Rockstar Consortium US LP et al v. Google Inc Doc. 220 Att. 8

EXHIBIT 7

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Chart A-46

Claim Chart of the Open Text Prospectus, dated January 23, 1996
("Open Text Form Prospectus")

as prior art to

Asserted Claims of U.S. Patent No. 7,236,969 B1 ("'969 Patent")
and
Asserted Claims of U.S. Patent No. 7,469,245 B2 ("'245 Patent")
and
Asserted Claims of U.S. Patent No. 7,672,970 B2 ("'970 Patent")
and
Asserted Claims of U.S. Patent No. 7,895,178 B2 ("'178 Patent")
and
Asserted Claims of U.S. Patent No. 7,895,183 B2 ("'183 Patent")
and
Asserted Claims of U.S. Patent No. 7,933,883 B2 ("'883 Patent")

Google also asserts that each of the references cited in this chart anticipates the asserted claims or renders the asserted claims obvious in combination with the other references in that chart.

This chart is based on Rockstar's apparent construction of the claims, and is not an admission that those constructions are correct or appropriate.

'969 Patent	OPEN TEXT FORM PROSPECTUS
Claim 1	
1. A method of providing advertisements to a user searching for desired information within a data network, comprising the steps of:	The Open Text Form Prospectus discloses a method for providing advertisements to a user searching for desired information within a data network. **The Company** Open Text Corporation (the "Company") develops, markets, licenses and supports software for use on local and wide area networks, Intranets and the Internet that enables users to find electronically stored information, work together in creative and collaborative processes and distribute or make available to users across networks or the Internet the resulting work product and other information. The Company's search engine enables users to transparently search vast amounts of data stored in a wide variety of formats and in disparate locations, including World Wide Web sites. The Company's search technology is characterized by rapid response times that do not increase materially as the amount of data searched increases, if adequate server and communications resources are employed. The Company's workflow and document management software enables users to establish and manage document-oriented collaborative work processes that involve a diversity of workers, computing platforms and data. In addition, the Company's products enable organizations to flexibly manage the distribution and availability of information. The Company's strategy is to offer information search, work process management and information distribution products that collectively represent a suite of information management solutions addressing the needs of the spectrum of users of local and wide area networks, Intranets and the Internet. Employing its search engine and related technologies, the Company has created the *Open Text Index*, an index of the World Wide Web (the "Web"), that it licenses together with its search technology to major Web information providers, including Yahoo!, internetMCI and IBM infoMarket. The Company also offers the *Open Text Index* as a search tool to Web users on the Company's own Web site in order to increase awareness of the Company's technology and products and to capitalize on the emerging advertising revenue opportunity on the Internet. Netscape Communications Corporation ("Netscape") has agreed to list the *Open Text Index* on the Netscape Navigator under the "Net Search" button. Open Text Prospectus at OT03653.

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Unproven Acceptance of the Company's Products and Services; Developing Market

Many of the Company's products or product versions have been introduced only recently. In January 1995, the Company introduced *Open Text 5*, the most recent version of its search engine software. In March 1995, the Company introduced *Latitude*, its document distribution system, and made its *Open Text Index* available on the Internet. In May 1995, the latest version of *Internet Anywhere* was released. In addition, the Company plans to release its initial integration of the *Latitude* and *Livelink* products and other new products and product versions in the near future. In November 1995, the *Open Text Index* became available to users of the Internet through internetMCI and IBM infoMarket. The Company is in the process of making the *Open Text Index* available to users of the Internet through Yahoo! and a listing on the Netscape Navigator under the "Net Search" button and has recently begun selling advertising on the *Open Text Index* offered through the Company's Web site. See "Business—Products." The Company's success will depend in large measure upon the success of these products and services. Failure of these products and services to achieve significant market acceptance and usage would adversely affect the Company's business, operating results and financial condition. Because certain of the Company's software is newly released, there can be no assurance that, despite testing by the Company, errors will not be found in such software after release, or, if discovered, that the Company will be able to successfully correct such errors in a timely manner, or at all. If the Company is unable to successfully market its current products and services, develop new software products and services and enhancements to current products and services, correct errors on a timely basis or complete products and services currently under development, or if such new products and services or enhancements do not achieve market acceptance, the Company's business, operating results and financial condition will be materially adversely affected.

Id. at OT03658.

Dependence on the Internet; Uncertain Adoption of the Internet as a Medium of Communications and Commerce; Uncertain Future of the Internet as an Advertising Medium

Rapid growth in interest in and use of the Internet is a recent phenomenon. The market for certain of the Company's products and services are highly dependent upon the increased use of the Internet for information publication and distribution and commercial applications, and on the development of the Internet as an advertising medium. There can be no assurance that communication or commerce over the Internet will become widespread. Similarly, there can be no assurance that the Internet will develop as an attractive medium for advertisements, whether through Internet "gateways" with which the Company has relationships, through the *Open Text Index* or otherwise. See "Business—Gateway Agreements." Critical issues concerning the commercial use of the Internet, including security, reliability, cost, ease of use, access, quality of service and acceptance of advertising, remain unresolved and may retard the growth of Internet use or the placement of advertisements on the Internet. If widespread commercial use of the Internet does not develop, or if the Internet does not develop as an attractive medium for advertising, the Company's business, operating results and financial condition could be materially adversely affected. See "Business—Industry Overview." The Company also plans to distribute certain products electronically through the Internet. There can be no assurance that this method of distribution will be commercially successful.

Id. at OT03662.

Competition; New Entrants

The markets for the Company's products are new, intensely competitive, subject to rapid technological change and evolving rapidly. The Company expects competition to persist, increase and intensify in the future as the markets for the Company's products continue to develop and as additional companies enter each of its markets.

The primary competitors of the Company's *Open Text Index* are Architext Software, Inc., InfoSeek Corporation, Lycos, Inc. and America Online's Web Crawler. Digital Equipment Corporation has recently introduced an Internet search service named Alta Vista that will compete with the *Open Text Index*. Both InfoSeek and Lycos have been operating on the Internet for a longer period of time than the *Open Text Index*, are displayed on the Netscape Navigator user interface and have superior name recognition. While Netscape has agreed to list the *Open Text Index* on Netscape Navigator, this listing currently has less prominence than that of InfoSeek, and, in the future, might have less prominence than those of other search services. The Company's strategy for obtaining advertising revenues from the *Open Text Index* is dependent in part on the success of the Company's gateway relationships. Accordingly, competition between the Internet gateways with which the Company has relationships and competing Internet gateways or failure of the Internet gateways with which the Company has relationships to achieve or maintain market acceptance may have a material adverse effect on the Company's business, operating results and financial condition.

In the market for information search and retrieval software, the Company competes with Excalibur Technologies Corporation, Fulcrum Technologies, Inc., Information Dimensions, Inc., Personal Library Software, Inc., Verity, Inc. and others. The Company also competes indirectly with database vendors that offer information search and retrieval capabilities with their core database products. In the future, the Company may encounter competition from companies that enhance products such as document management systems, groupware applications, Internet products and operating systems to include information search and retrieval functions.

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	Id. at OT03662-63. **Dependence on Internet Gateway Providers** The Company is relying on a number of strategic relationships to achieve market acceptance of certain of its products. In particular, the Company has entered into arrangements with several Internet "gateways," including Yahoo! Corporation ("Yahoo!"), networkMCI, Inc. ("internetMCI"), International Business Machines, Inc. ("IBM infoMarket") and Netscape (collectively, the "Gateways"), and intends to enter into similar agreements with others. The agreements with Yahoo! and internetMCI allow these Gateways to use the Company's *Open Text Index* in exchange for a share of advertising revenues generated by the sale of advertising space visible to the user during the course of a search for information using the *Open Text Index* initiated through the Gateway, and the agreement with IBM infoMarket provides for payments to the Company based on the number of subscribers to the service. Netscape has agreed to list the *Open Text Index* on the Netscape Navigator. The success of the Company is dependent, to a large degree, on the success of the Gateways and other gateways with which the Company may have a relationship in the future, and the continued attractiveness to customers of their service offerings. Although the Company views these relationships as important factors in achieving market acceptance of certain of its products and the development and commercialization of its technologies, the agreements with the Gateways are not exclusive and can be terminated by the Gateways under certain circumstances. There can be no assurance that the Gateways or any other Internet gateways with which the Company may form relationships in the future will regard their relationships with the Company as strategic to their own respective businesses and operations, that they will not reassess their commitment to the Company's technologies at any time in the future or that they will not develop or acquire their own competitive technology. Furthermore, there can be no assurance that the service offerings of the Company's gateway alliances will achieve or maintain market acceptance or commercial success. Failure of one or more of the Company's gateway alliances to achieve or maintain market acceptance or commercial success or the termination of one or more successful gateway alliances would have a material adverse effect in the Company's business, operating results and financial condition. Id. at OT03664. The Company has begun selling advertising on the *Open Text Index*. As the market for advertising on the Internet is new and rapidly evolving, the Company is exploring a variety of alternative marketing and sales strategies for this effort. Id. at OT03664. **Risk of Capacity Constraints and System Failure Relating to *Open Text Index*** A key element of the Company's marketing strategy and promotional efforts is its use of the *Open Text Index*, which the Company makes available at no charge to users of the Internet, as a highly visible demonstration of the capabilities of the Company's search engine software. Accordingly, the performance of the *Open Text Index* is critical to the Company's reputation, the success of its relationships with Internet gateways and its ability to attract advertisers to the *Open Text Index*. Any system failure that causes interruptions in the availability or speed of the Company's *Open Text Index* could have a material adverse effect on the Company. An increase in the volume of searches conducted using the *Open Text Index* could strain the capacity of the Company's search engine or the hardware deployed at the *Open Text Index*, which could lead to slower response times or even a complete system failure. The *Open Text Index* has experienced brief periods of service interruption, normally associated with implementation of software changes to the system, all of which to date have been promptly corrected. In October 1995, the *Open Text Index* experienced a period of significantly slower response times due to an increased volume of searches until the Company added additional servers and communications capacity. On several occasions since that time, increased usage of the *Open Text Index*, changes to hardware and software configuration related to the implementations of the Yahoo! gateway agreement and the establishment of related services in Mountain View, California have resulted in brief periods during which the *Open Text Index* produced slow response times. While the Company monitors the performance of the *Open Text Index* and seeks to take prompt action to correct any deterioration in response times, periods of slow response may occur in the future, and there can be no assurance that the Company will be able to take prompt and effective corrective action. The Company has made certain commitments under its gateway agreements to provide rapid response times and consistent system availability, and, accordingly, any slower response times or system failure could result in the termination of, or exposure to damages under, one or more of these agreements. The Company is also dependent on hardware suppliers for prompt delivery, installation and service of servers and other equipment used to provide the *Open Text Index*. Copies of the Company's *Open Text Index* are located at computer facilities located in Toronto, Ontario and Mountain View, California. There can be no assurance that a system failure at either of these locations would not adversely affect the performance of the *Open Text Index*. These systems are vulnerable to damage from fire, earthquakes, power loss, telecommunications failures and similar events. Despite the implementation of network security measures by the Company, its servers are also vulnerable to computer viruses, break-ins and similar disruptive problems. Computer viruses, break-ins or other problems caused by third parties could lead to interruptions, delays or cessation in service to the Company's *Open Text Index* users.

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	Id. at OT03665. In addition to providing access to a vast array of information, the Internet represents a new medium through which organizations and individuals can conduct business. The potential benefits of conducting business on the Internet include direct, immediate communications with consumers, customers, vendors and other parties, increased access to a large and growing universe of organizations and individuals, novel advertising opportunities and low communications and transaction costs. The amount of information available on the Internet, the commercial applications of the Internet, the number of Web sites on which data reside and the amount of data residing on individual Web sites are all increasing rapidly. As a result, both business and home computer users face the challenge of locating and retrieving the specific information that responds to their needs from the vast sea of data available on the Internet. Id. at OT03690. • *Capitalize on Web Advertising Revenue Opportunity.* An emerging revenue opportunity for highly visible, frequently accessed Web sites is the sale of advertising space on the screen that users view when visiting a Web page. The Company has begun to sell advertising on its *Open Text Index* home page and has entered into agreements with Yahoo! and internetMCI that provide for the Company to receive a share of the advertising revenue generated by the sale of advertising space visible to the Gateway user during the course of a search for information using the *Open Text Index* through the Gateway. Id. at OT03694. The Company has licensed the *Open Text Index* and ongoing updates to Yahoo!, internetMCI and IBM infoMarket to enable these Gateways to provide the *Open Text Index* to their customers as part of their Web access service. The *Open Text Index* also represents a source of advertising revenue for the Company. Pursuant to an agreement with Yahoo! in October 1995, the Company will operate an *Open Text Index* search service for users of the Yahoo! home page. The Company will receive a portion of any revenue received from advertisements visible to Yahoo! users who access the *Open Text Index*. Pursuant to an agreement with internetMCI, a portion of any advertising revenue received by internetMCI will be remitted to the Company on a similar basis. Advertisers can place "billboard" advertisements on the *Open Text Index*, which are visible on a portion of the screen displaying the *Open Text Index* user interface. Also available will be "embedded" advertisements, which are presented with the other results of a search using the *Open Text Index*. Embedded advertisements enable an advertiser to target users who have demonstrated an interest in selected subject matters by searching for similar or related information. The Company also offers an *Open Text Index* search service on its own home page Web site at no charge to the user, and Netscape has agreed to list the *Open Text Index* on the Netscape Navigator under the "Net Search" button. The Company has begun to sell billboard advertising space on the *Open Text Index* user interface and also intends to sell embedded advertising. The Company's agreement with IBM infoMarket provides for the Company to receive an annual license fee and a monthly fee based on the number of subscribers to the service. Id. at OT03698. **Gateway Agreements** The Company has entered into gateway agreements with Yahoo!, internetMCI and IBM infoMarket. Pursuant to these agreements, the Company has licensed the *Open Text 5* search engine and the *Open Text Index* for use with the Internet information resource products offered by the Gateways. Netscape has agreed to list the *Open Text Index* on the Netscape Navigator under the "Net Search" button. InternetMCI and IBM infoMarket began offering the *Open Text Index* in November 1995 and the Company anticipates that access to the *Open Text Index* through Yahoo! and Netscape Navigator will begin in January 1996 and the first quarter of 1996, respectively. The agreements with Yahoo! and internetMCI each provide for the Company to receive an annual license fee and a fee based on a percentage of the revenue received by the Gateway from advertisements viewed by gateway users who use the *Open Text Index*. Advertising revenue is generated by advertisers placing either billboard or embedded advertisements on the screens that are visible to a user during the course of a search for information using the *Open Text Index*. The internetMCI agreement also provides for monthly fees for ongoing updates of the *Open Text Index*. The agreement with IBM infoMarket provides for the Company to receive an annual license fee and a monthly fee based on the number of subscribers to the service. The arrangement with Netscape does not initially provide for payments by the Company to Netscape, but such payments will be required in the future.

