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Attorneys for Defendant
 GOOGLE TECHNOLOGY INC.,
 sued under its former name GOOGLE INC.

25 UNITED STATES DISTRICT COURT
 26 NORTHERN DISTRICT OF CALIFORNIA
 27 SAN FRANCISCO DIVISION

OVERTURE SERVICES, INC., a Delaware Corporation,

Plaintiff,

vs.

GOOGLE INC., a California Corporation,
 Defendant.

No. C 02-01991 JSW

**AMENDED JOINT CLAIM
 CONSTRUCTION STATEMENT**

1 Pursuant to Patent L.R. 4-3 (a) and (b) and Paragraph 6 of Judge Jeffrey S. White's
2 Standing Order For Patent Cases, Overture Services, Inc. ("Overture") and Google Technology
3 Inc. ("Google") hereby submit the following Amended Joint Claim Construction Statement.

4 Pursuant to Patent L.R. 4-3 (c), the parties note that Judge Jeffrey S. White's Standing
5 Order For Patent Cases states that the Claim Construction Hearing will generally be scheduled
6 for no longer than four hours. The parties anticipate that the Claim Construction Hearing will
7 last approximately four hours.

8 Pursuant to Patent L.R. 4-3 (d), neither party presently anticipates calling any witnesses
9 at the Claim Construction Hearing.

10 Pursuant to Patent L.R. 4-3 (e), the parties note that Judge Jeffrey S. White's Standing
11 Order For Patent Cases states that prehearing conferences are not generally held. Neither party
12 presently intends to request a prehearing conference. In the event that either party later
13 determines that a prehearing conference is necessary, that party will follow the procedures
14 identified in Judge Jeffrey S. White's Standing Order For Patent Cases for requesting such a
15 hearing.

16 As required by Judge Jeffrey S. White's Standing Order For Patent Cases, a copy of the
17 patent-in-suit, U.S. Patent No. 6,269,361 (the "'361 Patent'"), is attached hereto at Tab A, and a
18 complete copy of the prosecution history for the '361 Patent will be made available to the Court
19 upon request.

20 Because Google has listed certain patent applications claiming priority to the '361 patent
21 as intrinsic evidence, Overture has done so as well for the Court's convenience. However,
22 Overture reserves the right to contest whether these applications constitute intrinsic evidence.
23 Overture further reserves the right to object to extrinsic evidence offered by Google as alleged
24 support for its claim constructions.

25 Both parties reserve the right to supplement their disclosure based on information of
26 which they hereafter become aware through discovery.

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Claim Language (Disputed Terms in Bold) '361 Patent	Plaintiff's Proposed Construction and Evidence in Support	Defendant's Proposed Construction and Evidence in Support
<p>search listing</p> <p>Found in claims: 1, 2, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67</p>	<p>PROPOSED CONSTRUCTION:</p> <p>a collection of information that can be included in a search result list and which may be paid or unpaid</p> <p>DICTIONARY DEFINITIONS:</p> <p><u>Search</u> to examine (one or more files, as databases or texts) electronically, to locate specific items (The Random House Dictionary of the English Language, Second Edition, 1987)</p> <p>to examine data in a computer in order to locate items having a given property (Webster's New World College Dictionary, Third Edition, 1997)</p> <p>try to find something by looking or otherwise seeking carefully and thoroughly; an act of searching for someone or something (The New Oxford Dictionary of English 1998)</p> <p>to make a thorough examination of; look over carefully in order to find something; explore (The American Heritage College Dictionary, Fourth Edition, 2002)</p> <p>to look into or over carefully or thoroughly in an effort to find something (Merriam Webster's Unabridged Dictionary)</p> <p><u>Listing</u> an act or instance of making or including in a list or catalog; specifically: the admission of securities to trading on a securities exchange; an authorization to a real-estate broker to sell or rent property; a broker's record of available properties; a piece of property listed with a real-estate broker (Merriam Webster's Unabridged Dictionary)</p>	<p>PROPOSED CONSTRUCTION:</p> <p>an entry in (or intended to be in) a search result list</p> <p>INTRINSIC EVIDENCE:</p> <p>'361 Patent Specification</p> <p>Abstract, ll. 3-4, 8-12, 15, 19, 20, 24-32; fig. 5; fig. 7; col. 3, ll. 51-54; col. 4, ll. 34-48, 55-67; col. 5, ll. 1-67; col.6. ll. 1-8, 20-24, 26, 28-34, 51-52, 57-58; col. 8, ll. 59-67; col. 9, ll. 1-12, 25-41, 66-67; col. 10, ll. 1-6, 22-35; col. 12, ll. 21-25, 28-29, 40-67; col. 13, ll. 1-2, 13-20, 41; col. 14, ll. 7-11, 14-16, 25-27; col. 17, ll. 14-67; col. 18, ll. 1-36, 40, 45, 47, 49; col. 19, ll. 1, 3, 8-9, 12, 15, 18-20, 25, 32-33, 59-67; col. 20, ll. 1-5, 8, 14-17, 22-23, 27, 29, 32-40, 61, 63-64; col. 21, ll. 1-2, 8-18, 29-40; col. 22, ll. 20, 24-26.</p> <p>DICTIONARY DEFINITIONS:</p> <p>The American Heritage Dictionary of the English Language, 4th ed.</p> <p>The Random House Dictionary of the English Language, 2nd ed., Unabridged</p> <p>Webster's New World College Dictionary, 3rd ed.</p> <p>Merriam Webster's Collegiate Dictionary, 10th ed.</p> <p>The New Oxford Dictionary of English</p>

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a list; record; catalog (The Random House Dictionary of the English Language, Second Edition, 1987)

INTRINSIC EVIDENCE:

'361 Patent – col. 6, ll. 16-34

One embodiment of the system and method of the present invention provides a database having accounts for the web site promoters. Each account includes contact and billing information for a web site promoter. In addition, each account includes at least one **search listing**, each **search listing** having five components: a description of the web site to be listed, the Uniform Resource Locator (URL) of the web site, a search term comprising one or more keywords, a bid amount, and a title for the **search listing**. Each account may also include the promoter's payment history and a history of **search listings** entered by the user. The promoter logs in to his or her account via an authentication process running on a secure server. Once logged in, the promoter may add, delete, or modify a **search listing**. The functions of adding or deleting a **search listing**, or modifying the bid amount of a **search listing** is to initiate the competitive bidding process described above. All **search listing** changes and modifications are processed substantially in real time to support the online competitive bidding process.

'361 Patent – col. 12, l. 40 – col. 13, l. 2

The **search listing** 344 corresponds to a search term/bid pairing and contains key information to conduct the online competitive bidding process. Preferably, each **search listing** comprises the following information: search term 352, web site description 354, URL 356, bid amount 358, and a title 360. The search term 352 comprises one or more keywords which may be

EXTRINSIC EVIDENCE:

www.jsonline.com at GOG 1659-61.

www.tundrawolfpromotions.com at GOG 32230-31.

searchengineoptimism.com at GOG 32242-43, 32246-47.

www.searchengineposition.com at GOG 32252.

Documents produced by Overture:
OVGE 52678, 52692, 52950, 52961, 52966-67, 52976, 53032, 53035, 53039, 53059, 53062, 53072-73, 53076-78, 53082, 53129-30, 53133, 53144, 53151, 53482, 53484, 53493, 53521, 53524-26, 53528, 53561, 53563, 53568-69, 53573, 53580, 53584, 53590, 53596, 53600, 53638, 53640, 53645-46, 53650, 53712, 54303, 54312, 55954, 55967, 55981, 55991-92, 55995-97, 56001, 56983, 59003, 59009-11, 59014, 59233-38, 59309, OVG 31561, 31563, 31565-67, 31576, 31578, 31579, 31583-85.

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common words in English (or any other language). Each keyword in turn comprises a character string. The search term is the object of the competitive online bidding process. The advertiser selects a search term to bid on that is relevant to the content of the advertiser's web site. Ideally, the advertiser may select a search term that is targeted to terms likely to be entered by searchers seeking the information on the advertiser's web site, although less common search terms may also be selected to ensure comprehensive coverage of relevant search terms for bidding.

The web site description 354 is a short textual description (preferably less than 190 characters) of the content of the advertiser's web site and may be displayed as part of the advertiser's entry in a search result list. The **search listing** 344 may also contain a title 360 of the web site that may be displayed as the hyperlinked heading to the advertiser's entry in a search result list. The URL 356 contains the Uniform Resource Locator address of the advertiser's web site. When the user clicks on the hyperlink provided in the advertiser's search result list entry, the URL is provided to the browser program. The browser program, in turn, accesses the advertiser's web site through the redirection mechanism discussed above. The URL may also be displayed as part of the advertiser's entry in a search result list

'361 Patent – Abstract, ll. 8-19
In addition, each account contains at least one **search listing** having at least three components: a description, a search term comprising one or more keywords, and a bid amount. The network information provider may add, delete, or modify a **search listing** after logging into his or her account via an authentication process. The network information provider influences a position for a **search listing** in the provider's account by

1 first selecting a search term relevant
2 to the content of the web site or
3 other information source to be listed.
4 The network information provider
5 enters the search term and the
6 description into a **search listing**.

7 '361 Patent – col. 9, ll. 30-34

8 In one embodiment of the present
9 invention, the relevance of a bidden
10 search term to an advertiser's web
11 site is determined through a manual
12 editorial process prior to insertion of
13 the **search listing** containing the
14 search term and advertiser web site
15 URL into the database 40.

16 '361 Patent – col. 17, ll. 9-18

17 As indicated above and shown in
18 FIG. 2, a routine displaying the
19 account management menu 170 may
20 be invoked from the advertiser main
21 menu 120. Aside from the "Allocate
22 Money Between Subaccounts"
23 selection described above, the
24 remaining selections all use to some
25 extent the **search listings** present in
26 the advertiser's account on the
27 database, and may also affect the
28 advertiser's entry in the search result
list.

'361 Patent – col. 18, ll. 37-53

As shown in the campaign
management menu 170 of FIG. 2,
several choices are presented to the
advertiser to manage **search**
listings. First, in the "Change Bids"
selection, the advertiser may change
the bid of **search listings** currently
in the account. The process invoked
by the system for the change bids
function is shown in FIG. 8. After
the advertiser indicates the intent to
change bids by selecting the
"Change Bids" menu option, the
system searches the user's account in
the database and displays the **search**
listings for the entire account or a
default subaccount in the advertiser's
account, as shown in step 810.

Search listings may be grouped into
subaccounts defined by the
advertiser and may comprise one or
more **search listings**. Only one
subaccount may be displayed at a

1 time. The display should also
2 preferably permit the advertiser to
3 change the subaccount selected, as
4 shown in step 815. The screen
5 display will then show the **search**
6 **listings** for the selected subaccount,
7 as indicated in step 820.

8 '361 Patent – col. 19, ll. 50-54

9 For example, the system may invoke
10 a routine to locate the **search listing**
11 in the search database having the
12 desired rank/search term
13 combination, retrieve the associated
14 bid amount of said combination, and
15 then calculate a bid amount that is N
16 cents higher; where N=1, for
17 example.

18 '361 Patent – col. 19, l. 59 - col. 20,
19 l. 12

20 The "Modify Listing Component"
21 selection on Account Management
22 menu 170 of FIG. 2 may also
23 generate a display similar to the
24 format of FIG. 9. When the
25 advertiser selects the "Modify
26 Listing Component" option, the
27 advertiser may input changes to the
28 URL, title, or description of a
search listing via web-based forms
set up for each **search listing**.
Similar to the process discussed
above, the forms for the URL, title,
and description fields may initially
contain the old URL, title and
description as default values. After
the advertiser enters the desired
changes, the advertiser may transmit
a request to the system to update the
changes. The system then displays a
read-only confirmation screen, and
then writes the changes to the
persistent state (e.g., the user
account database) after the
advertiser approves the changes.

