

EXHIBIT B

PARTIES' PROPOSED CONSTRUCTIONS & SUPPORT

A. U.S. Patent 6,446,045 (The ‘045 Patent)

* Designates a non-MPF term identified by the Plaintiff.

1.	means for applying corresponding guidelines of the media venues	1	<p><u>Agreed Function:</u> applying corresponding guidelines of the media venues</p> <p>Structure: computer software executable on a processor capable of (1) identifying one or more selected media venues for publication; (2) accessing data representing each identified media venue’s guidelines; (3) accessing data representing seller information; and (4) executing a systematic sequence of mathematical and/or logical operations upon the accessed seller information to create a presentation customized for each identified media venue in a form that complies with the accessed guidelines of that media venue, or equivalents</p> <p>(Presentation Generation Program 1710, Blocks (blocks 11230, 11232, 11290, 11292, 11294, 11300, 11312, 11320, Figs. 4d, 4e)</p> <p>Support: See, e.g., ‘045 Patent, 17:1 - 18:8; 18:63 - 19:65; 41:43 - 43:52; Figs. 4b-4e.</p>	<p>Google & Yahoo: This claim is indefinite because it lacks sufficient structure in the written description. <i>Biomedino LLC v. Waters Technology Corp.</i>, 490 F3.d 946, 952 (Fed. Cir. 2007).</p> <p>Google & Yahoo:</p> <p>Structure: a seller interface including a central processor, operating system, ROM, RAM, clock, communication port, video driver, video monitor, input devices (e.g., standard keyboard, mouse, or other replacement items), modem, network interface, data storage device, a presentation database including information related to the seller’s choice of media or venues as well as the presentation of their products, goods, or services; a seller database; a presentation rules database including information from the internet media venue to control and limit the style and editing of the presentations; and a Presentation & Configuration Program (which lacks any structural description).</p>
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				<p>Support: See, e.g., '045 Patent, 25:62-26:27:2; FIGS. 2a-2e; see also 17:25-38; 18:63-19:10; 27:55-28:9; 40:16-41:65; 54:60-56:17; 57:36-43; 57:51-57; FIGS. 2a-2e, 4a-4h; '059 Patent's File History, Request for Reconsideration, Paper 13, September 5, 2006, at pp. 18-19; '587 Patent's File History, Amendment and Response, Paper 9, August 12, 2003, at pp. 16-19; '045 Patent's File History, Amendment and Response, Paper 4, January 22, 2002, at pp. 5-11; see generally '045 Patent's File History, Re-exam Control No. 95/001,061, Response to Office Action (Dec. 23, 2008) (attempting to distinguish prior art); Id. at 8, n.5; Id. at 10 (citing '045 Patent at 58:2-5; 3:23-25).</p>
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2.	means for transmitting said presentations to a selected media venue of the media venues	1	<p>Agreed Function: transmitting said presentations to a selected media venue of the media venues.</p> <p>Structure: computer software executable on a processor capable of initiating a data transmission to a specified electronic destination, or equivalents</p> <p>(Presentation Generation Program 1710,</p>	<p>Google & Yahoo: This claim is indefinite because it lacks sufficient structure in the written description. Biomedino LLC v. Waters Technology Corp., 490 F.3d 946, 952 (Fed. Cir. 2007).</p> <p>Structure: On-demand, direct dial-up phone lines, network, or Internet connection between Seller Interface,</p>

