

EXHIBIT 12



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

DS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

08/798,747 02/13/97 SKILLEN R 6-16

EXAMINER

LM02/1221

JOHN A GRANCHELLI
NORTHERN TELECOM LIMITED
PATENT DEPARTMENT
PO BOX 3511 STATION C
OTTAWA ON K1Y 4H7
CANADA

ART UNIT	PAPER NUMBER
----------	--------------

LINTZ, P
2771
DATE MAILED:

6

AIR MAIL


12/21/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No. 08/798,747	Applicant(s) Skillen et al.
Examiner Paul R. Lintz	Group Art Unit 2771



X Responsive to communication(s) filed on Oct 8, 1998

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- X Claim(s) 1-6, 8, and 9 is/are pending in the application.
Of the above, claim(s) _____ is/are withdrawn from consideration.
- X Claim(s) 8 is/are allowed.
- X Claim(s) 1-6 and 9 is/are rejected.
Claim(s) _____ is/are objected to.
Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) _____

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- X Notice of References Cited, PTO-892
- X Information Disclosure Statement(s), PTO-1449, Paper No(s). 3
- Interview Summary, PTO-413
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

1. Claims 1-6 and 8-9 are presented for examination. Claims 7 and 10 were canceled in Applicant's amendment of 8 October 1998 which has been entered as paper Number 5.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1 and 9 are rejected under 35 U.S.C. 102(a) as being anticipated by Web Crawler, Lycos, or Infoseek as disclosed by PR NEWS ("Make Sure Search Engines Find Your Site; options include buying words, advertising, and careful page design"- PR NEWS).

4. As to claims 1 and 9, Pr News taught the "Buying of words" in a search engine in which if that word correlated to a search query for the search engine's web page database, the user would be presented with a specific advertiser's banner (line 14-37) from a second database.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over PR News as applied to claim 1 and further in view of Barrett et al. (US 5,727,129).

7. As to claim 2, PR NEWS did not disclose the use of a user profile to assist in returning relevant web pages.

8. Barrett et al. Disclosed the use of user profiles for use in returning relevant hits (**Column 5, line 15-46**)

9. It would have been obvious for one of ordinary skill in the art of computers to have included a user profile in the search engines disclosed by PR NEWS in order to reduce the search time to return relevant hits.

10. As to claim 3, Barrett et al disclosed previously received search arguments (**Column 5, line 44-46**).

11. As to claim 4, Barrett et al taught using the results from previous search sessions (**Column 5, line 44-46**).

12. As to claim 5, Barrett et al. Taught that user specified preferences as reflected in the user choices.

13. As to claim 6, PR NEWS taught banner advertisement inserts.

Allowable Subject Matter

14. Claim 8 is allowed.

15. The following is an examiner's statement of reasons for allowance: In claim 8, the correlating, as a function of a fuzzy logic algorithm, the received search argument and the user profile data, to particular information in the database, and providing the particular information as the search results, together with the other limitations of claim 8, was not disclosed by, would not have been obvious over, nor would have been fairly suggested by the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

OTHER PRIOR ART MADE OF RECORD

16. Bouve et al. (US 5,682,525) disclosed accessing a map database which utilized user profiles. The Abstract and Disclosure are relevant.
17. Logan et al. (US 5,721,827) disclosed a system for distributing personalized electronic information. The Abstract and Disclosure are relevant.
18. Barrett et al. (US 5,727,129) was used to reject claims.
19. Logan et al. (US 5,732,216) disclosed user preference profiles in and audio message distribution system. The Abstract and Disclosure are relevant.
20. Reilly et al. (US 5,740,549) disclosed an advertising distribution system which used user profiles and is highly relevant to Applicant's claims.
21. Anonymous, ("Make Sure Search Engines Find Your Site, Options include buying words, advertising and careful page design"), disclosed buying terms which could be correlated to search queries.

POINTS OF CONTACT

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Paul R. Lintz whose telephone number is (703) 305-3832. The Examiner can normally be reached on Mondays through Fridays from 8:00 am until 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached at (703) 305-9707. The fax phone number for Art Unit 2307 is (703) 305-9731. NOTE: Documents transmitted by facsimile will be entered as official documents on the file wrapper unless clearly marked "DRAFT".

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

December 16, 1998

Application/Control Number: 08/798,747
Art Unit: 2771

Page 5
SKILLEN 6-16

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

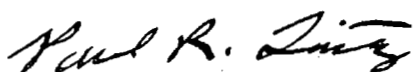
or faxed to:

(703) 308-9051, (for formal communications intended for entry)

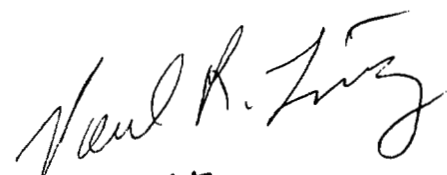
Or:

(703) 305-9724 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).



**Paul R. Lintz
Patent Examiner
Art Unit 2307
December 16, 1998**



**Paul R. Lintz
Primary Examiner**