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	Id. at OT03702-03. **Competition** The markets for the Company's products are new, intensely competitive, subject to rapid technological change and evolving rapidly. The Company expects competition to increase in the future as the markets for the Company's products continue to develop and as additional companies enter each of its markets. The primary competitors of the Company's *Open Text Index* include Architext Software, Inc., InfoSeek Corporation, Lycos, Inc. and America Online's Web Crawler. Both InfoSeek and Lycos have been operating on the Internet for a longer period of time than the *Open Text Index*, are displayed on the Netscape Navigator user interface and have superior name recognition. Digital Equipment Corporation has recently introduced an Internet search service named Alta Vista that will compete with the *Open Text Index*. Although Netscape has agreed to list the *Open Text Index* on Netscape Navigator, this listing currently has less prominence than that of InfoSeek and, in the future, might have less prominence than those of other search services. The Company believes that the principal competitive factors in this market include relationships with Internet gateways, product name recognition and reputation, ease of use, reliability, search response time, and the extent to which the index covers the Internet. The Company believes that the *Open Text Index* is competitive with respect to these factors. The Company's strategy for obtaining advertising revenues from the *Open Text Index* is dependent in part on the success of the Company's Internet gateway relationships. Accordingly, competition between the Internet gateways with which the Company has relationships and competing Internet gateways, or failure of the Internet gateways with which the Company has relationships to achieve or maintain market acceptance may have a material adverse effect on the Company's business, operating results and financial condition. Id. at OT03703-04.
[a] receiving, from the user, a search request including a search argument corresponding to the desired information;	The Open Text Form Prospectus discloses received, from the user, a search request including a search argument corresponding to the desired information. **The Company** Open Text Corporation (the "Company") develops, markets, licenses and supports software for use on local and wide area networks, Intranets and the Internet that enables users to find electronically stored information, work together in creative and collaborative processes and distribute or make available to users across networks or the Internet the resulting work product and other information. The Company's search engine enables users to transparently search vast amounts of data stored in a wide variety of formats and in disparate locations, including World Wide Web sites. The Company's search technology is characterized by rapid response times that do not increase materially as the amount of data searched increases, if adequate server and communications resources are employed. The Company's workflow and document management software enables users to establish and manage document-oriented collaborative work processes that involve a diversity of workers, computing platforms and data. In addition, the Company's products enable organizations to flexibly manage the distribution and availability of information. The Company's strategy is to offer information search, work process management and information distribution products that collectively represent a suite of information management solutions addressing the needs of the spectrum of users of local and wide area networks, Intranets and the Internet. Employing its search engine and related technologies, the Company has created the *Open Text Index*, an index of the World Wide Web (the "Web"), that it licenses together with its search technology to major Web information providers, including Yahoo!, internetMCI and IBM infoMarket. The Company also offers the *Open Text Index* as a search tool to Web users on the Company's own Web site in order to increase awareness of the Company's technology and products and to capitalize on the emerging advertising revenue opportunity on the Internet. Netscape Communications Corporation ("Netscape") has agreed to list the *Open Text Index* on the Netscape Navigator under the "Net Search" button. The Company's search engine, currently marketed as *Open Text 5*, has application as a stand-alone search tool for use on local and wide area networks and the Internet and as part of more comprehensive information management solutions. For example, the Company's search engine is a key component of *Latitude*, the Company's document distribution product that enables an organization's users to find and view, in native format, documents in large collections of information stored on local or remote servers and CD-ROMs spread across local and wide area networks and the Internet. In November 1995, the Company introduced *Latitude Web Server*, a software tool kit that facilitates an organization's creation of an internal Internet-protocol network, or "Intranet," that enables users to find and retrieve information and documents available on the organization's Intranet and on other Web sites, and enables the organization to make selected documents available to the public over the Internet. The Company's workflow and document management system, *Livelink*, combines the features of an integrated document management system with workflow management and collaborative computing functions on local and wide area networks. The Company is developing *Livelink* to enable users to manage documents, establish collaborative workgroups and manage and track the progress of their work using Intranets and the Internet. The Company is also integrating *Livelink* and *Latitude Web Server* to enable users to find and retrieve information from the organization's Intranet and from other Web sites and manage the distribution of this information using Intranets and the Internet. Id. at OT03653.

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	Competition; New Entrants The markets for the Company's products are new, intensely competitive, subject to rapid technological change and evolving rapidly. The Company expects competition to persist, increase and intensify in the future as the markets for the Company's products continue to develop and as additional companies enter each of its markets. The primary competitors of the Company's *Open Text Index* are Architext Software, Inc., InfoSeek Corporation, Lycos, Inc. and America Online's Web Crawler. Digital Equipment Corporation has recently introduced an Internet search service named Alta Vista that will compete with the *Open Text Index*. Both InfoSeek and Lycos have been operating on the Internet for a longer period of time than the *Open Text Index*, are displayed on the Netscape Navigator user interface and have superior name recognition. While Netscape has agreed to list the *Open Text Index* on Netscape Navigator, this listing currently has less prominence than that of InfoSeek, and, in the future, might have less prominence than those of other search services. The Company's strategy for obtaining advertising revenues from the *Open Text Index* is dependent in part on the success of the Company's gateway relationships. Accordingly, competition between the Internet gateways with which the Company has relationships and competing Internet gateways or failure of the Internet gateways with which the Company has relationships to achieve or maintain market acceptance may have a material adverse effect on the Company's business, operating results and financial condition. Id. at OT03662-63. **Dependence on Internet Gateway Providers** The Company is relying on a number of strategic relationships to achieve market acceptance of certain of its products. In particular, the Company has entered into arrangements with several Internet "gateways," including Yahoo! Corporation ("Yahoo!"), networkMCI, Inc. ("internetMCI"), International Business Machines, Inc. ("IBM infoMarket") and Netscape (collectively, the "Gateways"), and intends to enter into similar agreements with others. The agreements with Yahoo! and internetMCI allow these Gateways to use the Company's *Open Text Index* in exchange for a share of advertising revenues generated by the sale of advertising space visible to the user during the course of a search for information using the *Open Text Index* initiated through the Gateway, and the agreement with IBM infoMarket provides for payments to the Company based on the number of subscribers to the service. Netscape has agreed to list the *Open Text Index* on the Netscape Navigator. The success of the Company is dependent, to a large degree, on the success of the Gateways and other gateways with which the Company may have a relationship in the future, and the continued attractiveness to customers of their service offerings. Although the Company views these relationships as important factors in achieving market acceptance of certain of its products and the development and commercialization of its technologies, the agreements with the Gateways are not exclusive and can be terminated by the Gateways under certain circumstances. There can be no assurance that the Gateways or any other Internet gateways with which the Company may form relationships in the future will regard their relationships with the Company as strategic to their own respective businesses and operations, that they will not reassess their commitment to the Company's technologies at any time in the future or that they will not develop or acquire their own competitive technology. Furthermore, there can be no assurance that the service offerings of the Company's gateway alliances will achieve or maintain market acceptance or commercial success. Failure of one or more of the Company's gateway alliances to achieve or maintain market acceptance or commercial success or the termination of one or more successful gateway alliances would have a material adverse effect in the Company's business, operating results and financial condition. Id. at OT03663.

'969 Patent	OPEN TEXT FORM PROSPECTUS
	Risk of Capacity Constraints and System Failure Relating to *Open Text Index* A key element of the Company's marketing strategy and promotional efforts is its use of the *Open Text Index*, which the Company makes available at no charge to users of the Internet, as a highly visible demonstration of the capabilities of the Company's search engine software. Accordingly, the performance of the *Open Text Index* is critical to the Company's reputation, the success of its relationships with Internet gateways and its ability to attract advertisers to the *Open Text Index*. Any system failure that causes interruptions in the availability or speed of the Company's *Open Text Index* could have a material adverse effect on the Company. An increase in the volume of searches conducted using the *Open Text Index* could strain the capacity of the Company's search engine or the hardware deployed at the *Open Text Index*, which could lead to slower response times or even a complete system failure. The *Open Text Index* has experienced brief periods of service interruption, normally associated with implementation of software changes to the system, all of which to date have been promptly corrected. In October 1995, the *Open Text Index* experienced a period of significantly slower response times due to an increased volume of searches until the Company added additional servers and communications capacity. On several occasions since that time, increased usage of the *Open Text Index*, changes to hardware and software configuration related to the implementations of the Yahoo! gateway agreement and the establishment of related services in Mountain View, California have resulted in brief periods during which the *Open Text Index* produced slow response times. While the Company monitors the performance of the *Open Text Index* and seeks to take prompt action to correct any deterioration in response times, periods of slow response may occur in the future, and there can be no assurance that the Company will be able to take prompt and effective corrective action. The Company has made certain commitments under its gateway agreements to provide rapid response times and consistent system availability, and, accordingly, any slower response times or system failure could result in the termination of, or exposure to damages under, one or more of these agreements. The Company is also dependent on hardware suppliers for prompt delivery, installation and service of servers and other equipment used to provide the *Open Text Index*. Copies of the Company's *Open Text Index* are located at computer facilities located in Toronto, Ontario and Mountain View, California. There can be no assurance that a system failure at either of these locations would not adversely affect the performance of the *Open Text Index*. These systems are vulnerable to damage from fire, earthquakes, power loss, telecommunications failures and similar events. Despite the implementation of network security measures by the Company, its servers are also vulnerable to computer viruses, break-ins and similar disruptive problems. Computer viruses, break-ins or other problems caused by third parties could lead to interruptions, delays or cessation in service to the Company's *Open Text Index* users. Id. at OT03665. Because materials may be uploaded by the on-line or Internet services operated or facilitated by the Company or the Internet gateways with which it has a relationship and be subsequently distributed to others, there is a potential that claims will be made against the Company for defamation, negligence, copyright or trademark infringement or other theories based on the nature and content of such materials. Such claims have been brought, and sometimes successfully pressed, against on-line services, including recent, successful high-profile cases against Prodigy and NETCOM. Although the Company carries general liability insurance, the Company's insurance may not cover potential claims of this type or may not be adequate to indemnify the Company for all liability that may be imposed. Any imposition of liability that is not covered by insurance or is in excess of insurance coverage could have a material adverse effect on the Company. Id. at OT03667. **The Open Text Solution** The Company's suite of software products enables users to find information, work together and distribute the resulting work product and other information to users across local and wide area networks or the Internet. The Company's software supports original, native file formats and applications and does not require either the conversion of the information into new formats or the replacement of existing desktop computing tools. A key element of the Company's strategy is to develop the capability of its products to enable the formation of work groups and collaboration on Intranets and the Internet. The Company's suite of software products addresses the following needs: • *Find Information.* The Company's proprietary string search technology enables users to search the full text of databases and documents in response to a user query that is not limited to document titles or keywords. The Company's search technology is characterized by rapid response times that do not increase materially as the amount of data searched increases, if adequate server and communications resources are employed. The Company's search engine and related products, including *Open Text 5* and *Latitude*, enable users to find and view information, thus supporting both the creative and storage-related functions critical to individual and collaborative work processes. The Company's search and retrieval solutions address the needs of a variety of information users and include the *Open Text Index*, which allows computer users to search the Company's index of the Web, and *Latitude Web Server*, which enables organizations to index and search for information on their local and wide area networks and the Internet. Id. at OT03692-93.

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	The Open Text Strategy The Company's objective is to be the leading provider of information search, work process management and information distribution solutions to the spectrum of users of local and wide area networks, Intranets and the Internet. Key elements of the Company's strategy are summarized below: • *Build Awareness of the "Open Text" Brand and Increase Internet Exposure through Alliances with Internet Gateways.* The Company believes that awareness of the Company and its software solutions will increase as Internet users are exposed to the Company's search and retrieval technology through their use of the *Open Text Index*. The Company has arrangements with popular Internet gateways, including Yahoo!, internetMCI, IBM infoMarket and Netscape Navigator, to provide its *Open Text Index* and search and retrieval technology as one of the Internet resource products offered by the Gateways. Each Gateway will identify the *Open Text Index* on the user interface when the Company's search technology is employed. The Company intends to pursue similar arrangements with other Internet gateways. • *Provide Integrated Information Search, Work Process Management and Information Distribution Solutions.* The Company intends to develop the capability of *Livelink* to operate over Intranets and the Internet, and to integrate *Livelink*, its collaborative workflow and document management system, with *Latitude Web Server*, its tool kit for creating a Web site or Intranet capable of finding and retrieving documents using an index of an organization's network and other Web sites, and making selected documents and information available to the public over the Internet. The Company's goal is to offer an integrated suite of information management solutions addressing the needs of the spectrum of users of local and wide area networks, Intranets and the Internet. The Company has entered into an agreement with Netscape that makes Netscape Navigator technology available for inclusion in the Company's client-based products and certain Netscape server technology available for inclusion in the Company's server-based products. The Company believes that this arrangement will contribute to the Company's ability to offer integrated solutions by assuring compatibility of both its client- and server-based software solutions with this popular industry standard. Id. at OT03693-94. **Technology** *Search and Retrieval Technology* *Development History. Open Text 5* and previous versions of the Company's indexing and search technology evolved out of the work of the Oxford English Dictionary project undertaken at the University of Waterloo in 1984 and completed in 1989. This project, undertaken in cooperation with Oxford University Press, IBM and the Government of Canada, required the development of technology suitable for searching large databases containing complex, multilingual, highly irregular data structured in SGML format. Modern text search and retrieval technologies are based on the full text index model. Full text retrieval software builds a comprehensive index of all terms that appear in the documents to be searched and completes

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	searches by reading the index, rather than by accessing and reading the documents themselves. Unlike traditional relational database management systems, full text retrieval does not require that information be rigorously structured in row and column formats. Traditionally, full text retrieval systems have been based on the creation of an ''inverted word index,'' which is a list of each indexed term that appears in a database. The inverted word index also lists the locations in the documents where the term appears. Inverted word search technology does not efficiently index common words such as ''and,'' ''the'' and ''is,'' because these words occur in numerous locations in each document, rendering searches for phrases such as ''The Limited,'' ''We, the people'' and ''to be or not to be'' relatively slower. By contrast, string search algorithms, such as those employed by the Company, permit efficient searches for such phrases. *Core Algorithm.* The Company's search engine is not based on the traditional inverted word index approach, but on a ''string search'' algorithm that enables a user to search for strings of data of arbitrary length, whether partial words, complete words or phrases. This algorithm indexes complete word series and phrases in context, in addition to individual terms. String search technology is also more easily adaptable to searches of databases in languages such as Chinese, Japanese, Korean and other languages that are not based on the European alphabet. These languages require multiple bytes to represent each character, and string search technology simply treats these characters as sequences of bytes in a string. Electronically stored audio and video information may also be represented as strings. A version of *Open Text 5* that supports Japanese Kanji is available for use in the Japanese market, and the Company currently is developing software to search other Asian language character sets. The Company is also working on the development of capabilities to search non-textual information, such as audio data. The index required in the application of string search technology requires the use of more memory than an inverted word index. Recent increases in computing speeds, memory size and hard drive capacity and reductions in the cost of memory have increased the size of data files that can be built and processed economically, making string search technology practical and cost effective. *Structured Documents and SGML.* The Company's search engine also differs from conventional technologies in that it recognizes that documents are often characterized by complex structures. For example, documents often contain titles, headings, sections, subsections and paragraphs. The Company's search engine can search any number of different user-defined document structures without loss of performance. It fully supports SGML, the key international standard for structured documents. *Parallel Execution Monitor.* The Company's search technology also includes a routing function called the Parallel Execution Monitor (the ''PEM''). The PEM provides a single point of access for distributed parallel searching of large databases in networked environments, including the Internet, in which it is difficult or impossible to unify all data on a single server or to build a single index of the data to be searched. The PEM performs all the network connection and remote process management functions necessary to accomplish this task. Accordingly, the index may reside on a number of servers in a variety of locations, and the use of the PEM enables the search to be simultaneously conducted across a number of servers that contain the index. The PEM enables the user to conduct searches quickly and without concern for the specific location of the data for any given query. The use of the PEM also enables the Company's search engine to deliver consistent response times regardless of database size or configuration, if adequate server and communications resources are employed. *Indexing.* Most information retrieval products, including those developed by the Company, automate the index-building function. *Open Text 5* creates and maintains indexes through the use of ''crawlers,'' software programs that search for and retrieve material to be indexed. Crawlers move from site to site, automatically identifying documents that need to be included or updated in the index. The Company's crawlers are designed to be ''intelligent,'' avoiding duplicated material and updating material based in part on an assessment of its relevancy. Thus, new data added to a database can be added to the index without re-indexing the entire database. Deleted data similarly is removed from the index. Id. at OT03694-95.

