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discloses recording timestamps for individual events: "Personal activity data includes data about past actions of the user, such as reading habits, viewing habits, searching habits, previous articles displayed or selected, previous search requests entered, previous or current site visits, previous key terms utilized within previous search requests, and time or date of any previous activity." (Culliss at 3:29-35.) Thus, Culliss' recording of "time or day of any previous activity" must meet the limitations of claim 22 under Patent Owner's own claim construction. *Innova/Pure Water v. Safari Water Filtration*, 381 F.3d at 1117 (Fed. Cir. 2004).

Examiner noted that Culliss in fact discloses the "monitored user interactions include a sequence of interaction times" limitation of in claim 22 because Culliss, teaches that:

"Personal activity data includes data about past actions of the user, such as reading habits, viewing habits, searching habits, previous articles displayed or selected, previous search requests entered, previous or current site visits, previous key terms utilized within previous search requests, and time or date of any previous activity" *Id.*, Culliss at 3:30-35

"A cumulative score can be kept with regard to these occurrences of certain classified key terms, queries or visited URLs to quantify how strongly someone is associated with a particular item of personal data. The score can be normalized over time, frequency or other activity such as the number of searches performed, the amount of time spent online, the amount of time spent browsing on a particular subject, the number of URLs or articles selected for a particular subject, or otherwise." *Id.*, Culliss at 3:56-65

Therefore Culliss does in fact teaches the limitation of claim 22; "the monitored user interactions include a sequence of interaction times," and the Patent Owner has not provided any reasoning to the contrary. If the cumulative time of time spent on user's activity (number of searches performed, the amount of time spent online...) does not constitute the sequence of user interaction, then why it is not the case. The Konig specification with respect to sequence of interaction discloses (the only reference to sequence of interaction in the specification):

"where con represents a sequence of interactions during the current interaction session or media content currently marked by the user" *Id.* '040 patent at 5:42-45

Therefore, the amount of time spent meets the limitation "sequence of time spent" in the context of the invention disclosed in the '040 patent.

With regards to the argument that Mladenec does not transparently monitor, as detailed in Section VII.A.2., *supra*, Mladenec discloses transparent monitoring, and in fact functions similarly to the "Personal Browsing and Navigation" embodiment depicted in Figure 20 and the accompanying text.

7. Response to argument that claim 34 is not obviated by Mladenec in view of Culliss

The Patent Owner starting at page 17 asserts that Mladenec in view of Culliss fails to teach "analyzing the document d provides for the analysis of documents having multiple distinct media types," because, Mladenec in view of Culliss does not disclose the "transparently monitoring," "analyzing a document," or "estimating parameters" limitation. (Response at 17.) As detailed in Sections VII.A.2.a.-c., *supra*, incorporated herein by reference. All three limitations are actually present in Mladenec, and the Patent Owner's arguments to the contrary are contradicted by the Figures and embodiments present in the '040 Patent itself.

With regards to the Patent Owner's argument that Mladenec in view of Culliss fails to teach the media type limitation of claim 34, it appears that the Patent Owner is arguing that Culliss may indicate that the Internet can include a variety of different kinds of documents, files, etc., *id.* at 2:19-25, Culliss does not teach how to analyze documents having multiple distinct media types, as claimed. Indeed, nowhere does the Office Action indicate where such teachings (of analysis of these different media types, rather than simple acknowledgment of their existence) can be found in the cited reference. Accordingly, claim 34 is not obvious in view of the combined teachings of Mladenec and Culliss.

The Patent owner's argument is not persuasive. First, as noted in the rejection of claims, Mladenec meets this limitation because it discloses the analysis of both plain text and HTML documents. *See id.* at 3. The Requester contends that the Patent Owner's argument that claim 34 requires analyzing the distinct media types rather than simply

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allowing for documents to contain ignored media types is at odds with its infringement allegations in the co-pending litigation, where it asserts that processes that only parse the text components of HTML documents meet the limitations of claim 34. Accordingly, Culliss' analysis of the HTML that accompanies videos, images, and the like on web pages must meet the limitations of claim 34 under Respondent's own infringement theories. *Innova/Pure Water v. Safari Water Filtration*, 381 F.3d at 1117 (Fed. Cir. 2004). Examiner agrees with the requester that the analysis of both plain text and HTML documents (*See id.* at 3), meets the claim limitation, as it is construed by the Patent Owner in his claim construction. *See Examiner's response in Section VII.A.4, supra* with respect to Court's claim construction and the Examiner's reminder regarding the Patent Owner's admissions.

B. Patent Owner's arguments - Section 2., titled; "Response to Rejections Based on Primary Reference Wasfi"

1. Response to argument that Wasfi is not prior art

The Patent owner at page 17, Footnote 4, states that;

"The form PTO/SB08 that was initial by the examiner asserted a publication date of Jan. 1999, however, the reference itself does not support any such determination. Instead, the reference bears only a legend that states, "Copyright ACM 1999 1-58113-098-8/99/01". It is irrelevant, for purposes of this reexamination, whether the conference at which the paper was delivered occurred in 1999. The only date of importance is the date on which the subject reference qualified as a printed publication. A copyright date of 1999 does not allow for specificity of such a date" *Id.*

Requester, in response contends that Wasfi was published in January 1999.

Requester in response providing a copy of the Conference Schedule that Wasfi presented his paper, attesting that the paper was presented on January 6, 1999, arguing that Wasfi, was presented at the Intelligent User Interfaces Conference in Los Angeles on January 6, 1999. (Ex. OTH-F at 3.) Requester stating that, the 1999 conference also required that papers be submitted by July 1, 1998, with Program Chair submissions to arrive by September 15th, 1998. (Ex. OTH-G), and concludes that Wasfi was "described in a primed publication in this or a foreign country ... more than one year prior to the date of

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the application for patent in the United States" and is thus prior art under 35 U.S.C. 102(b). Requester further states that, Wasfi was "described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent" and is thus prior art under 35 U.S.C. 102(a).

Examiner, considering the evidences provided, is convinced that Wasfi was in fact "described in a printed publication in this or a foreign country, before the invention thereof by the applicant patent", and thus is prior art under 35 U.S.C. 102(a).

2. Response to Argument that Claims 1, 21, 22 and 32 are Not Anticipated Under 35 USC 102(a) or 102(b) by Wasfi

a. Wasfi updates user specific data file

The Patent Owner at page 18, asserts that Claims 1, 21, 22 and 32 are not anticipated by Wasfi. Arguing that the context model is "built progressively as users jump from one page to another using any navigation technique" and that "these monitored access patterns are collected across all users of a Web site and are specific, not to any particular user, but to the Web site." (*Id.* at 18.) The Patent owner further arguing that without the collection of a large population of user information, the context model is not able to accurately represent page entropies (the basis on which next page likelihood are based).

The Patent Owner's argument is not persuasive. Once again, it appears that the Patent Owner selecting portions of the reference without considering the entirety of the documents and what has been addressed in the rejection. First, claim 1, requires "updating user-specific data files, wherein the user-specific data files comprises the monitored user interactions with the data and a set of documents associated with the user." As stated in the rejection, Wasfi, discloses: "collecting the access patterns of users navigating on the Web." (Wasfi at 57.) This collection of access patterns is inherently grown and updated as the user continues to navigate through the Web. These monitored access patterns comprise the pages (i. e., documents) that were jumped to by the user and are therefore associated with the user.

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With respect to the Patent owner's argument that the monitored access patterns are not to any particular user - the context model addressed by the Patent Owner relates to the collaborative filtering and is irrelevant to the content-filtering addressed in the rejection. *Id.*, Wasfi, at pg. 61, 2nd col. The ProfBuilder "keep track of each individual user and...The assistance includes two lists of recommendation based on two different filtering paradigm: content-based and collaborative" [Underlining Not in Original] *Id.*, Wasfi, at pg. 60, 2nd col. As such the patent owner, miss-characterizing the rejection for the sake of argument and relying on the other collaborative filtering model not addressed in the rejection. As understood, with respect to ProfBuilder, Wasfi discloses: "keeping track of each individual user" and "providing content-based filtering based on the correlation between the content of the pages and user's preference." *Id.*, Wasfi at page 60. The profile is created by adding keyword vector corresponding to a selected page to the user's profile. (*Id.* at 58: "Consider that page s_i is the current page of user u_j ... A reformulation of vector Q_j representing the user profile is obtained by taking Q_j and adding the vector elements D_j representing page s_i ... [t]he resulting effect is that, for those words already present in the profile, the word-weights are modified... [w]ords which are not in the profile are added to it.") Accordingly, page s_i --the user's current page--is a "user-specific data file." In fact, Wasfi suggests that "when a user jumps to another site, the user's profile will also be transferred to the new site whose ProfBuilder will search for pages similar to the profile." (Wasfi at 63.) Transferring a user profile from one web site to another makes no sense if the profile is site-based, as Respondent asserts

Moreover, Wasfi, in other instances describes user-specific personalization services. As an example Wasfi discloses "[a]gent based recommenders" that "work collaboratively with a user without the need of an explicit initiation" and "assist[] the user by recommending pages that match his/her needs." (Wasfi at 57.) Wasfi further discloses systems other than ProfBuilder that operate on the individual user level, such as Letizia, Ringo, and Fab. (*Id.* at 62-63.) As such the Patent owner erred by arguing that in Wasfi "these monitored access patterns are collected across all users of a Web site and are specific, not to any particular user, but to the Web site." As understood from the *above*,

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Wasfi discloses monitoring and updating access patterns that are specific to an individual user.

