

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

PA ADVISORS, LLC

Plaintiff,

v.

GOOGLE, INC., et al.,

Defendants

Civil Action No. 2:07-CV-480

**PA ADVISORS, LLC'S DISCLOSURE OF ASSERTED CLAIMS AND
INFRINGEMENT CONTENTIONS**

In accordance with the Court's Scheduling Order and P.R. 3-1 and 3-2, PA Advisors, LLC ("PA Advisors") provides the following Disclosure of Asserted Claims and Infringement Contentions relative to Defendants Google Inc. ("Google"), Yahoo! Inc. ("Yahoo"), and 24/7 Real Media, Inc ("24/7 Real Media"). This disclosure is made solely for the purpose of this action.

Discovery in this matter is at a very early stage and is ongoing. The Defendants have not yet produced any documents and things, or provided any deposition testimony or other discovery in this action. PA Advisors' investigation regarding these and other potential grounds of infringement is ongoing. This patent rule disclosure is therefore based upon information that PA Advisors has been able to obtain publicly, together with PA Advisors' current good faith beliefs regarding the Accused Instrumentalities, and is given without prejudice to PA Advisors' right to obtain leave to supplement or amend its disclosure as additional facts are ascertained, analyses is made, research is completed and claims are construed.

These disclosures are based at least in part upon PA Advisors' present understanding of the meaning and scope of the claims of U.S. Patent No. 6,199,067 ("the '067 patent") in the absence of claim construction proceedings or discovery. PA Advisors reserves the right to seek leave to supplement or amend these disclosures if its understanding of the claims changes, including if the Court construes them.

Patent Rule 3-1(a)

Based on the information presently available, PA Advisors states that Google and Yahoo (and any of their predecessors in interest) infringe at least claims 1,3, 4, 6, 43, 45, 47, 56, 60 and 61 of the '067 patent. Further, PA Advisors states that 24/7 Real Media (and any of their predecessors in interest) infringe at least claims 1, 3, 4 6, 45, 47, 60 and 61 of the '067 Patent. See Examples in the Google Exhibit, Yahoo Exhibit, and 24/7 Real Media Exhibit.

Patent Rule 3-1(b)

Google:

The claims asserted against Google (see claims charted in the examples provided in the Google Exhibit) are directed to various claimed methods and systems comprising a data processing method for enabling a user to locate desired data, for example using a search query, and using a computer, a data processing method for generating a user data profile, and a data processing system for enabling a user to locate desired data, for example, the servers and other computers used in connection with the www.google.com website, including Google Search (including Web Search, Advanced Search, iGoogle, and Google Toolbar), including Google AdWords and/or Google AdSense, including such methods and systems used in connection Gmail (including related and linked websites and webpages) (collectively "Google Search" or the "Accused Instrumentalities").

The Accused Instrumentalities further include any methods systems and/or apparatuses, comprising, linked with, functionally operational with and/or integrated with Google Search, including any insubstantially different versions thereof, and including predecessor versions thereof, and further including any of Google's other methods or apparatuses that function in the same or similar fashion, since August 27, 2001.

In addition, upon information and belief, Google has methods which are presently either not known or not understood by PA Advisors, including search and advertising methods whose operation is not publicly known. PA Advisors cannot know how such systems function without discovery. PA Advisors intends to take formal discovery of such methods. In addition, PA Advisors expects that Google will disclose any other methods and/or systems that function the same or similar to the Accused Instrumentalities or that otherwise fall within the scope of PA Advisors's discovery requests and/or Google's disclosure obligations. Accordingly, PA Advisors reserves the right to supplement and/or amend these infringement contentions in accordance with P.R. 3-6.

Yahoo:

The claims asserted against Yahoo (see claims charted in the examples provided in the Yahoo Exhibit) are directed to various claimed methods and systems comprising a data processing method for enabling a user to locate desired data, for example using a search query, and using a computer, a data processing method for generating a user data profile, and a data processing system for enabling a user to locate desired data, for example, the servers and other computers used in connection with the www.yahoo.com website, including Yahoo! Search (including Web Search, Advanced Web Search, Yahoo! Shopping, Yahoo! Product Search, My Yahoo! Search, Y!Q Beta Search, Yahoo! MyWeb Search, and Yahoo! Toolbar) and Yahoo!