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Products

The Company markets a modular suite of information search, work process management and information distribution products to organizations and individuals. The following table sets forth certain data with respect to the Company's products:

Product	Application	Distribution Channel	Current Version Release Date	Initial Version Release Date
Open Text Index	On-line Internet directory service	Direct sales	March 1995	Same
Latitude Web Server	Directory tool kit enabling organizations to index internal and external Web pages	Direct sales OEMs VARs	November 1995	Same
Latitude	Information retrieval and viewing system for data located in disparate locations and formats	Direct sales VARs	March 1995	Same
Livelink	Workflow and document management software enabling workgroup collaboration	Direct sales OEMs VARs Distributors	May 1995	March 1992
Open Text 5	Indexing and search product resident on a server	Direct sales OEMs VARs	January 1995	September 1991
Internet Anywhere	Client-based Internet access tools	OEMs Retail	October 1995	June 1994
PC Search	Indexing and search product resident on a PC	Direct sales VARs	November 1995	Same

Id. at OT03697.

Open Text Index

The *Open Text Index* uses one of the Company's search engines and the Company's crawlers to ind information located on the Web. The *Open Text Index* indexes every word of every page of information indexe rather than a selection of key words. Although the amount of information available on the Internet is increasing rapidly, the Company seeks to keep pace with this growth by increasing the coverage of the *Open Text Index*. The Company believes that its crawlers have identified a substantial portion of the sites located on the Web. As of December 7, 1995, the *Open Text Index* had indexed over 2.4 billion words, numbers and addresses, which have been indexed from approximately 1.6 million Web pages. The *Open Text Index* has also indexed over 25 million hyperlinks from indexed Web pages to other Web pages.

The *Open Text Index* enables a user to search for terms appearing in particular elements of a document's structure, conduct weighted searches and search for other documents with similar content. The *Open Text Index* also provides a ''results sampling'' feature, which permits a user to view the searched term in context from the *Open Text Index* without being required to access the documents in which the term appears.

The Company has licensed the *Open Text Index* and ongoing updates to Yahoo!, internetMCI and IBM infoMarket to enable these Gateways to provide the *Open Text Index* to their customers as part of their Web access service. The *Open Text Index* also represents a source of advertising revenue for the Company. Pursuant to an agreement with Yahoo! in October 1995, the Company will operate an *Open Text Index* search service for users of the Yahoo! home page. The Company will receive a portion of any revenue received from advertisements visible to Yahoo! users who access the *Open Text Index*. Pursuant to an agreement with internetMCI, a portion of any advertising revenue received by internetMCI will be remitted to the Company on a similar basis. Advertisers can place ''billboard'' advertisements on the *Open Text Index*, which are visible on a portion of the screen displaying the *Open Text Index* user interface. Also available will be ''embedded'' advertisements, which are presented with the other results of a search using the *Open Text Index*. Embedded advertisements enable an advertiser to target users who have demonstrated an interest in selected subject matters by searching for similar or related information. The Company also offers an *Open Text Index* search service on its own home page Web site at no charge to the user, and Netscape has agreed to list the *Open Text Index* on the Netscape Navigator under the ''Net Search'' button. The Company has begun to sell billboard advertising space on the *Open Text Index* user interface and also intends to sell embedded advertising. The Company's agreement with IBM infoMarket provides for the Company to receive an annual license fee and a monthly fee based on the number of subscribers to the service.

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	Id. at OT03697-98. ***Latitude Web Server*** In November 1995, the Company introduced *Latitude Web Server*, a tool kit that facilitates an organization's creation of a Web site or an Intranet that enables users to find and retrieve information and documents using an index of the organization's network and other Web sites and enables the organization to make selected documents and information available to the public over the Internet. *Latitude Web Server* consists of publicly available Internet protocol software, *Open Text 5*, the Company's crawlers that create and maintain the index, an application programming interface that permits integration of the Company's indexing and search technology with network- and Web-based applications and administrative tools that track and monitor the use of the index. The Company has licensed certain Netscape server technology for bundling with *Latitude Web Server* which will provide a gateway between *Latitude Web Server* and the Internet while providing for security and log-in and access control to protect an organization's confidential information. Ford Motor Company, Northern Telecom, Siemens AG and Silicon Graphics, Inc. have purchased *Latitude Web Server* to assist in the management of information. *Latitude Web Server* is marketed by the Company's direct sales force to organizations that are publishing on the Web or establishing Intranets, to OEMs that wish to embed the Company's indexing and search technology in their Internet-based applications and to VARs. The price of a *Latitude Web Server* ranges from approximately US$12,000 to US$25,000 or more, depending on the desired features and the number of servers containing information to be indexed. ***Latitude*** *Latitude* enables organizations to find and view information and documents spread across multiple servers on local and wide area networks and the Internet. Information can be viewed "as is," in native file formats, without first having to be converted into a proprietary format. *Latitude* employs the Company's search engine and PEM technology to index and retrieve information and documents, and incorporates a set of viewers that are automatically invoked depending on the type of data or document. *Latitude* enables a user to view, in native format, documents and information in over 40 different formats, including major word processing and spreadsheet formats, SGML, Adobe Acrobat files, CAD drawings and multimedia files. Additional viewers can be added for customers with specially formatted information. *Latitude* is designed for organizations that need to make organized information, such as service manuals, parts information and safety bulletins, available to users. For example, Caterpillar has purchased and is implementing *Latitude* as a search tool for information found in the electronic repair and maintenance manuals that are used by 180 Caterpillar equipment dealers. *Latitude* will enable Caterpillar's dealers to find and view repair and maintenance-related information requested by a user, including instructional video clips, on hundreds of thousands of equipment parts and maintenance procedures. The product is currently available as *Latitude Office*. The Company currently plans to introduce *Latitude Department*, an enhancement of *Latitude Office*, in the second quarter of calendar 1996. One of the additional features of *Latitude Department* is a directory similar in format to a table of contents that will enable users to locate documents by category. The Company also currently plans to introduce *Latitude Enterprise*, a further enhancement of *Latitude Office* that will support SQL, in calendar 1996. *Latitude Department* and *Latitude Enterprise* are both designed to support larger and more complex environments by providing additional viewers and more advanced server and routing capabilities for greater search efficiency. *Latitude Office* is marketed by the Company's direct sales force and through VARs. The price of *Latitude Office* is US$28,000 per server, plus a fee of US$200-$350 per client license depending on the number of licenses and other factors. In a typical configuration, the price of a *Latitude Office* system ranges from US$50,000 to US$60,000. Id. at OT03698-99. ***Open Text 5*** *Open Text 5* is the search engine upon which several of the other products and applications marketed by the Company are based. It is sold as a stand-alone indexing and search product that can be added to or employed in custom designed document management systems. For example, Boeing's component cost department uses *Open Text 5* to search its internal files for previously prepared cost change estimates involving parts for which similar cost change estimates are required. The underlying indexing and retrieval technology also is licensed to OEMs for inclusion in their systems. The Company is finalizing *Open Text 6*, which is currently expected to be available for shipment and integration with other products in the first quarter of calendar 1996. This new search engine is expected to include faster index updating, indexes requiring less storage capacity and fuzzy logic searches, which expand the scope of a search to include words and phrases that are similar to the search terms. *Open Text 5* is marketed by the Company's direct sales force, and the price of a typical system ranges from US$30,000 to US$50,000.

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	Id. at OT03700. **Customers** The Company's customers include: **Open Text Index** International Business Machines Corporation networkMCI, Inc. Yahoo! Corporation **Latitude** Amdahl Corporation CAE Electronics, Ltd. Caterpillar Inc. **Latitude Web Server** Ford Motor Company Northern Telecom Siemens AG Silicon Graphics, Inc. **Open Text 5** Andersen Consulting The Boeing Company California Continuing Education of the Bar International Business Machines Corporation MCI Communications Corp. Oracle Corporation Pratt & Whitney Union Bank of Switzerland US Department of Defense US Department of Energy **Livelink** BankAmerica Corporation The Boeing Company The British Petroleum P.L.C. Canon Sales Co., Inc. General Electric Company Hitachi, Ltd, MCI Communications Corp. National Aeronautics and Space Administration Nippon Telephone and Telegraph Corporation Oracle Corporation Qualcomm, Inc. Sony Microelectronics/Texas TransCanada Pipelines UAL Corporation US Food and Drug Administration US Missile Command Id. at OT03702. **Gateway Agreements** The Company has entered into gateway agreements with Yahoo!, internetMCI and IBM infoMarket. Pursuant to these agreements, the Company has licensed the *Open Text 5* search engine and the *Open Text Index* for use with the Internet information resource products offered by the Gateways. Netscape has agreed to list the *Open Text Index* on the Netscape Navigator under the "Net Search" button. InternetMCI and IBM infoMarket began offering the *Open Text Index* in November 1995 and the Company anticipates that access to the *Open Text Index* through Yahoo! and Netscape Navigator will begin in January 1996 and the first quarter of 1996, respectively. The agreements with Yahoo! and internetMCI each provide for the Company to receive an annual license fee and a fee based on a percentage of the revenue received by the Gateway from advertisements viewed by gateway users who use the *Open Text Index*. Advertising revenue is generated by advertisers placing either billboard or embedded advertisements on the screens that are visible to a user during the course of a search for information using the *Open Text Index*. The internetMCI agreement also provides for monthly fees for ongoing updates of the *Open Text Index*. The agreement with IBM infoMarket provides for the Company to receive an annual license fee and a monthly fee based on the number of subscribers to the service. The arrangement with Netscape does not initially provide for payments by the Company to Netscape, but such payments will be required in the future. Id. at OT03702-03. **Competition** The markets for the Company's products are new, intensely competitive, subject to rapid technological change and evolving rapidly. The Company expects competition to increase in the future as the markets for the Company's products continue to develop and as additional companies enter each of its markets. The primary competitors of the Company's *Open Text Index* include Architext Software, Inc., InfoSeek Corporation, Lycos, Inc. and America Online's Web Crawler. Both InfoSeek and Lycos have been operating on the Internet for a longer period of time than the *Open Text Index*, are displayed on the Netscape Navigator user interface and have superior name recognition. Digital Equipment Corporation has recently introduced an Internet search service named Alta Vista that will compete with the *Open Text Index*. Although Netscape has agreed to list the *Open Text Index* on Netscape Navigator, this listing currently has less prominence than that of InfoSeek and, in the future, might have less prominence than those of other search services. The Company believes that the principal competitive factors in this market include relationships with Internet gateways, product name recognition and reputation, ease of use, reliability, search response time, and the extent to which the index covers

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	the Internet. The Company believes that the *Open Text Index* is competitive with respect to these factors. The Company's strategy for obtaining advertising revenues from the *Open Text Index* is dependent in part on the success of the Company's Internet gateway relationships. Accordingly, competition between the Internet gateways with which the Company has relationships and competing Internet gateways, or failure of the Internet gateways with which the Company has relationships to achieve or maintain market acceptance may have a material adverse effect on the Company's business, operating results and financial condition. In the market for information search and retrieval software, the Company competes with Excalibur Technologies Corporation, Fulcrum Technologies, Inc., Information Dimensions, Inc., PLS, Verity, Inc. and others. The Company also competes indirectly with database vendors that offer information search and retrieval capabilities with their core database products. In the future, the Company may encounter competition from companies that enhance products such as document management systems, groupware applications, Internet products and operating systems to include information search and retrieval functions. The Company believes that the principal competitive factors in this market include the ability to search large amounts of data rapidly without degradation in performance, the ability to find and view information on disparate platforms in a variety of formats and locations, vendor and product reputation, the ability to index information comprehensively, ease of use, product architecture, product quality and performance, quality of product support and price. The Company believes that its search and retrieval technology competes favorably with respect to these factors. Id. at OT03703-04. **Product Development** As of December 1, 1995, the Company's research and development organization included 49 employees. A number of key technical staff have been developing text retrieval software since the 1970s. The Company's roots in the Oxford English Dictionary project provide eleven years of experience with full text retrieval software. The Company also funds research projects at the University of Waterloo, where Dr. Frank Tompa, a founder, director and shareholder of the Company, is a professor and a researcher. See "Certain Transactions—Research Funding." The Company's current product development efforts are focused on enhancing and broadening its information search, work process management and information distribution products. Areas of particular emphasis are the development of the capability of *Livelink* to operate on Intranets and the Internet, the integration of *Livelink* technology with *Latitude Web Server* and the integration of technologies acquired in the acquisitions of assets of Intunix and Internet Anywhere with the Company's other technologies and products. See "Management's Discussion and Analysis of Financial Condition and Results of Operation—Overview." Improvement of search engine speed, development of more efficient Web crawler technology, integration of relational database management systems with the Company's software and enhancements of the user interfaces for all of the Company's products are other areas of ongoing activity for the product development organization. The Company intends to enhance *Latitude* by increasing its ability to handle larger and more complex environments, adding features such as a directory similar to a table of contents and enabling the product to support SQL. Although the principal technology of the Company's products have been developed internally or acquired, the Company also may license and incorporate third-party technology to supplement internal efforts. The Company's ability to successfully develop and release new products and product enhancements in a timely manner is subject to a variety of factors, including its ability to solve technical problems and test products, competing priorities of the Company, the availability of development and other resources and other factors outside the control of the Company. There can be no assurance that the Company will not experience difficulties that could delay or prevent the successful development, introduction or marketing of new products and product enhancements. Id. at OT03705.
[b] searching, based upon the received search argument, a first database having data network related information to generate search results;	The Open Text Form Prospectus discloses searching, based upon the received search argument, a first database having data network related information to generate search results.