The Third Party requester's comments at pages 15-16 of the Comments the same as the Examiner's; thus, the Examiner's position is convinced by the Third Party requester's comments.

b. Wasfi estimates parameters of a learning machine

The Patent Owner at page 20, asserts that Wasfi, "the context model is not specific to a particular user" and "is assembled from monitored actions of a large number of users." Arguing that Wasfi, determines interestingness on the basis of a collaborative filter than relies on actions of many prior users.

Examiner is not persuaded by the Patent Owner's arguments. As detailed *above*, this is irrelevant and is unrelated to the content-model used by ProfBuilder. In fact, Wasfi suggests that "when a user jumps to another site, the user's profile will also be transferred to the new site whose ProfBuilder will search for pages similar to the profile." (Wasfi at 63.) Transferring a user profile from one web site to another makes no sense if the profile is site-based, as the Patent owner asserts. Wasfi further describes other systems that operate on the individual user level, such as Letizia, Ringo, and Fab. (*Id.* at 62-63.) Accordingly, Wasfi discloses the "estimating parameters" limitation of the claim.

Even if the Patent Owner's argument is true, i.e. the context model is not specific to a particular user (which is not conceded by the Examiner), since the context model is updated by the current user, the teaching still reads on the claim limitation "wherein the parameters are estimated in part from the user-specific data files" In other words, a system that can build a model based on interest of all users, can indeed build a model based on the interest of a single user and it would take undue experimentation to use it for particular interest of a user.

With respect to the Patent owner's argument that Wasfi, does not teach the claim limitation because it is not limited to a single user, Requester in his response comments that this Patent owner's argument:

"is at odds with its infringement position in the co- pending litigation, where Respondent asserts that providing personalized services for the person currently

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using the browser is sufficient to meet the claim element. Yet, Wasfi discloses that the parameters of the user profile are determined based on the specific web pages the user visits. (Wasfi at 58.) Respondent cannot assert that the "user" requirement be interpreted broadly for the purposes of infringement yet interpreted narrowly for the purposes of evading prior art. *Innova/Pure Water v. Safari Water Filtration*, 381 F.3d at 1117 (Fed. Cir. 2004)" *Id.*, Requester's comments at page 17.

Examiner agrees with the Requester's comments. As stated at the beginning of the arguments, while determination of claim scope during litigation involves different standards of proof and rules of claim construction however, "in rejecting claims the examiner may rely upon admissions by applicant or the patent owner as to any matter affecting patentability[.]" *See* 37 C.F.R. § 1.104(c)(3). Wasfi discloses that the parameters of the user profile are determined based on the specific web pages the user visits, (Wasfi at 58.) as construed by the Patent Owner for the limitation "wherein the parameters are estimated in part from the user-specific data files" in claim 1.

c. Wasfi estimates a probability that an unseen document is of interest to the user.

The Patent Owner, asserts that Wasfi does not teach the limitation; "estimating a probability $p(u/d)$ that an unseen document is of interest to the user u , wherein the probability $p(u/d)$ is estimated by applying the identified properties of the document to the learning machine having parameters defined by the User model". Arguing that "Wasfi determines interestingness on the basis of a collaborative filter than [sic] relies on actions of many prior users." (Response at 20.) The patent Owner further argues that the similarity metric computed by the content-based filter is "a measurable value determined from empirical data" and is thus not an estimated probability. (Response at 20.)

The Patent owner's arguments are not persuasive. First with respect to the first argument, Wasfi discloses filtering web pages "based on the correlation between the content of the pages and the user's preferences." As recognized by the Patent Owner in the statement "Wasfi also describe the use of a content-based filter", the rejection is addressing the content-based filtering and not the collaborative filtering. This meets the

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claim construction of "estimating a probability $P(u/d)$ that an unseen document d is of interest to the user u ". This construction is offered by the Patent owner, i.e. "estimating a probability $P(u/d)$ that an unseen document d is of interest to the user u " to mean "approximating or roughly calculating the degree of belief or likelihood that an unseen document d is of interest to the user u given the information that is known about the unseen document." *See*, OTH-B-23.

With respect to the Patent owner's second argument that the measurable value determined from empirical value is not an estimated probability, the argument is not persuasive. Examiner notes that even the language of the claim calls for an "estimated probability", which is based on "some degree of likelihood". Some degree of likelihood is even less than being probable. It is unclear and the Patent owner has provided no reasoning as to why "measurable values" are not "estimated probabilities".

Requester contends that the patent owner's arguments run counter to its claim construction position in the co-pending litigation, where it asserts that a probability is merely "a degree of belief or likelihood" in an attempt to ensnare products that do not calculate actual probabilities. (OTH-B 23.) Requester comments that the Patent Owner provides no argument for why a similarity metric is not "a degree of belief or likelihood" beyond a bare assertion. *Innova/Pure Water v. Safari Water Filtration*, 381 F.3d at 1117 (Fed. Cir. 2004). Examiner concurs with the Requester, because, there is no reasoning provided by the Patent Owner as to why the "similarity metrics" is not equal to "estimating probability" in the claim.

d. Wasfi discloses sending User Model information to a third party user

The Patent Owner at page 20 asserts that Wasfi fails to teach "sending to a third party web server user interest information derived from the User Model, whereby the third party web server may customize its interaction with the user", as recited in claim 21. The Patent owner states that Wasfi discloses maintaining "user profiles across different Web sites... [s]o that, when a user jumps to another site, the user's profile will also be transferred to the new site whose ProfBuilder will search for pages similar to the profile." (Response at 20.) Arguing that However, one of skill in the art would not understand how

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to modify Wasfi to send its profile information to other Web sites and thus that Wasfi does not enable the elements of claim 21. (Id. at 20-21.

The Examiner is not persuaded by the Patent Owner's argument. First, Wasfi, discloses that "We intent to solve the problem by maintaining user profiles across different Web sites that use ProfBuilder. So that, when a user jumps to another site, the user's profile will also be transferred to the new site whose ProfBuilder will search for pages similar to the profile. Thus, the user can find relevant recommendations in the first page accessed in the new site." *Id.*, pg. 63, 2nd col. first complete paragraph. As such, as understood by a person of ordinary skill in the art, Wasfi discloses sending user profiles (i.e., user interest information) to third party web servers, whereby the third party web servers may customize their interaction with the user.

Second, even if Wasfi does not enable elements of claim 21 (which the Examiner does not concede since this is not the case), it still prior art for what it teaches. *Beckman Instruments v. LKB Produkter AB*, 892 F.2d 1547, 1551, 13 USPQ2d 1301, 1304 (Fed. Cir. 1989) "Even if a reference discloses an inoperative device, it is prior art for all that it teaches."

Third, the Patent Owner's argument about enablement is conclusory and does not set the ground for non enabling argument. If the Patent Owner's argument is right and one of skill in the art would not understand how to modify Wasfi to send its profile information to other Web sites and thus Wasfi does not enable the elements of claim 21, the '040 patent would certainly would not teach him how to do it. The '040 Patent at 5:64-67 discloses: ("In a further application, user interest information derived from the User Model is sent to a third party web server that then customizes its interaction with the user."); at 29:23-26 discloses: ("Parameters of the User Model are transferred to the site when a user requests a particular page, and only selected content or links are displayed to the user.") Therefore, a person of ordinary skill in the art in making and using the system of '040 must know, how to send user interest information derived from a User model to a third party requester web server and must know how to customize its interaction with the user. Additionally, a person of ordinary skill in the art must know how, Parameters of the User Model are transferred to the site when a user requests a particular page, and only

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selected content or links are displayed to the user. As such, it is assumed that the Patent owner (applicant at the time) relied on the level of ordinary skill in the art to enable claim 21 in obtaining the patent. Therefore, the same person of ordinary skill in the art would know how to how to modify Wasfi to send its profile information to other Web sites of claim 21.

Requester, comments that:

“Since the Applicants relied on the knowledge of one of skill in the art to enable claim 21 when obtaining the patent, Respondent cannot now assert that a person of skill in the art would not have the same knowledge required to enable claim 21. *SRI Intern., Inc. v. Internet Sec. Systems, Inc.*, 511 F.3d 1186, 1194 (Fed. Cir. 2008) (finding that “[w]ith the [prior art reference] providing similar, or even a partially identical, disclosure to the [] patent specification, the record meets the lower enablement standard for prior art under 35 U.S.C. § 102(b)”) See also *Constant v. AdvancedMicro-Devices, Inc.*, 848 F.2d 1560, 1569 (Fed. Cir. 1988) (dismissing patent holder’s argument that a prior art reference was not enabled because it failed to disclose a computer program, as requiring a computer program would render the patent claims invalid for lack of enablement).” *Id.*, Requester Comments at page 19.

Examiner agrees with the Requester since as noted *above*, if a person of skill in the art would not understand how to modify Wasfi to send its profile information to other Web sites, the ‘040-patent would certainly would not teach him how to do it.

The Patent owner further argues that according to Wasfi, any transferred user profile is for subsequent use by a ProfBuilder application operating in conjunction with the new site not the third party Web server. However, Examiner notes that Wasfi discloses, “ProfBuilder inhabits a Web site,” i.e. a Web server. (Wasfi at pg. 60.) Accordingly, transferring a profile so that it can be used by another web site’s ProfBuilder means that profile will be used by that other site’s Web server or the third parties Web server.

The Third Party requester’s comments at pages 19-20 of the Comments the same as the Examiner’s; thus, the Examiner’s position is convinced by the Third Party requester’s comments.

e. Wasfi discloses sequence of interaction times of any user when interacting with data

The Patent Owner at page 21 and with respect to claim 22 asserts that Wasfi fails to teach monitoring a sequence of interaction times of any user when interacting with data. At best, Wasfi discloses implementing a timeout mechanism for an IP address after a predetermined amount of idle time so that when the IP address becomes active after the predetermined period of time, the user is identified as a new user. Arguing that while this may somehow determine when a user has been inactive it is not monitoring a sequence of interaction times as required by claim 22.

