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patent. However, case-based reasoning is not related to, but is instead distinct from, logistic regression and gradient descent.

**X. TO THE EXTENT THAT THE ASSERTED CLAIMS ARE READ TO COVER SEARCH QUERIES, THEY ARE INVALID FOR LACK OF ADEQUATE WRITTEN DESCRIPTION.**

276. I have been informed by counsel that to meet the written description requirement, an application must describe an invention, and do so in sufficient detail, that one skilled in the art can clearly conclude that the inventor invented the full scope of the claimed invention as of the filing date sought. I understand the question is not whether a claimed invention is an obvious variant of that which is disclosed in the specification.

277. I am of the opinion that at the time the '947 patent was filed, one of ordinary skill in the art would not understand that the specification described in sufficient detail an invention to receive, interpret, and retrieve one or more responses to an Internet search query, an Internet user's click or a web page, which I understand is what Plaintiff contends meets the non-interactive electronic message limitation in the accused products.

**XI. MATERIALITY OF OMITTED REFERENCES.**

278. As I demonstrate above,<sup>30</sup> the EZ Reader product as described in Rice et al. 1996 and in the EZ Reader User's Guide invalidates all of the asserted claims of the '947 patent because it was in public use in the United States more than one year prior to the date of the patent application.

279. The EZ Reader product is not cumulative of the references that were before the examiner. Rice et al. 1996 discloses the use of a rule base and a case base for electronic message interpretation, which is an element of the '947 patent claim 26. I have examined each of the

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<sup>30</sup> *see supra*, section VI.D.