			<p>Block 11390, Fig. 4g)</p> <p>Support: See, e.g. '045 Patent, 45:5-15, Fig. 4g and Fig. 4h.</p>	<p>Media Interface, and Central Controller and Presentation Processor; standard Internet connections between Buyer Interface and Central Presentation and Selection Server; and a high-speed network or Internet connection between Central Controller and Presentation Processor and Central Presentation and Selection Server. Connections between components may be accomplished by any combination of public switched phone network, cellular, Personal Communication System, dedicated data lines, microwave, private network, shared data network, or satellite network.</p> <p>Support: See, e.g., '045 Patent, 13:55-14:30; 41:58-42:14; see also 3:28-35; 4:47-5:23; 11:20-27; 19:31-65; 34:22-35-32; 43:28-44:16; 45:6-13; 51:1-23; 54:29-56:17; 57:36-43; 58:34-44; FIGS 4a-h; '059 Patent's File History, Request for Reconsideration, Paper 13, September 5, 2006, at pp. 16-17, 21.</p>
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3.	means for a seller to select the media venues	1	<p>Agreed Function: enabling a seller to select the media venues.</p> <p>Structure: computer software executable on a processor capable of presenting electronic forms allowing the selection of media venues, or equivalents</p> <p>(Presentation & Configuration Program 4715, Block 11130, Fig. 4a)</p> <p>Support: See, e.g., '045 Patent 27:55 - 28:9; 40:65 - 41:42; FIG.4a.</p>	<p>Google & Yahoo: This claim is indefinite because it lacks sufficient structure in the written description. <i>Biomedino LLC v. Waters Technology Corp.</i>, 490 F3.d 946, 952 (Fed. Cir. 2007).</p> <p>Google & Yahoo:</p> <p>Structure: a seller interface including a central processor, operating system, ROM, RAM, clock, communication port, video driver, video monitor, input devices (e.g., standard keyboard, mouse, or other replacement items), modem, network interface, data storage device, and further including a Presentation & Configuration Program (which lacks any structural description)..</p> <p>Support: See, e.g., '045 Patent 24:26-25:23; FIGS. 1a, 1b, 2c; see also 3:13-35; 24:26-25:23; 27:55-28:9; 40:65-41:21; 54:60-55:22; FIGS. 4a-h; '045 Re-exam, see generally '045 Patent's File History, Re-exam Control No. 95/001,061, Response to Office Action (Dec. 23, 2008) (attempting to distinguish prior art); Id. at 28.</p>
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<p>4.</p>	<p>means for the seller to input information; [whereby the seller may select one or more of the media venues, create a presentation that complies with said guidelines of the media venues selected, and transmit the presentation to the selected media venues for publication** *]</p> <p>*** Defendants ask the Court to construe the bracketed phrase with the non-</p>	<p>1</p>	<p>Function: enabling a seller to input information</p> <p>Structure: computer software executable on a processor capable of presenting electronic forms allowing the seller to input information, or equivalents</p> <p>(Presentation & Configuration Program 4715, Block 11140, Fig. 4a)</p> <p>Support: See, e.g., '045 Patent, 27:55 - 28:9; 54:60 - 56:17; FIG. 4a.</p>	<p>Google & Yahoo: This claim is indefinite because it lacks sufficient structure in the written description. <i>Biomedino LLC v. Waters Technology Corp.</i>, 490 F.3d 946, 952 (Fed. Cir. 2007).</p> <p>Google & Yahoo:</p> <p>Function: enabling the seller to input information to select one or more media venues, create a presentation that complies with said media guidelines of the selected media venues, and transmit the presentation to the selected media venues for publication.</p> <p>Structure: a seller interface including a central processor, operating system, ROM, RAM, clock, communication port, video driver, video monitor, input devices (e.g., standard keyboard, mouse, or other replacement items), modem, network interface, data storage device, and a Presentation & Configuration Program (which lacks any structural description).</p> <p>Support: See, e.g., '045 Patent, 24:26-25:23; 25:62-26:13; 26:14-47; 26:48-27:2; 41:66-42:14; FIGS. 1a, 1b, 2a-2e; see also 5:27-30; 12:63-13:3; 14:24-30; 17:25-38; 18:63-19:10; 27:48-28:40;</p>
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	<p>bracketed phrase, whereas Plaintiff contends that the whereby clause modifies more than just the non-bracketed phrase.</p>			<p>32:58-33:63; 40:17-64; 57:36-43; FIGS. 4a-h; '045 Patent's File History, Re-exam Control No. 95/001,061, Response to Office Action (Dec. 23, 2008) at 10 (citing '045 Patent at 58:2-5; 3:23-25).</p>
4a	<p>whereby the seller may select one or more of the media venues, create a presentation that complies with said guidelines of the media venues selected, and transmit the presentation to the selected media venues for publication</p>		<p>whereby the seller may select one or more of the supported media venues, input information for use by the computer programming in creating customized advertisements in accordance with the controls set by each media venue, and transmit each customized presentation to each respective media venue for publication</p> <p>Support: See, e.g., 045 Patent, 17:1 - 8: 8; 18:63 - 19:65; 27:55 - 28:9; 41:43 - 43:52; 54:60 - 56:17 Figs. 4d, 4e.</p>	<p>See row above. Defendants ask the Court to construe this phrase with the phrase above.</p>

5.	means for said media venues to input said guidelines and information	5	<p><u>Agreed Function:</u> enabling the media venues to input said guidelines and information.</p> <p>Structure: computer software executable on a processor capable of presenting electronic forms allowing the media venue to input guidelines and information for that media venue, or equivalents</p> <p>(Media Configuration Program 6717, Fig. 2e)</p> <p>Support: See, e.g., '045 Patent, 33:45 - 57; 53:54 - 54:59; FIG. 2e.</p>	<p>Google & Yahoo:</p> <p>Structure: a media interface including a central processor, operating system, ROM, RAM, clock communication ports, video driver, video monitor, input devices (e.g., standard keyboard, mouse, or other replacement items), modem, network interface, and data storage device.</p> <p>Support: See, e.g., '045 Patent, 30:60-31:17; FIGS. 1a, 1b, 2e; see also 12:63-13:3; 53:53-54:17.</p>
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6.	create a presentation that complies with said guidelines of the media venues selected	1	<p>produce a presentation customized to each of the selected media venue’s presentation rules</p> <p>Support: See, e.g., ’045 Patent, 1:1 - 23; 4:60 - 5:24; 5:52-61.</p>	<p>Google & Yahoo: create a presentation that complies with the guidelines of all the selected media venues.</p> <p>Support: See, e.g., ’045 Patent, 17:25-38; 18:63-19:23; 27:55-28:9; 40:65-41:42; 54:60-56:7; 57:36-43; 57:51-57; ’059 Patent’s File History, Request for Reconsideration, Paper 13, September 5, 2006, at pp. 18-19; 587 Patent’s File History, Amendment and Response, Paper 9, August 12, 2003, at pp. 16-19; see generally, ’045 Patent’s File History, Re-exam Control No. 95/001,061, Response to Office Action (Dec. 23, 2008) (attempting to distinguish prior art); Id. at 10 (citing ’045 Patent at 58:2-5; 3:23-25).</p>
7.	A method of using a network of computers to contract for, facilitate and control the creating and publishing of presentations, by a seller, to a plurality of media venues owned or controlled by other than seller,	1	<p>A method of using a computer network that facilitates and controls the creation and publication of presentations, by a seller, to multiple media venues owned or controlled by other than seller, that includes</p> <p>Support: See, e.g., ’045 Patent, 1:1-23; 4:60 - 5:24; 5:52-61.</p>	<p>Google: This claim is indefinite because to “use a network of computers to contract for, facilitate, and control, the creating and publishing of presentations, by a seller” is to exercise control over the internet media venue, and thus it conflicts with the requirement that the internet media venue is “controlled by other than the seller” (Also, the terms “network of computers,” “presentations,” and “contract for” were expressly defined.)</p> <p>Yahoo: A method of using the sellers’ computers, the media venues’ computers,</p>