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The Company

Open Text Corporation (the "Company") develops, markets, licenses and supports software for use on local and wide area networks, Intranets and the Internet that enables users to find electronically stored information, work together in creative and collaborative processes and distribute or make available to users across networks or the Internet the resulting work product and other information. The Company's search engine enables users to transparently search vast amounts of data stored in a wide variety of formats and in disparate locations, including World Wide Web sites. The Company's search technology is characterized by rapid response times that do not increase materially as the amount of data searched increases, if adequate server and communications resources are employed. The Company's workflow and document management software enables users to establish and manage document-oriented collaborative work processes that involve a diversity of workers, computing platforms and data. In addition, the Company's products enable organizations to flexibly manage the distribution and availability of information. The Company's strategy is to offer information search, work process management and information distribution products that collectively represent a suite of information management solutions addressing the needs of the spectrum of users of local and wide area networks, Intranets and the Internet.

Employing its search engine and related technologies, the Company has created the *Open Text Index*, an index of the World Wide Web (the "Web"), that it licenses together with its search technology to major Web information providers, including Yahoo!, internetMCI and IBM infoMarket. The Company also offers the *Open Text Index* as a search tool to Web users on the Company's own Web site in order to increase awareness of the Company's technology and products and to capitalize on the emerging advertising revenue opportunity on the Internet. Netscape Communications Corporation ("Netscape") has agreed to list the *Open Text Index* on the Netscape Navigator under the "Net Search" button.

The Company's search engine, currently marketed as *Open Text 5*, has application as a stand-alone search tool for use on local and wide area networks and the Internet and as part of more comprehensive information management solutions. For example, the Company's search engine is a key component of *Latitude*, the Company's document distribution product that enables an organization's users to find and view, in native format, documents in large collections of information stored on local or remote servers and CD-ROMs spread across local and wide area networks and the Internet. In November 1995, the Company introduced *Latitude Web Server*, a software tool kit that facilitates an organization's creation of an internal Internet-protocol network, or "Intranet," that enables users to find and retrieve information and documents available on the organization's Intranet and on other Web sites, and enables the organization to make selected documents available to the public over the Internet.

The Company's workflow and document management system, *Livelink*, combines the features of an integrated document management system with workflow management and collaborative computing functions on local and wide area networks. The Company is developing *Livelink* to enable users to manage documents, establish collaborative workgroups and manage and track the progress of their work using Intranets and the Internet. The Company is also integrating *Livelink* and *Latitude Web Server* to enable users to find and retrieve information from the organization's Intranet and from other Web sites and manage the distribution of this information using Intranets and the Internet.

Id. at OT03653.

Competition; New Entrants

The markets for the Company's products are new, intensely competitive, subject to rapid technological change and evolving rapidly. The Company expects competition to persist, increase and intensify in the future as the markets for the Company's products continue to develop and as additional companies enter each of its markets.

The primary competitors of the Company's *Open Text Index* are Architext Software, Inc., InfoSeek Corporation, Lycos, Inc. and America Online's Web Crawler. Digital Equipment Corporation has recently introduced an Internet search service named Alta Vista that will compete with the *Open Text Index*. Both InfoSeek and Lycos have been operating on the Internet for a longer period of time than the *Open Text Index*, are displayed on the Netscape Navigator user interface and have superior name recognition. While Netscape has agreed to list the *Open Text Index* on Netscape Navigator, this listing currently has less prominence than that of InfoSeek, and, in the future, might have less prominence than those of other search services. The Company's strategy for obtaining advertising revenues from the *Open Text Index* is dependent in part on the success of the Company's gateway relationships. Accordingly, competition between the Internet gateways with which the Company has relationships and competing Internet gateways or failure of the Internet gateways with which the Company has relationships to achieve or maintain market acceptance may have a material adverse effect on the Company's business, operating results and financial condition.

Id. at OT03662-63.

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	Dependence on Internet Gateway Providers The Company is relying on a number of strategic relationships to achieve market acceptance of certain of its products. In particular, the Company has entered into arrangements with several Internet "gateways," including Yahoo! Corporation ("Yahoo!"), networkMCI, Inc. ("internetMCI"), International Business Machines, Inc. ("IBM infoMarket") and Netscape (collectively, the "Gateways"), and intends to enter into similar agreements with others. The agreements with Yahoo! and internetMCI allow these Gateways to use the Company's *Open Text Index* in exchange for a share of advertising revenues generated by the sale of advertising space visible to the user during the course of a search for information using the *Open Text Index* initiated through the Gateway, and the agreement with IBM infoMarket provides for payments to the Company based on the number of subscribers to the service. Netscape has agreed to list the *Open Text Index* on the Netscape Navigator. The success of the Company is dependent, to a large degree, on the success of the Gateways and other gateways with which the Company may have a relationship in the future, and the continued attractiveness to customers of their service offerings. Although the Company views these relationships as important factors in achieving market acceptance of certain of its products and the development and commercialization of its technologies, the agreements with the Gateways are not exclusive and can be terminated by the Gateways under certain circumstances. There can be no assurance that the Gateways or any other Internet gateways with which the Company may form relationships in the future will regard their relationships with the Company as strategic to their own respective businesses and operations, that they will not reassess their commitment to the Company's technologies at any time in the future or that they will not develop or acquire their own competitive technology. Furthermore, there can be no assurance that the service offerings of the Company's gateway alliances will achieve or maintain market acceptance or commercial success. Failure of one or more of the Company's gateway alliances to achieve or maintain market acceptance or commercial success or the termination of one or more successful gateway alliances would have a material adverse effect in the Company's business, operating results and financial condition. Id. at OT03663. **Risk of Capacity Constraints and System Failure Relating to *Open Text Index*** A key element of the Company's marketing strategy and promotional efforts is its use of the *Open Text Index*, which the Company makes available at no charge to users of the Internet, as a highly visible demonstration of the capabilities of the Company's search engine software. Accordingly, the performance of the *Open Text Index* is critical to the Company's reputation, the success of its relationships with Internet gateways and its ability to attract advertisers to the *Open Text Index*. Any system failure that causes interruptions in the availability or speed of the Company's *Open Text Index* could have a material adverse effect on the Company. An increase in the volume of searches conducted using the *Open Text Index* could strain the capacity of the Company's search engine or the hardware deployed at the *Open Text Index*, which could lead to slower response times or even a complete system failure. The *Open Text Index* has experienced brief periods of service interruption, normally associated with implementation of software changes to the system, all of which to date have been promptly corrected. In October 1995, the *Open Text Index* experienced a period of significantly slower response times due to an increased volume of searches until the Company added additional servers and communications capacity. On several occasions since that time, increased usage of the *Open Text Index*, changes to hardware and software configuration related to the implementations of the Yahoo! gateway agreement and the establishment of related services in Mountain View, California have resulted in brief periods during which the *Open Text Index* produced slow response times. While the Company monitors the performance of the *Open Text Index* and seeks to take prompt action to correct any deterioration in response times, periods of slow response may occur in the future, and there can be no assurance that the Company will be able to take prompt and effective corrective action. The Company has made certain commitments under its gateway agreements to provide rapid response times and consistent system availability, and, accordingly, any slower response times or system failure could result in the termination of, or exposure to damages under, one or more of these agreements. The Company is also dependent on hardware suppliers for prompt delivery, installation and service of servers and other equipment used to provide the *Open Text Index*. Copies of the Company's *Open Text Index* are located at computer facilities located in Toronto, Ontario and Mountain View, California. There can be no assurance that a system failure at either of these locations would not adversely affect the performance of the *Open Text Index*. These systems are vulnerable to damage from fire, earthquakes, power loss, telecommunications failures and similar events. Despite the implementation of network security measures by the Company, its servers are also vulnerable to computer viruses, break-ins and similar disruptive problems. Computer viruses, break-ins or other problems caused by third parties could lead to interruptions, delays or cessation in service to the Company's *Open Text Index* users. Id. at OT03665. Because materials may be uploaded by the on-line or Internet services operated or facilitated by the Company or the Internet gateways with which it has a relationship and be subsequently distributed to others, there is a potential that claims will be made against the Company for defamation, negligence, copyright or trademark infringement or other theories based on the nature and content of such materials. Such claims have been brought, and sometimes successfully pressed, against on-line services, including recent, successful high-profile cases against Prodigy and NETCOM. Although the Company carries general liability insurance, the Company's insurance may not cover potential claims of this type or may not be adequate to indemnify the Company for all liability that may be imposed. Any imposition of liability that is not covered by insurance or is in excess of insurance coverage could have a material adverse effect on the Company.

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	Id. at OT03667. **Industry Overview** Organizations are increasingly seeking to streamline their business processes in order to increase worker productivity and reduce costs through the implementation of information management solutions. Through investments in traditional information management tools, organizations often establish a variety of data processing infrastructures that are rigidly designed to complete specific tasks or perform narrowly defined functions. As a result, organizations are increasingly faced with significant information management challenges attributable to rapidly increasing amounts of data created and stored in a variety of formats and in disparate locations across various networks. In addition, the emergence of the Internet as an important medium for communications is an increasingly significant influence on the configuration of network computing environments, and organizations are increasingly adopting private Intranets that are based on client/server architectures and that employ Internet data formats and communications protocols to connect geographically dispersed networks and facilities. *Proliferation of Information on Client/Server Networks and the Internet* In recent years, advances in computer hardware and software technology have resulted in dramatic increases in the amount of electronically stored information available to computer users. The ease of use, increased performance and declining cost of computer hardware and software have resulted in the rapid growth of the number of business and individual personal computer users and the migration of corporate networks from centralized mainframe systems to distributed local and wide area networks based on client/server architectures and, more recently, on peer to peer architectures. The prevalence of client/server networks facilitates the creation and storage of information on numerous computers in disparate locations and in a wide variety of files and formats. Client/server networks consist of desktop computers (''clients'') that can access powerful computers (''servers'') that store large amounts of information and perform computing functions on behalf of clients. These networks enable dispersed users to communicate with and access the information and other resources of other computers in the network across traditional geographic and organizational boundaries. As a result, information that is critical to organizations increasingly is created, managed and stored on a decentralized basis in numerous sites and in a variety of files and formats.

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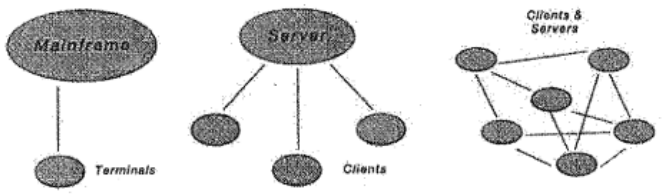

Mainframe Client/Server Internet/Intranet

Computer architectures have evolved with advances in hardware and software technologies. The mainframe architecture, which initially dominated computing, was supplanted by the client/server architecture that resulted from increases in desktop computing power. Recent advances in network hardware and protocols have resulted in the creation of an open network architecture, based on Internet communications protocols, that facilitates flexible communication among multiple servers and multiple clients (Internet/Intranet architecture).

The rapid growth in the use of on-line services and the Internet has enabled both organizations and individual computer users to communicate with other users and access large amounts of information published for general public reference or for access by consumers. The Internet is a global web linking thousands of computer networks. International Data Corporation estimates that the number of Internet users was approximately 38 million at the end of 1994 and predicts that the number of Internet users will grow to approximately 200 million in the year 1999. Much of the recent growth in the use of the Internet is attributable to the emergence of the network of servers and information available on the Internet known as the World Wide Web. The Web employs a client/server architecture that, when integrated with "browser" software, enables non-technical users to exploit the capabilities of the Internet.

In addition to providing access to a vast array of information, the Internet represents a new medium through which organizations and individuals can conduct business. The potential benefits of conducting business on the Internet include direct, immediate communications with consumers, customers, vendors and other parties, increased access to a large and growing universe of organizations and individuals, novel advertising opportunities and low communications and transaction costs. The amount of information available on the Internet, the commercial applications of the Internet, the number of Web sites on which data reside and the amount of data residing on individual Web sites are all increasing rapidly. As a result, both business and home computer users face the challenge of locating and retrieving the specific information that responds to their needs from the vast sea of data available on the Internet.

The Web is characterized by a standard document format described by the Hypertext Mark-Up Language ("HTML") and a standard information transfer protocol called Hypertext Transfer Protocol ("HTTP"). As organizations become familiar with the use of the Web, they are increasingly adopting Internet data formats and communications protocols, such as Transmission Control Protocol/Internet Protocol ("TCP/IP"), and using Web client and server software and, in some cases, the Internet's facilities as the backbone for private networks ("Intranets") that connect an organization's local area networks. The implementation of an Intranet is a low cost alternative to the establishment of a proprietary private network. Intranets enable network users to communicate and access information within an organization's boundaries, collaborate with external groups or individuals, including suppliers, customers and consultants, and use the Web to access information on the Internet and communicate with other Web users. An organization also may use its Intranet servers to publish documents and data on the Web that are created and resident on its Intranet. An increasing number of

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organizations are implementing Intranets as an alternative to traditional client/server networks. Accordingly, demand for business-oriented software solutions that support Internet protocols is increasing, and expected to continue to increase.

Diverse Data Formats

Electronically stored information can be classified as either "relational" or "non-relational" data, as outlined in the chart below. Relational data generally consists of data organized in strictly defined row and column formats. While relational database management systems, such as those marketed by Oracle Corporation ("Oracle"), Sybase, Inc. ("Sybase") and Informix Software ("Informix"), enable organizations to manage their relational data, only a small percentage of electronically stored information is stored in relational databases. The vast majority of the remaining data is stored in non-relational format, which is not suited for search and retrieval using relational database management systems.

Non-relational data can be divided into two categories, "unstructured" and "structured." Non-relational data created with word processing programs and other programs, such as spreadsheets, are unstructured and include documents such as proposals, reports, budgets, engineering drawings, memoranda, electronic mail and multimedia files. Increasingly, a significant portion of the information stored as unstructured data contains information of continuing value to an organization.

