default setting.



REDACTED



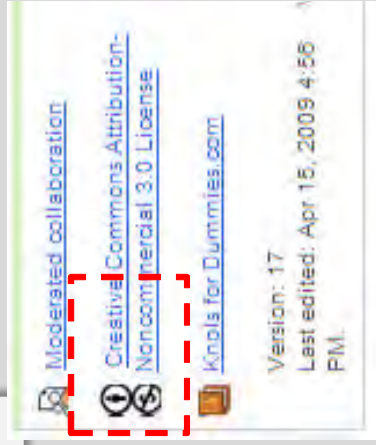
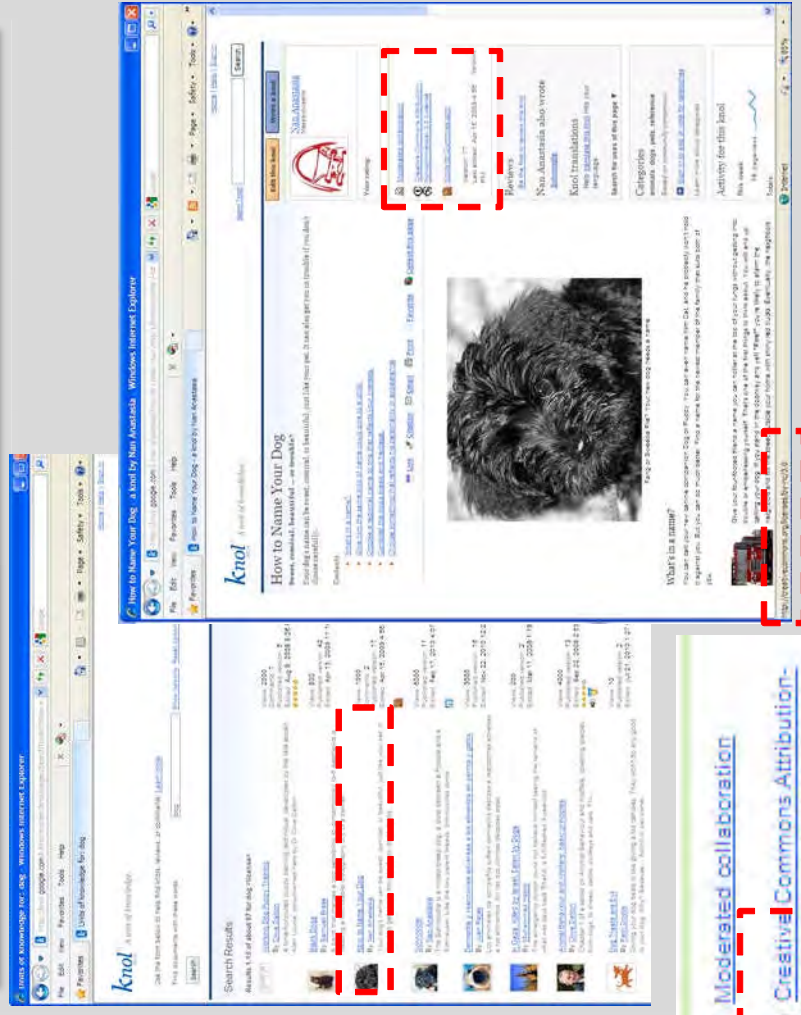
# U.S. Patent No. 7,181,459 - Claim 31

Claim 31.

A computer implemented method of categorizing a network page, comprising:

- 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 status comprises categories related to public domain, fair use only, use with attribution, and permission of copyright owner needed;
- assigning said network page to one or more of a plurality of said list of categories;
- providing a categorization label for the network page using the copyright status of material on the network page; and
- controlling usage of the network page using the categorization label and the copyright status of the network page.

Google controls use of pages on Knol by providing indicia which inform the viewer of the category or categories to which the pages are assigned, including copyright status, which govern the use of the material.