	comprising			<p>and the Resident Media computers, that may communicate either continuously or on-demand for the purpose of sharing processing, transferring information and data to contract for, facilitate, and control the creating and publishing of presentations, by a seller, to a plurality of media venues owned or controlled by other than the seller, comprising</p> <p>Support: See, e.g., '045 Patent, 5:27-31; 12:63-13:3; 13:37-14:30; 17:67-18:8; 18:63-19:23; 24:26-25:11; 30: 60-31:53; 40: 16-45:13; 53:1-57:7; 57:39-43; FIGS. 1a, 1b, 2a-e.</p>
8.	media venue	<p>'045, claim 1; '025, claims 1 and 179; '059, claims 1 and 27</p>	<p>those physical or virtual locations (e.g. web servers, domain names, internet addresses, websites) where presentations are placed or made available to present the information within the framework of the media so that it is accessible by the end users, consumers, viewers, or buyers.</p> <p>Support: See, e.g., '025 Patent, 3:62 – 4:20; 10:50-67; 51:62 - 52:17; 58:51-67.</p>	<p>Google & Yahoo: those physical or virtual locations (i.e., addresses) where presentations are placed or made available to present the information within the framework of the media so that it is accessible by the end users, consumers, viewers, or buyers.</p> <p>Support: See, e.g., '045 Patent, 3:13-22; 3:58-4:1; 10:30-45; 51:1-10; 57:57-67.</p>

B. U.S. Patent 7,240,025 (The ‘025 Patent) & U.S. Patent 7,249,059 (The ‘059 Patent)

*1.	<p>create an electronic advertisement [for the seller, ‘059] for publication to the selected internet media venues</p>	<p>‘025 Patent, claims 1, 179</p> <p>‘059 Patent, claims 1, 27</p>	<p>produce an electronic advertisement in a form customized to each of the selected internet media venue’s presentation rules</p> <p>Support: See e.g. ‘025 Patent, Abstract; 3:19 - 4:28; 4:62 – 6:11; 17:50-65; 19:45 -20:49; 23:4-39; 43:31- 46:6; 51:62 - 52:17.</p> <p>Support:. See e.g. ‘059 Patent, Abstract; 3:65 - 4:19; 5:15-40; 6:55-67; 7:25-42; 8:14-25; 24:44 - 25:50; 55:6 -56:21; 64:6-20.</p>	<p>Google & Yahoo: create an advertisement for placement at all the internet media venue locations selected by the [seller/third party professional] for public display.</p> <p>Support: See, e.g., ‘025 Patent, Abstract; 3:19-40; 18:8-28; 19:46-20:6; 28:42-63; 41:60-42:37; 44:36-45; 55:60-57:15; 58:36-43; 58:51-57; FIGS. 4a-h. See, e.g., ‘059 Patent, Abstract, 4:30-5:3; 45:19-35; 70:25-71:3. See, e.g., 059 Patent’s File History, Request for Reconsideration, Paper 13, September 5, 2006, at pp. 18-19; ‘587 Patent’s File History, Amendment and Response, Paper 9, August 12, 2003, at pp. 16-19; ‘059 Re-exam, FM Response to 1st OA at 7; see generally, ‘045 Patent’s File History, Re-exam Control No. 95/001,061, Response to Office Action (Dec. 23, 2008) (attempting to distinguish prior art); Id. at 10 (citing ‘045 Patent at 58:2-5; 3:23-25); see generally, ‘059 Patent’s File History, Re-exam Control No. 95/001,069 (attempting to distinguish prior art).</p>
2.	<p>A computer system for creating and publishing</p>	<p>‘025 Patent, claims 1, 179</p>	<p>A computer system that produces for a seller and transmits for display on internet media venues not owned or</p>	<p>Google: the term “publishing” is expressly defined as “the act of placing or making available the presentation or information</p>