Documents intended to have a long life and continuing value and that are frequently revised or updated are often created in a structured format called Standard Generalized Markup Language ("SGML"). Such documents include maintenance and owners manuals, parts lists, catalogs and operating policies and procedures manuals. SGML records the elements of the document's structure (e.g., titles, headings, footnotes and various other organizational elements selected by the author) in addition to its text. SGML is well suited for documents that will be stored in databases and delivered in a variety of media and has found wide acceptance in the fields of reference publishing, technical documentation and regulatory compliance, including the Securities and Exchange Commission's "EDGAR" document repository. The importance of SGML has increased recently, because it is the basis upon which HTML, the language of the Web, is built. SGML theory and practice will play a significant role in the future development of HTML.

		Non-Relational Data	
	Relational Data	Structured	Unstructured
Data and File Formats	**SQL** *(Oracle, Sybase and Informix)*	**SGML** **HTML**	**ASCII** **WordPerfect** **Excel** **Word** **Lotus 1-2-3**
Document Types	Sales data reports Accounting reports Invoices Customer records Backlog status	Web sites Owner's manuals Operating procedures Parts lists Product catalogs Product documentation	Memoranda E-mail Presentations Business reports Correspondence Spreadsheets Technical documents Multimedia presentations

In the client/server environment, an increasing proportion of information of continuing value to organizations is non-relational and cannot be found or retrieved using relational database management systems. Accordingly, organizations will increasingly demand software solutions that enable users to find and use information in a variety of data and file formats, regardless of whether it is structured or unstructured.

Id. at OT03689-91.

The Open Text Solution

The Company's suite of software products enables users to find information, work together and distribute the resulting work product and other information to users across local and wide area networks or the Internet. The Company's software supports original, native file formats and applications and does not require either the conversion of the information into new formats or the replacement of existing desktop computing tools. A key element of the Company's strategy is to develop the capability of its products to enable the formation of work groups and collaboration on Intranets and the Internet.

The Company's suite of software products addresses the following needs:

- *Find Information.* The Company's proprietary string search technology enables users to search the full text of databases and documents in response to a user query that is not limited to document titles or keywords. The Company's search technology is characterized by rapid response times that do not increase materially as the amount of data searched increases, if adequate server and communications

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	resources are employed. The Company's search engine and related products, including *Open Text 5* and *Latitude*, enable users to find and view information, thus supporting both the creative and storage-related functions critical to individual and collaborative work processes. The Company's search and retrieval solutions address the needs of a variety of information users and include the *Open Text Index*, which allows computer users to search the Company's index of the Web, and *Latitude Web Server*, which enables organizations to index and search for information on their local and wide area networks and the Internet. Id. at OT03692-93. **The Open Text Strategy** The Company's objective is to be the leading provider of information search, work process management and information distribution solutions to the spectrum of users of local and wide area networks, Intranets and the Internet. Key elements of the Company's strategy are summarized below: • *Build Awareness of the "Open Text" Brand and Increase Internet Exposure through Alliances with Internet Gateways.* The Company believes that awareness of the Company and its software solutions will increase as Internet users are exposed to the Company's search and retrieval technology through their use of the *Open Text Index*. The Company has arrangements with popular Internet gateways, including Yahoo!, internetMCI, IBM infoMarket and Netscape Navigator, to provide its *Open Text Index* and search and retrieval technology as one of the Internet resource products offered by the Gateways. Each Gateway will identify the *Open Text Index* on the user interface when the Company's search technology is employed. The Company intends to pursue similar arrangements with other Internet gateways. • *Provide Integrated Information Search, Work Process Management and Information Distribution Solutions.* The Company intends to develop the capability of *Livelink* to operate over Intranets and the Internet, and to integrate *Livelink*, its collaborative workflow and document management system, with *Latitude Web Server*, its tool kit for creating a Web site or Intranet capable of finding and retrieving documents using an index of an organization's network and other Web sites, and making selected documents and information available to the public over the Internet. The Company's goal is to offer an integrated suite of information management solutions addressing the needs of the spectrum of users of local and wide area networks, Intranets and the Internet. The Company has entered into an agreement with Netscape that makes Netscape Navigator technology available for inclusion in the Company's client-based products and certain Netscape server technology available for inclusion in the Company's server-based products. The Company believes that this arrangement will contribute to the Company's ability to offer integrated solutions by assuring compatibility of both its client- and server-based software solutions with this popular industry standard. Id. at OT03693-94. **Technology** *Search and Retrieval Technology* *Development History.* *Open Text 5* and previous versions of the Company's indexing and search technology evolved out of the work of the Oxford English Dictionary project undertaken at the University of Waterloo in 1984 and completed in 1989. This project, undertaken in cooperation with Oxford University Press, IBM and the Government of Canada, required the development of technology suitable for searching large databases containing complex, multilingual, highly irregular data structured in SGML format. Modern text search and retrieval technologies are based on the full text index model. Full text retrieval software builds a comprehensive index of all terms that appear in the documents to be searched and completes

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	searches by reading the index, rather than by accessing and reading the documents themselves. Unlike traditional relational database management systems, full text retrieval does not require that information be rigorously structured in row and column formats. Traditionally, full text retrieval systems have been based on the creation of an ''inverted word index,'' which is a list of each indexed term that appears in a database. The inverted word index also lists the locations in the documents where the term appears. Inverted word search technology does not efficiently index common words such as ''and,'' ''the'' and ''is,'' because these words occur in numerous locations in each document, rendering searches for phrases such as ''The Limited,'' ''We, the people'' and ''to be or not to be'' relatively slower. By contrast, string search algorithms, such as those employed by the Company, permit efficient searches for such phrases. *Core Algorithm.* The Company's search engine is not based on the traditional inverted word index approach, but on a ''string search'' algorithm that enables a user to search for strings of data of arbitrary length, whether partial words, complete words or phrases. This algorithm indexes complete word series and phrases in context, in addition to individual terms. String search technology is also more easily adaptable to searches of databases in languages such as Chinese, Japanese, Korean and other languages that are not based on the European alphabet. These languages require multiple bytes to represent each character, and string search technology simply treats these characters as sequences of bytes in a string. Electronically stored audio and video information may also be represented as strings. A version of *Open Text 5* that supports Japanese Kanji is available for use in the Japanese market, and the Company currently is developing software to search other Asian language character sets. The Company is also working on the development of capabilities to search non-textual information, such as audio data. The index required in the application of string search technology requires the use of more memory than an inverted word index. Recent increases in computing speeds, memory size and hard drive capacity and reductions in the cost of memory have increased the size of data files that can be built and processed economically, making string search technology practical and cost effective. *Structured Documents and SGML.* The Company's search engine also differs from conventional technologies in that it recognizes that documents are often characterized by complex structures. For example, documents often contain titles, headings, sections, subsections and paragraphs. The Company's search engine can search any number of different user-defined document structures without loss of performance. It fully supports SGML, the key international standard for structured documents. *Parallel Execution Monitor.* The Company's search technology also includes a routing function called the Parallel Execution Monitor (the ''PEM''). The PEM provides a single point of access for distributed parallel searching of large databases in networked environments, including the Internet, in which it is difficult or impossible to unify all data on a single server or to build a single index of the data to be searched. The PEM performs all the network connection and remote process management functions necessary to accomplish this task. Accordingly, the index may reside on a number of servers in a variety of locations, and the use of the PEM enables the search to be simultaneously conducted across a number of servers that contain the index. The PEM enables the user to conduct searches quickly and without concern for the specific location of the data for any given query. The use of the PEM also enables the Company's search engine to deliver consistent response times regardless of database size or configuration, if adequate server and communications resources are employed. *Indexing.* Most information retrieval products, including those developed by the Company, automate the index-building function. *Open Text 5* creates and maintains indexes through the use of ''crawlers,'' software programs that search for and retrieve material to be indexed. Crawlers move from site to site, automatically identifying documents that need to be included or updated in the index. The Company's crawlers are designed to be ''intelligent,'' avoiding duplicated material and updating material based in part on an assessment of its relevancy. Thus, new data added to a database can be added to the index without re-indexing the entire database. Deleted data similarly is removed from the index. Id. at OT03694-95.

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Products

The Company markets a modular suite of information search, work process management and information distribution products to organizations and individuals. The following table sets forth certain data with respect to the Company's products:

Product	Application	Distribution Channel	Current Version Release Date	Initial Version Release Date
Open Text Index	On-line Internet directory service	Direct sales	March 1995	Same
Latitude Web Server	Directory tool kit enabling organizations to index internal and external Web pages	Direct sales OEMs VARs	November 1995	Same
Latitude	Information retrieval and viewing system for data located in disparate locations and formats	Direct sales VARs	March 1995	Same
Livelink	Workflow and document management software enabling workgroup collaboration	Direct sales OEMs VARs Distributors	May 1995	March 1992
Open Text 5	Indexing and search product resident on a server	Direct sales OEMs VARs	January 1995	September 1991
Internet Anywhere	Client-based Internet access tools	OEMs Retail	October 1995	June 1994
PC Search	Indexing and search product resident on a PC	Direct sales VARs	November 1995	Same

Id. at OT03697.

Open Text Index

The *Open Text Index* uses one of the Company's search engines and the Company's crawlers to ind information located on the Web. The *Open Text Index* indexes every word of every page of information indexe rather than a selection of key words. Although the amount of information available on the Internet is increasing rapidly, the Company seeks to keep pace with this growth by increasing the coverage of the *Open Text Index*. The Company believes that its crawlers have identified a substantial portion of the sites located on the Web. As of December 7, 1995, the *Open Text Index* had indexed over 2.4 billion words, numbers and addresses, which have been indexed from approximately 1.6 million Web pages. The *Open Text Index* has also indexed over 25 million hyperlinks from indexed Web pages to other Web pages.

The *Open Text Index* enables a user to search for terms appearing in particular elements of a document's structure, conduct weighted searches and search for other documents with similar content. The *Open Text Index* also provides a ''results sampling'' feature, which permits a user to view the searched term in context from the *Open Text Index* without being required to access the documents in which the term appears.

The Company has licensed the *Open Text Index* and ongoing updates to Yahoo!, internetMCI and IBM infoMarket to enable these Gateways to provide the *Open Text Index* to their customers as part of their Web access service. The *Open Text Index* also represents a source of advertising revenue for the Company. Pursuant to an agreement with Yahoo! in October 1995, the Company will operate an *Open Text Index* search service for users of the Yahoo! home page. The Company will receive a portion of any revenue received from advertisements visible to Yahoo! users who access the *Open Text Index*. Pursuant to an agreement with internetMCI, a portion of any advertising revenue received by internetMCI will be remitted to the Company on a similar basis. Advertisers can place ''billboard'' advertisements on the *Open Text Index*, which are visible on a portion of the screen displaying the *Open Text Index* user interface. Also available will be ''embedded'' advertisements, which are presented with the other results of a search using the *Open Text Index*. Embedded advertisements enable an advertiser to target users who have demonstrated an interest in selected subject matters by searching for similar or related information. The Company also offers an *Open Text Index* search service on its own home page Web site at no charge to the user, and Netscape has agreed to list the *Open Text Index* on the Netscape Navigator under the ''Net Search'' button. The Company has begun to sell billboard advertising space on the *Open Text Index* user interface and also intends to sell embedded advertising. The Company's agreement with IBM infoMarket provides for the Company to receive an annual license fee and a monthly fee based on the number of subscribers to the service.

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	Id. at OT03697-98. ***Latitude Web Server*** In November 1995, the Company introduced *Latitude Web Server*, a tool kit that facilitates an organization's creation of a Web site or an Intranet that enables users to find and retrieve information and documents using an index of the organization's network and other Web sites and enables the organization to make selected documents and information available to the public over the Internet. *Latitude Web Server* consists of publicly available Internet protocol software, *Open Text 5*, the Company's crawlers that create and maintain the index, an application programming interface that permits integration of the Company's indexing and search technology with network- and Web-based applications and administrative tools that track and monitor the use of the index. The Company has licensed certain Netscape server technology for bundling with *Latitude Web Server* which will provide a gateway between *Latitude Web Server* and the Internet while providing for security and log-in and access control to protect an organization's confidential information. Ford Motor Company, Northern Telecom, Siemens AG and Silicon Graphics, Inc. have purchased *Latitude Web Server* to assist in the management of information. *Latitude Web Server* is marketed by the Company's direct sales force to organizations that are publishing on the Web or establishing Intranets, to OEMs that wish to embed the Company's indexing and search technology in their Internet-based applications and to VARs. The price of a *Latitude Web Server* ranges from approximately US$12,000 to US$25,000 or more, depending on the desired features and the number of servers containing information to be indexed. ***Latitude*** *Latitude* enables organizations to find and view information and documents spread across multiple servers on local and wide area networks and the Internet. Information can be viewed "as is," in native file formats, without first having to be converted into a proprietary format. *Latitude* employs the Company's search engine and PEM technology to index and retrieve information and documents, and incorporates a set of viewers that are automatically invoked depending on the type of data or document. *Latitude* enables a user to view, in native format, documents and information in over 40 different formats, including major word processing and spreadsheet formats, SGML, Adobe Acrobat files, CAD drawings and multimedia files. Additional viewers can be added for customers with specially formatted information. *Latitude* is designed for organizations that need to make organized information, such as service manuals, parts information and safety bulletins, available to users. For example, Caterpillar has purchased and is implementing *Latitude* as a search tool for information found in the electronic repair and maintenance manuals that are used by 180 Caterpillar equipment dealers. *Latitude* will enable Caterpillar's dealers to find and view repair and maintenance-related information requested by a user, including instructional video clips, on hundreds of thousands of equipment parts and maintenance procedures. The product is currently available as *Latitude Office*. The Company currently plans to introduce *Latitude Department*, an enhancement of *Latitude Office*, in the second quarter of calendar 1996. One of the additional features of *Latitude Department* is a directory similar in format to a table of contents that will enable users to locate documents by category. The Company also currently plans to introduce *Latitude Enterprise*, a further enhancement of *Latitude Office* that will support SQL, in calendar 1996. *Latitude Department* and *Latitude Enterprise* are both designed to support larger and more complex environments by providing additional viewers and more advanced server and routing capabilities for greater search efficiency. *Latitude Office* is marketed by the Company's direct sales force and through VARs. The price of *Latitude Office* is US$28,000 per server, plus a fee of US$200-$350 per client license depending on the number of licenses and other factors. In a typical configuration, the price of a *Latitude Office* system ranges from US$50,000 to US$60,000. Id. at OT03698-99. ***Open Text 5*** *Open Text 5* is the search engine upon which several of the other products and applications marketed by the Company are based. It is sold as a stand-alone indexing and search product that can be added to or employed in custom designed document management systems. For example, Boeing's component cost department uses *Open Text 5* to search its internal files for previously prepared cost change estimates involving parts for which similar cost change estimates are required. The underlying indexing and retrieval technology also is licensed to OEMs for inclusion in their systems. The Company is finalizing *Open Text 6*, which is currently expected to be available for shipment and integration with other products in the first quarter of calendar 1996. This new search engine is expected to include faster index updating, indexes requiring less storage capacity and fuzzy logic searches, which expand the scope of a search to include words and phrases that are similar to the search terms. *Open Text 5* is marketed by the Company's direct sales force, and the price of a typical system ranges from US$30,000 to US$50,000.