The Patent Owner's argument is not persuasive. Wasfi, in particular teaches that "to track user presence, a timeout mechanism is used to delete user's session information after a predetermined amount of idle time. So that, a connection after the specified period having the same IP is identified as a new user." *Id.* at 60 Thus, Wasfi discloses monitoring a sequence of interaction times as part of its user interaction monitoring, because if the times of interaction are close together, then the interactions are considered to be the same user; if not, then the interactions are considered to be different users. *Id.*, Wasfi, at pg. 60

The '040 patent does not provide a specific definition for "sequence of interaction times," rather the specification uses this term in the context of "current interaction session". *Id.*, col. The Patent Owner does not make clear as to why monitoring the times of user interaction as described in Wasfi does not teach the claim limitation "sequence on interaction times." As such, provided the specification uses this term in the context of the "current session". *Id.*, 5:45-47 As such, Wasfi discloses the limitations of claim 22.

The Third Party requester's comments at page 20 of the Comments the same as the Examiner's; thus, the Examiner's position is convinced by the Third Party requester's comments.

f. Wasfi discloses sequence of interaction times of any user when interacting with data

The Patent Owner at page 21 regarding claim 32 asserts that Wasfi fails to teach monitoring a sequence of interaction times of any user when interacting with data. Arguing that Wasfi does not meet the "updating user-specific data files," "estimating

parameters," and "estimating a probability" limitations that are also present in claim 1. As detailed *above*, in the response to arguments with respect to claim 1, all three limitations are actually present in Wasfi. Those arguments are incorporated herein by reference and will not be repeated for brevity.

3. Response to Argument that Claim 11 is Not Obviated Under 35 USC 103(a) by Considering Wasfi in View of Culliss

The Patent Owner asserts that claim 11 is not rendered obvious by the combination of Wasfi and Culliss, because Wasfi does not meet the limitation of claim 1. Arguing that assuming adding those teaching of Culliss to those of Wasfi are irrelevant to the reasons for patentability of claim 11 over Wasfi and therefore does not render the subject matter of claim 11 obvious to one of ordinary skill in the art. *Id.*, Response at pg. 22

The Patent Owner does not provide no reasoning as to why the combination of the teaching of Wasfi and Culliss is not obvious except that adding the teaching of Culliss to those of Wasfi are irrelevant. Examiner is not persuaded by the patent owner's argument.

Claim 11 is dependent from claim 1 and further requires "estimating a posterior probability $P(u/d, q)$ that the document d is of interest to the user u , given a query q submitted by the user." As detailed in the rejections, claim 1 is anticipated by Wasfi, as detailed in the rejection, Section VI.B, proposed rejection #7. Claim 11 is rejected because Culliss discloses a system that "utilizes personal data to refine search results." (Culliss at 3:12-13.) Culliss further discloses that "[T]he invention can accept a search query from a user and a search engine will identify matched articles and display squibs of the matched articles in accordance with their comparison scores." (*Id.* at 2:39-42.) It would have been obvious to one of skill in the art to use the teachings of Culliss to modify Wasfi so that it could function with site-specific search engines and search engine results. *See* Section VI.B., proposed rejection #8. Therefore, the claim 11 is rejected over Wasfi in view of Culliss and the Patent Owner has not provided any reasoning to the contrary.

The Patent Owner further asserts that Culliss does not teach the subject matter in Claim 11. Arguing that "all that is done is matching of various key words and related personal interests of different users in order to rank search results" and that "[n]o probability estimate is involved in such a determination." (*Id.* response at pg. 22).

This argument is not persuasive. As detailed in section VII.A.4, the Patent owner's argument are at odd to its claim construction and admissions, where it asserts that a probability is merely "a degree of belief or likelihood" in an attempt to ensnare products that do not calculate actual probabilities. (OTH-B 23.) Culliss discloses "accept[ing] a search query from a user" and "identify[ing] matched articles." (Culliss at 2:39-42.) Articles "can have their key term scores or key term total scores altered according to whether they were displayed to a user, whether they were selected by a user, how much time the user spend with the article, etc." (*Id.* at 2:43-46.) These key term scores are "a degree of belief or likelihood" as interpreted by the Patent Owner in the co-pending litigation, and Patent Owner presents no argument to the contrary beyond a bare assertion. *Innova/Pure Water v. Safari Water Filtration*, 381 F.3d at 1117 (Fed. Cir. 2004).

Moreover, the Konig '040 patent also relies on score as detailed in Section, VI.A.2.c, to be used to estimate probability. *See* for example the specification teaches:

"The process of estimating user interest in a particular unseen document 120 is illustrated in FIG. 17. This process has the following three steps: 1. Preprocessing the document as for initialization (step 122). 2. Calculating an individual score for the document for each element of the user representation (e.g., topic distribution, word list). 3. Non-linearly combining (124) individual scores into one score 126, the probability that the user is interested in the unseen document, P(u.vertline.d)." (*Id.*, 24:65-25:3)

As such according to the patent '040, the probability is a measure that their key term scores or key term total scores altered according to whether they were displayed to a user. The Patent Owner has provided no reasoning as to why the combining of the scores into one score in the '040 patent is different from the key term scores in Culliss.

The patent owner further asserts that the a person of ordinary skill in the art would not have taught to modify Wasfi in light of the teaching of Culliss. Arguing that "How one would apply such teachings in the context of Wasfi's ProfBuilder is a subject of

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complete speculation. It is apparent that the author of the Wasfi reference felt the problem was one requiring research and in fact the usefulness of ProfBuilder had not even been formally evaluated at the time the Wasfi reference was published" (*Id.*, Request at 23).

Examiner is not persuaded by the Patent Owner's arguments. The Patent Owner is limiting his argument to a single system, rather than the whole publication. The Wasfi prior art publication already contains references to accepting search queries, e.g. "The user provides a set of keywords to describe his/her interests." (Wasfi at 57.) Furthermore, the Rejection details exactly how to apply Culliss' teachings to Wasfi: "the personalized filtering disclosed by Wasfi analyzes local pages drawn from a host Web site. But rather than analyzing the pool of local pages on a host web site, it would be just as feasible (and obvious) to use Wasfi's method to analyze a pool of search results generated in response to a user query." (Request at 23.)

The Patent owner asserts that "At a minimum, application of Culliss teachings to the Wasfi ProfBuilder systems would require the analysis of each and every Web site and each and every page within the Web sites in order to determine it's similarity to each and every user of the Internet." (Request at 23.) Arguing that, the proposed combination requires merging the ProfBuilder and Culliss systems, rather than simply taking Culliss' idea of personalizing search results and applying it to Wasfi. (*Id.*)

This is simply not the actual combination presented in the rejection, which is limited to using Wasfi on "a pool of search results generated in response to a user query." Moreover, that pool of results need not be drawn from the Web as a whole, and many web sites have long included search engines that are limited to documents present on that site, e.g. <http://search.nfl.com/>. Accordingly, one of skill in the art would have been able to take Culliss' teachings regarding personalizing search results and use it to modify Wasfi so that it also personalized from a set of search results rather than personalizing from the set of all documents present on the Web site. Such a combination would be the mere application of familiar elements according to known methods (adding a search index to a Web site) and would yield predictable results. *KSRIntern. Co. v. TeleflexInc.*, 550 U.S. 398,401,127 S.Ct. 1727, 1731 (2007).

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The Third Party requester's comments at pages 22-23 of the Comments the same as the Examiner's; thus, the Examiner's position is convinced by the Third Party requester's comments.

4. Response to Argument that Claim 22 is Not Obviated Under 35 USC 103(a) by Considering Wasfi in View of Culliss

The Patent Owner asserts that Wasfi in view of Culliss does not render claim 22 obvious because Wasfi does not meet the limitations of claim 1. (Response at 24.)

This Patent Owner's argument is not persuasive. As detailed in the rejection, Culliss discloses that articles can be analyzed and ranked according to "how much time the user spent with the article." (Culliss at 2:43-46: "Articles can have their key term scores or key term total scores altered according to whether they were displayed to a user, whether they were selected by a user, how much time the user spent with the article, etc.") It would have been obvious to one skilled in the art at the time of the invention to modify Wasfi to include an analysis of user interaction times in judging which documents would be of most interest to a user.

Argument about deficiencies of Wasfi is rebutted in section VII.B.2.(a-f), incorporated herein by reference and will not be repeated for brevity.

The Patent Owner further asserts that one of skill in the art would not combine Wasfi with Culliss (*Id.*) As detailed *above*, the Patent Owner fails to address the actual combination addressed in the rejection.

Finally, the Patent Owner argues that Culliss's disclosure of personalizing based on "how much time the user spends with an article" is not the same as monitoring a sequence of interaction times. (*Id.*) As detailed in Section VII.A.6., *supra*, the Patent owner's arguments contradict its previous assertion that recording timestamps is sufficient to meet the limitation. Since Culliss also records the "time or date of any previous activity," it must meet the limitations of claim 22 under Patent owner's own construction. *Innova/Pure Water v. Safari Water Filtration*, 381 F.3d at 1117 (Fed. Cir. 2004).

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The Third Party requester's comments at pages 23-24 of the Comments the same as the Examiner's; thus, the Examiner's position is convinced by the Third Party requester's comments.

5. Response to Argument that Claim 34 is Not Obviated Under 35 USC 103(a) by Considering Wasfi in View of Culliss

The patent Owner asserts that Culliss does not meet the limitations of claim 34 because it does not disclose how to analyze different media types. (Response at 25.)