	<p>customized electronic advertisements, for a seller, to internet media venues owned or controlled by other than the seller, comprising:</p> <p>A method of using a computer system for creating and publishing customized electronic advertisements, for a seller, to internet media venues owned or controlled by other than the seller, comprising</p>		<p>controlled by the seller, electronic advertisements in a form customized to the presentation rules of each of the internet media venues, that includes</p> <p>A method of using a computer system that produces for a seller and transmits for display on internet media venues not owned or controlled by the seller electronic advertisements in a form customized to the presentation rules of each of the internet media venues, that includes</p> <p>Support: See e.g. ‘025 Patent, Abstract; 3:19 - 4:28; 4:62 – 6:11; 17:50-65; 19:45 -20:49; 23:4-39; 43:31- 46:6; 51:62 - 52:17.</p> <p>Support: See e.g. ‘059 Patent, Abstract; 3:65 - 4:19; 5:15-40; 6:55-67; 7:25-42; 8:14-25; 24:44 - 25:50; 55:6 -57:51; 64:6-20.</p>	<p>within the framework of media venue so that it is accessible by the end users, consumers, viewers, or Buyers.” By this definition, the act of publishing or the system that publishes is exercising control over the locations where presentations are made. As asserted against Defendants, this term is indefinite because the seller is controlling the creating and publishing to the Internet media venues, which must be owned or controlled by someone other than the seller. Claim 1 and its dependent claims are also indefinite because they mix different statutory classes of inventions by claiming a system and a user using the system. IPXL Holdings, L.L.C. v. Amazon.com LLC, 430 F.3d 1337, 1384 (Fed. Cir. 2005).</p>
3.	<p>A computer system allowing a third party professional to manage, create and publish customized</p>	<p>‘059 Patent, claims 1, 27</p>	<p>A computer system that allows a third party professional to manage, create and publish customized electronic advertisements, for a seller, to internet media venues owned or controlled by other than the seller and other than the third party professional, comprising</p>	<p>Google: These claims are indefinite because to “manage, create and publish customized electronic advertisements ... to internet media venues” is to exercise control over the internet media venue, and thus it conflicts with the requirement that the internet media venue is “controlled by</p>

	electronic advertisements, for a seller, to internet media venues owned or controlled by other than the seller and other than the third party professional, comprising		Support:. See e.g. ‘059 Patent, Abstract; 3:61 - 4:19; 4:30-6:19; 6:55-8:3; 22:27 - 25:50; 55:6 - 57:51; 64:6-20.	other than the seller and other than the third party professional.” Claim 1 and its dependent claims are also indefinite because it mixes different statutory classes of inventions by claiming a system and a user using the system. IPXL Holdings, L.L.C. v. Amazon.com LLC, 430 F.3d 1337, 1384 (Fed. Cir. 2005).
4.	A method of using a computer system allowing a third party professional to manage, create and publish customized electronic advertisements, for a seller, to internet media venues owned or controlled by other than the seller and other than the third party professional, comprising	‘059 Patent, claim 1	A method of using a computer system that allows a third party professional to manage, create and publish customized electronic advertisements, for a seller, to internet media venues owned or controlled by other than the seller and other than the third party professional, comprising Support:. See e.g. ‘059 Patent, Abstract; 3:61 - 4:19; 4:30-6:19; 6:55-8:3; 22:27 - 25:50; 55:6 - 57:51; 64:6-20.	Google: These claims are indefinite because to “manage, create and publish customized electronic advertisements... to internet media venues” is to exercise control over the internet media venue, and thus it conflicts with the requirement that the internet media venue is “controlled by other than the seller and other than the third party professional.” Claim 1 and its dependent claims are also indefinite because it mixes different statutory classes of inventions by claiming a system and a user using the system. IPXL Holdings, L.L.C. v. Amazon.com LLC, 430 F.3d 1337, 1384 (Fed. Cir. 2005)

5.	internet media venues	'025, claims 1 and 179; '059, claims 1 and 27	internet locations (e.g. web servers, domain names, internet addresses, websites) where presentations are placed or made available to present the information within the framework of the media so that it is accessible by the end users, consumers, viewers, or Buyers. Support: See, e.g., '025 Patent, 3:62 - 4:20; 10:50-67; 51:62 - 52:17; 58:51-67.	internet locations (i.e., addresses) where presentations are placed or made available to present the information within the framework of the media so that it is accessible by the end users, consumers, viewers, or Buyers Support: See, e.g., '025 Patent, 3:19-28; 3:62-4:5; 10:50-67; 51:62-52:4; 58:57-67.
6.	self-serve interface	'025 Patent, claims 6, 185	interface that the [internet media venue user/seller] uses without requiring the aid of anyone else Support: See e.g., '025 Patent, 41:10 - 42:60; D066739-40	Google & Yahoo: software and hardware at the [IMV/seller] location that the [IMV/seller] uses directly without the aid of anyone else. Support: See, e.g., '025 Patent, 6:3-11; 25:12 – 31:2; 31:48 – 35:11; 54:63-67; 55:63-67; FIGS. 2c, 2e, 4a; '045 Patent's File History, Re-exam Control No. 95/001,061, Response to Office Action (Dec. 23, 2008) at 2-3 (citing '045 Patent at 5:35-41).
7.	first interface to the computer system	'025 Patent, claims 1, 179	software that enables the internet media venue user to interact with the computer system. Support: See e.g. '025 Patent, 34:29-47; 54:53 - 55:58.	Google & Yahoo: software and hardware at the internet media venue location that enables an agent of the internet media venue to interact with the computer system. Support: See, e.g., '025 Patent, 13:40-47; 31:48 – 35:11; 54:63-67; Fig. 2e.