A process similar to those
discussed above may be
implemented for changing any other
peripheral options related to a
search listing; for example,
changing the matching options
related to a bid search term. Any
recalculations of bids or ranks
required by the changes may also be
determined in a manner similar to

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the processes discussed above.

'361 Patent – col. 20, ll. 13-28
 In the "Delete Bidded Search Term" option, the system retrieves all of the **search listings** in the account of the advertiser and displays the **search listings** in an organization and a format similar to the display of FIG. 9. Each **search listing** entry may include, instead of the new bid field, a check box for the advertiser to click on. The advertiser would then click to place a check (X) mark next to each search term to be deleted, although any other means known in the art for selecting one or more items from a list on a web page may be used. After the advertiser selects all the **search listings** to be deleted and requests that the system update the changes, the system preferably presents a read-only confirmation of the requested changes, and updates the advertiser's account only after the advertiser approves the changes. The "deleted" **search listings** are removed from the search database 36 and will not appear in subsequent searches.

'361 Patent – col. 20, ll. 32-44
 In the "Add Bidded Search Term" option, the system provides the advertiser with a display having a number of entry fields corresponding to the elements of a **search listing**. The advertiser then enters into each field information corresponding to the respective **search listing** element, including the search term, the web site URL, the web site title, the web site description, and the bid amount, as well as any other relevant information. After the advertiser has completed entering the data and has indicated thus to the system, the system returns a read-only confirmation screen to the advertiser. The system then creates a new **search listing** instance and writes it into the account database and the search database upon receiving approval from the advertiser.

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Additional Citations to '361 Patent
Figure 2
Figure 5
Abstract, ll. 19-34
Col. 4, ll. 55-60
Col. 7, ll. 6-15
Col. 12, ll. 21-29
Col. 13, ll. 9-16
Col. 14, ll. 25-27
Col. 17, ll. 19-34
Col. 17, l. 53 – col. 18, l. 14
Col. 19, ll. 8-37
Col. 22, ll. 22-27

Prosecution History of '361 Patent
Davis Declaration in Support of
Petition to Make Special, ¶ 7(e)

EXTRINSIC EVIDENCE:

Overture does not believe that extrinsic evidence is necessary to interpret this term, and therefore has not proffered or cited any extrinsic evidence. However, if the Court considers any extrinsic evidence offered by Google, Overture reserves the right to cite to any of Google's extrinsic evidence, in rebuttal.

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<p>search result list</p> <p>Found in claims: 1, 2, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67</p>	<p>PROPOSED CONSTRUCTION:</p> <p>a series of search listings that is obtained as a consequence of the examination of data</p> <p>DICTIONARY DEFINITIONS:</p> <p><u>Search</u> to examine (one or more files, as databases or texts) electronically, to locate specific items (The Random House Dictionary of the English Language, Second Edition, 1987)</p> <p>to examine data in a computer in order to locate items having a given property (Webster's New World College Dictionary, Third Edition, 1997)</p> <p>try to find something by looking or otherwise seeking carefully and thoroughly; an act of searching for someone or something (The New Oxford Dictionary of English 1998)</p> <p>to make a thorough examination of; look over carefully in order to find something; explore (The American Heritage College Dictionary, Fourth Edition, 2002)</p> <p>to look into or over carefully or thoroughly in an effort to find something (Merriam Webster's Unabridged Dictionary)</p> <p><u>Result</u> something that happens as a consequence; outcome; a quantity, expression, etc. obtained by calculation (The Random House Dictionary of the English Language, Second Edition, 1987)</p> <p>something obtained by calculation or investigation (Merriam Webster's Collegiate Dictionary, Tenth Edition, 1995)</p>	<p>PROPOSED CONSTRUCTION:</p> <p>the series of entries, selected from the database being searched by a searcher, arranged one after the other, containing the information responsive to the searcher's search</p> <p>INTRINSIC EVIDENCE:</p> <p>'361 Patent Specification</p> <p>Abstract, ll. 1-34; fig. 7; col. 2, ll. 24-67; col. 3, ll. 1-67; col. 4, ll. 1-19; 26-29; 34-67; col. 5, ll. 4-14, 25-27, 35-67; col. 6, ll. 1-8, 19-23, 57-58; 66-67; col. 7, ll. 1-2; col. 8, ll. 52-67; col. 9, ll. 1-18, 42-67; col. 10, ll. 1-35; col. 12, ll. 21-25, 40-67; col. 13, ll. 1-24; col. 14, ll. 8-20, 24-27; col. 17, ll. 16, 19-67; col. 18, ll. 1-36.</p> <p>DICTIONARY DEFINITIONS:</p> <p>The American Heritage Dictionary of the English Language, 4th ed.</p> <p>The Random House Dictionary of the English Language, 2nd ed., Unabridged</p> <p>Webster's New World College Dictionary, 3rd ed.</p> <p>Merriam Webster's Collegiate Dictionary, 10th ed.</p> <p>The New Oxford Dictionary of English</p> <p>EXTRINSIC EVIDENCE:</p> <p>www.tundrawolfpromotions.com at GOG 32230-31.</p> <p>searchengineoptimism.com at GOG 32242-43, 32246-47.</p> <p>www.searchengineposition.com at GOG 32252.</p>
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1	anything that comes about as a consequence or outcome of some action, process, etc. (Webster’s New World College Dictionary, Third Edition, 1997)	Documents produced by Overture: OVG 52678, 52692, 52950, 52961, 52966-67, 52976, 53032, 53035, 53039, 53059, 53062, 53072-73, 53076-78, 53082, 53129-30, 53133, 53144, 53151, 53482, 53484, 53493, 53521, 53524-26, 53528, 53561, 53563, 53568-69, 53573, 53580, 53584, 53590, 53596, 53600, 53638, 53640, 53645-46, 53650, 53712, 54303, 54312, 55954, 55967, 55981, 55991-92, 55995-97, 56001, 56983, 59003, 59009-11, 59014, 59233-38, 59309, OVG 31561, 31563, 31565-67, 31576, 31578, 31579, 31583-85.
2	a consequence, effect, or outcome of something (The New Oxford Dictionary of English 1998)	
3	the consequence of a particular action, operation, or course (The American Heritage College Dictionary, Fourth Edition, 2002)	
4	something obtained, achieved, or brought about by calculation, investigation, or similar activity (Merriam Webster’s Unabridged Dictionary)	
5	<u>List</u>	
6	a series of names or other items written or printed together in a meaningful grouping or sequence so as to constitute a record; a series of records in a file (The Random House Dictionary of the English Language, Second Edition, 1987)	
7	a simple series of words or numerals (Merriam Webster’s Collegiate Dictionary, Tenth Edition, 1995)	
8	a series of names, words, numbers, etc. set forth in order (Webster’s New World College Dictionary, Third Edition, 1997)	
9	a number of connected items or names written or printed consecutively, typically one below the other (The New Oxford Dictionary of English 1998)	
10	a series of names, words, or other items written, printed, or imagined one after the other (The American Heritage College Dictionary, Fourth Edition, 2002)	
11	a simple series of words or numerals (as the names of persons or objects); index, catalog, checklist (Merriam Webster’s Unabridged Dictionary)	
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INTRINSIC EVIDENCE:

'361 Patent – col. 8, l. 53 – col. 9, l. 7

A search engine program permits network users, upon navigating to the search engine web server URL or sites on other web servers capable of submitting queries to the search engine web server 24 through their browser program 16, to type keyword queries to identify pages of interest among the millions of pages available on the World Wide Web. In a preferred embodiment of the present invention, the search engine web server 24 generates a **search result list** that includes, at least in part, relevant entries obtained from and formatted by the results of the bidding process conducted by the account management server 22. The search engine web server 24 generates a list of hypertext links to documents that contain information relevant to search terms entered by the user at the client computer 12. The search engine web server transmits this list, in the form of a web page, to the network user, where it is displayed on the browser 16 running on the client computer 12. A presently preferred embodiment of the search engine web server may be found by navigating to the web page at URL <http://www.goto.com/>. In addition, the search result list web page, an example of which is presented in FIG. 7, will be discussed below in further detail.

'361 Patent – col. 10, ll. 16-21

When the searcher has finished entering the search term, the searcher may transmit the query to the search engine web server 24 by clicking on a provided hyperlink. The search engine web server 24 will then generate a search result list page and transmit this page to the searcher at the client computer 12.

'361 Patent – col. 6, ll. 1-8

The rank value determines the

1 position where the promoter's web
 2 site description will appear on the
 3 search results list page that is
 4 generated when the search term is
 5 entered into the query box on the
 6 search engine by a searcher. A
 7 higher bid will result in a higher
 8 rank value and a more advantageous
 9 placement, which is preferably near
 10 the beginning of the search results
 11 list page.

12 '361 Patent – col. 17, ll. 19-26

13 When a remote searcher accesses the
 14 search query page on the search
 15 engine web server 24 and executes a
 16 search request according to the
 17 procedure described previously, the
 18 search engine web server 24
 19 preferably generates and displays a
 20 **search result list** where the
 21 "canonicalized" entry in search term
 22 field of each search listing in the
 23 **search result list** exactly matches
 24 the canonicalized search term query
 25 entered by the remote searcher.

26 '361 Patent – col. 17, ll. 53-56

27 An example of a search result list
 28 display used in an embodiment of
 the present invention is shown in
 FIG. 7, which is a display of the first
 several entries resulting from a
 search for the term "zip drives".

Additional Citations to '361 Patent

Figure 7

Abstract, ll. 1-4

Abstract, ll. 27-32

Col. 4, ll. 60-64

Col. 5, ll. 35-52

Col. 7, ll. 6-15

Col. 9, l. 42 – col. 10, l. 6

Col. 12, ll. 21-25

Col. 12, l. 40 – col. 13, l. 2

Col. 14, ll. 8-17

Col. 17, l. 56 – col. 18, l. 36

Col. 27, ll. 65-67

Col. 28, ll. 1-3

Col. 30, ll. 10-12

Patent Applications Claiming

Priority to the '361 Patent

Application

Soulanille U.S. Patent App. (GOG
 32122-51) at ¶¶ 110-132.