# U.S. Patent No. 7,181,459 - Claim 31

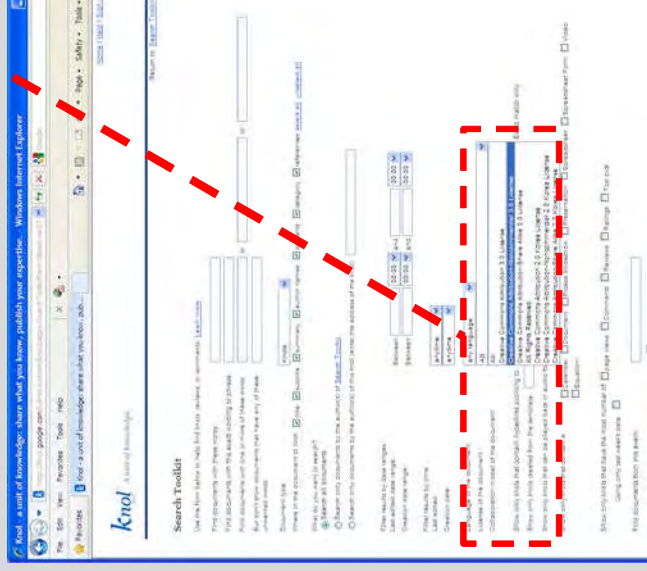
Claim 31.

A computer implemented method of categorizing a network page, comprising:

- 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 status comprises categories related to public domain, fair use only, use with attribution, and permission of copyright owner needed;
- assigning said network page to one or more of a plurality of said list of categories;
- providing a categorization label for the network page using the copyright status of material on the network page; and

**controlling usage of the network page using the categorization label and the copyright status of the network page.**

Additionally, the label assigned to each page is used for the organization and retrieval of each network page. Thus, usage of the page is controlled using the categorization label and the copyright status of the network page. For example, Knol's Search Toolkit page provides the option to search by "License of the document."





# EXHIBIT B

Contains Google **CONFIDENTIAL RESTRICTED SOURCE CODE** Information





# U.S. Patent No. 7,181,459 - Claim 1

Claim 1.

1. A computer implemented method of categorizing a network page, comprising:

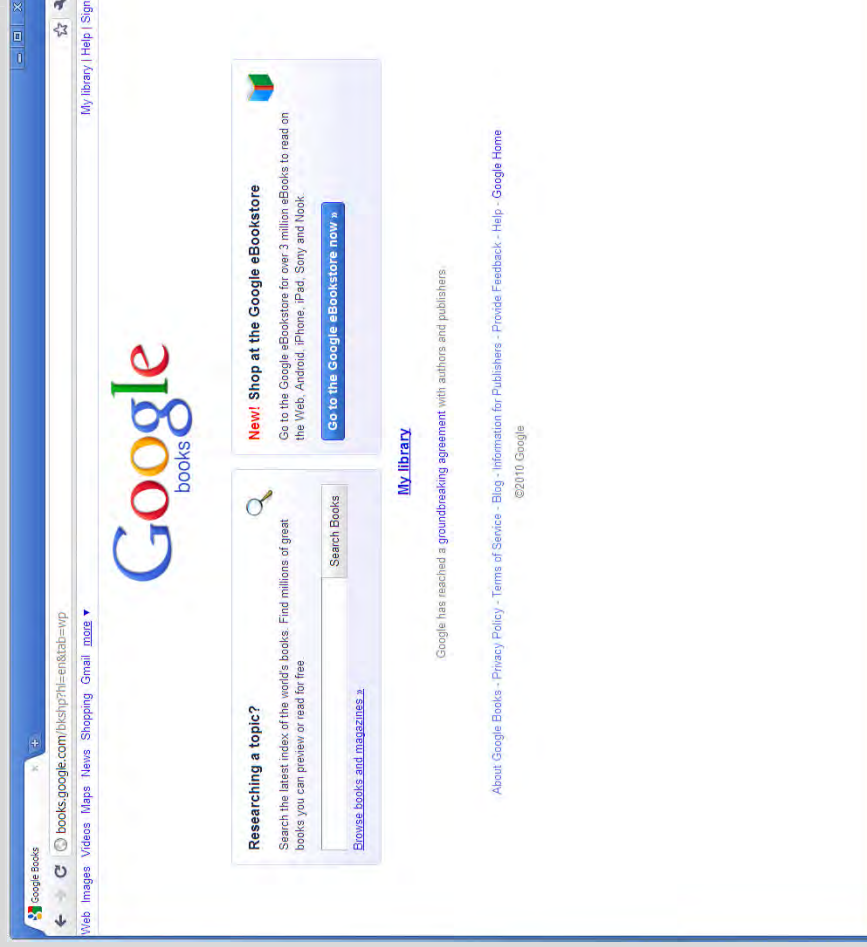
providing a list of categories, wherein said list of categories include a category for transacting business and a category for providing information, and wherein said list of categories include a category based on copyright status of material on a page;