			<p>Support:. See e.g. ‘059 Patent, 41:22-40; 31:54-57; 74:30-75:33.</p> <p>See also, e.g, IEEE-STD 100 (1996), page 541, interface, definition 9(B) “a hardware or software component that connects two or more components for the purpose of passing information from one to the other”</p>	
8.	each of the internet media venues is prompted to input presentation rules	‘025 Patent, claim 1; ‘059 Patent, claim 1	<p>each internet media venue user is prompted to input presentation rules</p> <p>Support:. See e.g. ‘025 Patent, 34:35-47; 54:53 - 55:58.</p>	<p>Google & Yahoo: every one of the internet media venues is prompted to input presentation rules.</p> <p>Support: See, e.g., ’025 Patent, 34:35-47; 54:53 – 55:58; 59:1-8.</p> <p>Extrinsic Support: See, “each” at YHFM04853647 – “every one of two or more considered individually or one by one”</p>
9.	prompting each of the internet media venues... to input presentation rules	‘059 Patent, claim 27	<p>each internet media venue is prompted to input its presentation rules</p> <p>Support:. See e.g. ‘059 Patent, 41:22-40; 74:30-75:33.</p>	<p>Google & Yahoo: every one of the internet media venues is asked to input presentation rules.</p> <p>Support: See, e.g., ’025 Patent, 34:35-47; 54:53 – 55:58; 59:1-8.</p> <p>Extrinsic Support: See, “each” at YHFM04853647 – “every one of two or more considered individually or one by</p>

				one”
10.	selection information input by the seller	‘025 Patent, claims 20, 199	information input into the computer system by the seller that is used to select Support:. See e.g. ‘025 Patent, 8:51-54; 41:39-42:48.	Yahoo: information input by the seller to enable the seller to select one or more internet media venues. Support: See, e.g., ‘025 Patent, 3:19-40; 19:41-20:6; 28:42-63; 41:60-42:60; 55:60-56:29; ‘025 Patent, claims 20-26, 29-30 (and method claim equivalents); Fig. 4a (11130); ‘045 Patent’s File History, Re-exam Control No. 95/001,061, Response to Office Action (Dec. 23, 2008) at 28.
11.	presentation rules	‘025 Patent, claims 1, 179 ‘059 Patent, claims 1, 27	controls to be set by a media venue for use by the computer system programming in creating advertisements for publishing on that media venue Support:. See e.g. ‘025 Patent, 18:29-58; 19:45-55; 54:53-55:16. Support:. See e.g. ‘059 Patent, 23:5-34;24:44-54; 74:30-75:32.	Google & Yahoo: rules that control and limit the style and editing of the presentations created by the system. Support: See, e.g., ‘025 Patent, 3:19-40; 19:41-20:6; 28:42-63; 41:60-42:60; 55:60-56:29; ‘025 Patent, claims 20-26, 29-30 (and method claim equivalents); Fig. 4a (11130); ‘045 Patent’s File History, Re-exam Control No. 95/001,061, Response to Office Action (Dec. 23, 2008) at 28.
12.	design or style standards	‘025 Patent, claims 7,62, 63, 226, 241, 242	presentation rules which control the look and feel of an advertisement Support: defined in claim itself Support:. See e.g. ‘025 Patent, 9:22-26.	Google & Yahoo: this term is indefinite because it is unclear what the term means or does not mean. Support: See, e.g., ‘025 Patent, 9:22-26; 55:4-17; ‘587 Patent’s File History,

				Amendment and Response, Paper 9, August 12, 2003, at pp. 16-19.
13.	control look and feel of the advertisement	'025 Patent, claims 47, 62, 63, 226, 241, 242	control the appearance of an advertisement Support: See e.g. '025 Patent, 5:10-27; 9:22-26.	Google & Yahoo: this term is indefinite because it is unclear what the term means or does not mean. Support: See, e.g., '025 Patent, 9:22-26; 55:4-17; '587 Patent's File History, Amendment and Response, Paper 9, August 12, 2003, at pp. 16-19.
14.	computer program design filter	'025 Patent, claims 47, 62, 63	software that processes design or style standards Support: See e.g. '025 Patent, Abstract; 3:19 - 4:28; 4:62 - 6:11; 17:50-65; 19:45 - 20:49; 23:4-39; 43:10 - 44:45; 51:62 - 52:17.	Google & Yahoo: this term is indefinite because it has no ordinary meaning nor support in the written description. Support: See, e.g., '025 Patent, 5:4-9; 19:46-20:14; 28:42-63; 41:60-42:60; 43:31-44:19; 51:62-52:17.
15.	automatically applying or compare/ing the internet media venue design or style standards to the information input by the seller or the advertisement	'025 Patent, claims 47, 62, 63, 226, 241, 242, 269, 270	execute/ing a systematic sequence of mathematical and/or logical operations to apply or compare the internet media venue's design or style standards to the information input by the seller or to the advertisement Support: See e.g. '025 Patent, Abstract; 3:19 - 4:28; 4:62 - 6:11; 17:50-65; 19:45 - 20:49; 23:4-39; 43:10 - 44:45; 51:62 - 52:17.	Google & Yahoo: these terms are indefinite at least because of the multiple, cascading "or" in the claims themselves, and particularly because the "information" must be input by the seller "or" the [text] advertisement. Support: See, e.g., '025 Patent, 5:4-9; 5:28-34; 19:46-20:14; 28:42-63; 41:60-42:60; 43:31-44:19; 51:62-52:17; 58:35-42; '587 Patent's File History, Amendment and Response, Paper 9, August 12, 2003, at pp. 16-19; see