The Patent Owner's argument is not persuasive. As stated in the rejection, Culliss discloses that the "articles" which are ranked and presented to the user may include multiple distinct media types, such as "text collections, audio clips, video clips and samples of any other type of information." (Culliss at 2:20-21.) It would have been obvious to one skilled in the art to combine Wasfi with Culliss, such that Wasfi's method could be used to analyze web pages of multiple media types. Indeed, by the time the '040 patent application was filed in June 2000, web pages frequently contained the types of media disclosed by Culliss i.e., text, audio files, video files, etc.

Moreover, it is the Patent owner's position that processes that only parse the text components of HTML documents meet the limitations of claim 34. Accordingly, Culliss' analysis of the HTML that accompanies videos, images, and the like on web pages must also meet the limitations of claim 34 under Respondent's own interpretations.

Innova/Pure Water v. Safari Water Filtration, 381 F.3d at 1117 (Fed. Cir. 2004).

C. Patent Owner's arguments - Section 3., titled: "Response to Rejections Based on Primary Reference Refuah"

1. Response to argument that Refuah is not prior art

The Patent Owner at page 25 asserts that Refuah is not prior art. Arguing that Refuah is a US national stage application under 35 USC 371 that is based on an international application filed January 28, 1999, i.e., before November 29, 2000, Hence., it's 102(e) date is the date on which the requirements of 35 USC 371 (c) (1), (2) and (41) were satisfied. According to the face of the Refuah patent, this date was July 28, 2000.

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Arguing that the subject of '040 patent was filed June 20, 2000 (excluding any consideration of its priority claim to December 28, 1999), i.e., before the effective 102(e) date of Refuah therefore, Refuah is not prior art under 35 USC 102(e) and all the rejections based on Refuah must be removed.

Requester in response comments that, Refuah was published on August 5, 1999. The '040 patent claims priority to a provisional application filed on December 28, 1999. Consequently, Refuah qualifies as prior art to the '040 patent under 35 U.S.C. § 102(a). Arguing that Respondent never address Refuah's publication date, which predates the earliest claimed priority date of the '040 Patent

Examiner notes that while Refuah is not prior art under 35 USC 102(e) however, since it's PCT publication date is August 5, 1995, it is prior art under 35 USC 102(a) as acknowledges by the Patent Owner (responded in his Remarks) therefore, can be used in an anticipatory rejection. The reason is that a Subject matter that qualifies as anticipatory prior art under 35 U.S.C. 102 is not affected, and may still be used to reject claims as being anticipated. Examiner also notes that the PCT disclosure word for word covers all the subject matter disclosed in the US application. Additionally, the Patent Owner has responded in his Remarks to the anticipatory rejection of claims under 35 USC 102(a) in his Response.

2. Response to argument that Claims 1, 11, 21, 22, 32 and 34 are not Anticipated by Refuah

a. Refuah estimates Probabilities

The Patent Owner at page 26 asserts that Refuah does not teach the subject matter of claims 1 and 32 of the '040 patent. The Patent in particular argues that Refuah does not teach estimating a probability $P(u/d)$ that an unseen document d is of interest to the user u , wherein the probability $P(u/d)$ is estimated by applying the identified properties of the document to the learning machine having the parameters defined by the User Model. Arguing that at 17:44-46, Refuah discusses how a site is evaluated for suitability and/or for qualities which are preferred and/or matched to a particular persona. Evaluation of such criteria is not an estimation of a probability, $P(u/d)$, as recited in claims 1 and 32. At

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best, it is perhaps a discussion of a matching process to determine if discrete qualities of a site are the same as those included in a persona. The Patent owner concludes that none of these measured qualities are estimates of probabilities.

The Patent owner's argument is not persuasive. Refuah discloses that "[i]n the evaluation technique, a site is evaluated for suitability and/or qualities which are preferred and/or match a particular persona." (Refuah at 17:44-46.) This constitutes "approximating or roughly calculating the degree of belief or likelihood that an unseen document d is of interest to the user," This the construction the Patent Owner has offered for "estimating a probability". The Patent Owner has not provided any reasoning as to why when a site is evaluated for qualities that are preferred to a particular persona, is not a good example of estimating probability. "Probability" is the quality or state of being probable and estimating is a tentative estimation or rough calculation and will all accounts, evaluation of a site for qualities that are preferred to a particular persona is a rough way of calculating that a document is of interest to a user.

The requester presented argument that the "Respondent's arguments thus run counter to its claim construction position in the co- pending litigation, where it asserts that a probability is merely "a degree of belief or likelihood" in an attempt to ensnare products that do not calculate actual probabilities. (OTH-B 23.) Respondent advances no argument for why a computed suitability score is not "a degree of belief or likelihood," beyond a bare assertion. *Innova/Pure Water v. Safari Water Filtration*, 381 F.3d at 1117 (Fed. Cir. 2004)"

Examiner concurs with the requester that the Patent owner's position, contradict with his previous position regarding construction of "estimating probability", presented before.

b. Refuah estimates parameters of a learning machine

The Patent Owner further asserts that the Office action does not identify any "learning machine" described by Refuah. Arguing that, reciting a proposed claim construction advanced by the Patent Owner in the related litigation (as is done in the Office Action) is not a substitute for identifying where in the cited reference the claim

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feature is taught and as such the Examiner has failed "to present a prima facie case of anticipation". *Id.* pg. 27.

The Patent Owner's argument is not persuasive. First, as states before, "in rejecting claims the examiner may rely upon admissions by applicant or the patent owner as to any matter affecting patentability[.]" *See* 37 C.F.R. § 1.104(c)(3).

Secondly, the "persona" is the User Model as described in the rejection. See for example Section VI.C., proposed rejection # 11, part (iv), where it is indicated that Refuah discloses assigning a user a "persona." *See generally id.* at col. 2. "In a preferred embodiment of the invention, a mood and/or a persona may be updated by modifying continuous parameters." *Id.* at 6:5-7. Specifically, "a parameter may be reflexive towards the persona, for example defining how to modify the persona and/or a mood based on user activities." *Id.* at 6:60-62. Accordingly, the parameters define the "user model" (persona) specific to the user, and these parameters are "estimated in part from the user-specific data files" because they are "based on user activities."

As such, the parameters define the "User Model" (persona) that is specific to the user, and these parameters are "estimated in part from the user-specific data files" because they are "based on user activities."

c. Refuah teaches estimating a posterior probability

The Patent Owner at page 27, asserts that in the Office action does not show "estimating a posterior probability $P(u/d, q)$ that the document d is of interest to the user u , given a query q submitted by the user" as recited in claim 11. Arguing that the Office Action relies on Refuah for teaching personalization that can affect "many methods" of information retrieval. Refuah at 17:22 -24. The search engine retrieves matches for a query and the user's persona and mood affect the sorting or filtering of the results. *Id.* at 17:27-36. The cited portions is not what is being claimed.

The Patent owner's arguments are not persuasive. First, Refuah discloses that "a persona is used to personalize information retrieval. Such personalization can affect many modes of information retrieval, including search engines... It should be noted in this context that search engines return matches for a particular query, while personality and

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mood are designed to affect the results of substantially any query..." (emphasis added). See Refuah at 17:20-30. As understood, Refuah discloses using the persona information to affect the results returned by a search engine. Accordingly, Refuah meets the elements of claim 11, and the Patent owner provides no reasoning to the contrary as to why the cited portions do not necessarily teach the claim language.

The Patent Owner further argues that "it appears Refuah makes use of a simple comparison. Refuah at 17:36-48. No probabilities, posterior or otherwise, are estimated." But, the question is not whether the comparison is simple or otherwise. The question is whether, the reference of Refuah's modification of match scores through personas are "a degree of belief or likelihood" as interpreted by the Patent Owner. Moreover, as stated before, "Probability" is the quality or state of being probable and "estimating" is a tentative estimation or rough calculation and will all accounts, evaluation of a site for qualities that are preferred to a particular persona is a rough way of calculating that a document is of interest to a user, and the Patent Owner has not provided any reasoning as to why this definition does not "probability" in the claim except the argument that "this is not what is being claimed."

d. Refuah teaches elements of claim 21

The Patent Owner at page 27 asserts that Refuah fails to teach "sending user interest information derived from the User Model to a third party web server" of claim 21. Arguing that the virtual persona in Refuah are not "derived from [a] User Model" which defines parameters of a learning machine, as required by claims. Instead, the virtual persona are either defined through a question and answer session. Refuah at 22:15-18, are selected from a library of pre-defined personas and modified by individual users, *id.* at 21:40-44, or are compiled through monitoring of user actions on the Internet. *Id.* at 21:22-24. Accordingly, claim 21 is not anticipated by Refuah.

The Patent Owner's argument is not persuasive. First Refuah discloses using a user's "mood" and "persona" (collectively "personality") to affect the web pages provided to the user. Refuah further explains that "the personality may be used when entering any WWW site to provide personally tailored service." (Refuah at 3:47-49; see also *id.* at

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4:59-61: "in a preferred embodiment of the invention, only portions of the persona and/or mood are provided to each site.") Accordingly, Refuah discloses sending user interest information (embodied by the user's "personality") to third-party web servers that host various WWW sites.

With regards to the Patent owner's arguments, it is unclear and the Patent Owner has provided no reasoning as to why a persona derived from "monitoring of user actions on the Internet" is not a User Model as required by the claims. Claim 1 explicitly requires that the User Model be derived from "monitoring user interactions with data while the user is engaged in normal use of a computer." Thus the arguments are not persuasive.

The Third Party requester's comments at page 28 of the Comments the same as the Examiner's; thus, the Examiner's position is convinced by the Third Party requester's comments.

e. Refuah teaches elements of claim 22

The Patent Owner at page 28 asserts that Refuah fails to teach "estimating parameters" and "estimating a probability" of claim 22. Arguing that claim 22 is depends from claim 1 and is therefore not anticipated by Refuah for at least all the reasons as claim 1.

