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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/322,677	Applicant(s) Davis et al.	
	Examiner Cuong H. Nguyen	Group Art Unit 2764	

Responsive to communication(s) filed on Oct 25, 1999

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 35 C.D. 11, 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

Claim(s) 1-68 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1-68 is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____

received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s) _____

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

1. This Office Action is the answer to the communication received on 10/25/99 (the petition to make special paper).
2. Claims 1-68 are pending in this application. Claim 6 has been canceled.

Drawings

3. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

The following rejections are based on the examiner's best interpretation of the claims.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Because the claims in a pending application should be given their broadest reasonable interpretation; claims 1-68 are rejected on 35 U.S.C. 102(b) because the article published on May 19, 1998, about "GoTo.com announces first round of financing, totaling more than \$6 million, led by Draper Fisher Jurvetson", indicates possession of that invention. It sets forth the mode contemplated by the inventor of carrying out his invention in "Bidding for higher placement offers big benefit to advertisers

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... Any advertiser can increase a bid for a listing in order to obtain a higher ranking". Therefore, this article was published before the application date of the invention (May 28, 1999), in another word, the invention was described in a printed publication in this country, more than one year prior to the date of application for patent in the United States.

Conclusion

5. Claims 1-68 are rejected.
6. These references are considered pertinent to applicant's disclosure.
 - US Pat. 5,724,521 (Dedrick) filing date 11/03/1994 for "Method and apparatus for providing electronic advertisements to end users in a consumer best-fit pricing manner".
 - US Pat. 5,794,210 (Goldhaber, et al.) filing date 12/11/1995 for "Attention brokerage".
 - US Pat. 5,848,397 (Marsh et al.) filing date 4/19/1996 for "Method and apparatus for scheduling the presentation of messages to computer user".
 - US Pat. 5,852,820 (Burrows) filing date 8/09/1996 for "Method for optimizing entries for searching an index".
 - US Pat. 5,855,008 (Goldhaber, et al.) filing date 8/28/1997 for "Attention brokerage".

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- US Pat. 5,864,845 (Voorhees, et al.) filing date 6/28/1996 for "Facilitating world-wide-web searches utilizing a multiple search engine query clustering fusion strategy".
- US Pat. 5,864,846 (Voorhees, et al.) filing date 6/26/1996 for "Method for facilitating world-wide-web searches utilizing a document distribution fusion strategy".
- US Pat. 5,918,014 (Robinson) filing date 12/26/1996 for "Automated collaborative filtering in world-wide-web advertising".
- US Pat. 5,920,854 (Kirsch, et al.) filing date 8/14/1996 for "Real-time document collection search engine with phrase indexing".
- US Pat. 5,920,859 (Li) filing date 2/02/1997 for "Hypertext document retrieval system and method".
- APS Search Tools - Patent Search Client Strategy publishing date 9/17/1997 by US Patent & Trademark Office.
- Frequently Asked Questions NT Image Search & Retrieval (IS&R) modified 12/04/1997 by US Patent & Trademark Office.
- Chapter 1 - Introduction to Dialog, pp.1-1 to 1-14 by Dialog Information Service, Inc.
- "Automated Patent System (APS) Workstation Reference Manual published on 7/01/1996 by US Patent and Trademark Office.

Page 5 of 9 is missing
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- Riedman, "Search engine startup to auction listings" from Interactive - advertising, published on 2/23/1998.
- Rich, "New search engine allows sites to pay this way to top" from <http://www.adweek.com/iq/iqnews02.asp>, published on 2/23/1998.
- Mardesich, "Web site operators pay for top billing - Search engine allows site sponsors to buy place on special list", from Knight Ridder Newspapers or Alexander Communications, published on 3/02/1998.
- Hilty, "GoTo.Hell - What happens when an online search engine accepts cash from Web sites?", <http://www.ocweekly.com/ink/archives/97/27byte-3.11.98-1.html>, published on 3/11/1998.
- Flynn, "With Goto.com's Search Engine, the Highest Bidder Shall Be Ranked First", by the New York Times, published on 3/16/1998.
- Clark, "Start-up plans Internet search service tying results to advertising spending" from The Wall Street Journal, published on 2/20/1998.
- "Going, Going ..." from A closer look of The Wall Street Journal - Marketplace, published on 4/02/1998.
- "coursey.com" David Coursey's insider report on Personal Computing, the Internet, and Communications, published on 3/18/1998.

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- Glaser, "Who will GoTo.com", from OnlinePress.com, published on 2/20/1998.
- Mardesich, "Search engine charges hit sites",
<http://www.sjmercury.com/business/center/goto022198.htm>,
published on 2/29/1998.
- "News About Search Engines", from
<http://searchenginewatch.com/ness.html>, published on 2/23/1998.
- Wang, "Engines Battle Irrelevance of Results", from Internet
world, published on 2/23/1998.
- Swartz, "Browser only lists paying Web sites. Critics fear
approach will squeeze out most small Internet players", from
<http://www.sfgate.com/cgi-bin/>; published on San Francisco
Chronicle 2/21/1998.
- McWilliams, "Search engine to sell top positions on results
lists", <http://www.pcworld.com/news/daily/data/0298/...html>,
published on 2/23/1998.
- "Search engine startup to auction listings", from
<http://www.adage.com/interactive/daily/index.html>, published on
Feb. 1998.
- Alyson, "Searching the search engines", from Bacon's, published
on 5/08/1998.

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- Peline, "Pay-for-placement gets another shot",
<http://www.news.com/News/Item/0,4,19307,00.html>, published on
2/19/1998.

7. Any inquiry concerning this communication or earlier
communications from the examiner should be directed to examiner
Cuong H. Nguyen, whose telephone number is (703)305-4553. The
examiner can normally be reached on Monday-Friday from 7:00
AM-4:30 PM.

If attempts to reach the examiner by telephone are
unsuccessful, the examiner's supervisor, James P. Trammell, can
be reached on (703)305-9768.

Any response to this action should be mailed to:

Box Issue Fee Amendments
Commissioner of Patents and Trademarks
c/o Technology Center 2700
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications
intended for entry)

Or:

(703) 305-0040 (for informal or draft communications,
please label "PROPOSED" or "DRAFT")

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA.. Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)305-3900.

Cuong H. Nguyen
Jan. 17, 1999

A handwritten signature in black ink, appearing to be 'Cuong H. Nguyen', written in a cursive style.