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Our Case No. 9623/112

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
 )  
 Davis, Darren J. et al. )  
 )  
 Serial No. 09/322,677 ) Examiner: Nguyen, C.  
 )  
 Filing Date: May 28, 1999 ) Group Art Unit No. 2764  
 )  
 For SYSTEM AND METHOD FOR )  
 INFLUENCING A POSITION ON A )  
 SEARCH RESULT LIST )  
 GENERATED BY A COMPUTER )  
 NETWORK SEARCH ENGINE )

RECEIVED  
OCT - 3 2000  
TECH CENTER 2700

DECLARATION UNDER 37 C.F.R. § 1.132

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

The undersigned, Darren J. Davis, declares as follows:

1. I am an inventor of the invention described in the above identified application.
2. I have read the Office Actions dated January 31, 2000 and June 28, 2000 and the Interview Summary of August 1, 2000. I understand that the Examiner has requested additional facts identifying features recited in the pending claims but not present in the press release dated May 19, 1998 or in the GoTo.com search engine as it existed in May, 1998.
3. The GoTo.com search engine as it existed in May, 1998 was a beta or test version of a system then under development. In May, 1998, at least some features claimed in the independent claims of the subject application were not yet implemented or in the public domain.
4. With respect to claim 1 of the subject application, at least the act of "recording a retrieval request event in an account database corresponding to the searcher's

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retrieval request" was not disclosed in the May 19, 1998 press release. Also, it is my opinion that the act of "recording a retrieval request event in an account database corresponding to the searcher's retrieval request" was not inherent in the May 19, 1998 press release, because this act is not a necessary result flowing from the operation of the system described in the May 19, 1998 press release. Moreover, the invention defined by claim 1 was not in existence in May, 1998 but only was implemented in the system after that time.

5. With respect to claim 11 of the subject application, at least the act of "estimating the cost of a search listing for a specified time period upon receiving a request from a web site promoter" was not disclosed in the May 19, 1998 press release. Also, it is my opinion that the act of "estimating the cost of a search listing for a specified time period upon receiving a request from a web site promoter" was not inherent in the May 19, 1998 press release, because this act is not a necessary result flowing from the operation of the system described in the May 19, 1998 press release. Moreover, the invention defined by claim 11 was not in existence in May, 1998 and has not yet been implemented in the system at this time.
6. With respect to claim (13) of the subject application, at least the act of "generating a search listing activity report including information on retrieval requests received from searchers during a specified time period" was not disclosed in the May 19, 1998 press release. Also, it is my opinion that the act of "generating a search listing activity report including information on retrieval requests received from searchers during a specified time period" was not inherent in the May 19, 1998 press release, because this act is not a necessary result flowing from the operation of the system described in the May 19, 1998 press release. Moreover, the invention defined by claim 13 was not in existence in May, 1998 but only was implemented in the system after that time.
7. With respect to claim 14 of the subject application, at least the act of "suggesting alternative search terms to the searcher for generating additional search result lists related to the searcher's search request" was not disclosed in the May 19, 1998 press release. Also, it is my opinion that the act of "suggesting alternative search terms to the searcher for generating additional search result lists related to the searcher's

search request" was not inherent in the May 19, 1998 press release, because this act is not a necessary result flowing from the operation of the system described in the May 19, 1998 press release. Moreover, the invention defined by claim 14 was not in existence in May, 1998 but only was implemented in the system after that time.

8. With respect to claim 15 of the subject application, the subject matter of this claim as a whole was not disclosed in the May 19, 1998 press release. Also, it is my opinion that the subject matter of this claim was not inherent in the May 19, 1998 press release because this method is not a necessary result flowing from the operation of the system described in the May 19, 1998 press release. Moreover, the invention defined by claim 15 was not in existence on May 19, 1998 but was part of a system made public only after that date.
9. With respect to claim 30 of the subject application, the subject matter of this claim as a whole was not disclosed in the May 19, 1998 press release. Also, it is my opinion that the subject matter of this claim was not inherent in the May 19, 1998 press release because this method is not a necessary result flowing from the operation of the system described in the May 19, 1998 press release. Moreover, the invention defined by claim 30 was not in existence on May 19, 1998 but was part of a system made public only after that date.
10. With respect to claim 52 of the subject application, the subject matter of this claim as a whole was not disclosed in the May 19, 1998 press release. Also, it is my opinion that the subject matter of this claim was not inherent in the May 19, 1998 press release because this method is not a necessary result flowing from the operation of the system described in the May 19, 1998 press release. Moreover, the invention defined by claim 52 was not in existence on May 19, 1998 but was part of a system made public only after that date.
11. With respect to claim 68 of the subject application, the subject matter of this claim as a whole was not disclosed in the May 19, 1998 press release. Also, it is my opinion that the subject matter of this claim was not inherent in the May 19, 1998 press release because this system is not a natural result flowing from the operation of the system described in the May 19, 1998 press release. Moreover, the invention

defined by claim 68 was not in existence in May, 1998 and has not yet been implemented in the system at this time.

12. I further state that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 or Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

9/16/00  
Date

  
Darren L. Davis