				generally, '045 Patent's File History, Re-exam Control No. 95/001,061, Response to Office Action (Dec. 23, 2008) (attempting to distinguish prior art); see generally, '059 Patent's File History, Re-exam Control No. 95/001,069 (attempting to distinguish prior art).
16.	automatically apply/ing or compare/ing the internet media venue distribution factors to the information input by the seller or the advertisement	'025 Patent, claims 79, 90, 91, 258, 269, 270	execute/ing a systematic sequence of mathematical and/or logical operations to apply or compare the internet media venue's distribution factors to the information input by the seller or to the advertisement Support: See e.g. '025 Patent, Abstract; 3:19 - 4:28; 4:62 – 6:11; 17:50-65; 19:45 - 20:49; 23:4-39; 43:10 – 44:45; 51:62 - 52:17.	Google & Yahoo: these terms are indefinite at least because of the multiple, cascading “or” in the claims themselves, and particularly because the “information” must be input by the seller “or” the [text]advertisement. Support: See, e.g., '025 Patent, 5:4-9; 5:28-34; 19:46-20:14; 28:42-63; 41:60-42:60; 43:31-44:19; 51:62-52:17; 58:35-42; '587 Patent's File History, Amendment and Response, Paper 9, August 12, 2003, at pp. 16-19; see generally, '045 Patent's File History, Re-exam Control No. 95/001,061, Response to Office Action (Dec. 23, 2008) (attempting to distinguish prior art); see generally, '059 Patent's File History, Re-exam Control No. 95/001,069 (attempting to distinguish prior art).
17.	automatically...applyin g or comparing the internet media venue presentation rules to the	'025 Patent, claim 319	execute a systematic sequence of mathematical and/or logical operations to apply or compare the internet media venue's presentation rules to the information input by	Google & Yahoo: these terms are indefinite at least because of the multiple, cascading “or” in the claims themselves, and particularly because the

	information input by the seller or the advertisement		<p>the seller or the advertisement</p> <p>Support: See e.g. ‘025 Patent, Abstract; 3:19 - 4:28; 4:62 – 6:11; 17:50-65; 19:45 - 20:49; 23:4-39; 43:10 – 44:45; 51:62 - 52:17.</p>	<p>“information” must be input by the seller “or” the [text]advertisement.</p> <p>Support: See, e.g., ’025 Patent, 5:4-9; 5:28-34; 19:46-20:14; 28:42-63; 41:60-42:60; 43:31-44:19; 51:62-52:17; 58:35-42; ‘587 Patent’s File History, Amendment and Response, Paper 9, August 12, 2003, at pp. 16-19; see generally, ’045 Patent’s File History, Re-exam Control No. 95/001,061, Response to Office Action (Dec. 23, 2008) (attempting to distinguish prior art); see generally, ‘059 Patent’s File History, Re-exam Control No. 95/001,069 (attempting to distinguish prior art).</p>
18.	distribution factors	‘025 Patent, claims 79, 90, 91, 258, 269, 270	<p>rules concerning whether advertising content may be published on a particular media venue</p> <p>Support: See e.g. ‘025 Patent, 18:29-58. See also examples in dependent claims.</p>	<p>Google & Yahoo: information about where the internet media venue will make the advertisement available, such as billboards, skywriters, bus benches, radio, interactive kiosk, and any other form of customer</p> <p>Support: See, e.g., ’025 Patent, 3:19-43; 51:62-52:20; 55:60-56:21; 58:51-59:8.</p>
19.	computer program distribution filter	‘025 Patent, claims 79, 90, 91	<p>software that processes distribution factors</p> <p>Support: See e.g. ‘025 Patent, Abstract; 3:19 - 4:28; 4:62 – 6:11; 17:50-65; 19:45 - 20:49; 23:4-39; 43:10 – 44:45; 51:62 - 52:17.</p>	<p>Google & Yahoo: this term is indefinite because it has no ordinary meaning nor support in the written description.</p> <p>Support: See, e.g., ’025 Patent, 3:19-43; 51:62-52:20; 55:60-56:21; 58:51-59:8.</p>