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Id. at OT03700.

Customers

The Company's customers include:

Open Text Index

International Business Machines Corporation
networkMCI, Inc.
Yahoo! Corporation

Latitude

Amdahl Corporation
CAE Electronics, Ltd.
Caterpillar Inc.

Latitude Web Server

Ford Motor Company
Northern Telecom
Siemens AG
Silicon Graphics, Inc.

Open Text 5

Andersen Consulting
The Boeing Company
California Continuing Education of the Bar
International Business Machines Corporation
MCI Communications Corp.
Oracle Corporation
Pratt & Whitney
Union Bank of Switzerland
US Department of Defense
US Department of Energy

Livelink

BankAmerica Corporation
The Boeing Company
The British Petroleum P.L.C.
Canon Sales Co., Inc.
General Electric Company
Hitachi, Ltd,
MCI Communications Corp.
National Aeronautics and Space Administration
Nippon Telephone and Telegraph Corporation
Oracle Corporation
Qualcomm, Inc.
Sony Microelectronics/Texas
TransCanada Pipelines
UAL Corporation
US Food and Drug Administration
US Missile Command

Id. at OT03702.

Gateway Agreements

The Company has entered into gateway agreements with Yahoo!, internetMCI and IBM infoMarket. Pursuant to these agreements, the Company has licensed the *Open Text 5* search engine and the *Open Text Index* for use with the Internet information resource products offered by the Gateways. Netscape has agreed to list the *Open Text Index* on the Netscape Navigator under the "Net Search" button. InternetMCI and IBM infoMarket began offering the *Open Text Index* in November 1995 and the Company anticipates that access to the *Open Text Index* through Yahoo! and Netscape Navigator will begin in January 1996 and the first quarter of 1996, respectively.

The agreements with Yahoo! and internetMCI each provide for the Company to receive an annual license fee and a fee based on a percentage of the revenue received by the Gateway from advertisements viewed by gateway users who use the *Open Text Index*. Advertising revenue is generated by advertisers placing either billboard or embedded advertisements on the screens that are visible to a user during the course of a search for information using the *Open Text Index*. The internetMCI agreement also provides for monthly fees for ongoing updates of the *Open Text Index*. The agreement with IBM infoMarket provides for the Company to receive an annual license fee and a monthly fee based on the number of subscribers to the service. The arrangement with Netscape does not initially provide for payments by the Company to Netscape, but such payments will be required in the future.

Id. at OT03702-03.

Competition

The markets for the Company's products are new, intensely competitive, subject to rapid technological change and evolving rapidly. The Company expects competition to increase in the future as the markets for the Company's products continue to develop and as additional companies enter each of its markets.

The primary competitors of the Company's *Open Text Index* include Architext Software, Inc., InfoSeek Corporation, Lycos, Inc. and America Online's Web Crawler. Both InfoSeek and Lycos have been operating on the Internet for a longer period of time than the *Open Text Index*, are displayed on the Netscape Navigator user interface and have superior name recognition. Digital Equipment Corporation has recently introduced an Internet search service named Alta Vista that will compete with the *Open Text Index*. Although Netscape has agreed to list the *Open Text Index* on Netscape Navigator, this listing currently has less prominence than that of InfoSeek and, in the future, might have less prominence than those of other search services. The Company believes that the principal competitive factors in this market include relationships with Internet gateways, product name recognition and reputation, ease of use, reliability, search response time, and the extent to which the index covers

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	the Internet. The Company believes that the *Open Text Index* is competitive with respect to these factors. The Company's strategy for obtaining advertising revenues from the *Open Text Index* is dependent in part on the success of the Company's Internet gateway relationships. Accordingly, competition between the Internet gateways with which the Company has relationships and competing Internet gateways, or failure of the Internet gateways with which the Company has relationships to achieve or maintain market acceptance may have a material adverse effect on the Company's business, operating results and financial condition. In the market for information search and retrieval software, the Company competes with Excalibur Technologies Corporation, Fulcrum Technologies, Inc., Information Dimensions, Inc., PLS, Verity, Inc. and others. The Company also competes indirectly with database vendors that offer information search and retrieval capabilities with their core database products. In the future, the Company may encounter competition from companies that enhance products such as document management systems, groupware applications, Internet products and operating systems to include information search and retrieval functions. The Company believes that the principal competitive factors in this market include the ability to search large amounts of data rapidly without degradation in performance, the ability to find and view information on disparate platforms in a variety of formats and locations, vendor and product reputation, the ability to index information comprehensively, ease of use, product architecture, product quality and performance, quality of product support and price. The Company believes that its search and retrieval technology competes favorably with respect to these factors. Id. at OT03703-04. **Product Development** As of December 1, 1995, the Company's research and development organization included 49 employees. A number of key technical staff have been developing text retrieval software since the 1970s. The Company's roots in the Oxford English Dictionary project provide eleven years of experience with full text retrieval software. The Company also funds research projects at the University of Waterloo, where Dr. Frank Tompa, a founder, director and shareholder of the Company, is a professor and a researcher. See "Certain Transactions—Research Funding." The Company's current product development efforts are focused on enhancing and broadening its information search, work process management and information distribution products. Areas of particular emphasis are the development of the capability of *Livelink* to operate on Intranets and the Internet, the integration of *Livelink* technology with *Latitude Web Server* and the integration of technologies acquired in the acquisitions of assets of Intunix and Internet Anywhere with the Company's other technologies and products. See "Management's Discussion and Analysis of Financial Condition and Results of Operation—Overview." Improvement of search engine speed, development of more efficient Web crawler technology, integration of relational database management systems with the Company's software and enhancements of the user interfaces for all of the Company's products are other areas of ongoing activity for the product development organization. The Company intends to enhance *Latitude* by increasing its ability to handle larger and more complex environments, adding features such as a directory similar to a table of contents and enabling the product to support SQL. Although the principal technology of the Company's products have been developed internally or acquired, the Company also may license and incorporate third-party technology to supplement internal efforts. The Company's ability to successfully develop and release new products and product enhancements in a timely manner is subject to a variety of factors, including its ability to solve technical problems and test products, competing priorities of the Company, the availability of development and other resources and other factors outside the control of the Company. There can be no assurance that the Company will not experience difficulties that could delay or prevent the successful development, introduction or marketing of new products and product enhancements. Id. at OT03705. **Intellectual Property Rights** The Company's products are comprised of software owned by the Company or licensed to it. The core of the information retrieval database software and related technology in *Open Text 5* was initially developed in the 1980s by Dr. Gaston Henry Gonnet and Dr. Frank William Tompa as faculty members of the University of Waterloo Centre for the New Oxford Dictionary and Text Research. Drs. Gonnet and Tompa acquired the rights to the software and technology and licensed it to the Company's predecessors in interest. Pursuant to an agreement dated June 20, 1991 (the "1991 Technology Agreement"), Dr. Gonnet has granted the Company a perpetual, exclusive and paid-up license to all such technology, subject to Dr. Gonnet's right to use and exploit certain portions developed prior to specified dates in 1990 and 1991. Dr. Gonnet has asserted that the Company has breached the terms of the 1991 Technology Agreement, that the Company has "repudiated" the 1991 Technology Agreement and that the technology has therefore become his "exclusive property," which he may market and exploit subject only to any rights retained by Dr. Tompa, the co-founder of the Company. A

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	subsidiary of the Company has acquired title to Dr. Tompa's interests in the technology, giving it co-ownership with Dr. Gonnet. The subsidiary continues to license the technology to the Company. Dr. Gonnet has also asserted that he owns 90% of a portion of the technology and two-thirds of the remaining technology covered by the 1991 Technology Agreement, and that he is entitled, as a co-owner, (1) to an accounting of his proportionate share of the profits made on the sale of products of the Company which incorporate the technology and (2) to be identified as a co-owner of the technology on any copyright or trade mark registration. The claims of Dr. Gonnet are the subject of litigation. The Company believes, based on the advice of counsel, that it has meritorious defenses to Dr. Gonnet's claims. In addition, the Company believes that it will, as a result of its subsidiary having acquired Dr. Tompa's interest in the technology and the continuation of the license from the subsidiary, retain the right to continue to exploit, market and sell the technology. There can be no assurance, however, that the Company will prevail in its dispute with Dr. Gonnet, that the dispute will not result in additional claims or that the Company will retain the right to exploit this technology. An adverse outcome could have a material adverse effect on the Company's business, financial condition and results of operations. See "Business—Legal Proceedings." Certain other portions of the Company's products incorporate software licensed from third parties on a nonexclusive basis in return for certain royalties which the Company believes to be standard in its industry. Id. at OT03705-06. ***Full-text retrieval (FTR).*** Refers to the ability to search and retrieve any word or combination of words in a text database or large collection of documents. Id. at OT03735.
[c] correlating the received search argument to a particular advertisement in a second database having advertisement related information; and	The Open Text Form Prospectus discloses correlated the received search argument to a particular advertisement in a second database having advertisement related information. **The Company** Open Text Corporation (the "Company") develops, markets, licenses and supports software for use on local and wide area networks, Intranets and the Internet that enables users to find electronically stored information, work together in creative and collaborative processes and distribute or make available to users across networks or the Internet the resulting work product and other information. The Company's search engine enables users to transparently search vast amounts of data stored in a wide variety of formats and in disparate locations, including World Wide Web sites. The Company's search technology is characterized by rapid response times that do not increase materially as the amount of data searched increases, if adequate server and communications resources are employed. The Company's workflow and document management software enables users to establish and manage document-oriented collaborative work processes that involve a diversity of workers, computing platforms and data. In addition, the Company's products enable organizations to flexibly manage the distribution and availability of information. The Company's strategy is to offer information search, work process management and information distribution products that collectively represent a suite of information management solutions addressing the needs of the spectrum of users of local and wide area networks, Intranets and the Internet. Employing its search engine and related technologies, the Company has created the *Open Text Index*, an index of the World Wide Web (the "Web"), that it licenses together with its search technology to major Web information providers, including Yahoo!, internetMCI and IBM infoMarket. The Company also offers the *Open Text Index* as a search tool to Web users on the Company's own Web site in order to increase awareness of the Company's technology and products and to capitalize on the emerging advertising revenue opportunity on the Internet. Netscape Communications Corporation ("Netscape") has agreed to list the *Open Text Index* on the Netscape Navigator under the "Net Search" button. Open Text Prospectus at OT03653.

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	Unproven Acceptance of the Company's Products and Services; Developing Market Many of the Company's products or product versions have been introduced only recently. In January 1995, the Company introduced *Open Text 5*, the most recent version of its search engine software. In March 1995, the Company introduced *Latitude*, its document distribution system, and made its *Open Text Index* available on the Internet. In May 1995, the latest version of *Internet Anywhere* was released. In addition, the Company plans to release its initial integration of the *Latitude* and *Livelink* products and other new products and product versions in the near future. In November 1995, the *Open Text Index* became available to users of the Internet through internetMCI and IBM infoMarket. The Company is in the process of making the *Open Text Index* available to users of the Internet through Yahoo! and a listing on the Netscape Navigator under the "Net Search" button and has recently begun selling advertising on the *Open Text Index* offered through the Company's Web site. See "Business—Products." The Company's success will depend in large measure upon the success of these products and services. Failure of these products and services to achieve significant market acceptance and usage would adversely affect the Company's business, operating results and financial condition. Because certain of the Company's software is newly released, there can be no assurance that, despite testing by the Company, errors will not be found in such software after release, or, if discovered, that the Company will be able to successfully correct such errors in a timely manner, or at all. If the Company is unable to successfully market its current products and services, develop new software products and services and enhancements to current products and services, correct errors on a timely basis or complete products and services currently under development, or if such new products and services or enhancements do not achieve market acceptance, the Company's business, operating results and financial condition will be materially adversely affected. Id. at OT03658. **Dependence on the Internet; Uncertain Adoption of the Internet as a Medium of Communications and Commerce; Uncertain Future of the Internet as an Advertising Medium** Rapid growth in interest in and use of the Internet is a recent phenomenon. The market for certain of the Company's products and services are highly dependent upon the increased use of the Internet for information publication and distribution and commercial applications, and on the development of the Internet as an advertising medium. There can be no assurance that communication or commerce over the Internet will become widespread. Similarly, there can be no assurance that the Internet will develop as an attractive medium for advertisements, whether through Internet "gateways" with which the Company has relationships, through the *Open Text Index* or otherwise. See "Business—Gateway Agreements." Critical issues concerning the commercial use of the Internet, including security, reliability, cost, ease of use, access, quality of service and acceptance of advertising, remain unresolved and may retard the growth of Internet use or the placement of advertisements on the Internet. If widespread commercial use of the Internet does not develop, or if the Internet does not develop as an attractive medium for advertising, the Company's business, operating results and financial condition could be materially adversely affected. See "Business—Industry Overview." The Company also plans to distribute certain products electronically through the Internet. There can be no assurance that this method of distribution will be commercially successful. Id. at OT03662. **Competition; New Entrants** The markets for the Company's products are new, intensely competitive, subject to rapid technological change and evolving rapidly. The Company expects competition to persist, increase and intensify in the future as the markets for the Company's products continue to develop and as additional companies enter each of its markets. The primary competitors of the Company's *Open Text Index* are Architext Software, Inc., InfoSeek Corporation, Lycos, Inc. and America Online's Web Crawler. Digital Equipment Corporation has recently introduced an Internet search service named Alta Vista that will compete with the *Open Text Index*. Both InfoSeek and Lycos have been operating on the Internet for a longer period of time than the *Open Text Index*, are displayed on the Netscape Navigator user interface and have superior name recognition. While Netscape has agreed to list the *Open Text Index* on Netscape Navigator, this listing currently has less prominence than that of InfoSeek, and, in the future, might have less prominence than those of other search services. The Company's strategy for obtaining advertising revenues from the *Open Text Index* is dependent in part on the success of the Company's gateway relationships. Accordingly, competition between the Internet gateways with which the Company has relationships and competing Internet gateways or failure of the Internet gateways with which the Company has relationships to achieve or maintain market acceptance may have a material adverse effect on the Company's business, operating results and financial condition. In the market for information search and retrieval software, the Company competes with Excalibur Technologies Corporation, Fulcrum Technologies, Inc., Information Dimensions, Inc., Personal Library Software, Inc., Verity, Inc. and others. The Company also competes indirectly with database vendors that offer information search and retrieval capabilities with their core database products. In the future, the Company may encounter competition from companies that enhance products such as document management systems, groupware applications, Internet products and operating systems to include information search and retrieval functions.