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	<p>EXTRINSIC EVIDENCE:</p> <p>Overture does not believe that extrinsic evidence is necessary to interpret this term, and therefore has not proffered or cited any extrinsic evidence. However, if the Court considers any extrinsic evidence offered by Google, Overture reserves the right to cite to any of Google's extrinsic evidence, in rebuttal.</p>	
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<p>[modifiable] bid amount</p> <p>Found in claims: 1, 2, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67</p>	<p>PROPOSED CONSTRUCTION:</p> <p>a quantity of money [which can be changed] that a customer or client is willing to pay per click</p> <p>DICTIONARY DEFINITIONS:</p> <p><u>Modifiable</u> capable of being modified (Merriam Webster’s Unabridged Dictionary)</p> <p><u>Modify</u> to change somewhat the form or qualities of; alter partially; amend (The Random House Dictionary of the English Language, Second Edition, 1987)</p> <p>to make minor changes in (Merriam Webster’s Collegiate Dictionary, Tenth Edition, 1995)</p> <p>to change or alter; esp., to change slightly or partially in character, form, etc. (Webster’s New World College Dictionary, Third Edition, 1997)</p> <p>make partial or minor changes to (something), typically so as to improve it or to make it less extreme (The New Oxford Dictionary of English 1998)</p> <p>to change in form or character; alter (The American Heritage College Dictionary, Fourth Edition, 2002)</p> <p>to make minor changes in the form or structure of : alter without transforming (Merriam Webster’s Unabridged Dictionary)</p> <p>Bid</p>	<p>PROPOSED CONSTRUCTION:</p> <p>the price the website promoter will pay upon occurrence of a triggering event [changes to which can be controlled by the website promoter]</p> <p>INTRINSIC EVIDENCE:</p> <p><i>’361 Patent Specification</i></p> <p>Abstract, ll. 8-13, 19-34; fig. 2; fig. 5; fig. 7; fig. 8; fig. 9; col. 3, ll. 54-67, col. 4, ll. 1-9, 20-39, 65-67; col. 5, ll. 1-67; col.6, ll. 1-35, 43-44, 51-52, 57-62; col. 8, ll. 59-65; col. 9, ll. 19-67; col. 10, ll. 1-7, 36-58; col. 12, ll. 21-31, 40-55; col. 13, ll. 3-24, 50-56; col. 14, ll. 11-17; col. 18, ll. 8-28, 37-67; col. 19, ll. 1-17, 31-58; col. 20, ll. 33-67; col. 21, ll. 1-65.</p> <p><i>Microfiche Appendix to ’361 Patent Application</i></p> <p><goto/content/jhdocs/about/advertisers/mediakit/rates.jhtml> at 2.¹</p> <p><i>File History</i></p> <p>Davis Decl. in Supp. of Petition to Make Special, at ¶ 7(c)-(e) & Exhs. 10-11, 17, 20-21.</p> <p>Jan. 12, 2000 Preliminary Amendment at 1-8.</p> <p>Jan. 17, 2000 Office Action (misdated Jan. 17, 1999) at 2-3.</p> <p>April 6, 2000 Response at 2.</p> <p>June 18, 2000 Office Action at 2-3.</p> <p>March 23, 2001 Notice of</p>
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¹ The first two pages of this document are on the final two frames of the microfiche sheet labeled OVG 022003 (“Consumer Site (J) HTML 1 of 4,” Series 33, Fiche # 1 of 2) and the last two pages are on the third and fourth frames of the microfiche sheet labeled OVG 022004 (“Consumer Site (J) HTML 1 of 4,” Series 33, Fiche # 2 of 2).

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	<p>an offer of a price, especially at an auction (The New Oxford Dictionary of English 1998)</p> <p>an offer or proposal or a price; the amount offered or proposed (The American Heritage College Dictionary, Fourth Edition, 2002)</p> <p>to offer (a price) whether for payment or acceptance (Merriam Webster's Unabridged Dictionary)</p> <p><u>Amount</u> quantity; measure (The Random House Dictionary of the English Language, Second Edition, 1987)</p> <p>the total number or quantity (Merriam Webster's Collegiate Dictionary, Tenth Edition, 1995)</p> <p>a quantity (Webster's New World College Dictionary, Third Edition, 1997)</p> <p>a quantity of something, especially the total of a thing or things in number, size, value, or extent (The New Oxford Dictionary of English 1998)</p> <p>a number; a sum (The American Heritage College Dictionary, Fourth Edition, 2002)</p> <p>the total number or quantity (Merriam Webster's Unabridged Dictionary)</p> <p>INTRINSIC EVIDENCE:</p> <p><u>Microfiche Appendix to '361 Patent</u> The bid price is the amount you're willing to pay for a user to click-through to your site from the GoTo search results listings after they have performed a search on one of your search terms. (See frames 81-82 of the microfiche sheet labeled OVG 022003).</p> <p><u>'361 Patent – Abstract, ll. 19-24</u> The network information provider influences the position for a search</p>	<p>Allowability at 2-3.</p> <p><i>Prior Art Cited in the File History</i></p> <p>OVG 001402.</p> <p><i>Patent Applications Claiming Priority to the '361 Patent Application</i></p> <p>Soulanille U.S. Patent App. (GOG 32122-51) at ¶ 93.</p> <p>Singh et al. U.S. Patent App. (GOG 32152-206) at ¶¶ 17-19, 30.</p> <p>DICTIONARY DEFINITIONS:</p> <p>Webster's New World College Dictionary, 4th ed.</p> <p>The Random House Dictionary of the English Language, 2nd ed., Unabridged</p> <p>Webster's New World College Dictionary, 3rd ed.</p> <p>Merriam Webster's Collegiate Dictionary, 10th ed.</p> <p>The New Oxford Dictionary of English</p> <p>EXTRINSIC EVIDENCE:</p> <p>Roth et al. U.S. Patent (GOG 31921-46) at col. 2, ll. 20-65; col. 3 l. 51 – col. 4, l. 25; col. 4, l. 58 – col. 5, l. 63; col.7, ll.11-33; col. 8, ll. 29-31; col. 8, ll. 44-48); figs. 2B & 6C.</p> <p>Colorstamps, Inc. PCT Patent App. (GOG 32061-121) at 10:6-12:3, 19:9-20:3, 23:20-28.</p> <p>Cheung et al. U.S. Patent App. (GOG 32207-24) (whole document).</p> <p>pages.ebay.com at GOG 32225-27.</p> <p>www.alphastudiosinc.com at GOG 32228.</p>
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listing through a continuous online competitive bidding process. The bidding process occurs when the network information provider enters a new **bid amount**, which is preferably a money amount, for a search listing.

'361 Patent – col. 6, ll. 8-15
 Preferably, the quantity used in the competitive bidding process is a money amount that the web site promoter will pay to an owner of the Internet search engine each time the advertiser's web site is referred by the search engine. Most preferably, this money amount will be deducted from an account balance that is retained in the promoter's account for each time the promoter's web site is referred by the search engine.

'361 Patent – col. 9, ll. 45-52
 In a preferred embodiment of the present invention, the amount bid by an advertiser comprises a money amount that is deducted from the account of the advertiser for each time the advertiser's web site is accessed via a hyperlink on the search result list page. A searcher "clicks" on the hyperlink with a computer input device to initiate a retrieval request to retrieve the information associated with the advertiser's hyperlink.

'361 Patent – col. 19, ll. 38-58
 Many of the other selections listed in the "Account Management" menu 170 of FIG. 2 function as variants of the "Change Bid" function described above. For example, if the advertiser selects the "Change Rank Position" option, the advertiser may be presented with a display similar to the display of FIG. 9 used in the "Change Bid" function. However, in the "Change Rank Position" option, the "New Bid" field would be replaced by a "New Rank" field, in which the advertiser enters the new desired rank position for a search term. After the advertiser requests that the ranks be updated, the system then calculates a new bid price by

www.tundrawolfpromotions.com at GOG 32231.

www.payperclickanalyst.com at GOG 32234-41.

searchengineoptimism.com at GOG 32244-45.

www.searchengineposition.com at GOG 32252.

www.searchengines.com at GOG 32255.

searchenginesinfo.com at GOG 32256.

Documents produced by Overture: OVGE 52650-52, 52678, 52950, 53035, 53130, 53484, 53521, 53563, 53580, 53640, 55954, 59019, 59309, Depo. Exh. 15 at 1.

1 any of a variety of algorithms easily
 2 available to one skilled in the art.
 3 For example, the system may invoke
 4 a routine to locate the search listing
 5 in the search database having the
 6 desired rank/search term
 7 combination, retrieve the associated
 8 **bid amount** of said combination,
 9 and then calculate a **bid amount**
 10 that is N cents higher; where N=1,
 11 for example. After the system
 12 calculates the new bid price and
 13 presents a read-only confirmation
 14 display to the advertiser, the system
 15 updates the bid prices and rank
 16 values upon receiving approval from
 17 the advertiser.

18 '361 Patent – col. 18, l. 66 – col. 19,
 19 l. 4

20 As shown in step 840 of FIG. 8,
 21 upon receiving the request to update
 22 the advertiser's bids, the system
 23 calculates the new current bid
 24 amounts for every search listing
 25 displayed, the rank values, and the
 26 bid amount needed to become the
 27 highest ranked search listing
 28 matching the search term field.

'361 Patent – col. 20, ll. 6-12

A process similar to those discussed
 above may be implemented for
 changing any other peripheral
 options related to a search listing;
 for example, changing the matching
 options related to a bid search
 term. Any recalculations of bids or
 ranks required by the changes may
 also be determined in a manner
 similar to the processes discussed
 above.

Additional Citations to '361 Patent

Figure 5

Figure 8

Figure 9

Col. 4, l. 65 – col 5, l. 34

Col. 5, ll. 53-65

Col. 6, ll. 28-34

Col. 7, ll. 6-15

Col. 13, ll. 3-9

Col. 13, ll. 50-56

Col. 18, l. 37 – col. 19, l. 17

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	<p><u>Patent Applications Claiming Priority to the '361 Patent Application</u> Singh <i>et al.</i> U.S. Patent App. (GOG 32152-206) at ¶ 264.</p> <p>EXTRINSIC EVIDENCE:</p> <p>Overture does not believe that extrinsic evidence is necessary to interpret this term, and therefore has not proffered or cited any extrinsic evidence. However, if the Court considers any extrinsic evidence offered by Google, Overture reserves the right to cite to any of Google's extrinsic evidence, in rebuttal.</p>	
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<p>a modifiable bid amount that is independent of other components of the search listing</p> <p>Found in claims: 1, 2, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67</p>	<p>PROPOSED CONSTRUCTION:</p> <p>a modifiable bid amount that is not dependent or contingent upon other components of the search listing</p> <p>DICTIONARY DEFINITIONS:</p> <p><u>Independent</u> not dependent; not depending or contingent upon something else for existence, operation, etc. (The Random House Dictionary of the English Language, Second Edition, 1987)</p> <p>not dependent: as not subject to control by others (Merriam Webster's Collegiate Dictionary, Tenth Edition, 1995)</p> <p>not connected or related to another, to each other, or to a group; separate (Webster's New World College Dictionary, Third Edition, 1997)</p> <p>not connected with another or each other (The New Oxford Dictionary of English 1998)</p> <p>not determined or influenced by someone or something else; not contingent (The American Heritage College Dictionary, Fourth Edition, 2002)</p> <p>not dependent: as not subject to control by others (Merriam Webster's Unabridged Dictionary)</p> <p>INTRINSIC EVIDENCE:</p> <p><u>'361 Patent – col. 18, ll. 37-47</u> As shown in the campaign management menu 170 of FIG. 2, several choices are presented to the advertiser to manage search listings. First, in the "Change Bids" selection, the advertiser may change the bid of search listings currently in the account. The process invoked by</p>	<p>PROPOSED CONSTRUCTION:</p> <p>modifiable bid amount that is unconstrained by other components of the search listing</p> <p>INTRINSIC EVIDENCE:</p> <p><i>'361 Patent Specification</i></p> <p>Title; Abstract, ll. 1-4, 14-34; fig. 2; fig. 7; fig. 8; fig. 9; col. 2, ll. 46-67; col. 3, ll. 12-15, 42-67; col. 4, ll. 1-19, 26-29, 34-39, 59-60, 65-67; col. 5, ll. 1-67; col. 6, ll. 1-15, 43-44, 57-62; col. 8, ll. 59-64; col. 9, ll. 25-30, 42-45; col. 10, ll. 27-35; col. 12, ll. 21-25, 40-55; col. 13, ll. 9-24; col. 14, ll. 8-16; col. 18, ll. 4-28, 30-36, 66-67; col. 19, ll. 1-5, 10-15, 38-58; col. 20, ll. 66-67; col. 21, ll. 1-65.</p> <p><i>Prior Art Cited in the File History</i></p> <p>OVG 001222, 001226, 001229, 001232, 001235, 001236, 001242, 001249, 001251, 001254, 001366, 001402.</p> <p>DICTIONARY DEFINITIONS:</p> <p>The Random House Dictionary of the English Language, 2nd ed., Unabridged</p> <p>Webster's New World College Dictionary, 3rd ed.</p> <p>Merriam Webster's Collegiate Dictionary, 10th ed.</p> <p>The New Oxford Dictionary of English</p> <p>EXTRINSIC EVIDENCE:</p> <p>Roth et al. U.S. Patent (GOG 31921-46) at col. 2, ll. 20-65; col. 3 l. 51 – col. 4, l. 25; col. 4, l. 58 – col. 5, l. 63; col.7, ll.11-33; col. 8, ll. 29-31;</p>
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the system for the change bids function is shown in FIG. 8. After the advertiser indicates the intent to change bids by selecting the "Change Bids" menu option, the system searches the user's account in the database and displays the search listings for the entire account or a default subaccount in the advertiser's account, as shown in step 810.