20.	blocked URLs	'025 Patent, claim 81	<p>internet locations that are precluded from displaying a presentation</p> <p>Support: See e.g. '025 Patent, 18:29-58.</p> <p>WEBSTER'S NEW WORLD DICTIONARY OF COMPUTER TERMS 7TH ED. (1999) P. 544, definition of "URL"; "Acronym for Uniform Resource Locator. In the World Wide Web, one of two basic kinds of Universal Resource Identifiers (URI), a string of characters that precisely identifies an Internet resource's type and location."</p>	<p>Google & Yahoo: this term is indefinite because it unclear what it means in view of the written description.</p> <p>Support: See, e.g., '025 Patent, 18:29-50; 27:35-56; 33:48-34:3.</p>
21.	a second interface to the computer system through which a seller is prompted to input information to select one or more of the internet media venues	'025 Patent, claims 1, 179	<p>software that enables the seller user to interact with the computer system through which the seller user is prompted to enter information to select one or more internet media venues</p> <p>Support: See e.g. '025 Patent, 28:35 – 63; 41:10-42:48; 55:60-57:15.</p>	<p>Google & Yahoo: software and hardware at the seller location in communication with the computer system through which the seller is prompted to enter information to enable the seller to select one or more internet media venues.</p> <p>Support: See, e.g., '025 Patent, 3:19-40;5:31-34; 13:40-47; 15:3-9; 18:8-28; 18:50-58; 19:55-60; 25:12-40; 28:35-29:27; 41:10-42:16; 55:60-56:22; 58:36-43; FIGS. 1a, 1b, 2c; 4a-h; claims 1, 20-30 of the '025 Patent (see also method equivalent claims 179-397); '045 Patent's File History, Re-exam Control No. 95/001,061, Response to Office Action (Dec. 23,</p>

				2008) at 28.
22.	third party professional is prompted to input information to select one or more the internet media venues	'059 Patent, claim 1	third-party professional is prompted to input information used to select one or more internet media venues Support: See e.g. '059 Patent, 45:19-35; 69:22-71:3; 75:34 - 77:3.	Google: The third party professional is prompted to enter information to enable the third party professional to select one or more internet media venues Support: Abstract; 4:30-5:3; 45:19-35; 70:25-71:3; '059 Re-exam, FM Response to 1st OA at 12-13, 15; '045 Patent's File History, Re-exam Control No. 95/001,061, Response to Office Action (Dec. 23, 2008) at 28.
23.	prompting the third party professional...to input information to select one or more of the internet media venues	'059 Patent, claim 27	prompting the third-party professional to input information used to select one or more internet media venues Support: See e.g. '059 Patent, 45:19-35; 69:22 - 71:3; 75:34 - 77:3.	Google: The third party professional is prompted to enter information to enable the third party professional to select one or more internet media venues Support: Abstract; 4:30-5:3; 45:19-35; 70:25-71:3; '059 Re-exam, FM Response to 1st OA at 12-13, 15; '045 Patent's File History, Re-exam Control No. 95/001,061, Response to Office Action (Dec. 23, 2008) at 28.
24.	advertisement generation program	'025 Patent, claim 148	software that displays an electronic advertisement Support: claims 143 and 144 themselves. Support: See e.g. '025 Patent, Abstract; 3:19 - 4:28; 4:62 - 6:11; 17:50-65; 19:45 -20:49; 23:4-39;	Google: this term is indefinite because it has no ordinary meaning and no support in the written description. Yahoo: advertising software at the internet media venue location

			43:31- 46:6; 51:62 - 52:17.	Support: See, e.g., '025 Patent, 3:32-40; 19:46-20:14; 28:42-63; 41:10-59; 43:31-44:45; 51:62-52:17; 52:28-42; 59:9-15.
25.	processing...the electronic advertisement... in compliance with the presentation rules of the internet media venue	'025, claims 1 and 179; '059, claims 1 and 27	<p>executing a systematic sequence of mathematical and/or logical operations upon the inputted information to create an electronic advertisement customized for each selected internet media venue in a form that complies with the presentation rules set by that media venue</p> <p>Support: See e.g. '025 Patent, Abstract; 3:19 - 4:28; 4:62 – 6:11; 17:50-65; 19:45 - 20:49; 23:4-39; 43:31- 46:6; 51:62 - 52:17.</p> <p>Support:. See e.g. '059 Patent, Abstract; 3:61 - 4:19; 4:30-6:19; 6:55-8:3; 22:27 - 25:50; 55:6 - 57:51; 64:6-20.</p> <p>See also D066743-52</p>	<p>Google: this claim is indefinite because the “in compliance with the presentation rules of the internet media venue” language does not specify which internet media venue’s presentation rules must be complied with.</p> <p>Yahoo: obtaining and applying the presentation rules from the first database to create the electronic advertisement in compliance with the presentation rules of the internet media venue.</p> <p>Support: See, e.g., '025 Patent, 5:4-9; 5:28-34; 19:46-20:14; 28:42-63; 41:60-42:60; 43:31-44:19; 51:62-52:17; 58:35-42; '587 Patent’s File History, Amendment and Response, Paper 9, August 12, 2003, at pp. 16-19; see generally, '045 Patent’s File History, Re-exam Control No. 95/001,061, Response to Office Action (Dec. 23, 2008) (attempting to distinguish prior art); see generally, '059 Patent’s File History, Re-exam Control No. 95/001,069 (attempting to distinguish prior art).</p>
*26.	a computer controller	'025 Patent,	a computer processor of the computer system	Yahoo: “processing . . . the electronic