This argument is not persuasive. Refuah discloses both limitation "estimating parameters" and "estimating a probability" of claim 1, as stated before in the rebuttal arguments regarding claim 1 *above*, incorporated herein by reference and will not be repeated.

f. Refuah teaches elements of claim 34

The Patent Owner at page 28 asserts that Refuah fails to teach the limitation of claim 34. Arguing that claim 34 requires analyzing the distinct media types rather than simply allowing for documents to contain ignored media types.

The Patent owner's argument is not persuasive. First, Refuah discloses analysis of websites. *See* for example, Refuah discloses the analysis of websites, *see id.* at 20:31-34, and it was well-known when the Refuah patent application was filed in 1999 that

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websites could include multiple types of media. Thus, Refuah inherently provides for the analysis of documents having multiple distinct media types.

Requester comments that, this is at odds with its infringement allegations in the co-pending litigation, where it asserts that processes that only parse the text components of HTML documents meet the limitations of claim 34. Accordingly, Refuah' analysis of the HTML that accompanies videos, images, and the like on web pages must meet the limitations of claim 34 under Respondent's own infringement theories. *Innova/Pure Water v. Safari Water Filtration*, 381 F.3d at 1117 (Fed. Cir. 2004)

Examiner concurs with the requester that the Patent owner's position, contradict with his previous position regarding construction of "analyzing the document", presented before.

3. Response to argument that Claims 1, 11, 21, 22, 32 and 34 are not Obviated by Refuah in view of Mladenic

The Patent Owner at page 28 through page 29 asserts that Refuah does not estimate a probability or contain a learning machine as required by the claims. The patent owner further argues that Mladenic does not estimate parameters of a learning machine.

The patent Owner's arguments are not persuasive. As detailed in section VII.C.2.(a)-(b) Refuah teaches "estimate a probability", and contain a "learning machine", incorporated herein by reference and will not be repeated for brevity.

The Patent Owner at page 29 through page 30 further argues that Mladenic does not "estimate parameters of a learning machine". This argument is not persuasive. As detailed in section VII.A.2.(c) Mladenic discloses "estimating parameters of a learning machine", and discloses the same "User Model" implementation as described in Figure 4A and in the specification. See for example, the specification of '040 patent discloses:

FIGS. 4A-4E illustrate tables that store different components and parameters of the User Model. *Id.*, 6:13-14

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Looking at Fig. 4A, for example, it is noticed that there is a score named 'Word Grade' associated with each word that is identified with a 'Word ID'.

The specification further states that:

"The informative word and phrase list of FIG. 4A contains the most informative words and phrases (i. e., 'words') found in user documents, along with a measure of each informative phrase or word's importance to the user (i.e., 'scores')." *Id.* at 10:52-55.

"Other techniques rate documents using the TFIDF (term frequency, inverse document frequency) measure: *Id.*, 1:53-55

"a preferred embodiment uses the TFIDF measure" *Id.*, 11:12-13

As such the score associated with the word is used to estimate parameters of a learning machine.

The patent owner at page 30 argues that the Office action fails to specify any rational in rejecting claims 11, 21, 22, and 34 in view of Refuah in combination with Mladenic. However, as noted in the rejection in the Office action and in this Office, section VI.C., of the Office action those claims are met by Refuah alone. As such, the combination of Refuah and Mladenic meets the additional limitations of claims 11, 12, 22,, and 34 for the reason that Refuah meets those limitation.

The Third Party requester's comments at pages 29-30 of the Comments the same as the Examiner's; thus, the Examiner's position is convinced by the Third Party requester's comments.

D. Patent Owner's arguments - Section 4., titled; "Response to Rejections Based on Primary Reference Culliss"

1. Response to argument that Claims 1, 11, 22, 32 and 34 are not Anticipated by Culliss

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a. Culliss discloses updating user-specific files

The Patent Owner at page 30 asserts that Culliss fails to teach "updating user specific data files". Arguing that in Culliss, "personal data is collected and separately indexed" which is "something different than what is claimed." *Id.*, response at 31-32.

The Patent Owner's argument is not persuasive. First Culliss discloses that users' personal data "can be inferred from a history of their search requests or article viewing habits." *Id.*, Culliss at 3:46-48. Culliss further discloses that "it is possible to simply store all elements of personal data, individually or in key term groupings, within the index separately, with components of the query or otherwise." *Id.* at 5:37-39. These personal data elements are also "updated" as the user continues to navigate the Internet and visit documents and URLs. *See id.* at 4:60-64 (disclosing "keeping a cumulative score for a user for search requests or URLs. For example, whenever there is a match (whole or partial) between a search request or URL and an item of personal data, a record for the user can be updated to give a +1 for that item of personal data.") Accordingly, Culliss meets the "updating user-specific data files" limitation argued by the Patent Owner.

Additionally, the Patent Owner provided no reasoning as to why the collection of personal data deduced from a history of search request or article viewing habits does not constitute "updating user specific data files." Examiner noted that even the Konig '040 patent uses the same scheme for "updating user specific data files." For example Figure 14 of the '040 patent depicts "the user recently accessed buffer, which records all user interaction with documents." *Id.*, '040 patent at 6:39-40. In that regards the '040 specification further states:

"information about each document that the user views is stored in a recently accessed buffer for subsequent analysis. The recently accessed buffer includes information about the document itself and information about the user's interaction with the document. One possible implementation of a buffer is illustrated in FIG. 14; however, any suitable data structure may be used." (*Id.* at 22:27-33.)

This "recently accessed buffer" is accessed and the documents therein are separately indexed:

"After each addition to or subtraction from the set of user documents, the document is parsed and analyzed as for the User Model initialization. Extracted information is incorporated into the User Model." *Id.* at 22:50-54.

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As seen from the above portions, the argument that Culliss does not meet the limitations of claim 1[b] because it separately stores user's interactions and separately indexes the resultant user documents is contradicted by the specification. In fact, separate storage and indexing of documents is the only embodiment for this claim element disclosed in the '040 Patent.

The Third Party requester's comments at pages 30-31 of the Comments the same as the Examiner's; thus, the Examiner's position is convinced by the Third Party requester's comments.

b. Culliss Discloses Estimating Parameters of a Learning Machine

The Patent Owner at page 32 asserts that Culliss fails to teach "estimating parameters of a learning machine, wherein the parameters define a User Model specific to the user and wherein the parameters are estimated in part from the user-specific data files." Arguing that in Culliss the cumulative scores are calculated rather than estimated, and thus those scores do not meet the limitations of claim 1 [c]. *Id.*, Response at 32.

Examiner is not persuaded by the Patent Owner's argument. First, Culliss discloses that "the user can be identified as having the personal data characteristic of being a sports fan and having an interest in finance because there are three queries relating to sports ('sports scores,' 'football,' and 'nba') and five queries containing key words relating to finance ('stock quotes,' 'cnfn,' 'junk bonds,' 'stock quotes,' and 'dowjones.')" *Id.*, Culliss at 4:54:60. Culliss further discloses estimating parameters of a learning machine through the use of a mathematical function of data scores. *Id.*, Culliss at 4:65-5:4: "A cumulative score can be developed for the user for each item of personal data, called a personal data item score. When the personal data item score of the user reaches a certain threshold, then the item of personal data can be said to be associated with the user. Additionally or alternatively, the strength of the association can be determined by the cumulative personal data item score.")

Requester comments that, while Culliss personalizes search results based on the classifications of the user rather than a data model that is specific to an individual user--

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e.g., whether the user is interested in the "finance" category or the "sports" category—the Patent Owner's infringement allegations assert that a User Model is "specific" to a user simply if it is derived from data from that user. (See Request at 32-33.) Under Respondent's contentions, Culliss meets the limitations of Claim 1 [c]. *Id.*, requester's Comments, at page 32.

Examiner agrees with the Requester and the interpretation of the claim term User Model Specific to the user, construed by the Patent Owner and the conclusion that is based on the Patent owner's Own interpretation, Culliss meets the limitation of claim 1[c]

Second, the Patent owner is ignoring that the scores or "informative measures" disclosed in the specification are also calculated. For example, the score might be "measured by the word's frequency in user documents." *Id.*, '040 Patent at 11:4-5. The score might use the Term-Frequency / Inverse Document Frequency or TFIDF measure, which is calculated through a mathematical formula. *Id.* at 11:12-20. The score might also be derived through the concept of mutual information, which is again calculated through a mathematical formula. *Id.* at 11:44-60. In summary, all of the scores described in the specification are "calculated" rather than "estimated."

The patent Owner further asserts that the "User Model" in Culliss is entirely dependent on prior users and their search activities. *Id.*, Response at 32-33.

Examiner noted that this argument is not persuasive, for the reason that as explained *above*, the "User Model" in Culliss relates to the cumulative scores developed for the user for each item of personal data, based on that user's activities. *Id.*, Culliss at 4:65-5:4 Culliss refers to the personal data as "PS," and individual categories (*e.g.*, "sports," "finance") as "PS 1," "PS2," etc. (*Id.* at 3:12-18.) A user is thus defined by the "personal data" categories for which he qualifies: one user might be defined by the PS 1, PS4, and PS 16 categories, while a second user might be defined by PS4, PS7, PS9, and PS206. *Id.* at 4:54 - 5:16. These qualifications are based entirely on the user's own activities. *Id.* at 4:61 - 5:4. The patent Owner's citation relates to a different aspect of the Culliss system: tracking how users who already have a User Model interact with various articles. (Culliss 6:11-13: "In this manner, the relevancy of articles is determined by the

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searching activity of previous searchers which share, or are indicated as having, certain personal data characteristics."; *see generally id.* at 5:17- 6:19.) This relates to how the User Model is applied, not how the User Model is constructed, as encompassed by Claim 1 [c].