assigning said network page to one or more of said list of categories;

providing a categorization label for the network page using the copyright status of material on the network page; and

controlling usage of the network page using the categorization label and the copyright status of the network page.

Google Inc.'s books is an online resource that allows users to search for, browse and learn where to buy or borrow books. Google books also enables publishers and authors to promote and market their books. By and through its Google books website, Google categorizes pages on the Internet that contain its users' books and other content.



# U.S. Patent No. 7,181,459 - Claim 1

Claim 1.

1. A computer implemented method of categorizing a network page, comprising:

**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;**

assigning said network page to one or more of said list of categories;

providing a categorization label for the network page using the copyright status of material on the network page; and

controlling usage of the network page using the categorization label and the copyright status of the network page.

Google incorporates into its Google books website the use of Creative Commons licenses. Google provides a list of categories for Google books including categories for network pages that have as a purpose transacting business, categories for network pages that have as a purpose the provision of information and categories based on copyright status of the material. Specifically, Google books includes categories for commercial and noncommercial use, and a variety of copyright status options. For example, Creative Commons Attribution License allows commercial use, and accordingly has as a purpose transacting business. As a further example, Creative Commons Attribution-Noncommercial License has as a purpose the provision of information. As a further example, the "Creative Commons (CCO)" License includes a copyright status -- public domain.

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Allows distribution of your book with attribution but prohibits commercial use or derivative works. Terms available [here](#).
2. Creative Commons (Attribution-Noncommercial)  
Allows distribution of your book and derivative works provided there is attribution in each case, but prohibits commercial use. Terms available [here](#).
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Waives all copyrights to the Authorized Title and Year of the Authorized Title into the public domain. Terms available [here](#).



# U.S. Patent No. 7,181,459 - Claim 1

## Claim 1.

1. A computer implemented method of categorizing a network page, comprising:

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;

assigning said network page to one or more of said list of categories;

providing a categorization label for the network page using the copyright status of material on the network page; and

controlling usage of the network page using the categorization label and the copyright status of the network page.

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GOOG-0000150

# U.S. Patent No. 7,181,459 - Claim 1

Claim 1.

1. A computer implemented method of categorizing a network page, comprising:

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;

**assigning said network page to one or more of said list of categories;**

providing a categorization label for the network page using the copyright status of material on the network page; and

controlling usage of the network page using the categorization label and the copyright status of the network page.

Google assigns the Google books pages to one or more of the categories based on the user's settings. As shown below, on a Google books page, the license is "displayed alongside your book," and thus is a "Creative Commons license to your book in Google Books."

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If you have included your books in the Google Books Partner Program, you can now attribute a Creative Commons license to your titles, and have this license displayed alongside your book.

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### Are there required settings before I can apply a Creative Commons license to my book?

Yes. In order to participate, you will need to provide the worldwide rights for your books. In addition, you must show your books 100% browsable to users, with downloading enabled. You can read more about enabling download [here](#).