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	Id. at OT03662-63. **Dependence on Internet Gateway Providers** The Company is relying on a number of strategic relationships to achieve market acceptance of certain of its products. In particular, the Company has entered into arrangements with several Internet "gateways," including Yahoo! Corporation ("Yahoo!"), networkMCI, Inc. ("internetMCI"), International Business Machines, Inc. ("IBM infoMarket") and Netscape (collectively, the "Gateways"), and intends to enter into similar agreements with others. The agreements with Yahoo! and internetMCI allow these Gateways to use the Company's *Open Text Index* in exchange for a share of advertising revenues generated by the sale of advertising space visible to the user during the course of a search for information using the *Open Text Index* initiated through the Gateway, and the agreement with IBM infoMarket provides for payments to the Company based on the number of subscribers to the service. Netscape has agreed to list the *Open Text Index* on the Netscape Navigator. The success of the Company is dependent, to a large degree, on the success of the Gateways and other gateways with which the Company may have a relationship in the future, and the continued attractiveness to customers of their service offerings. Although the Company views these relationships as important factors in achieving market acceptance of certain of its products and the development and commercialization of its technologies, the agreements with the Gateways are not exclusive and can be terminated by the Gateways under certain circumstances. There can be no assurance that the Gateways or any other Internet gateways with which the Company may form relationships in the future will regard their relationships with the Company as strategic to their own respective businesses and operations, that they will not reassess their commitment to the Company's technologies at any time in the future or that they will not develop or acquire their own competitive technology. Furthermore, there can be no assurance that the service offerings of the Company's gateway alliances will achieve or maintain market acceptance or commercial success. Failure of one or more of the Company's gateway alliances to achieve or maintain market acceptance or commercial success or the termination of one or more successful gateway alliances would have a material adverse effect in the Company's business, operating results and financial condition. Id. at OT03664. The Company has begun selling advertising on the *Open Text Index*. As the market for advertising on the Internet is new and rapidly evolving, the Company is exploring a variety of alternative marketing and sales strategies for this effort. Id. at OT03664. **Risk of Capacity Constraints and System Failure Relating to *Open Text Index*** A key element of the Company's marketing strategy and promotional efforts is its use of the *Open Text Index*, which the Company makes available at no charge to users of the Internet, as a highly visible demonstration of the capabilities of the Company's search engine software. Accordingly, the performance of the *Open Text Index* is critical to the Company's reputation, the success of its relationships with Internet gateways and its ability to attract advertisers to the *Open Text Index*. Any system failure that causes interruptions in the availability or speed of the Company's *Open Text Index* could have a material adverse effect on the Company. An increase in the volume of searches conducted using the *Open Text Index* could strain the capacity of the Company's search engine or the hardware deployed at the *Open Text Index*, which could lead to slower response times or even a complete system failure. The *Open Text Index* has experienced brief periods of service interruption, normally associated with implementation of software changes to the system, all of which to date have been promptly corrected. In October 1995, the *Open Text Index* experienced a period of significantly slower response times due to an increased volume of searches until the Company added additional servers and communications capacity. On several occasions since that time, increased usage of the *Open Text Index*, changes to hardware and software configuration related to the implementations of the Yahoo! gateway agreement and the establishment of related services in Mountain View, California have resulted in brief periods during which the *Open Text Index* produced slow response times. While the Company monitors the performance of the *Open Text Index* and seeks to take prompt action to correct any deterioration in response times, periods of slow response may occur in the future, and there can be no assurance that the Company will be able to take prompt and effective corrective action. The Company has made certain commitments under its gateway agreements to provide rapid response times and consistent system availability, and, accordingly, any slower response times or system failure could result in the termination of, or exposure to damages under, one or more of these agreements. The Company is also dependent on hardware suppliers for prompt delivery, installation and service of servers and other equipment used to provide the *Open Text Index*. Copies of the Company's *Open Text Index* are located at computer facilities located in Toronto, Ontario and Mountain View, California. There can be no assurance that a system failure at either of these locations would not adversely affect the performance of the *Open Text Index*. These systems are vulnerable to damage from fire, earthquakes, power loss, telecommunications failures and similar events. Despite the implementation of network security measures by the Company, its servers are also vulnerable to computer viruses, break-ins and similar disruptive problems. Computer viruses, break-ins or other problems caused by third parties could lead to interruptions, delays or cessation in service to the Company's *Open Text Index* users.

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	Id. at OT03665. **Industry Overview** Organizations are increasingly seeking to streamline their business processes in order to increase worker productivity and reduce costs through the implementation of information management solutions. Through investments in traditional information management tools, organizations often establish a variety of data processing infrastructures that are rigidly designed to complete specific tasks or perform narrowly defined functions. As a result, organizations are increasingly faced with significant information management challenges attributable to rapidly increasing amounts of data created and stored in a variety of formats and in disparate locations across various networks. In addition, the emergence of the Internet as an important medium for communications is an increasingly significant influence on the configuration of network computing environments, and organizations are increasingly adopting private Intranets that are based on client/server architectures and that employ Internet data formats and communications protocols to connect geographically dispersed networks and facilities. *Proliferation of Information on Client/Server Networks and the Internet* In recent years, advances in computer hardware and software technology have resulted in dramatic increases in the amount of electronically stored information available to computer users. The ease of use, increased performance and declining cost of computer hardware and software have resulted in the rapid growth of the number of business and individual personal computer users and the migration of corporate networks from centralized mainframe systems to distributed local and wide area networks based on client/server architectures and, more recently, on peer to peer architectures. The prevalence of client/server networks facilitates the creation and storage of information on numerous computers in disparate locations and in a wide variety of files and formats. Client/server networks consist of desktop computers (''clients'') that can access powerful computers (''servers'') that store large amounts of information and perform computing functions on behalf of clients. These networks enable dispersed users to communicate with and access the information and other resources of other computers in the network across traditional geographic and organizational boundaries. As a result, information that is critical to organizations increasingly is created, managed and stored on a decentralized basis in numerous sites and in a variety of files and formats.

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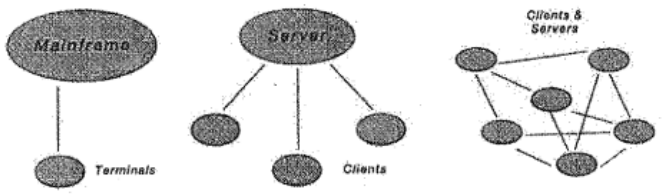

Mainframe Client/Server Internet/Intranet

Computer architectures have evolved with advances in hardware and software technologies. The mainframe architecture, which initially dominated computing, was supplanted by the client/server architecture that resulted from increases in desktop computing power. Recent advances in network hardware and protocols have resulted in the creation of an open network architecture, based on Internet communications protocols, that facilitates flexible communication among multiple servers and multiple clients (Internet/Intranet architecture).

The rapid growth in the use of on-line services and the Internet has enabled both organizations and individual computer users to communicate with other users and access large amounts of information published for general public reference or for access by consumers. The Internet is a global web linking thousands of computer networks. International Data Corporation estimates that the number of Internet users was approximately 38 million at the end of 1994 and predicts that the number of Internet users will grow to approximately 200 million in the year 1999. Much of the recent growth in the use of the Internet is attributable to the emergence of the network of servers and information available on the Internet known as the World Wide Web. The Web employs a client/server architecture that, when integrated with "browser" software, enables non-technical users to exploit the capabilities of the Internet.

In addition to providing access to a vast array of information, the Internet represents a new medium through which organizations and individuals can conduct business. The potential benefits of conducting business on the Internet include direct, immediate communications with consumers, customers, vendors and other parties, increased access to a large and growing universe of organizations and individuals, novel advertising opportunities and low communications and transaction costs. The amount of information available on the Internet, the commercial applications of the Internet, the number of Web sites on which data reside and the amount of data residing on individual Web sites are all increasing rapidly. As a result, both business and home computer users face the challenge of locating and retrieving the specific information that responds to their needs from the vast sea of data available on the Internet.

The Web is characterized by a standard document format described by the Hypertext Mark-Up Language ("HTML") and a standard information transfer protocol called Hypertext Transfer Protocol ("HTTP"). As organizations become familiar with the use of the Web, they are increasingly adopting Internet data formats and communications protocols, such as Transmission Control Protocol/Internet Protocol ("TCP/IP"), and using Web client and server software and, in some cases, the Internet's facilities as the backbone for private networks ("Intranets") that connect an organization's local area networks. The implementation of an Intranet is a low cost alternative to the establishment of a proprietary private network. Intranets enable network users to communicate and access information within an organization's boundaries, collaborate with external groups or individuals, including suppliers, customers and consultants, and use the Web to access information on the Internet and communicate with other Web users. An organization also may use its Intranet servers to publish documents and data on the Web that are created and resident on its Intranet. An increasing number of

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organizations are implementing Intranets as an alternative to traditional client/server networks. Accordingly, demand for business-oriented software solutions that support Internet protocols is increasing, and expected to continue to increase.

Diverse Data Formats

Electronically stored information can be classified as either "relational" or "non-relational" data, as outlined in the chart below. Relational data generally consists of data organized in strictly defined row and column formats. While relational database management systems, such as those marketed by Oracle Corporation ("Oracle"), Sybase, Inc. ("Sybase") and Informix Software ("Informix"), enable organizations to manage their relational data, only a small percentage of electronically stored information is stored in relational databases. The vast majority of the remaining data is stored in non-relational format, which is not suited for search and retrieval using relational database management systems.

Non-relational data can be divided into two categories, "unstructured" and "structured." Non-relational data created with word processing programs and other programs, such as spreadsheets, are unstructured and include documents such as proposals, reports, budgets, engineering drawings, memoranda, electronic mail and multimedia files. Increasingly, a significant portion of the information stored as unstructured data contains information of continuing value to an organization.

Documents intended to have a long life and continuing value and that are frequently revised or updated are often created in a structured format called Standard Generalized Markup Language ("SGML"). Such documents include maintenance and owners manuals, parts lists, catalogs and operating policies and procedures manuals. SGML records the elements of the document's structure (e.g., titles, headings, footnotes and various other organizational elements selected by the author) in addition to its text. SGML is well suited for documents that will be stored in databases and delivered in a variety of media and has found wide acceptance in the fields of reference publishing, technical documentation and regulatory compliance, including the Securities and Exchange Commission's "EDGAR" document repository. The importance of SGML has increased recently, because it is the basis upon which HTML, the language of the Web, is built. SGML theory and practice will play a significant role in the future development of HTML.

		Non-Relational Data	
	Relational Data	Structured	Unstructured
Data and File Formats	**SQL** *(Oracle, Sybase and Informix)*	**SGML** **HTML**	**ASCII** **WordPerfect** **Excel** **Word** **Lotus 1-2-3**
Document Types	Sales data reports Accounting reports Invoices Customer records Backlog status	Web sites Owner's manuals Operating procedures Parts lists Product catalogs Product documentation	Memoranda E-mail Presentations Business reports Correspondence Spreadsheets Technical documents Multimedia presentations

In the client/server environment, an increasing proportion of information of continuing value to organizations is non-relational and cannot be found or retrieved using relational database management systems. Accordingly, organizations will increasingly demand software solutions that enable users to find and use information in a variety of data and file formats, regardless of whether it is structured or unstructured.

Id. at OT03689-91.

- *Capitalize on Web Advertising Revenue Opportunity.* An emerging revenue opportunity for highly visible, frequently accessed Web sites is the sale of advertising space on the screen that users view when visiting a Web page. The Company has begun to sell advertising on its *Open Text Index* home page and has entered into agreements with Yahoo! and internetMCI that provide for the Company to receive a share of the advertising revenue generated by the sale of advertising space visible to the Gateway user during the course of a search for information using the *Open Text Index* through the Gateway.

Id. at OT03694.

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	The Company has licensed the *Open Text Index* and ongoing updates to Yahoo!, internetMCI and IBM infoMarket to enable these Gateways to provide the *Open Text Index* to their customers as part of their Web access service. The *Open Text Index* also represents a source of advertising revenue for the Company. Pursuant to an agreement with Yahoo! in October 1995, the Company will operate an *Open Text Index* search service for users of the Yahoo! home page. The Company will receive a portion of any revenue received from advertisements visible to Yahoo! users who access the *Open Text Index*. Pursuant to an agreement with internetMCI, a portion of any advertising revenue received by internetMCI will be remitted to the Company on a similar basis. Advertisers can place "billboard" advertisements on the *Open Text Index*, which are visible on a portion of the screen displaying the *Open Text Index* user interface. Also available will be "embedded" advertisements, which are presented with the other results of a search using the *Open Text Index*. Embedded advertisements enable an advertiser to target users who have demonstrated an interest in selected subject matters by searching for similar or related information. The Company also offers an *Open Text Index* search service on its own home page Web site at no charge to the user, and Netscape has agreed to list the *Open Text Index* on the Netscape Navigator under the "Net Search" button. The Company has begun to sell billboard advertising space on the *Open Text Index* user interface and also intends to sell embedded advertising. The Company's agreement with IBM infoMarket provides for the Company to receive an annual license fee and a monthly fee based on the number of subscribers to the service. Id. at OT03698. **Gateway Agreements** The Company has entered into gateway agreements with Yahoo!, internetMCI and IBM infoMarket. Pursuant to these agreements, the Company has licensed the *Open Text 5* search engine and the *Open Text Index* for use with the Internet information resource products offered by the Gateways. Netscape has agreed to list the *Open Text Index* on the Netscape Navigator under the "Net Search" button. InternetMCI and IBM infoMarket began offering the *Open Text Index* in November 1995 and the Company anticipates that access to the *Open Text Index* through Yahoo! and Netscape Navigator will begin in January 1996 and the first quarter of 1996, respectively. The agreements with Yahoo! and internetMCI each provide for the Company to receive an annual license fee and a fee based on a percentage of the revenue received by the Gateway from advertisements viewed by gateway users who use the *Open Text Index*. Advertising revenue is generated by advertisers placing either billboard or embedded advertisements on the screens that are visible to a user during the course of a search for information using the *Open Text Index*. The internetMCI agreement also provides for monthly fees for ongoing updates of the *Open Text Index*. The agreement with IBM infoMarket provides for the Company to receive an annual license fee and a monthly fee based on the number of subscribers to the service. The arrangement with Netscape does not initially provide for payments by the Company to Netscape, but such payments will be required in the future. Id. at OT03702-03. **Competition** The markets for the Company's products are new, intensely competitive, subject to rapid technological change and evolving rapidly. The Company expects competition to increase in the future as the markets for the Company's products continue to develop and as additional companies enter each of its markets. The primary competitors of the Company's *Open Text Index* include Architext Software, Inc., InfoSeek Corporation, Lycos, Inc. and America Online's Web Crawler. Both InfoSeek and Lycos have been operating on the Internet for a longer period of time than the *Open Text Index*, are displayed on the Netscape Navigator user interface and have superior name recognition. Digital Equipment Corporation has recently introduced an Internet search service named Alta Vista that will compete with the *Open Text Index*. Although Netscape has agreed to list the *Open Text Index* on Netscape Navigator, this listing currently has less prominence than that of InfoSeek and, in the future, might have less prominence than those of other search services. The Company believes that the principal competitive factors in this market include relationships with Internet gateways, product name recognition and reputation, ease of use, reliability, search response time, and the extent to which the index covers the Internet. The Company believes that the *Open Text Index* is competitive with respect to these factors. The Company's strategy for obtaining advertising revenues from the *Open Text Index* is dependent in part on the success of the Company's Internet gateway relationships. Accordingly, competition between the Internet gateways with which the Company has relationships and competing Internet gateways, or failure of the Internet gateways with which the Company has relationships to achieve or maintain market acceptance may have a material adverse effect on the Company's business, operating results and financial condition. Id. at OT03703-04.
[d] providing the search	The Open Text Form Prospectus discloses provided the search