For the reason *above*, it is believed that the Culliss teaches "estimating parameters of a learning machine" recited in claim 1.

c. Culliss Discloses Estimating Probabilities

The Patent Owner at page 33 asserts that Culliss fails to teach "estimating probability $p(u/d)$ that an unseen document d ... defined by the User Model" in claims 1 and 32. Arguing that in Culliss the relevancy scores of retrieved articles determines their respective ranking, and such grouping and relevancy scores do not establish an estimation of a probability $p(u/d)$ that an unseen document d is of interest to a user.

Examiner is not persuaded by the Patent Owner's argument. First, Culliss discloses the limitation "estimating probability $p(u/d)$ that an unseen document ... defined by the User Model" argued by the Patent owner. *See* for example, Culliss discloses that, when a user enters a search request, the search request and the user's personal data are combined to form various groupings: key term groupings, category and personal data groupings, etc. *Id.*, Culliss at 5:40-45. Based on these groupings, the system determines how relevant a given document d is to the searching user u , which is a "probability" under Respondent's proposed construction. Culliss also discloses that: "Articles associated with these groupings are then retrieved from the index, and their relevancy scores are used or combined to determine their rankings." *Id.*, Culliss at 5:45-48.

Requester comments that the Patent Owner does not provide any explanation as to why relevancy scores are not "estimated probabilities," especially given the broad interpretation of "probability" the Patent Owner has offered in the litigation. The Requester concludes that the Patent Owner's arguments thus run counter to its claim construction position in the co-pending litigation, where it asserts that a probability is merely "a degree of belief or likelihood" in an attempt to ensnare products that do not calculate actual probabilities. (OTH-B 23.) Arguing that the patent owner presents no

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argument for why the computed relevancy score is not "a degree of belief or likelihood," beyond a bare assertion. *Innova/Pure Water v. Safari Water Filtration*, 381 F.3d at 1117 (Fed. Cir. 2004).

Examiner agrees with the Requester and the interpretation of the claim term "estimating probability", construed by the Patent Owner and the conclusion that is based on the Patent owner's Own interpretation, that Culliss meets the limitation of claim 1[c].

The Patent Owner further argues that Culliss "determines[s] the relevancy of a particular article to a particular query" rather than to a particular user." Examiner notes that Culliss discloses, "[w]hen a first user enters a search query, the personal data can be considered part of the request and stored within or added to the index, individually or in groupings with other items of data such as key terms, categories, or ratings." *Id.*, Culliss at 5:18- 21. Accordingly, the "query" in Culliss includes the user data, and Culliss explicitly stores keywords (conventional queries) as paired with personal data. *Id.*, at 5:25-48. Accordingly, the "particular query" used in Culliss includes both keywords and user information, and Culliss therefore determines the relevancy of a particular articles to a particular keyword and a particular category of user.

Requester in his Comments contends that the Patent Owner in the co-pending litigation assert that personalizing based on a group of users rather than a single, individual user falls within the scope of the claims. Examiner agrees with the Requester's Comments and the interpretation of the claim term, construed by the Patent Owner and the conclusion that is based on the Patent owner's Own interpretation, Culliss meets the limitation of estimation of a probability $p(u/d)$ that an unseen document d is of interest to a user.

d. Culliss Discloses Computing posterior Probabilities based on a Query

The Patent Owner asserts that Culliss fails to describe any type of "estimated probability calculation" and "only discloses using a user's personal data to retrieve articles related to the user's search request." *Id.*, Response at 33-34.

The patent Owner's argument is not persuasive. First, Culliss discloses "accepting a search query from a user" and "identifying matched articles." *Id.*, Culliss at 2:39-42.

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Articles "can have their key term scores or key term total scores altered according to whether they were displayed to a user, whether they were selected by a user, how much time the user spend with the article, etc." *Id.* at 2:43-46. These key term scores are "a degree of belief or likelihood" according to the Patent Owner's interpretation of "probability" explained in section VII.D.1.c, *above*.

The Third Party requester's comments at page 34 of the Comments the same as the Examiner's; thus, the Examiner's position is convinced by the Third Party requester's comments.

e. Culliss Anticipates Claim 22

The Patent Owner asserts that Culliss fails to disclose elements of claim 22. Arguing that "monitoring how long a user spends with an article is not the same as monitoring a sequence of interaction times." *Id.*, Response at 34.

Examiner is not persuaded by the Patent Owner's argument. This argument is rebutted before in Section VII.A.6., *supra*, and as detailed there, the Patent owner's arguments contradict its previous assertion that recording timestamps is sufficient to meet the limitation. Culliss' recording of "time or day of any previous activity" must meet the limitations of claim 22 under Patent Owner's own interpretations .

f. Culliss Anticipates Claim 34

The Patent Owner asserts that Culliss fails to disclose "wherein analyzing the document d provides for the analysis of documents having multiple distinct media types." Arguing that Culliss does not disclose analyzing the multiple media types within a document having multiple distinct media types. *Id.*, response at 34.)

This argument is not persuasive. This argument is rebutted in Section VII.B.5, *supra*. As indicated there, it is the Patent owner's position that processes that only parse the text components of HTML documents meet the limitations of claim 34. Accordingly, Culliss' analysis of the HTML that accompanies videos, images, and the like on web pages must also meet the limitations of claim 34 under Respondent's own interpretations. *Innova/Pure Water v. Safari Water Filtration*, 381 F.3d at 1117 (Fed. Cir, 2004).

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2. Response to argument that Claims 1, 11, 22, 32 and 34 are not Rendered Obvious by Culliss in view of Mladenic

The Patent Owner at page 34, with respect to claims 1 and 32 asserts that Culliss fails to teach or suggest "estimating parameters of a learning machine, wherein the parameters define a User Model specific to the user and wherein parameters are estimated in part from the user-specific data files, as recited in claims 1 and 32. Arguing that, Culliss does not estimate the parameters of a learning machine. This argument is rebutted in section VII.D.1.b, Culliss meet this limitation. Arguing that Mladenic does not estimate parameters of a learning machine. However, as noted in section VII.A.2.c, Mladenic uses the same "User Model" implementation described in Figure 4A and in the specification, and thus meets the "estimating parameters of a learning machine" limitation.

The patent Owner further argues that the "Office Action fails to specify any rationale for rejected claims 11, 22, and 34 in view of the combination of Culliss and Mladenic." *Id.*, Response at 35. However, as stated in the rejection of claims and noted by the Patent owner, the Office Action discloses how claims 11, 22, and 34 are met by Culliss alone. *Id.*, Office action at 33-34. Accordingly, the combination of Culliss and Mladenic meets the additional limitations of claims 11, 22, and 34 for the same reasons that Culliss alone meets those limitations.

3. Response to argument that Claim 21 is not Rendered Obvious by Culliss in view of Refuah

The patent Owner at page 36 asserts that Refuah fails to teach the elements of claim 21. Arguing that "the virtual personas described by Refuah are not 'derived from [a] User Model'" because they are "defined through a question and answer session, selected from a library of pre-defined personas, or compiled through monitoring of user action on the internet"

Examiner is not persuaded by the Patent Owner's argument. First Refuah as stated in the rejection, Refuah discloses the use of a user's "mood" and "persona" to affect the web pages provided to the user. That "the personality [i.e., mood and persona] may be

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used when entering any WWW site to provide personally tailored service." *Id.*, Refuah at 3:47-49; *see also id.* at 4:59-61 ("in a preferred embodiment of the invention, only portions of the persona and/or mood are provided to each site.") Refuah thus discloses sending user interest information (embodied by the user's "personality") to third-party web servers that host various WWW sites. Thus, while Culliss discloses a personalized list of recommendations that is generated by analyzing and filtering documents at the user's computer, Refuah discloses that the document analysis and filtering may take place at a third-party site - the site that the user is accessing. Applying this teaching of Refuah to Culliss would have been obvious to one skilled in the art, as it merely would have shifted the location where the document analysis and filtering takes place.

Second, with respect to the arguments that the virtual personas described by Refuah are not 'derived from [a] User Model', the Patent owner provide no reasoning as to why a persona derived from the "monitoring of user action on the Internet" is not a good example of a "User model" as required by the claims. The Patent owner's argument is erroneous because claim 1 explicitly requires that the "User Model" be derived from "monitoring user interactions with data while the user is engaged in normal use of the computer".

4. Response to argument that Claim 21 is not Rendered Obvious by Culliss in view of Mladenic and Refuah

The patent Owner at pages 36-37 asserts that Culliss in combination with Mladenic and Refuah fails to teach the elements of claim 1. Arguing that, Mladenic does not estimate parameters of a learning machine. *Id.*

The patent owner's argument is not persuasive. As noted in section VII.A.2.c, Mladenic uses the same "User Model" implementation described in Figure 4A and in the specification, and thus meets the "estimating parameters of a learning machine" limitation. The patent owner further arguing that, the Refuah does not meet the elements of claim 21 because it does not disclose a "User Model." As detailed above, the patent owner's argument is erroneous because, claim 1 explicitly requires that the "User Model"

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be derived from "monitoring user interactions with data while the user is engaged in normal use of the computer".

VIII. CONCLUSION

This is an **ACTION CLOSING PROSECUTION (ACP)**; see MPEP § 2671.02.

(1) Pursuant to 37 CFR 1.951(a), the patent owner may once file written comments limited to the issues raised in the reexamination proceeding and/or present a proposed amendment to the claims which amendment will be subject to the criteria of 37 CFR 1.116 as to whether it shall be entered and considered. Such comments and/or proposed amendments must be filed within a time period of 30 days or one month (whichever is longer) from the mailing date of this action. Where the patent owner files such comments and/or a proposed amendment, the third party requester may once file comments under 37 CFR 1.951(b) responding to the patent owner's submission within 30 days from the date of service of the patent owner's submission on the third party requester.