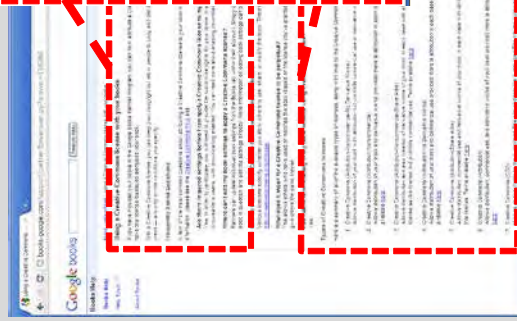
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# U.S. Patent No. 7,181,459 - Claim 1

Claim 1.

1. A computer implemented method of categorizing a network page, comprising:

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;

assigning said network page to one or more of said list of categories;

providing a categorization label for the network page using the copyright status of material on the network page; and

controlling usage of the network page using the categorization label and the copyright status of the network page.

Google provides a label indicating a category or categories to which a page is assigned using the copyright status of material on the network page. Google books' categorization label includes indicia for categories to which the page is assigned. For instance, "by nc sa" and the corresponding icons indicate the categories "Attribution," "Noncommercial" and "Share alike" to which the exemplary page below is assigned using the copyright status of material on the page, such as the book.

HTML below is for the page which is shown at left



# U.S. Patent No. 7,181,459 - Claim 1

Claim 1.

1. A computer implemented method of categorizing a network page, comprising:

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;

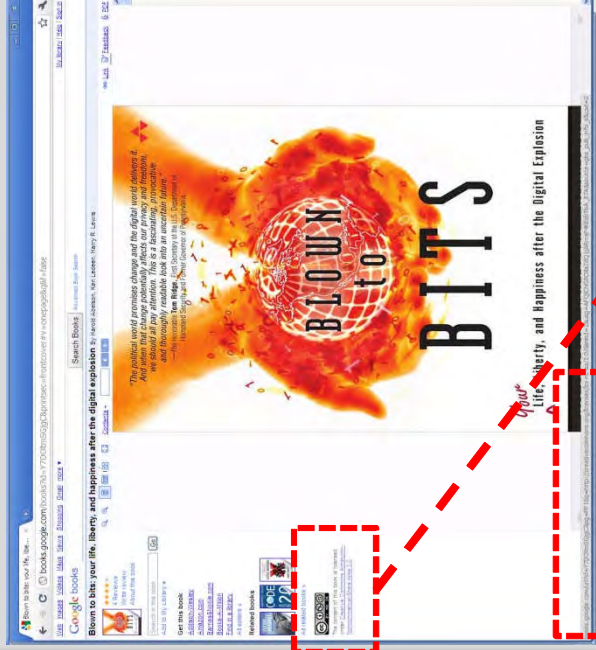
assigning said network page to one or more of said list of categories;

providing a categorization label for the network page using the copyright status of material on the network page; and

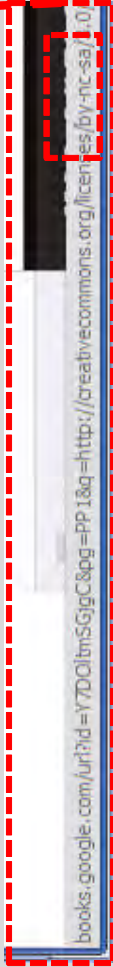
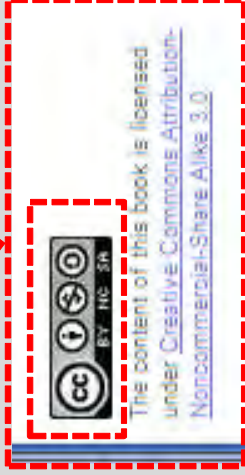
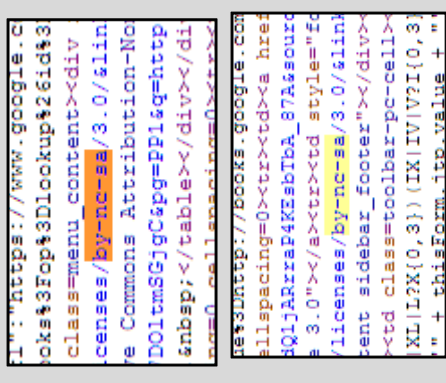
controlling usage of the network page using the categorization label and the copyright status of the network page.