'361 Patent – col. 18, l. 54 – col. 19, l. 7

An example of screen display shown to the advertiser in step 810 is shown in FIG. 9 and will be discussed below. To change bids, the advertiser user may specify new bids for search terms for which the advertiser already has an existing bid by entering a new bid amount into the new bid input field for the search term. The advertiser-entered bid changes are displayed to the advertiser at step 820 of FIG. 8 as discussed above. To update the bids for the display page, the advertiser requests, at step 830 of FIG. 8, to update the result of changes. The advertiser may transmit such a request to the account management server by a variety of means, including clicking on a button graphic.

As shown in step 840 of FIG. 8, upon receiving the request to update the advertiser's bids, the system calculates the new current bid amounts for every search listing displayed, the rank values, and the bid amount needed to become the highest ranked search listing matching the search term field. Preferably, the system then presents a display of changes at step 850. After the user confirms the changes, the system updates the persistent state by writing the changes to the account in the database.

Col. 19, ll. 31-37

The advertiser may specify a new bid for a displayed search listing by entering a new bid amount into the new bid input field 908 for the search listing. To update the result

col. 8, ll. 44-48); figs. 2B & 6C.

Colorstamps, Inc. PCT Patent App. (GOG 32061-121) at 10:6-12:3, 19:9-20:3, 23:20-28.

Cheung et al. U.S. Patent App. (GOG 32207-24) (whole document).

pages.ebay.com at GOG 32225-27.

www.alphastudiosinc.com at GOG 32228.

www.tundrawolfpromotions.com at GOG 32231.

www.payperclickanalyst.com at GOG 32234-41.

searchengineoptimism.com at GOG 32244-45.

www.searchengineposition.com at GOG 32252.

www.searchengines.com at GOG 32255.

searchenginesinfo.com at GOG 32256.

Documents produced by Overture: OVGE 52650-52, 52678, 52950, 53035, 53130, 53484, 53521, 53563, 53580, 53640, 55954, 59019, 59309, Depo. Exh. 15 at 1.

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of the advertiser-entered changes, the advertiser clicks on button graphic 912 to transmit an update request to the account management server, which updates the bids as described above.

Col. 19, ll. 38-47
 Many of the other selections listed in the "Account Management" menu 170 of FIG. 2 function as variants of the "Change Bid" function described above. For example, if the advertiser selects the "Change Rank Position" option, the advertiser may be presented with a display similar to the display of FIG. 9 used in the "Change Bid" function. However, in the "Change Rank Position" option, the "New Bid" field would be replaced by a "New Rank" field, in which the advertiser enters the new desired rank position for a search term.

Additional Citations to '361 Patent
 Figure 2
 Figure 5
 Figure 8
 Figure 9
 Abstract, ll. 1-34
 Col. 6, ll. 16-34
 Col. 7, ll. 6-15
 Col. 12, l. 21 – col. 13, l. 24
 Col. 18, ll. 47-53
 Col. 19, ll. 7-37
 Col. 19, l. 47 – col. 20, l. 65

EXTRINSIC EVIDENCE:

Overture does not believe that extrinsic evidence is necessary to interpret this term, and therefore has not proffered or cited any extrinsic evidence. However, if the Court considers any extrinsic evidence offered by Google, Overture reserves the right to cite to any of Google's extrinsic evidence, in rebuttal.

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<p>ordering . . . in accordance with the values of the respective bid amounts</p> <p>Found in claims: 1, 2, 4, 5, 7, 8, 9, 10, 11, 12, 13</p>	<p>PROPOSED CONSTRUCTION:</p> <p>ordering in agreement with the values of the respective bid amounts</p> <p>DICTIONARY DEFINITIONS:</p> <p><u>Accordance</u> agreement; conformity (The Random House Dictionary of the English Language, Second Edition, 1987)</p> <p>agreement, conformity (Merriam Webster's Collegiate Dictionary, Tenth Edition, 1995)</p> <p>agreement; harmony; conformity (Webster's New World College Dictionary, Third Edition, 1997)</p> <p>in a manner conforming with (The New Oxford Dictionary of English 1998)</p> <p>agreement, conformity (The American Heritage College Dictionary, Fourth Edition, 2002)</p> <p>agreement, accord (Merriam Webster's Unabridged Dictionary)</p> <p>INTRINSIC EVIDENCE:</p> <p><u>'361 Patent – Abstract, ll. 19-34</u> The network information provider influences a position for a search listing in the provider's account by first selecting a search term relevant to the content of the web site or other information source to be listed. The network information provider enters the search term and the description into a search listing. The network information provider influences the position for a search listing through a continuous online competitive bidding process. The bidding process occurs when the network information provider enters a new bid amount, which is</p>	<p>PROPOSED CONSTRUCTION:</p> <p>ordering . . . in conformance with the values of the respective bid amounts</p> <p>INTRINSIC EVIDENCE:</p> <p><i>'361 Patent Specification</i></p> <p>Title; Abstract, ll. 1-4, 14-34; fig. 2; fig. 7; fig. 8; fig. 9; col. 2, ll. 46-67; col. 3, ll. 12-15, 42-67; col. 4, ll. 1-19, 26-29, 34-39, 59-60, 65-67; col. 5, ll. 1-67; col. 6, ll. 1-15, 43-44, 57-62; col. 8, ll. 59-64; col. 9, ll. 25-30, 42-45; col. 10, ll. 27-35; col. 12, ll. 21-25, 40-55; col. 13, ll. 9-24; col. 14, ll. 8-16; col. 18, ll. 4-28, 30-36, 66-67; col. 19, ll. 1-5, 10-15, 38-58; col. 20, ll. 66-67; col. 21, ll. 1-65.</p> <p><i>Microfiche Appendix to '361 Patent Application</i></p> <p><goto/content/jhdocs/about/advertisers/mediakit/rates.jhtml> at 2.</p> <p><i>File History</i></p> <p>Davis Decl. in Supp. of Petition to Make Special, at ¶ 7(c)-(e) & Exhs. 10-11, 17, 20-21.</p> <p>Nov. 8, 2000 Office Action at 4.</p> <p><i>Prior Art Cited in the File History</i></p> <p>OVG 001222, 001226, 001229, 001232, 001235, 001236, 001242, 001249, 001251, 001254, 001366.</p> <p>DICTIONARY DEFINITIONS:</p> <p>The Random House Dictionary of the English Language, 2nd ed., Unabridged</p> <p>Webster's New World College Dictionary, 3rd ed.</p>
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preferably a money amount, for a search listing. The system and method of the present invention then compares this bid amount with all other bid amounts for the same search term, and generates a rank value for all search listings having that search term. The rank value generated by the bidding process determines where the network information providers listing will appear on the search results list page that is generated in response to a query of the search term by a searcher located at a client computer on the computer network. A higher bid by a network information provider will result in a higher rank value and a more advantageous placement.

'361 Patent – col. 3, l. 51 – col. 4, l. 9
Ideally, web site promoters should be able to control their placement in search result listings so that their listings are prominent in searches that are relevant to the content of their web site. The search engine functionality of the Internet needs to be focused in a new direction to facilitate an on-line marketplace which offers consumers quick, easy and relevant search results while providing Internet advertisers and promoters with a cost-effective way to target consumers. A consumer utilizing a search engine that facilitates this on-line marketplace will find companies or businesses that offer the products, services, or information that the consumer is seeking. In this on-line marketplace, companies selling products, services, or information bid in an open auction environment for positions on a search result list generated by an Internet search engine. Since advertisers must pay for each click-through referral generated through the search result lists generated by the search engine, advertisers have an incentive to select and bid on those search keywords that are most relevant to their web site offerings. The higher

Merriam Webster's Collegiate Dictionary, 10th ed.

The New Oxford Dictionary of English

EXTRINSIC EVIDENCE:

www.searchengineposition.com at GOG 32252.

Documents produced by Overture: Depo. Exh. 15 at 1.

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an advertiser's position on a search result list, the higher likelihood of a "referral"; that is, the higher the likelihood that a consumer will be referred to the advertiser's web site through the search result list. The openness of this advertising marketplace is further facilitated by publicly displaying, to consumers and other advertisers, the price bid by an advertiser on a particular search result listing.

'361 Patent – col. 4, l. 55 – col. 5, l. 40

More particularly, the present invention relates to a system and method to enable a web site promoter to define a search listing for a search result list, select a search term relevant to the promoter's web site, and influence a search result list position for the search listing on an Internet search engine. When an Internet user enters the search terms in a search engine query, the search engine will generate a search result list with the web site promoter's listing in a position influenced by one or more parameters defined by the promoter.

In a preferred embodiment of the present invention, a web site promoter selects a search term and influences a position within the search result list generated by that search term by participating in an online competitive bidding process. This online competitive bidding process is known as a "pay-for-performance" process and may be employed in conjunction with an Internet search engine. "Pay-for-performance" applies market principles to advertising on the Internet. Conventional Internet search engines do not provide a way for web site promoters to easily predict the position of their web site in search results or guarantee their appearance in search results containing their web site description. A tool enabling advertisers to target web search terms relevant to their business and to pinpoint the placement of their web site

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description within the search results provides a powerful advantage to businesses and others seeking to increase their web exposure. Furthermore, a competitive bidding process and pricing based on number of web site referrals generated helps ensure that the pricing structure reflects the market and is accessible to advertisers of all budget sizes.

To participate in the process, an advertiser, such as a web site promoter, may access the advertiser's user account through a secure web site. The advertiser may use the account to place bids on search terms that are relevant to the advertiser's web site. Each bid is specific to a search term web site combination and corresponds to a money amount that the advertiser will pay to the owner of the search engine each time a searcher clicks on the advertiser's hyperlinked listing in the search result list generated by the search engine. The searcher's click will result in an access request being sent to the advertiser's web site, which will respond by transmitting the advertiser's web page to the searcher's browser. The charge to the advertiser for the placement is therefore directly proportional to the benefit received, since the charge is based on the number of referrals to the advertiser's web site that were generated by the search engine.

The higher the bid, the more advantageous the placement in the search result list that is generated when the bidded search term is entered by a searcher using the search engine. The search result list is arranged in order of decreasing bid amount, with the search listing corresponding to the highest bids displayed first to the searcher.

'361 Patent – col. 5, l. 53 – col. 6, l. 8

According to a first embodiment of the present invention, there is provided a system and method for enabling the web site promoters to

1 influence a position for a search
2 listing within a search result list
3 generated by an Internet search
4 engine. The web site promoter first
5 selects a search term comprising one
6 or more keywords relevant to the
7 content of the web site to be listed.
8 The web site promoter influences
9 the rank position for the search
10 listing through an ongoing online
11 competitive bidding process with
12 other web site promoters. The
13 bidding process occurs when an
14 advertiser enters a new bid amount
15 for an existing search listing or
16 enters a bid amount for a new search
17 listing. Preferably, the promoter's
18 bid is then processed in real time.
19 This bid amount is compared with
20 all other bid amounts from other
21 promoters for the same search term,
22 and generates new rank values for
23 all search listings having that search
24 term. The rank value determines the
25 position where the promoter's web
26 site description will appear on the
27 search results list page that is
28 generated when the search term is
entered into the query box on the
search engine by a searcher. A
higher bid will result in a higher
rank value and a more advantageous
placement, which is preferably near
the beginning of the search results
list page.

'361 Patent – col. 9, ll. 42-45

The higher bids receive more
advantageous placement on the
search result list page generated by
the search engine 24 when a search
using the search term bid on by the
advertiser is executed.