Search Marketing (including Yahoo! Sponsored Search and Yahoo! Product Submit) (including related and linked websites and webpages) (collectively “Yahoo! Search” or the “Accused Instrumentalities”).¹

The Accused Instrumentalities further include any methods systems and/or apparatuses, comprising, linked with, functionally operational with and/or integrated with Yahoo Search, including any insubstantially different versions thereof, and including predecessor versions thereof, and further including any of Yahoo’s other methods or apparatuses that function in the same or similar fashion, since August 27, 2001.

In addition, upon information and belief, Yahoo has methods which are presently either not known or not understood by PA Advisors, including search and advertising methods whose operation is not publicly known. PA Advisors cannot know how such systems function without discovery. PA Advisors intends to take formal discovery of such methods. In addition, PA Advisors expects that Yahoo will disclose any other methods and/or systems that function the same or similar to the Accused Instrumentalities or that otherwise fall within the scope of PA Advisors’s discovery requests and/or Yahoo’s disclosure obligations. Accordingly, PA Advisors reserves the right to supplement and/or amend these infringement contentions in accordance with P.R. 3-6.

24/7 Real Media:

The claims asserted against 24/7 Real Media (see claims charted in the examples provided in the 24/7 Real Media Exhibit) are directed to various claimed methods and systems comprising a data processing method for enabling a user to locate desired data, for example

¹ In addition, on information and belief, Yahoo’s Accused Instrumentalities comprise method for automatically processing a non-interactive electronic message in connection methods relating to Google’s AdSense for Search. Accordingly, Plaintiff’s infringement contentions relating to Google are incorporated herein by reference.

using a search query, and using a computer, a data processing method for generating a user data profile, and a data processing system for enabling a user to locate desired data, for example, the servers and other computers used in connection with the 24/7 Real Media's services, as discussed on its website, including 24/7 Real Media Products & Services (including at least one or more of Search Marketing Services, Advertising Management, and Digital Media), including 24/7 Real Media Advertiser Solutions (including at least one or more of Digital Advertising, Precision targeting (including Behavioral, Demographic, Technographic, Retargeting, Geo-dem, Daypart, Content, Keyword/Search, and Custom targeting), Video and rich media advertising, and Search marketing), including 24/7 Real Media Publisher Solutions (including at least one or more of Advertising Management, Web Site representation, Lead Generation, and Targeting and Retention) (collectively "24/7 Real Media Services" or the "Accused Instrumentalities").

The Accused Instrumentalities further include any methods systems and/or apparatuses, comprising, linked with, functionally operational with and/or integrated with 24/7 Real Media Search, including any insubstantially different versions thereof, and including predecessor versions thereof, and further including any of 24/7 Real Media's other methods or apparatuses that function in the same or similar fashion, since August 27, 2001.

In addition, upon information and belief, 24/7 Real Media has methods which are presently either not known or not understood by PA Advisors, including search and advertising methods whose operation is not publicly known. PA Advisors cannot know how such systems function without discovery. PA Advisors intends to take formal discovery of such methods. In addition, PA Advisors expects that 24/7 Real Media will disclose any other methods and/or systems that function the same or similar to the Accused Instrumentalities or that otherwise fall within the scope of PA Advisors' discovery requests and/or 24/7 Real Media's disclosure

obligations. Accordingly, PA Advisors reserves the right to supplement and/or amend these infringement contentions in accordance with P.R. 3-6. **Patent Rule 3-1(c)**

Based on the information presently available, PA Advisors provides the charts at the Google Exhibit and the Yahoo Exhibit. Such charts contain representative examples of infringement by the Accused Instrumentalities.