(2) If the patent owner does not timely file comments and/or a proposed amendment pursuant to 37 CFR 1.951(a), then the third party requester is precluded from filing comments under 37 CFR 1.951(b).

(3) Appeal cannot be taken from this action, since it is not a final Office action.

Art Unit: 3992

Extensions of Time

Extensions of time under 37 CFR 1.136(a) will not be permitted in inter partes reexamination proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to the patent owner in a reexamination proceeding. Additionally, 35 U.S.C. 314(c) requires that inter partes reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.937). Patent owner extensions of time in inter partes reexamination proceedings are provided for in 37 CFR 1.956. Extensions of time are not available for third party requester comments, because a comment period of 30 days from service of patent owner's response is set by statute. 35 U.S.C. 314(b)(3).

Litigation Reminder

The patent owner is reminded of the continuing responsibility under 37 CFR 1.985(a), to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 7,598,654 throughout the course of this reexamination proceeding. The third party requestor is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2686 and 2286.04.

Art Unit: 3992

VIII. CONCLUSION

This is an ACTION CLOSING PROSECUTION (ACP); see MPEP § 2671.02.

(1) Pursuant to 37 CFR 1.951(a), the patent owner may once file written comments limited to the issues raised in the reexamination proceeding and/or present a proposed amendment to the claims which amendment will be subject to the criteria of 37 CFR 1.116 as to whether it shall be entered and considered. Such comments and/or proposed amendments must be filed within a time period of 30 days or one month (whichever is longer) from the mailing date of this action. Where the patent owner files such comments and/or a proposed amendment, the third party requester may once file comments under 37 CFR 1.951(b) responding to the patent owner's submission within 30 days from the date of service of the patent owner's submission on the third party requester.

(2) If the patent owner does not timely file comments and/or a proposed amendment pursuant to 37 CFR 1.951(a), then the third party requester is precluded from filing comments under 37 CFR 1.951(b).

(3) Appeal **cannot** be taken from this action, since it is not a final Office action.

EXTENSIONS OF TIME

Extensions of time under 37 CFR 1.136(a) will not be permitted in inter partes reexamination proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to the patent owner in a reexamination proceeding. Additionally, 35 U.S.C. 314(c) requires that inter partes reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.937). Patent owner extensions of time in inter partes reexamination proceedings are provided for in 37 CFR 1.956. Extensions of time are not available for third party requester comments, because a comment period of 30 days from service of patent owner's response is set by statute. 35 U.S.C. 314(b) (3).

SERVICE OF PAPERS

Any paper filed with the USPTO, i.e., any submission made, by either the Patent Owner or the Third Party Requester must be served on every other party in the reexamination proceeding, including any other third party requester that is part of the proceeding due to merger of the reexamination proceedings. As proof of service, the party submitting the paper to the Office must attach a Certificate of Service to the paper, which sets forth the name and address of the party served and the method of service.

Art Unit: 3992

Papers filed without the required Certificate of Service may be denied consideration. 37 CFR 1.903; MPEP 2666.06.

AMENDMENT IN REEXAMINATION PROCEEDING

Any proposed amendment to the specification and/or claims in this reexamination proceeding must comply with 37 CFR 1.530(d)-G), must be formally presented pursuant to 37 CFR 1.52(a) and (b), and must contain any fees required by 37 CFR 1.20(c).

Amendments in an inter partes reexamination proceeding are made in the same manner that amendments in an ex parte reexamination are made. MPEP 2666.01. See MPEP 2250 for guidance as to the manner of making amendments in a reexamination proceeding.

NOTIFICATION OF CONCURRENT PROCEEDINGS

The patent owner is reminded of the continuing responsibility under 37 CFR, 1.985(a), to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving the patent undergoing reexamination or any related patent throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly inform the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP § 2686 and 2686.04.

Art Unit: 3992

Contact Information

All correspondence relating to this *inter partes* reexamination proceeding should be directed:

By EFS: Registered users may submit via the electronic filing system EFS-Web, at <https://efs.uspto.gov/efile/myportal/efs-registered>

By Mail: Mail Stop "Inter Partes Reexam"
Central Reexamination Unit
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By FAX to: (571) 273-9900
Central Reexamination Unit

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Any inquiry concerning this communication or earlier communications from the Reexamination Legal Advisor or Examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

Signed:

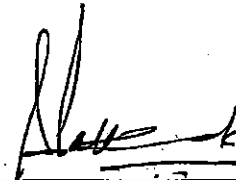


Majid Banankhah, Primary Examiner
Central Reexamination Unit 3992
(571)272-3770

Conferees:

/Ovidio Escalante/

Ovidio Escalante, Primary Examiner
GAU 3992



Sudhanshu Pathak, SPE
GAU 3992

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

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	Filing Date	2011-03-14
	First Named Inventor	Konig, Yochai
	Art Unit	3992
	Examiner Name	Banankhah, Majjid A.
	Attorney Docket Number	20001131-0003-007

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Attorney Docket Number	20001131-0003-007	

MB	1	Application Serial No. 09/597,975, Response filed 12-16-03 to Final Office Action mailed 12-03-03, 6 pgs	<input type="checkbox"/>
↓	2	Application Serial No. 09/597,975, Response filed 12-22-04 to Non Final Office Action mailed 11-17-04, 24 pgs	<input type="checkbox"/>
	3	Application Serial No. 11/316,785, Non Final Office Action mailed 08-22-06, 7 pgs	<input type="checkbox"/>
	4	Application Serial No. 11/316,785, Notice of Allowance mailed 08-27-07, 3 pgs	<input type="checkbox"/>
	5	Application Serial No. 11/316,785, Response filed 02-15-07 to Non Final Office Action mailed 08-22-06, 4 pgs	<input type="checkbox"/>
	6	Application Serial No. 12/008,148, Notice of Allowance mailed 11-03-09, 4 pgs	<input type="checkbox"/>
	7	Application Serial No. 12/008,148, Non Final Office Action mailed 12-24-08, 5 pgs	<input type="checkbox"/>
	8	Application Serial No. 12/008,148, Notice of Allowance mailed 09-21-09, 4 pgs	<input type="checkbox"/>
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	10	BASSET, et al., A Study of Generalization Techniques in Evolutionary Rule Learning, Paper, 2002, 90 pgs.	<input type="checkbox"/>
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Attorney Docket Number	20001131-0003-007	

<i>MB</i>	12	MOBASHER, B., Automatic personalization based on web usage mining, Online, retrieved from the internet: <URL: http://maya.cs.depaul.edu/~mobasher/personalization>, 25 pgs.	<input type="checkbox"/>
<i>MB</i>	13	PRETSCHNER, ALEXANDER, Ontology Based Personalized Search, Master's Thesis, Department of Electrical Engineering and Computer Science, University of Kansas, 1998, 125 pgs.	<input type="checkbox"/>

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Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
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	2	7685276		2010-03-23	Konig et al.	
	3	7631032		2009-12-08	Refuah et al.	
	4	6567797		2003-05-20	Schuetze et al.	
	5	7320031		2008-01-15	Konig et al.	
	6	6182068		2001-01-30	Culliss	
	7	6732090	B2	2004-05-04	Shanahan et al.	
	8	6687696	B2	2004-02-03	Hofmann et al.	

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MB	9	6567850	B1	2003-05-20	Freishtat et al.	
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	11	6006218	A	1999-12-21	Breese et al.	
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	15	5754939		1998-05-19	Herz, F.S. et al.	
	16	5867799		1999-02-02	Lang, Andrew et al.	
	17	5918014		1999-06-29	Robinson, Gary B.	
	18	5933827		1999-08-03	Cole, G.L. et al.	
↓	19	5983214		1999-11-19	Lang, Andrew K.	

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MB	20	5991735		1999-11-23	Gerace, T.A.	
	21	6029161		2000-02-22	Lang, Andrew K. et al.	
	22	6041311		2000-03-21	Chislenko, Alexander et al.	
	23	6182133		2001-01-30	Horvitz, E.	
	24	6230204		2001-05-08	Flemming III, H. A.	
	25	6606620		2003-08-12	Sundaresan, Neelakantan et al.	
	26	6647425		2003-11-11	Chaddha, N.	
	27	6828992		2004-12-07	Freeman, Martin et al.	
	28	6915482		2005-07-05	Jellum, H. et al.	