'361 Patent – col. 13, ll. 9-24

Finally, a rank value is a value
generated dynamically, preferably
by the processing system 34 of the
account management server 22
shown in FIG. 1, each time an
advertiser places a bid or a search
enters a search query. The rank
value of an advertiser's search listing
determines the placement location of
the advertiser's entry in the search
result list generated when a search is

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executed on the corresponding search term. Preferably, rank value is an ordinal value determined in a direct relationship to the bid amount 358; the higher the bid amount, the higher the rank value, and the more advantageous the placement location on the search result list. Most preferably, the rank value of 1 is assigned to the highest bid amount with successively higher ordinal values (e.g., 2, 3, 4, . . .) associated with successively lower ranks and assigned to successively lower bid amounts.

'361 Patent – col. 18, ll. 4-28
 Search result list entries 710a-710h may also show the rank value of the advertiser's search listing. The rank value is an ordinal value, preferably a number, generated and assigned to the search listing by the processing system 34 of FIG. 1. Preferably, the rank value is assigned through a process, implemented in software, that establishes an association between the bid amount, the rank, and the search term of a search listing. The process gathers all search listings that match a particular search term, sorts the search listings in order from highest to lowest bid amount, and assigns a rank value to each search listing in order. The highest bid amount receives the highest rank value, the next highest bid amount receives the next highest rank value, proceeding to the lowest bid amount, which receives the lowest rank value. Most preferably, the highest rank value is 1 with successively increasing ordinal values (e.g., 2, 3, 4, . . .) assigned in order of successively decreasing rank. The correlation between rank value and bid amount is illustrated in FIG. 7, where each of the paid search list entries 710a through 710f display the advertiser's bid amount 750a through 750f for that entry. Preferably, if two search listings having the same search term also have the same bid amount, the bid that was received earlier in time will be assigned the higher rank

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value. Unpaid listings 710g and 710h do not display a bid amount and are displayed following the lowest-ranked paid listing.

'361 Patent – col. 19, ll. 38-58
 Many of the other selections listed in the "Account Management" menu 170 of FIG. 2 function as variants of the "Change Bid" function described above. For example, if the advertiser selects the "Change Rank Position" option, the advertiser may be presented with a display similar to the display of FIG. 9 used in the "Change Bid" function. However, in the "Change Rank Position" option, the "New Bid" field would be replaced by a "New Rank" field, in which the advertiser enters the new desired rank position for a search term. After the advertiser requests that the ranks be updated, the system then calculates a new bid price by any of a variety of algorithms easily available to one skilled in the art. For example, the system may invoke a routine to locate the search listing in the search database having the desired rank/search term combination, retrieve the associated bid amount of said combination, and then calculate a bid amount that is N cents higher; where N=1, for example. After the system calculates the new bid price and presents a read-only confirmation display to the advertiser, the system updates the bid prices and rank values upon receiving approval from the advertiser.

'361 Patent – col. 20, l. 66 – col. 21, l. 53
 The "Account Management" menu 170 of FIG. 2 also preferably provides advertisers with a "Project Expenses" selection. In this selection, the advertiser specifies a search listing or subaccount for which the advertiser would like to predict a "daily run rate" and "days remaining to expiration." The system calculates the projections based on a cost projection algorithm, and displays the predictions to the

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advertiser on a read-only screen. The predictions may be calculated using a number of different algorithms known in the art. However, since the cost of a search listing is calculated by multiplying the bid amount by the total number of clicks received by the search listing at that bid amount during a specified time period, every cost projection algorithm must generally determine an estimated number of clicks per month (or other specified time period) for a search listing. The clicks on a search listing may be tracked via implementation of a software counting mechanism as is well known in the art. Clicks for all search listings may be tracked over time, this data may be used to generate estimated numbers of clicks per month overall, and for individual search terms. For a particular search term, an estimated number of searches per day is determined and is multiplied by the cost of a click. This product is then multiplied by a ratio of the average number of clicks over the average number of impressions for the rank of the search listing in question to obtain a daily run rate. The current balance may be divided by the daily run rate to obtain a projected number of days to exhaustion or "expiration" of account funds.

One embodiment of the present invention bases the cost projection algorithm on a simple predictor model that assumes that every search term performs in a similar fashion. This model assumes that the rank of the advertiser's search listing will remain constant and not fluctuate throughout the month. This algorithm has the advantages of being simple to implement and fast to calculate. The predictor model is based on the fact that the click through rate, e.g. the total number of clicks, or referrals, for a particular searcher listing, is considered to be a function of the rank of the search listing. The model therefore assumes that the usage curve of each search term, that is, the curve that result

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when the number of clicks on a search listing is plotted against the rank of the search listing, is similar to the usage curve for all search terms. Thus, known values extrapolated over time for the sum of all clicks for all search terms, the sum of all clicks at a given rank for all search terms, and the sum of all clicks for the selected search term may be employed in a simple proportion to determine the total of all clicks for the given rank for the selected search term. The estimated daily total of all clicks for the selected search term at the selected rank is then multiplied by the advertiser's current bid amount for the search term at that rank to determine a daily expense projection. In addition, if particular search terms or classes of search terms are known to differ markedly from the general pattern, correction values specific to the search term, advertiser, or other parameter may be introduced to fine-tune the projected cost estimate.

Additional Citations to '361 Patent
Figure 7
Col. 7, ll. 6-15

EXTRINSIC EVIDENCE:

Overture does not believe that extrinsic evidence is necessary to interpret this term, and therefore has not proffered or cited any extrinsic evidence. However, if the Court considers any extrinsic evidence offered by Google, Overture reserves the right to cite to any of Google's extrinsic evidence, in rebuttal.

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<p>arranged in an order determined using the bid amounts</p> <p>Found in claims: 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 48</p> <p>position . . . determined using the bid amount</p> <p>Found in claim: 14, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67</p>	<p>PROPOSED CONSTRUCTION:</p> <p>arranged in an order ascertained by an analysis that utilizes the bid amounts</p> <p>position . . . ascertained by an analysis that utilizes the bid amount</p> <p>DICTIONARY DEFINITIONS:</p> <p><u>Determine</u> to conclude or ascertain, as after reasoning, observation, etc. (The Random House Dictionary of the English Language, Second Edition, 1987)</p> <p>to find out or come to a decision about by investigation, reasoning, or calculation (Merriam Webster’s Collegiate Dictionary, Tenth Edition, 1995)</p> <p>to reach a decision about after thought and investigation; decide upon (Webster’s New World College Dictionary, Third Edition, 1997)</p> <p>ascertain or establish exactly, typically as a result of research or calculation (The New Oxford Dictionary of English 1998)</p> <p>to establish or ascertain definitively, as after investigation or calculation (The American Heritage College Dictionary, Fourth Edition, 2002)</p> <p>to come to a decision concerning as the result of investigation or reasoning (Merriam Webster’s Unabridged Dictionary)</p>	<p>PROPOSED CONSTRUCTION:</p> <p>arranged in an order established by the bid amounts</p> <p>position . . . established by the bid amount</p> <p>INTRINSIC EVIDENCE:</p> <p><i>’361 Patent Specification</i></p> <p>Title; Abstract, ll. 1-4, 14-34; fig. 2; fig. 7; fig. 8; fig. 9; col. 2, ll. 46-67; col. 3, ll. 12-15, 42-67; col. 4, ll. 1-19, 26-29, 34-39, 59-60, 65-67; col. 5, ll. 1-67; col. 6, ll. 1-15, 43-44, 57-62; col. 8, ll. 59-64; col. 9, ll. 25-30, 42-45; col. 10, ll. 27-35; col. 12, ll. 21-25, 40-55; col. 13, ll. 9-24; col. 14, ll. 8-16; col. 18, ll. 4-28, 30-36, 66-67; col. 19, ll. 1-5, 10-15, 38-58; col. 20, ll. 66-67; col. 21, ll. 1-65</p> <p><i>Microfiche Appendix to ’361 Patent Application</i></p> <p><goto/content/jhdocs/about/advertisers/mediakit/rates.jhtml> at 2.</p> <p><i>File History</i></p> <p>Davis Decl. in Supp. of Petition to Make Special, ¶ 2(b) & Exhs. 1-2 & 4.</p> <p><i>Prior Art Cited in the File History</i></p> <p>OVG 001222, 001226, 001229, 001232, 001235, 001236, 001242, 001249, 001251, 001254, 001366, 001402.</p>
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Using
to employ for some purpose; put into service; make use of (The Random House Dictionary of the English Language, Second Edition, 1987)

to put into action or service; synonyms USE, EMPLOY, UTILIZE (Merriam Webster's Collegiate Dictionary, Tenth Edition, 1995)

to put or bring into action or service; employ for or apply to a given purpose (Webster's New World College Dictionary, Third Edition, 1997)

take, hold, or deploy (something) as a means of accomplishing a purpose or achieving a result; employ (The New Oxford Dictionary of English 1998)

to put into action or service; synonyms EMPLOY, UTILIZE, APPLY, AVAIL (Merriam Webster's Unabridged Dictionary)

INTRINSIC EVIDENCE:

'361 Patent – col. 4, ll. 55-64
More particularly, the present invention relates to a system and method to enable a web site promoter to define a search listing for a search result list, select a search term relevant to the promoter's web site, and influence a search result list position for the search listing on an Internet search engine. When an Internet user enters the search terms in a search engine query, the search engine will generate a search result list with the web site promoter's listing in a position influenced by one or more parameters defined by the promoter.

'361 Patent – Abstract, ll. 19-34
The network information provider influences a position for a search listing in the provider's account by

DICTIONARY DEFINITIONS:

Merriam-Webster Unabridged (online) (GOG 32257-63)

The Random House Dictionary of the English Language, 2nd ed., Unabridged

Webster's New World College Dictionary, 3rd ed.

Merriam Webster's Collegiate Dictionary, 10th ed.

The New Oxford Dictionary of English

EXTRINSIC EVIDENCE:

www.jsonline.com at GOG 1659-61.

www.searchengineposition.com at GOG 32252.

Documents produced by Overture: Depo. Exh. 15 at 1.

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first selecting a search term relevant to the content of the web site or other information source to be listed. The network information provider enters the search term and the description into a search listing. The network information provider influences the position for a search listing through a continuous online competitive bidding process. The bidding process occurs when the network information provider enters a new bid amount, which is preferably a money amount, for a search listing. The system and method of the present invention then compares this bid amount with all other bid amounts for the same search term, and generates a rank value for all search listings having that search term. The rank value generated by the bidding process determines where the network information providers listing will appear on the search results list page that is generated in response to a query of the search term by a searcher located at a client computer on the computer network. A higher bid by a network information provider will result in a higher rank value and a more advantageous placement.

'361 Patent – col. 5, l. 53 – col. 6, l. 8

According to a first embodiment of the present invention, there is provided a system and method for enabling the web site promoters to influence a position for a search listing within a search result list generated by an Internet search engine. The web site promoter first selects a search term comprising one or more keywords relevant to the content of the web site to be listed. The web site promoter influences the rank position for the search listing through an ongoing online competitive bidding process with other web site promoters. The bidding process occurs when an advertiser enters a new bid amount for an existing search listing or enters a bid amount for a new search

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listing. Preferably, the promoter's bid is then processed in real time. This bid amount is compared with all other bid amounts from other promoters for the same search term, and generates new rank values for all search listings having that search term. The rank value determines the position where the promoter's web site description will appear on the search results list page that is generated when the search term is entered into the query box on the search engine by a searcher. A higher bid will result in a higher rank value and a more advantageous placement, which is preferably near the beginning of the search results list page.