Google controls use of pages on Google books by providing indicia which inform the viewer of the category or categories to which the pages are assigned, including copyright status, which govern the use of the material.

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<http://books.google.com/support/partner/bin/answer.py?answer=156266>



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# U.S. Patent No. 7,181,459 - Claim 6

## Claim 6.

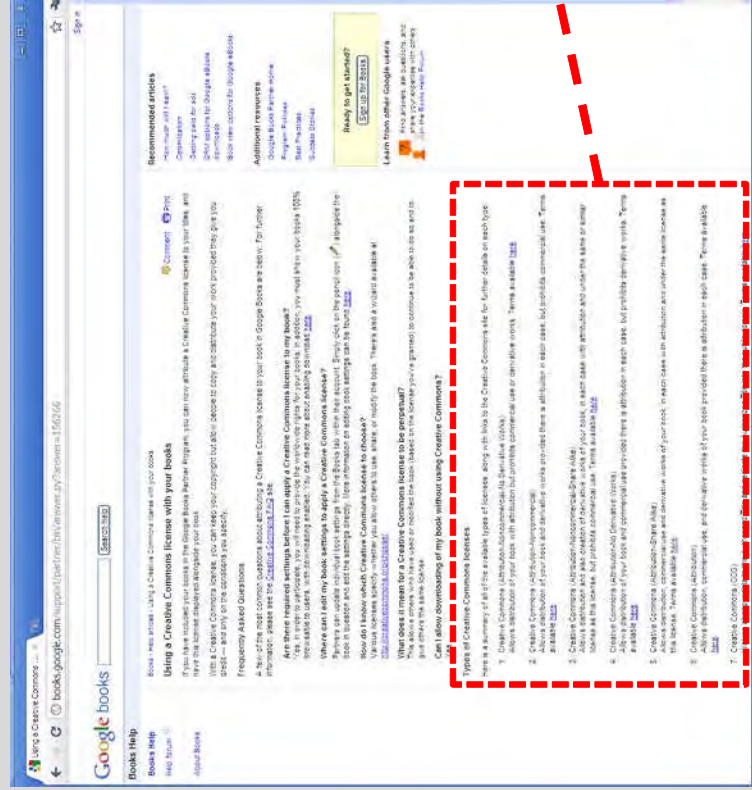
6. The method of claim 1, wherein said plurality of categories based on the copyright status of material on a page comprise categories related to public domain, fair use only, use with attribution, and permission of copyright owner needed.

Google incorporates into its Google books website the use of Creative Commons licenses. Google provides a list of categories for Google books, as shown below, including a variety of copyright status options “related to public domain, fair use only, use with attribution, and permission of copyright owner needed.” For example, “Attribution” is a category related to “use with attribution.”

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Waives all copyrights to the Authorized Title and dedicate the Authorized Title into the public domain. Terms available [here](#).



# U.S. Patent No. 7,181,459 - Claim 9

## Claim 9.

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.

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# U.S. Patent No. 7,181,459 - Claim 16

Claim 16.

16. The method of claim 1, further comprising providing an indicium for each of said categories.

Google books provides an indicium for each of said categories.

The screenshot shows a Google Books page for the book "Blown to Bits" by James Boyle. A red dashed box highlights the Creative Commons Attribution-NonCommercial-ShareAlike 3.0 license logo. Another red dashed box highlights the text: "The content of this book is licensed under Creative Commons Attribution-NonCommercial-Share Alike 3.0". A third red dashed box highlights the URL: "books.google.com/url?id=Y70OltmSGjgC&pg=pp1&q=http://creativecommons.org/licenses/by-nc-sa/3.0/".

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