<p>of the computer system processing and publishing the electronic advertisement to one or more of the selected internet media venues in compliance with the presentation rules of the internet media venue, whereby the electronic advertisement is displayed on each of the one or more of the selected internet media venues in compliance with the presentation rules of the internet media venue</p>	<p>claims 1, 179; '059 Patent, claims 1, 27</p>	<p>executing a systematic sequence of mathematical and/or logical operations upon the inputted information to create an electronic advertisement customized for each selected internet media venue in a form that complies with the presentation rules set by that internet media venue and placing or making available the customized electronic advertisement within the framework of each internet media venue so that it is accessible by the end users, consumers, viewers, or buyers so that the electronic advertisement is displayed on each internet media venue in a form customized to each internet media venue's presentation rules</p> <p>Support: See e.g. '025 Patent, Abstract; 3:19 - 4:28; 4:62 – 6:11; 17:50-65; 19:45 - 20:49; 23:4-39; 43:31- 46:6; 51:62 - 52:17.</p> <p>Support:. See e.g. '059 Patent, Abstract; 3:61 - 4:19; 4:30-6:19; 6:55-8:3; 22:27 - 25:50; 56:12-21; 64:6-20.</p> <p>See also D066743-52</p>	<p>advertisement” means “obtaining and applying the presentation rules from the first database to create the electronic advertisement”</p> <p>Google & Yahoo: “publishing the electronic advertisement to one or more of the selected internet media venues” means placing the electronic advertisement at the internet media venue location for public display;</p> <p>“whereby the electronic advertisement is displayed on each of the one or more internet media venues” means the advertisement is displayed on every one of the internet media venue locations selected by the seller “in compliance with the presentation rules of the internet media venue” is indefinite because the language does not specify which internet media venue's presentation rules must complied with.</p> <p>Extrinsic Support: See, “each” at YHFM04853647 – “every one of two or more considered individually or one by one”</p> <p>Support: See, e.g., '025 Patent, 3:19-40; 5:10-27; 11:48-56; 18:8-28; 19:46-20-49; 28:42-63; 35:13-36:23;</p>
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27.	publish the advertisement to the internet media venue	'025 Patent, claim 79, 90, 258, 269	placing or making available the customized electronic advertisement within the framework of each internet media venue so that it is accessible by the end users, consumers, viewers, or Buyers Support: See e.g. '025 Patent, 45: 65- 46:7.	Google & Yahoo: place the advertisement at the internet media venue location for public display. Support: See, e.g., '025 Patent, 3:32-40; 5:10-27; 11:48-56; 20:7-49; 35:13-36:23; 42:53-60; 44:23-45:9; 45:66-46:6; 51:62-52:17; 55:28-57:15; 58:36-43; 59:34-44; FIGS. 4a-h; '059 Patent's File History, Request for Reconsideration, Paper 13, September 5, 2006, at pp. 16-17, 21.
28.	publishing the modified or reformatted advertisement through the computer controller to the one or more of the selected internet media venues for display by an	'025 Patent, claim 148	the computer processor places or makes available the modified or reformatted advertisement within the framework of each internet media venue so that it is accessible by the end users, consumers, viewers, or buyers for display by an advertisement generation program in compliance with the internet media venue presentation rules	Google & Yahoo: placing the modified or reformatted advertisement at the internet media venue location for public display using the computer controller. Support: See, e.g., '025 Patent,

	advertisement generation program in compliance with the internet media venue presentation rules		Support: See e.g. '025 Patent, Abstract; 3:62-4:20; 4:64-5:9; 43:31- 46:6; 51:62-52:17. See in particular 45: 65- 46:7.	3:32-40; 5:10-27; 11:48-56; 20:7-49; 35:13-36:23; 42:53-60; 43:54-45:9; 44:23-45:9; 45:66-46:6; 51:62-52:17; 55:28-57:15; 58:36-43; 59:34-44; FIGS. 4a-h; '059 Patent's File History, Request for Reconsideration, Paper 13, September 5, 2006, at pp. 16-17, 21.
29.	computer controller processes the advertisement by automatically applying or comparing the internet media venue presentation rules to the information input by the seller or the advertisement	'025 Patent, claim 140	Computer processor executes a systematic sequence of mathematical and/or logical operations upon the inputted information or advertisement to create an advertisement customized for each selected internet media venue in a form that complies with the presentation rules set by that internet media venue by applying or comparing the presentation rules of the internet media venue to the information input by the seller or the advertisement Support: See e.g. '025 Patent, Abstract; 3:19 - 4:28; 4:62 – 6:11; 17:50-65; 19:45 - 20:49; 23:4-39; 43:31- 46:6; 51:62 - 52:17.	Google & Yahoo: these terms are indefinite at least because of the multiple, cascading “or” in the claims themselves, and particularly because the “information” must be input by the seller “or” the [text] advertisement. Support: See, e.g., '025 Patent, 5:4-9 19:46-20:14; 28:42-63; 41:60-42:60; 43:31-44:19; 51:62-52:17; '587 Patent, Amendment and Response, Paper 9, August 12, 2003, at pp. 16-19; '045 Patent's File History, Re-exam Control No. 95/001,061, Response to Office Action (Dec. 23, 2008) at 10 (citing '045 Patent at 58:2-5; 3:23-25); see generally, '059 Patent's File History, Re-exam Control No. 95/001,069 (attempting to distinguish prior art).
30.	third interface to the computer system	'059, claim 1 and 27	software that enables the third party professional user to interact with the computer system Support: See e.g. '059 Patent, 45:19-35;	software and hardware at the third party professional location that enables the third party professional to interact with the computer system.

			69:22-71:3; 75:34 – 77:3.	Support: See e.g. '059 Patent, Fig. 2f; 42:5 -46:3.
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