'361 Patent – col. 18, ll. 4-28
 Search result list entries 710a-710h may also show the rank value of the advertiser's search listing. The rank value is an ordinal value, preferably a number, generated and assigned to the search listing by the processing system 34 of FIG. 1. Preferably, the rank value is assigned through a process, implemented in software, that establishes an association between the bid amount, the rank, and the search term of a search listing. The process gathers all search listings that match a particular search term, sorts the search listings in order from highest to lowest bid amount, and assigns a rank value to each search listing in order. The highest bid amount receives the highest rank value, the next highest bid amount receives the next highest rank value, proceeding to the lowest bid amount, which receives the lowest rank value. Most preferably, the highest rank value is 1 with successively increasing ordinal values (e.g., 2, 3, 4, . . .) assigned in order of successively decreasing rank. The correlation between rank value and bid amount is illustrated in FIG. 7, where each of the paid search list entries 710a through 710f display the advertiser's bid amount 750a through 750f for that entry. Preferably, if two search

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listings having the same search term also have the same bid amount, the bid that was received earlier in time will be assigned the higher rank value. Unpaid listings 710g and 710h do not display a bid amount and are displayed following the lowest-ranked paid listing.

Addition Citations to '361 Patent Figure 7
Col. 7, ll. 6-15
Col. 25, ll. 65-67
Col. 26, ll. 1-7
Col. 30, ll. 1-9

EXTRINSIC EVIDENCE:

Overture does not believe that extrinsic evidence is necessary to interpret this term, and therefore has not proffered or cited any extrinsic evidence. However, if the Court considers any extrinsic evidence offered by Google, Overture reserves the right to cite to any of Google's extrinsic evidence, in rebuttal.

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<p>arranged in an order corresponding to the bid amounts</p> <p>Found in claims: 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 49, 50, 51</p>	<p>PROPOSED CONSTRUCTION:</p> <p>arranged in an order similar to the order of the bid amounts</p> <p>DICTIONARY DEFINITIONS:</p> <p><u>Corresponding</u> similar in position, purpose, form, etc. (The Random House Dictionary of the English Language, Second Edition, 1987)</p> <p>having or participating in the same relationship (as kind, degree, position, correspondence, or function) especially with regard to the same or like wholes (as geometric figures or sets)(~parts of similar triangles); RELATED, ACCOMPANYING (Merriam Webster's Collegiate Dictionary, Tenth Edition, 1995)</p> <p>having the same or nearly the same relationship (The American Heritage College Dictionary, Fourth Edition, 2002)</p> <p><u>Correspond</u> to be similar, analogous, or equal (to something) (Webster's New World College Dictionary, Third Edition, 1997)</p> <p>have a close similarity; match or agree almost exactly (The New Oxford Dictionary of English 1998)</p> <p>INTRINSIC EVIDENCE:</p> <p><u>'361 Patent – col. 4, l. 55 – col. 5, l. 37</u> More particularly, the present invention relates to a system and method to enable a web site promoter to define a search listing for a search result list, select a search term relevant to the promoter's web site, and influence a search result list position for the search listing on an Internet search</p>	<p>PROPOSED CONSTRUCTION:</p> <p>arranged in an order conforming to the bid amounts</p> <p>INTRINSIC EVIDENCE:</p> <p><i>'361 Patent Specification</i></p> <p>Title; Abstract, ll. 1-4, 14-34; fig. 2; fig. 7; fig. 8; fig. 9; col. 2, ll. 46-67; col. 3, ll. 12-15, 42-67; col. 4, ll. 1-19, 26-29, 34-39, 59-60, 65-67; col. 5, ll. 1-67; col. 6, ll. 1-15, 43-44, 57-62; col. 8, ll. 59-64; col. 9, ll. 25-30, 42-45; col. 10, ll. 27-35; col. 12, ll. 21-25, 40-55; col. 13, ll. 9-24; col. 14, ll. 8-16; col. 18, ll. 4-28, 30-36, 66-67; col. 19, ll. 1-5, 10-15, 38-58; col. 20, ll. 66-67; col. 21, ll. 1-65.</p> <p><i>Microfiche Appendix to '361 Patent Application</i></p> <p><goto/content/jhdocs/about/advertisers/mediakit/rates.jhtml> at 2.</p> <p><i>File History</i></p> <p>Davis Decl. in Supp. of Petition to Make Special, at ¶ 7(c)-(e) & Exhs. 10-11, 17, 20-21.</p> <p><i>Prior Art Cited in the File History</i></p> <p>OVG 001222, 001226, 001229, 001232, 001235, 001236, 001242, 001249, 001251, 001254, 001366, 001402.</p> <p>DICTIONARY DEFINITIONS:</p> <p>Merriam-Webster Unabridged (online) (GOG 32257-63)</p> <p>The Random House Dictionary of the English Language, 2nd ed., Unabridged</p> <p>Webster's New World College Dictionary, 3rd ed.</p>
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engine. When an Internet user enters the search terms in a search engine query, the search engine will generate a search result list with the web site promoter's listing in a position influenced by one or more parameters defined by the promoter.

In a preferred embodiment of the present invention, a web site promoter selects a search term and influences a position within the search result list generated by that search term by participating in an online competitive bidding process. This online competitive bidding process is known as a "pay-for-performance" process and may be employed in conjunction with an Internet search engine. "Pay-for-performance" applies market principles to advertising on the Internet. Conventional Internet search engines do not provide a way for web site promoters to easily predict the position of their web site in search results or guarantee their appearance in search results containing their web site description. A tool enabling advertisers to target web search terms relevant to their business and to pinpoint the placement of their web site description within the search results provides a powerful advantage to businesses and others seeking to increase their web exposure. Furthermore, a competitive bidding process and pricing based on number of web site referrals generated helps ensure that the pricing structure reflects the market and is accessible to advertisers of all budget sizes.

To participate in the process, an advertiser, such as a web site promoter, may access the advertiser's user account through a secure web site. The advertiser may use the account to place bids on search terms that are relevant to the advertiser's web site. Each bid is specific to a search term web site combination and corresponds to a money amount that the advertiser will pay to the owner of the search engine each time a searcher clicks

Merriam Webster's Collegiate Dictionary, 10th ed.

The New Oxford Dictionary of English

EXTRINSIC EVIDENCE:

www.jsonline.com at GOG 1659-61.

www.searchengineposition.com at GOG 32252.

Documents produced by Overture: Depo. Exh. 15 at 1.

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on the advertiser's hyperlinked listing in the search result list generated by the search engine. The searcher's click will result in an access request being sent to the advertiser's web site, which will respond by transmitting the advertiser's web page to the searcher's browser. The charge to the advertiser for the placement is therefore directly proportional to the benefit received, since the charge is based on the number of referrals to the advertiser's web site that were generated by the search engine.

The higher the bid, the more advantageous the placement in the search result list that is generated when the bidded search term is entered by a searcher using the search engine.

'361 Patent – Abstract, ll. 19-34

The network information provider influences a position for a search listing in the provider's account by first selecting a search term relevant to the content of the web site or other information source to be listed. The network information provider enters the search term and the description into a search listing. The network information provider influences the position for a search listing through a continuous online competitive bidding process. The bidding process occurs when the network information provider enters a new bid amount, which is preferably a money amount, for a search listing. The system and method of the present invention then compares this bid amount with all other bid amounts for the same search term, and generates a rank value for all search listings having that search term. The rank value generated by the bidding process determines where the network information providers listing will appear on the search results list page that is generated in response to a query of the search term by a searcher located at a client computer on the computer network. A higher bid by a network information

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provider will result in a higher rank value and a more advantageous placement.

'361 Patent – col. 3, l. 51 – col. 4, l. 9

Ideally, web site promoters should be able to control their placement in search result listings so that their listings are prominent in searches that are relevant to the content of their web site. The search engine functionality of the Internet needs to be focused in a new direction to facilitate an on-line marketplace which offers consumers quick, easy and relevant search results while providing Internet advertisers and promoters with a cost-effective way to target consumers. A consumer utilizing a search engine that facilitates this on-line marketplace will find companies or businesses that offer the products, services, or information that the consumer is seeking. In this on-line marketplace, companies selling products, services, or information bid in an open auction environment for positions on a search result list generated by an Internet search engine. Since advertisers must pay for each click-through referral generated through the search result lists generated by the search engine, advertisers have an incentive to select and bid on those search keywords that are most relevant to their web site offerings. The higher an advertiser's position on a search result list, the higher likelihood of a "referral"; that is, the higher the likelihood that a consumer will be referred to the advertiser's web site through the search result list. The openness of this advertising marketplace is further facilitated by publicly displaying, to consumers and other advertisers, the price bid by an advertiser on a particular search result listing.

'361 Patent – col. 5, l. 53 – col. 6, l. 8

According to a first embodiment of the present invention, there is

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provided a system and method for enabling the web site promoters to influence a position for a search listing within a search result list generated by an Internet search engine. The web site promoter first selects a search term comprising one or more keywords relevant to the content of the web site to be listed. The web site promoter influences the rank position for the search listing through an ongoing online competitive bidding process with other web site promoters. The bidding process occurs when an advertiser enters a new bid amount for an existing search listing or enters a bid amount for a new search listing. Preferably, the promoter's bid is then processed in real time. This bid amount is compared with all other bid amounts from other promoters for the same search term, and generates new rank values for all search listings having that search term. The rank value determines the position where the promoter's web site description will appear on the search results list page that is generated when the search term is entered into the query box on the search engine by a searcher. A higher bid will result in a higher rank value and a more advantageous placement, which is preferably near the beginning of the search results list page.

'361 Patent – col. 9, ll. 42-45
The higher bids receive more advantageous placement on the search result list page generated by the search engine 24 when a search using the search term bid on by the advertiser is executed.

'361 Patent – col. 13, ll. 9-20
Finally, a rank value is a value generated dynamically, preferably by the processing system 34 of the account management server 22 shown in FIG. 1, each time an advertiser places a bid or a search enters a search query. The rank value of an advertiser's search listing determines the placement location of

1 the advertiser's entry in the search
2 result list generated when a search is
3 executed on the corresponding
4 search term. Preferably, rank value
5 is an ordinal value determined in a
6 direct relationship to the bid amount
7 358; the higher the bid amount, the
8 higher the rank value, and the more
9 advantageous the placement location
10 on the search result list.

11 '361 Patent – col. 18, ll. 4-11

12 Search result list entries 710a-710h
13 may also show the rank value of the
14 advertiser's search listing. The rank
15 value is an ordinal value, preferably
16 a number, generated and assigned to
17 the search listing by the processing
18 system 34 of FIG. 1. Preferably, the
19 rank value is assigned through a
20 process, implemented in software,
21 that establishes an association
22 between the bid amount, the rank,
23 and the search term of a search
24 listing.

25 '361 Patent – col. 19, ll. 38-58

26 Many of the other selections listed
27 in the "Account Management" menu
28 170 of FIG. 2 function as variants of
the "Change Bid" function described
above. For example, if the advertiser
selects the "Change Rank Position"
option, the advertiser may be
presented with a display similar to
the display of FIG. 9 used in the
"Change Bid" function. However, in
the "Change Rank Position" option,
the "New Bid" field would be
replaced by a "New Rank" field, in
which the advertiser enters the new
desired rank position for a search
term. After the advertiser requests
that the ranks be updated, the system
then calculates a new bid price by
any of a variety of algorithms easily
available to one skilled in the art.
For example, the system may invoke
a routine to locate the search listing
in the search database having the
desired rank/search term
combination, retrieve the associated
bid amount of said combination, and
then calculate a bid amount that is N
cents higher; where N=1, for
example. After the system calculates

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the new bid price and presents a read-only confirmation display to the advertiser, the system updates the bid prices and rank values upon receiving approval from the advertiser.