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MB	1	20080114756	A1	2008-05-15	Konig, Yochai	
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	2	Supplemental Invalidity Chart for Green (C-3) to Google's Fourth Supplemental Responses to PUM's First Set of Interrogatories; Green et al., "Towards Practical Interface Agents which Manage Internet-Based Information," 1995, 32 pages.	<input type="checkbox"/>
	3	Supplemental Invalidity Chart for Hofferer (C-12) to Google's Fourth Supplemental Responses to PUM's First Set of Interrogatories; Claim Chart of Max Hofferer, Bernd Knaus, and Werner Winiwarter, An Evolutionary Approach to Intelligent Information Filtering, 28 pages.	<input type="checkbox"/>
	4	Supplemental Invalidity Chart for Kamba (C-13) to Google's Fourth Supplemental Responses to PUM's First Set of Interrogatories; Claim Chart of Tomonari Kamba, Krishnan Bharat, and Michelle C. Albers, The Krakatoa Chronicle- An Interactive, Personalized Newspaper on the Web, 27 pages.	<input type="checkbox"/>
	5	Supplemental Invalidity Chart for Letizia (C-15) to Google's Fourth Supplemental Responses to PUM's First Set of Interrogatories; Claim Chart of Letizia, 30 pages.	<input type="checkbox"/>

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MB	6	Supplemental Invalidity Chart for Payne (C-6) to Google's Fourth Supplemental Responses to PUM's First Set of Interrogatories; Payne et al., " Experience with Rule Induction and k-Nearest Neighbor Methods for Interface Agents that Learn," 1997, 30 pages.	<input type="checkbox"/>
	7	Supplemental Invalidity Chart for Payne II (C-7) to Google's Fourth Supplemental Responses to PUM's First Set of Interrogatories; Payne et al., "Learning Mechanisms for Information Filtering Agents," 1995, 30 pages,	<input type="checkbox"/>
	8	Supplemental Invalidity Chart for Personal WebWatcher (C-5) to Google's Fourth Supplemental Responses to PUM's First Set of Interrogatories; Claim Chart of Personal WebWatcher, 26 pages.	<input type="checkbox"/>
	9	Supplemental Invalidity Chart for Refuah (C-8) to Google's Fourth Supplemental Responses to PUM's First Set of Interrogatories; Claim Chart of U.S. Patent No. 7,631,032 to Refuah et al, 40 pages.	<input type="checkbox"/>
	10	Supplemental Invalidity Chart for Schuetze (C-9) to Google's Fourth Supplemental Responses to PUM's First Set of Interrogatories; Claim Chart of U.S. Patent No. 6,567,797, 33 pages.	<input type="checkbox"/>
	11	Supplemental Invalidity Chart for Tan (C-11) to Google's Fourth Supplemental Responses to PUM's First Set of Interrogatories; Claim Chart of Ah-Hwee Tan, Christine Teo, Learning User Profiles for Personalized Information Dissemination, 25 pages.	<input type="checkbox"/>
	12	Supplemental Invalidity Chart for Wasfi (C-10) to Google's Fourth Supplemental Responses to PUM's First Set of Interrogatories; Ahmad M. Ahmad Wasfi, "Collecting User Access Patterns for building User Profiles and Collaborative Filtering," Proceedings of the 4th International Conference on Intelligent User interfaces, January 1999, 27 pages.	<input type="checkbox"/>
	13	Supplemental Invalidity Chart for WebWatcher (C-4) to Google's Fourth Supplemental Responses to PUM's First Set of Interrogatories; Claim Chart of WebWatcher, 31 pages.	<input type="checkbox"/>
	14	Google's Fourth Supplemental Objections and Responses to Plaintiff's First Set of Interrogatories (No. 13), 82 pages.	<input type="checkbox"/>
	15	Invalidity Chart for Asnicar (C-16) to Google's Fourth Supplemental Responses to PUM's First Set of Interrogatories; Claim Chart of Asnicar et al., "ifWeb: A Prototype of User Model-Based Intelligent Agent for Document Filtering and Navigation in the World Wide Web," Proceedings of the Workshop 'Adaptive Systems and User Modeling on the World Wide Web, 1997, 25 pages.	<input type="checkbox"/>
	16	Invalidity Chart for Barrett (C-17) to Google's Fourth Supplemental Responses to PUM's First Set of Interrogatories; Claim Chart of Barrett et al., "How to Personalize the Web," IBM Almaden Research Center Publication, 1997, 25 pages.	<input type="checkbox"/>

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MO	17	Invalidity Chart for Montebello (C-19) to Google's Fourth Supplemental Responses to PUM's First Set of Interrogatories; Claim Chart of M. Montebello, W.A. Gray, S. Hurley, A Personal Evolvable Advisor for WWW Knowledge-Based Systems, 21 pages.	<input type="checkbox"/>
	18	Invalidity Chart for Sakagami (C-20) to Google's Fourth Supplemental Responses to PUM's First Set of Interrogatories; Claim Chart of Hidekazu Sakagami, Tomonari Kamba, Learning Personal Preferences on Online Newspaper Articles from User Behaviors; 20 pages.	<input type="checkbox"/>
	19	Invalidity Chart for Stefani (C-18) to Google's Fourth Supplemental Responses to PUM's First Set of Interrogatories; Claim Chart of Anna Stefani and Carlo Strapparava, Personalizing Access to Web Sites: The SiteF Project, Proceedings of the 2nd Workshop on Adaptive Hypertext and Hypermedia HYPERTEXT'98, Pittsburgh, USA, June 20-24, 1998, 22 pages.	<input type="checkbox"/>
	20	Supplemental Invalidity Chart for Autonomy (C-14) to Google's Fourth Supplemental Responses to PUM's First Set of Interrogatories; Claim Chart of Autonomy's Agentware, 28 pages.	<input type="checkbox"/>
	21	Supplemental Invalidity Chart for Culliss (C-1) to Google's Fourth Supplemental Responses to PUM's First Set of Interrogatories; Claim Chart of U.S. Patent No. 6,182,068 to Culliss, 30 pages.	<input type="checkbox"/>
	22	WASFI, Ahmad M. Ahmad, Collecting User Access Patterns for Building User Profiles and Collaborative Filtering, School of Computer Sciences, University of Science, Malaysia; Penang 11800, Malaysia, 8 pages.	<input type="checkbox"/>
	23	TAN, Ah-Hwee et al, Learning User Profiles for Personalized Information Dissemination, Kent Ridge Digital Labs, 21 Heng Mui Keng Terrace, Singapore 119613, 6 pages	<input type="checkbox"/>
	24	HOFFERER, Max, et al., An Evolutionary Approach to Intelligent Information Filtering, Institute of Applied Computer Science and Information Systems, University of Vienna, Liebiggasse 4/3, A-1010 Vienna, Austria, 6 pages.	<input type="checkbox"/>
	25	KAMBA, Tomonari et al., The Krakatoa Chronicle - An Interactive, Personalized, Newspaper on the Web, http://www.w3.org/Conferences/WWW4/Papers/93/ , September 8, 2010, 11 pages.	<input type="checkbox"/>
	26	AUTONOMY, Autonomy Releases The First Intelligent Internet Software To Deliver Personalized Information on Demand; Los Angeles, California at Internet World Today, Autonomy, Inc., March 10, 1997, 3 pages.	<input type="checkbox"/>
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MB	28	ASNICAR, Fabio A et al., ifWeb: a Prototype of User Model-Based Intelligent Agent for Document Filtering and Navigation in the World Wide Web, Proceedings of the workshop " Adaptive Systems and User Modeling on the World Wide Web", Sixth International Conference on User Modeling, Chia Laguna, Sardinia, 2-5 June 1997, 7 pages.	<input type="checkbox"/>
	29	BARRET, Rob et al. How to Personalize the Web, IBM Almaden Research Center, 650 Harry Road, San Jose, California 95120, http://www.almaden.ibm.com/cs/wbi/papers/chi97/wbipaper.html , April 27, 2011, 13 pages.	<input type="checkbox"/>
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	34	GREEN, Claire L. et al., Towards Practical Interface Agents which Manage Internet-Based Information, Department of Computing Science, King's College, University of Aberdeen, Aberdeen, Scotland, AB9 2UE, 14 pages.	<input type="checkbox"/>
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✓	38	PAYNE, Terry R. et al, Learning Mechanisms for Information Filtering Agents, Department of Computing Science, King's College, University of Aberdeen, Aberdeen, Scotland, AB9 2UE, 14 pages.	<input type="checkbox"/>

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STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number		95001569
Filing Date		2011-03-14
First Named Inventor	Konig, Yochai	
Art Unit	3992	
Examiner Name	Banankhah, Majiid A.	
Attorney Docket Number	20001131-0003-007	

MB	39	Application Serial No. 09/597,975, Examiner Interview Summary mailed 12-11-03, 2 pgs	<input type="checkbox"/>
	40	Application Serial No. 09/597,975, Final Office Action mailed 06-04-04, 32 pgs	<input type="checkbox"/>
	41	Application Serial No. 09/597,975, Final Office Action mailed 12-03-03, 17 pgs	<input type="checkbox"/>
	42	Application Serial No. 09/597,975, Non Final Office Action mailed 01-29-04, 25 pgs	<input type="checkbox"/>
	43	Application Serial No. 09/597,975, Non Final Office Action mailed 06-04-03, 13 pgs	<input type="checkbox"/>
	44	Application Serial No. 09/597,975, Non Final Office Action mailed 07-08-05, 14 pgs	<input type="checkbox"/>
	45	Application Serial No. 09/597,975, Non Final Office Action mailed 11-17-04, 30 pgs	<input type="checkbox"/>
	46	Application Serial No. 09/597,975, Notice of Allowance mailed 09-22-05, 3 pgs	<input type="checkbox"/>
	47	Application Serial No. 09/597,975, Response filed 03-04-04 to Non Final Office Action mailed 01-29-04, 11 pgs	<input type="checkbox"/>
	48	Application Serial No. 09/597,975, Response filed 08-04-05 to Non Final Office Action mailed 07-08-05, 7 pgs	<input type="checkbox"/>
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	Attorney Docket Number	20001131-0003-007	

<i>MB.</i>	50	Application Serial No. 09/597,975, Response filed 09-04-03 to Non Final Office Action mailed 06-04-03, 10 pgs	<input type="checkbox"/>
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	Filing Date	2011-03-14
	First Named Inventor	6981040
	Art Unit	3992
	Examiner Name	Banankhah, Majid A.
Attorney Docket Number	20001131-0003-007	

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	Attorney Docket Number	20001131-0003-007

<i>MB</i>	1	PERSONALIZED USER MODEL LLP v. GOOGLE INC., Civ. No. 09-525-LPS, CLAIMS CONSTRUCTION OPINION, USDC D.DEL, 25-Jan-2012 (Unsealed 26-JAN-2012).	<input type="checkbox"/>
<i>MB</i>	2	PERSONALIZED USER MODEL LLP v. GOOGLE INC., Civ. No. 09-525-LPS, CLAIMS CONSTRUCTION ORDER, USDC D.DEL, 25-Jan-2012.	<input type="checkbox"/>

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