PA Advisors contends that the asserted claims are directly infringed by at least the making and using, including hosting, of the Accused Instrumentalities. Additionally, or in the alternative, if Defendants are deemed not to directly infringe the asserted claims, then PA Advisors contends the Defendants indirectly infringe such claims. Without limitation, PA Advisors contends that Defendants indirectly infringe the asserted claims by actively and knowingly aiding and abetting others -- including without limitation the end users of the Accused Instrumentalities, and/or, on information and belief, any web hosts or other service providers who make or use the Accused Instrumentalities -- to directly infringe the asserted claims of the '067 patent once the Defendants knew of the '067 patent. Additionally, or in the alternative, PA Advisors contends on information and belief that Defendants indirectly infringe the asserted claims by contributing to the infringement by others, including without limitation by end users of the Accused Instrumentalities, and/or, on information and belief, any web hosts or other service providers who make or use the Accused Instrumentalities, because Defendants knew that the combination for which their components were especially made was both patented and infringing and that Defendants' components have no substantial non-infringing uses. Additionally, or in the alternative, if Defendants are deemed not to directly infringe the asserted claims, then PA Advisors contends that Defendants jointly infringe such claims, including without limitation with end users of the Accused Instrumentalities, and/or, on information and belief, any web hosts or

other service providers who make or use the Accused Instrumentalities, under Defendants' direction and/or control.

IV. Patent Rule 3-1(d)

At this time, based on the information presently available, it appears that each element of each asserted claim is literally infringed by the Accused Instrumentalities. To the extent any limitation of the asserted claims are found to not be present literally, then PA Advisors contends that if there are any differences between the claim elements and the Accused Instrumentalities, the differences are insubstantial, and the instrumentalities would therefore infringe under the doctrine of equivalents.

V. Patent Rule 3-1(e)

The asserted claims of the '067 patent claim priority to U.S. Provisional Application Serial No. 60/116,582, filed Jan. 20, 1999. Upon information and belief, each asserted claim is entitled, via its earliest effective filing date, at least to the priority date of at least Jan. 20, 1999, and, upon information and belief, each asserted claim may be entitled to a priority date of at least a year prior.

VI. Patent Rule 3-1(f)

PA Advisors does not claim that its own apparatus, product, device, process, method, act, or other instrumentality practices the invention claimed by the '067 patent.

PA ADVISORS'S ACCOMANYING DOCUMENT PRODUCTION

PA Advisors identifies the following documents, which may correspond to P.R. 3-2 categories (a), (b), and (c).

P.R. 3-2(a):

A document that may be seen as relating to discussions with, disclosures to, or other manner of providing to a third party, or sale of or offer to sell, the claimed invention of the '067 patent prior to the date of application is marked PA952-976.

P.R. 3-2(b):

Except for any documents in the file history for the '067 patent (see below), and possibly the documents marked PA1-951, PA Advisors does not have possession, custody, or control of other documents relating to the conception, reduction to practice, design, and development of each claimed invention.

P.R. 3-2(c):

The file history for the '067 patent is produced herewith labeled as PA992-1180.

August 22, 2008

Respectfully submitted,

By: /s/ Patrick R. Anderson

Andrew Wesley Spangler

Spangler Law PC

208 N. Green St.

Suite 300

Longview, TX 75601

903-753-9300

Fax: 903-553-0403

Email: spangler@spanglerlawpc.com

Jonathan T. Suder

Michael T. Cooke

Friedman Suder & Cooke

604 East 4th Street, Suite 200

Fort Worth, TX 76102

817/334-0400

Fax: 18173340401

Email: jts@fsclaw.com

Email: mtc@fsclaw.com

David Michael Pridham

David Pridham

Law Office of David Pridham

25 Linden Road

Barrington, RI 02806

401-633-7247

Fax: 401-633-7247

Email: david@PridhamIPLaw.com

Joseph Diamante

Jenner & Block LLP - NY

919 Third Avenue

New York, NY 10022

212/891-1600

Fax: 212/909-0811

Email: jdiamante@jenner.com

Patrick Rolf Anderson

Patrick R. Anderson, PLLC

4225 Miller Rd.

Bldg. B-9

Suite 358

Flint, MI 48507

517-303-4806

Fax: 248-928-9239

Email: patrick@praplhc.com

***ATTORNEYS FOR PLAINTIFF
PA ADVISORS, LLC***

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served at least via e-mail on this date to counsel of record for Defendants.

August 22, 2008

/s/ Patrick R. Anderson