'361 Patent – col. 20, l. 66 – col. 21, l. 53

The "Account Management" menu 170 of FIG. 2 also preferably provides advertisers with a "Project Expenses" selection. In this selection, the advertiser specifies a search listing or subaccount for which the advertiser would like to predict a "daily run rate" and "days remaining to expiration." The system calculates the projections based on a cost projection algorithm, and displays the predictions to the advertiser on a read-only screen. The predictions may be calculated using a number of different algorithms known in the art. However, since the cost of a search listing is calculated by multiplying the bid amount by the total number of clicks received by the search listing at that bid amount during a specified time period, every cost projection algorithm must generally determine an estimated number of clicks per month (or other specified time period) for a search listing. The clicks on a search listing may be tracked via implementation of a software counting mechanism as is well known in the art. Clicks for all search listings may be tracked over time, this data may be used to generate estimated numbers of clicks per month overall, and for individual search terms. For a particular search term, an estimated number of searches per day is determined and is multiplied by the cost of a click. This product is then multiplied by a ratio of the average number of clicks over the average number of impressions for the rank of the search listing in question to obtain a daily run rate. The current balance may be divided by the daily run rate to obtain a projected number of days to exhaustion or

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"expiration" of account funds.
 One embodiment of the present invention bases the cost projection algorithm on a simple predictor model that assumes that every search term performs in a similar fashion. This model assumes that the rank of the advertiser's search listing will remain constant and not fluctuate throughout the month. This algorithm has the advantages of being simple to implement and fast to calculate. The predictor model is based on the fact that the click through rate, e.g. the total number of clicks, or referrals, for a particular searcher listing, is considered to be a function of the rank of the search listing. The model therefore assumes that the usage curve of each search term, that is, the curve that result when the number of clicks on a search listing is plotted against the rank of the search listing, is similar to the usage curve for all search terms. Thus, known values extrapolated over time for the sum of all clicks for all search terms, the sum of all clicks at a given rank for all search terms, and the sum of all clicks for the selected search term may be employed in a simple proportion to determine the total of all clicks for the given rank for the selected search term. The estimated daily total of all clicks for the selected search term at the selected rank is then multiplied by the advertiser's current bid amount for the search term at that rank to determine a daily expense projection. In addition, if particular search terms or classes of search terms are known to differ markedly from the general pattern, correction values specific to the search term, advertiser, or other parameter may be introduced to fine-tune the projected cost estimate.

Additional Citations to '361 Patent
 Figure 7
 Col. 7, ll. 6-15
 Col. 27, ll. 55-64

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	<p>EXTRINSIC EVIDENCE:</p> <p>Overture does not believe that extrinsic evidence is necessary to interpret this term, and therefore has not proffered or cited any extrinsic evidence. However, if the Court considers any extrinsic evidence offered by Google, Overture reserves the right to cite to any of Google's extrinsic evidence, in rebuttal.</p>	
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<p>in response to</p> <p>Found in claims: 1, 2, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67</p>	<p>PROPOSED CONSTRUCTION:</p> <p>in reaction to</p> <p>DICTIONARY DEFINITIONS:</p> <p><u>Response</u> an answer or reply, as in words or in some action (The Random House Dictionary of the English Language, Second Edition, 1987)</p> <p>something constituting a reply or reaction (Merriam Webster's Collegiate Dictionary, Tenth Edition, 1995)</p> <p>something said or done in answer; reply or reaction (Webster's New World College Dictionary, Third Edition, 1997)</p> <p>a reaction to something (The New Oxford Dictionary of English 1998)</p> <p>a reply or answer (The American Heritage College Dictionary, Fourth Edition, 2002)</p> <p>an act or action of responding (as by an answer) (Merriam Webster's Unabridged Dictionary)</p> <p>INTRINSIC EVIDENCE:</p> <p>(1) Generating A Search Result List In Response To A Search Request</p> <p><u>'361 Patent – col. 10, ll. 16-21</u> When the searcher has finished entering the search term, the searcher may transmit the query to the search engine web server 24 by clicking on a provided hyperlink. The search engine web server 24 will then generate a search result list page and transmit this page to the searcher at the client computer 12.</p> <p><u>'361 Patent – Abstract, ll. 27-32</u> The rank value generated by the bidding process determines where</p>	<p>PROPOSED CONSTRUCTION:</p> <p>in fulfillment of</p> <p>INTRINSIC EVIDENCE:</p> <p><u>'361 Patent Specification</u></p> <p>Figure 7; Column 2, ll. 24-35, 42-67; col. 3, ll. 6-45, 54-62; col. 4, ll. 34-39, 51-67; col. 5, ll. 1-14, 35-50; col. 6, ll. 56-58; col. 8, ll. 52-67; col. 9, ll. 1-18, 42-44; col. 10, ll. 7-35; col.17, ll. 53-67; col.18, ll. 1-3.</p> <p>DICTIONARY DEFINITIONS:</p> <p>The Random House Dictionary of the English Language, 2nd ed., Unabridged</p> <p>Webster's New World College Dictionary, 3rd ed.</p> <p>Merriam Webster's Collegiate Dictionary, 10th ed.</p> <p>The New Oxford Dictionary of English</p>
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the network information providers listing will appear on the search results list page that is generated **in response to** a query of the search term by a searcher located at a client computer on the computer network.

'361 Patent – col. 9, ll. 9-12
In a preferred embodiment of the present invention, search engine web server 24 includes a search database 40 comprised of search listing records used to generate search results **in response to** user queries.

'361 Patent – col. 4, ll. 60-64
When an Internet user enters the search terms in a search engine query, the search engine will generate a search result list with the web site promoter's listing in a position influenced by one or more parameters defined by the promoter.

'361 Patent – col. 17, ll. 19-26
When a remote searcher accesses the search query page on the search engine web server 24 and executes a search request according to the procedure described previously, the search engine web server 24 preferably generates and displays a search result list where the "canonicalized" entry in search term field of each search listing in the search result list exactly matches the canonicalized search term query entered by the remote searcher.

'361 Patent – col. 6, ll. 1-8
The rank value determines the position where the promoter's web site description will appear on the search results list page that is generated when the search term is entered into the query box on the search engine by a searcher. A higher bid will result in a higher rank value and a more advantageous placement, which is preferably near the beginning of the search results list page.

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(2) Providing Login Access In Response To Authentication

'361 Patent – col. 6, ll. 26-29

The promoter logs in to his or her account via an authentication process running on a secure server. Once logged in, the promoter may add, delete, or modify a search listing.

'361 Patent – col. 10, ll. 39-46

The advertiser, upon entering the URL of the account management server 22 into the browser program 16 of FIG. 1, invokes a login application, discussed below as shown at screen 110 of FIG. 2, running on the processing system 34 of the server 22. Once the advertiser is logged-in, the processing system 34 provides a menu 120 that has a number of options and further services for advertisers.

'361 Patent – col. 11, ll. 12-16

According to FIG. 3, after the user has been authenticated as an advertiser, the advertiser is provided with the menu screen 120 of FIG. 2 and limited read/write access privileges only to the corresponding advertiser account, as shown in step 278.

(3) Updating A Search Listing In Response To A Change Request

'361 Patent – col. 18, l. 54 – col. 19, l. 7

An example of screen display shown to the advertiser in step 810 is shown in FIG. 9 and will be discussed below. To change bids, the advertiser user may specify new bids for search terms for which the advertiser already has an existing bid by entering a new bid amount into the new bid input field for the search term. The advertiser-entered bid changes are displayed to the advertiser at step 820 of FIG. 8 as discussed above. To update the bids for the display page, the advertiser

1 requests, at step 830 of FIG. 8, to
2 update the result of changes. The
3 advertiser may transmit such a
4 request to the account management
5 server by a variety of means,
6 including clicking on a button
7 graphic.

8 As shown in step 840 of FIG. 8,
9 upon receiving the request to update
10 the advertiser's bids, the system
11 calculates the new current bid
12 amounts for every search listing
13 displayed, the rank values, and the
14 bid amount needed to become the
15 highest ranked search listing
16 matching the search term field.
17 Preferably, the system then presents
18 a display of changes at step 850.
19 After the user confirms the changes,
20 the system updates the persistent
21 state by writing the changes to the
22 account in the database.

23 '361 Patent – col. 19, ll. 47-58

24 After the advertiser requests that the
25 ranks be updated, the system then
26 calculates a new bid price by any of
27 a variety of algorithms easily
28 available to one skilled in the art.
For example, the system may invoke
a routine to locate the search listing
in the search database having the
desired rank/search term
combination, retrieve the associated
bid amount of said combination, and
then calculate a bid amount that is N
cents higher; where N=1, for
example. After the system calculates
the new bid price and presents a
read-only confirmation display to
the advertiser, the system updates
the bid prices and rank values upon
receiving approval from the
advertiser.

23 '361 Patent – col. 19, l. 67 – col. 20,
24 l. 5

25 After the advertiser enters the
26 desired changes, the advertiser may
27 transmit a request to the system to
28 update the changes. The system then
displays a read-only confirmation
screen, and then writes the changes
to the persistent state (e.g., the user
account database) after the
advertiser approves the changes.

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	<p><u>'361 Patent – col. 20, ll. 22-26</u> After the advertiser selects all the search listings to be deleted and requests that the system update the changes, the system preferably presents a read-only confirmation of the requested changes, and updates the advertiser's account only after the advertiser approves the changes.</p> <p><u>Additional Citations to '361 Patent</u> Col. 7, ll. 6-15</p> <p>EXTRINSIC EVIDENCE:</p> <p>Overture does not believe that extrinsic evidence is necessary to interpret this term, and therefore has not proffered or cited any extrinsic evidence. However, if the Court considers any extrinsic evidence offered by Google, Overture reserves the right to cite to any of Google's extrinsic evidence, in rebuttal.</p>	
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<p>database</p> <p>Found in claims: 1, 2, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67</p>	<p>PROPOSED CONSTRUCTION:</p> <p>a collection of related data, organized in such a way that its contents can be accessed, managed, and updated by a computer²</p> <p>DICTIONARY/TREATISE DEFINITIONS:</p> <p><u>Database</u> a comprehensive collection of related data organized for convenient access, generally in a computer (The Random House Dictionary of the English Language, Second Edition, 1987)</p> <p>a usually large collection of data organized especially for rapid search and retrieval (as by a computer) (Merriam Webster’s Collegiate Dictionary, Tenth Edition, 1995)</p> <p>a structured set of data held in a computer, especially one that is accessible in various ways (The New Oxford Dictionary of English 1998)</p> <p>A database is a collection of related data. By data, we mean known facts that can be recorded and that have implicit meaning. (Fundamentals of Database Systems, by Elmasri and Navathe, Benjamin/Cummings, 1989)</p> <p>a collection of data arranged for ease of retrieval (The American Heritage College Dictionary, Fourth Edition, 2002)</p> <p>a collection of data organized especially for rapid search and</p>	<p>PROPOSED CONSTRUCTION:</p> <p>a computer based system for recording and maintaining information</p> <p>INTRINSIC EVIDENCE:</p> <p><i>’361 Patent Specification</i></p> <p>fig. 4; col. 1, ll. 45-51; col. 3, ll. 3-6; col. 5, ll. 46-48; col. 6, ll. 16-18, 48-50; col. col. 8, ll. 30-36; col. 9, ll. 9-12, 30-34, 60-66; col. 10, ll. 32-33; col. 11, ll. 8-10, 15-20, 30-33, 36-42, 53-58, 61-63; col. 14, ll. 16-18, 36-39, 57-59; col. 15, ll. 1-7, 40-42; col. 16, ll. 9-11; col. 17, ll. 5-8, 45-48, 50-52, 66; col. 18, ll. 1-3, 30-32; col. 19, ll. 5-7, 50-52; col. 20, ll. 2-5, 43-45, 54-57; col. 22, ll. 22-33.</p> <p>DICTIONARY/TREATISE DEFINITIONS:</p> <p>C.J. Date, An Introduction to Database Systems, 3rd ed. (GOG 32264-69) at 3-6.</p> <p>Chambers Science and Technology Dictionary</p> <p>The American Heritage Dictionary of the English Language, 4th ed.</p> <p>Merriam-Webster Unabridged (online) (GOG 32257-63)</p> <p>Elmasri & Navathe, Fundamentals of Database Systems, at 3-4, 65-76.</p> <p>The Random House Dictionary of the English Language, 2nd ed.,</p>
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² For purposes of interpreting claims 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, and 51, Overture contends that the term “account database” should be interpreted as “a collection of related data, organized in such a way that its contents can be accessed, managed, and updated by a computer, where the data relates to a customer or client.”

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	<p>retrieval (as by a computer) (Merriam Webster's Unabridged Dictionary)</p> <p>INTRINSIC EVIDENCE:</p> <p><u>'361 Patent – col. 6, ll. 16-26</u> One embodiment of the system and method of the present invention provides a database having accounts for the web site promoters. Each account includes contact and billing information for a web site promoter. In addition, each account includes at least one search listing, each search listing having five components: a description of the web site to be listed, the Uniform Resource Locator (URL) of the web site, a search term comprising one or more keywords, a bid amount, and a title for the search listing. Each account may also include the promoter's payment history and a history of search listings entered by the user.</p> <p><u>'361 Patent – col. 9, ll. 9-12</u> In a preferred embodiment of the present invention, search engine web server 24 includes a search database 40 comprised of search listing records used to generate search results in response to user queries.</p> <p><u>'361 Patent – col. 11, ll. 16-24</u> The advertiser login event 278 may also be recorded in step 280 in an audit trail data structure as part of the advertiser's account record in the database. The audit trail is preferably implemented as a series of entries in database 38, where each entry corresponds to an event wherein the advertiser's account record is accessed. Preferably, the audit trail information for an account record may be viewed by the account owner and other appropriate administrators.</p> <p><u>'361 Patent – col. 15, ll. 1-7</u> The default values displayed to the</p>	<p>Unabridged</p> <p>Webster's New World College Dictionary, 3rd ed.</p> <p>Merriam Webster's Collegiate Dictionary, 10th ed.</p> <p>The New Oxford Dictionary of English</p> <p>EXTRINSIC EVIDENCE:</p> <p>Colorstamps, Inc. PCT Patent App. (GOG 32061-121) at 20:5-10.</p>
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advertiser are obtained from a persistent state, e.g., stored in the account **database**. In an embodiment of the present invention, the stored billing information values may comprise the values set by the advertiser the last (e.g. most recent) time the process of adding money was invoked and completed for the advertiser's account.

'361 Patent – col. 19, l. 61 – col. 20, l. 5

When the advertiser selects the "Modify Listing Component" option, the advertiser may input changes to the URL, title, or description of a search listing via web-based forms set up for each search listing. Similar to the process discussed above, the forms for the URL, title, and description fields may initially contain the old URL, title and description as default values. After the advertiser enters the desired changes, the advertiser may transmit a request to the system to update the changes. The system then displays a read-only confirmation screen, and then writes the changes to the persistent state (e.g., the user account **database**) after the advertiser approves the changes.

'361 Patent – col. 20, ll. 32-44

In the "Add Bidded Search Term" option, the system provides the advertiser with a display having a number of entry fields corresponding to the elements of a search listing. The advertiser then enters into each field information corresponding to the respective search listing element, including the search term, the web site URL, the web site title, the web site description, and the bid amount, as well as any other relevant information. After the advertiser has completed entering the data and has indicated thus to the system, the system returns a read-only confirmation screen to the advertiser. The system then creates a

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	<p>new search listing instance and writes it into the account database and the search database upon receiving approval from the advertiser.</p> <p><u>Additional Citations to '361 Patent</u> Figure 3 Figure 4 Col. 1, ll. 44-51 Col. 7, ll. 6-15 Col. 8, ll. 34-36</p> <p>EXTRINSIC EVIDENCE:</p> <p>Overture does not believe that extrinsic evidence is necessary to interpret this term, and therefore has not proffered or cited any extrinsic evidence. However, if the Court considers any extrinsic evidence offered by Google, Overture reserves the right to cite to any of Google's extrinsic evidence, in rebuttal.</p>	
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<p>deducted from an account</p> <p>Found in claims: 1, 2, 4, 5, 7, 8, 9, 10</p>	<p>PROPOSED CONSTRUCTION:</p> <p>taken away from a record of financial transactions</p> <p>DICTIONARY DEFINITIONS:</p> <p><u>Deduct</u> to take away, as from a sum or amount (The Random House Dictionary of the English Language, Second Edition, 1987)</p> <p>to take away an amount from a total (Merriam Webster’s Collegiate Dictionary, Tenth Edition, 1995)</p> <p>to take away or subtract (a quantity) (Webster’s New World College Dictionary, Third Edition, 1997)</p> <p>subtract or take away (an amount or part) from a total (The New Oxford Dictionary of English 1998)</p> <p>to take away (a quantity) from another; subtract (The American Heritage College Dictionary, Fourth Edition, 2002)</p> <p>to take (an amount) away from a total : take off: remove (Merriam Webster’s Unabridged Dictionary)</p> <p><u>Account</u> any customer or client, especially one carried on a regular credit basis (The Random House Dictionary of the English Language, Second Edition, 1987)</p> <p>a record of debit and credit entries to cover transactions involving a particular item or a particular person or concern (Merriam Webster’s Collegiate Dictionary, Tenth Edition, 1995)</p> <p>a record of the financial data pertaining to a specific asset, liability, income item, expense item, or net-worth item; a record of the financial transactions relating to a</p>	<p>PROPOSED CONSTRUCTION:</p> <p>subtracted from a prepaid account</p> <p>INTRINSIC EVIDENCE:</p> <p><i>’361 Patent Specification</i></p> <p>fig. 2; fig. 6; col. 6, ll. 8-15, 43-44, 53-55; col. 9, ll. 45-66; col. 10, ll. 36-58; col. 13, ll. 4-9, 43-67; col. 14, ll. 1-8, 21-67; col. 15, ll. 36-40, 43-67; col. 16, ll. 1-67; col. 17, ll. 1-8; col. 22, ll. 19-21.</p> <p>DICTIONARY DEFINITIONS:</p> <p>The Random House Dictionary of the English Language, 2nd ed., Unabridged</p> <p>Webster’s New World College Dictionary, 3rd ed.</p> <p>Merriam Webster’s Collegiate Dictionary, 10th ed.</p> <p>The New Oxford Dictionary of English</p>
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specific person, property, business, etc.; charge account; a business or firm that is a customer or client, esp. on a regular credit basis (Webster's New World College Dictionary, Third Edition, 1997)

a record or statement of financial expenditure and receipts relating to a particular period or purpose (The New Oxford Dictionary of English 1998)

a formal banking, brokerage, or business relationship established to provide for financial transactions; a precise list or enumeration of financial transactions; money deposited for checking, savings, or brokerage use; a customer having a business or credit relationship with a firm (The American Heritage College Dictionary, Fourth Edition, 2002)

a record of debit and credit entries chronologically posted to a ledger page from books of original entry to cover transactions involving a particular item (as cash or notes receivable) or a particular person or concern (Merriam Webster's Unabridged Dictionary)

INTRINSIC EVIDENCE:

'361 Patent – col. 13, ll. 3-9
The bid amount 358 preferably is a money amount bid by an advertiser for a listing. This money amount is deducted from the advertiser's prepaid account or is recorded for advertiser accounts that are invoiced for each time a search is executed by a user on the corresponding search term and the search result list hyperlink is used to refer the searcher to the advertiser's web site.

'361 Patent – col. 14, ll. 21-33
Referring back to FIG. 2, a selection also appears in menu 120 that permits an advertiser to add money to the advertiser's account, so that the advertiser will have funds in

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their account to pay for referrals to the advertiser's site through the search results page. Preferably, only advertisers with funds in their advertiser's accounts may have their paid listings included in any search result lists generated. Most preferably, advertisers meeting selected business criteria may elect, in place of maintaining a positive account balance at all times, incur account charges regardless of account balance and pay an invoiced amount at regular intervals which reflects the charges incurred by actual referrals to the advertiser's site generated by the search engine.

'361 Patent – col. 6, ll. 8-15
 Preferably, the quantity used in the competitive bidding process is a money amount that the web site promoter will pay to an owner of the Internet search engine each time the advertiser's web site is referred by the search engine. Most preferably, this money amount will be deducted from an account balance that is retained in the promoter's account for each time the promoter's web site is referred by the search engine.

'361 Patent – col. 9, ll. 45-49
 In a preferred embodiment of the present invention, the amount bid by an advertiser comprises a money amount that is **deducted from the account** of the advertiser for each time the advertiser's web site is accessed via a hyperlink on the search result list page.

Additional Citations to '361 Patent
 Col. 7, ll. 6-15
 Col. 16, ll. 23-34
 Col. 22, ll. 19-21

EXTRINSIC EVIDENCE:

Overture does not believe that extrinsic evidence is necessary to interpret this term, and therefore has not proffered or cited any extrinsic evidence. However, if the Court considers any extrinsic evidence

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Language, Second Edition, 1987)

to examine data in a computer in order to locate items having a given property (Webster’s New World College Dictionary, Third Edition, 1997)

try to find something by looking or otherwise seeking carefully and thoroughly; an act of searching for someone or something (The New Oxford Dictionary of English 1998)

to make a thorough examination of; look over carefully in order to find something; explore (The American Heritage College Dictionary, Fourth Edition, 2002)

to look into or over carefully or thoroughly in an effort to find something (Merriam Webster’s Unabridged Dictionary)

INTRINSIC EVIDENCE:

’361 Patent – col. 10, ll. 7-20
 A second class of users at client computers 12 may comprise searchers seeking specific information on the web. The searchers may access, through their browsers 16, a search engine web page 36 residing on web server 24. The search engine web page 36 includes a query box in which a searcher may type a search term comprising one or more keywords. Alternatively, the searcher may query the search engine web server 24 through a query box hyperlinked to the search engine web server 24 and located on a web page stored at a remote web server. When the searcher has finished entering the search term, the searcher may transmit the query to the search engine web server 24 by clicking on a provided hyperlink. The search engine web server 24 will then generate a search result list page and transmit this page to the searcher at the client computer 12.

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'361 Patent – Abstract, ll. 27-32
The rank value generated by the bidding process determines where the network information providers listing will appear on the search results list page that is generated in response to a query of the search term by a searcher located at a client computer on the computer network.

'361 Patent – col. 12, ll. 51-55
Ideally, the advertiser may select a search term that is targeted to terms likely to be entered by searchers seeking the information on the advertiser's web site, although less common search terms may also be selected to ensure comprehensive coverage of relevant search terms for bidding.

'361 Patent – col. 17, ll. 19-26
When a remote searcher accesses the search query page on the search engine web server 24 and executes a search request according to the procedure described previously, the search engine web server 24 preferably generates and displays a search result list where the "canonicalized" entry in search term field of each search listing in the search result list exactly matches the canonicalized search term query entered by the remote searcher.

Additional Citations to '361 Patent
Col. 5, ll. 27-30
Col. 5, ll. 35-37
Col. 6, ll. 1-5
Col. 7, ll. 6-15
Col. 9, ll. 49-60

EXTRINSIC EVIDENCE:

Overture does not believe that extrinsic evidence is necessary to interpret this term, and therefore has not proffered or cited any extrinsic evidence. However, if the Court considers any extrinsic evidence offered by Google, Overture reserves the right to cite to any of Google's extrinsic evidence, in rebuttal.

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Dated: February 13, 2004

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Attorneys for Defendant
GOOGLE TECHNOLOGY INC., sued under
its former name GOOGLE INC.

DECLARATION OF S. ELIZABETH MITCHELL

I, S. Elizabeth Mitchell, declare that prior to filing the above Joint Claim Construction Statement, I sent it to Christine P. Sun for her review, and she authorized me to file the Amended Joint Claim Construction Statement on her behalf.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 13th day of February 2004 at San Francisco, California.

/s/ S. Elizabeth Mitchell
S. Elizabeth Mitchell