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results together with the particular advertisement to the user.	results together with the particular advertisement to the user. **The Company** Open Text Corporation (the "Company") develops, markets, licenses and supports software for use on local and wide area networks, Intranets and the Internet that enables users to find electronically stored information, work together in creative and collaborative processes and distribute or make available to users across networks or the Internet the resulting work product and other information. The Company's search engine enables users to transparently search vast amounts of data stored in a wide variety of formats and in disparate locations, including World Wide Web sites. The Company's search technology is characterized by rapid response times that do not increase materially as the amount of data searched increases, if adequate server and communications resources are employed. The Company's workflow and document management software enables users to establish and manage document-oriented collaborative work processes that involve a diversity of workers, computing platforms and data. In addition, the Company's products enable organizations to flexibly manage the distribution and availability of information. The Company's strategy is to offer information search, work process management and information distribution products that collectively represent a suite of information management solutions addressing the needs of the spectrum of users of local and wide area networks, Intranets and the Internet. Employing its search engine and related technologies, the Company has created the *Open Text Index*, an index of the World Wide Web (the "Web"), that it licenses together with its search technology to major Web information providers, including Yahoo!, internetMCI and IBM infoMarket. The Company also offers the *Open Text Index* as a search tool to Web users on the Company's own Web site in order to increase awareness of the Company's technology and products and to capitalize on the emerging advertising revenue opportunity on the Internet. Netscape Communications Corporation ("Netscape") has agreed to list the *Open Text Index* on the Netscape Navigator under the "Net Search" button. The Company's search engine, currently marketed as *Open Text 5*, has application as a stand-alone search tool for use on local and wide area networks and the Internet and as part of more comprehensive information management solutions. For example, the Company's search engine is a key component of *Latitude*, the Company's document distribution product that enables an organization's users to find and view, in native format, documents in large collections of information stored on local or remote servers and CD-ROMs spread across local and wide area networks and the Internet. In November 1995, the Company introduced *Latitude Web Server*, a software tool kit that facilitates an organization's creation of an internal Internet-protocol network, or "Intranet," that enables users to find and retrieve information and documents available on the organization's Intranet and on other Web sites, and enables the organization to make selected documents available to the public over the Internet. The Company's workflow and document management system, *Livelink*, combines the features of an integrated document management system with workflow management and collaborative computing functions on local and wide area networks. The Company is developing *Livelink* to enable users to manage documents, establish collaborative workgroups and manage and track the progress of their work using Intranets and the Internet. The Company is also integrating *Livelink* and *Latitude Web Server* to enable users to find and retrieve information from the organization's Intranet and from other Web sites and manage the distribution of this information using Intranets and the Internet. Id. at OT03653. **Competition; New Entrants** The markets for the Company's products are new, intensely competitive, subject to rapid technological change and evolving rapidly. The Company expects competition to persist, increase and intensify in the future as the markets for the Company's products continue to develop and as additional companies enter each of its markets. The primary competitors of the Company's *Open Text Index* are Architext Software, Inc., InfoSeek Corporation, Lycos, Inc. and America Online's Web Crawler. Digital Equipment Corporation has recently introduced an Internet search service named Alta Vista that will compete with the *Open Text Index*. 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There can be no assurance that the Gateways or any other Internet gateways with which the Company may form relationships in the future will regard their relationships with the Company as strategic to their own respective businesses and operations, that they will not reassess their commitment to the Company's technologies at any time in the future or that they will not develop or acquire their own competitive technology. Furthermore, there can be no assurance that the service offerings of the Company's gateway alliances will achieve or maintain market acceptance or commercial success. Failure of one or more of the Company's gateway alliances to achieve or maintain market acceptance or commercial success or the termination of one or more successful gateway alliances would have a material adverse effect in the Company's business, operating results and financial condition. Id. at OT03663. **Risk of Capacity Constraints and System Failure Relating to *Open Text Index*** A key element of the Company's marketing strategy and promotional efforts is its use of the *Open Text Index*, which the Company makes available at no charge to users of the Internet, as a highly visible demonstration of the capabilities of the Company's search engine software. Accordingly, the performance of the *Open Text Index* is critical to the Company's reputation, the success of its relationships with Internet gateways and its ability to attract advertisers to the *Open Text Index*. Any system failure that causes interruptions in the availability or speed of the Company's *Open Text Index* could have a material adverse effect on the Company. 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Because materials may be uploaded by the on-line or Internet services operated or facilitated by the Company or the Internet gateways with which it has a relationship and be subsequently distributed to others, there is a potential that claims will be made against the Company for defamation, negligence, copyright or trademark infringement or other theories based on the nature and content of such materials. Such claims have been brought, and sometimes successfully pressed, against on-line services, including recent, successful high-profile cases against Prodigy and NETCOM. Although the Company carries general liability insurance, the Company's insurance may not cover potential claims of this type or may not be adequate to indemnify the Company for all liability that may be imposed. Any imposition of liability that is not covered by insurance or is in excess of insurance coverage could have a material adverse effect on the Company.

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	Id. at OT03667. **The Open Text Solution** The Company's suite of software products enables users to find information, work together and distribute the resulting work product and other information to users across local and wide area networks or the Internet. The Company's software supports original, native file formats and applications and does not require either the conversion of the information into new formats or the replacement of existing desktop computing tools. A key element of the Company's strategy is to develop the capability of its products to enable the formation of work groups and collaboration on Intranets and the Internet. The Company's suite of software products addresses the following needs: • *Find Information.* The Company's proprietary string search technology enables users to search the full text of databases and documents in response to a user query that is not limited to document titles or keywords. The Company's search technology is characterized by rapid response times that do not increase materially as the amount of data searched increases, if adequate server and communications resources are employed. The Company's search engine and related products, including *Open Text 5* and *Latitude*, enable users to find and view information, thus supporting both the creative and storage-related functions critical to individual and collaborative work processes. The Company's search and retrieval solutions address the needs of a variety of information users and include the *Open Text Index*, which allows computer users to search the Company's index of the Web, and *Latitude Web Server*, which enables organizations to index and search for information on their local and wide area networks and the Internet. Id. at OT03692-93. **The Open Text Strategy** The Company's objective is to be the leading provider of information search, work process management and information distribution solutions to the spectrum of users of local and wide area networks, Intranets and the Internet. Key elements of the Company's strategy are summarized below: • *Build Awareness of the "Open Text" Brand and Increase Internet Exposure through Alliances with Internet Gateways.* The Company believes that awareness of the Company and its software solutions will increase as Internet users are exposed to the Company's search and retrieval technology through their use of the *Open Text Index*. The Company has arrangements with popular Internet gateways, including Yahoo!, internetMCI, IBM infoMarket and Netscape Navigator, to provide its *Open Text Index* and search and retrieval technology as one of the Internet resource products offered by the Gateways. Each Gateway will identify the *Open Text Index* on the user interface when the Company's search technology is employed. The Company intends to pursue similar arrangements with other Internet gateways. • *Provide Integrated Information Search, Work Process Management and Information Distribution Solutions.* The Company intends to develop the capability of *Livelink* to operate over Intranets and the Internet, and to integrate *Livelink*, its collaborative workflow and document management system, with *Latitude Web Server*, its tool kit for creating a Web site or Intranet capable of finding and retrieving documents using an index of an organization's network and other Web sites, and making selected documents and information available to the public over the Internet. The Company's goal is to offer an integrated suite of information management solutions addressing the needs of the spectrum of users of local and wide area networks, Intranets and the Internet. The Company has entered into an agreement with Netscape that makes Netscape Navigator technology available for inclusion in the Company's client-based products and certain Netscape server technology available for inclusion in the Company's server-based products. The Company believes that this arrangement will contribute to the Company's ability to offer integrated solutions by assuring compatibility of both its client- and server-based software solutions with this popular industry standard. Id. at OT03693-94. **Technology** *Search and Retrieval Technology* *Development History. Open Text 5* and previous versions of the Company's indexing and search technology evolved out of the work of the Oxford English Dictionary project undertaken at the University of Waterloo in 1984 and completed in 1989. This project, undertaken in cooperation with Oxford University Press, IBM and the Government of Canada, required the development of technology suitable for searching large databases containing complex, multilingual, highly irregular data structured in SGML format. Modern text search and retrieval technologies are based on the full text index model. Full text retrieval software builds a comprehensive index of all terms that appear in the documents to be searched and completes

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	searches by reading the index, rather than by accessing and reading the documents themselves. Unlike traditional relational database management systems, full text retrieval does not require that information be rigorously structured in row and column formats. Traditionally, full text retrieval systems have been based on the creation of an ''inverted word index,'' which is a list of each indexed term that appears in a database. The inverted word index also lists the locations in the documents where the term appears. Inverted word search technology does not efficiently index common words such as ''and,'' ''the'' and ''is,'' because these words occur in numerous locations in each document, rendering searches for phrases such as ''The Limited,'' ''We, the people'' and ''to be or not to be'' relatively slower. By contrast, string search algorithms, such as those employed by the Company, permit efficient searches for such phrases. *Core Algorithm.* The Company's search engine is not based on the traditional inverted word index approach, but on a ''string search'' algorithm that enables a user to search for strings of data of arbitrary length, whether partial words, complete words or phrases. This algorithm indexes complete word series and phrases in context, in addition to individual terms. String search technology is also more easily adaptable to searches of databases in languages such as Chinese, Japanese, Korean and other languages that are not based on the European alphabet. These languages require multiple bytes to represent each character, and string search technology simply treats these characters as sequences of bytes in a string. Electronically stored audio and video information may also be represented as strings. A version of *Open Text 5* that supports Japanese Kanji is available for use in the Japanese market, and the Company currently is developing software to search other Asian language character sets. The Company is also working on the development of capabilities to search non-textual information, such as audio data. The index required in the application of string search technology requires the use of more memory than an inverted word index. Recent increases in computing speeds, memory size and hard drive capacity and reductions in the cost of memory have increased the size of data files that can be built and processed economically, making string search technology practical and cost effective. *Structured Documents and SGML.* The Company's search engine also differs from conventional technologies in that it recognizes that documents are often characterized by complex structures. For example, documents often contain titles, headings, sections, subsections and paragraphs. The Company's search engine can search any number of different user-defined document structures without loss of performance. It fully supports SGML, the key international standard for structured documents. *Parallel Execution Monitor.* The Company's search technology also includes a routing function called the Parallel Execution Monitor (the ''PEM''). The PEM provides a single point of access for distributed parallel searching of large databases in networked environments, including the Internet, in which it is difficult or impossible to unify all data on a single server or to build a single index of the data to be searched. The PEM performs all the network connection and remote process management functions necessary to accomplish this task. Accordingly, the index may reside on a number of servers in a variety of locations, and the use of the PEM enables the search to be simultaneously conducted across a number of servers that contain the index. The PEM enables the user to conduct searches quickly and without concern for the specific location of the data for any given query. The use of the PEM also enables the Company's search engine to deliver consistent response times regardless of database size or configuration, if adequate server and communications resources are employed. *Indexing.* Most information retrieval products, including those developed by the Company, automate the index-building function. *Open Text 5* creates and maintains indexes through the use of ''crawlers,'' software programs that search for and retrieve material to be indexed. Crawlers move from site to site, automatically identifying documents that need to be included or updated in the index. The Company's crawlers are designed to be ''intelligent,'' avoiding duplicated material and updating material based in part on an assessment of its relevancy. Thus, new data added to a database can be added to the index without re-indexing the entire database. Deleted data similarly is removed from the index. Id. at OT03694-95.

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Products

The Company markets a modular suite of information search, work process management and information distribution products to organizations and individuals. The following table sets forth certain data with respect to the Company's products:

Product	Application	Distribution Channel	Current Version Release Date	Initial Version Release Date
Open Text Index	On-line Internet directory service	Direct sales	March 1995	Same
Latitude Web Server	Directory tool kit enabling organizations to index internal and external Web pages	Direct sales OEMs VARs	November 1995	Same
Latitude	Information retrieval and viewing system for data located in disparate locations and formats	Direct sales VARs	March 1995	Same
Livelink	Workflow and document management software enabling workgroup collaboration	Direct sales OEMs VARs Distributors	May 1995	March 1992
Open Text 5	Indexing and search product resident on a server	Direct sales OEMs VARs	January 1995	September 1991
Internet Anywhere	Client-based Internet access tools	OEMs Retail	October 1995	June 1994
PC Search	Indexing and search product resident on a PC	Direct sales VARs	November 1995	Same

Id. at OT03697.

Open Text Index

The *Open Text Index* uses one of the Company's search engines and the Company's crawlers to ind information located on the Web. The *Open Text Index* indexes every word of every page of information indexe rather than a selection of key words. Although the amount of information available on the Internet is increasing rapidly, the Company seeks to keep pace with this growth by increasing the coverage of the *Open Text Index*. The Company believes that its crawlers have identified a substantial portion of the sites located on the Web. As of December 7, 1995, the *Open Text Index* had indexed over 2.4 billion words, numbers and addresses, which have been indexed from approximately 1.6 million Web pages. The *Open Text Index* has also indexed over 25 million hyperlinks from indexed Web pages to other Web pages.

The *Open Text Index* enables a user to search for terms appearing in particular elements of a document's structure, conduct weighted searches and search for other documents with similar content. The *Open Text Index* also provides a ''results sampling'' feature, which permits a user to view the searched term in context from the *Open Text Index* without being required to access the documents in which the term appears.

The Company has licensed the *Open Text Index* and ongoing updates to Yahoo!, internetMCI and IBM infoMarket to enable these Gateways to provide the *Open Text Index* to their customers as part of their Web access service. The *Open Text Index* also represents a source of advertising revenue for the Company. Pursuant to an agreement with Yahoo! in October 1995, the Company will operate an *Open Text Index* search service for users of the Yahoo! home page. The Company will receive a portion of any revenue received from advertisements visible to Yahoo! users who access the *Open Text Index*. Pursuant to an agreement with internetMCI, a portion of any advertising revenue received by internetMCI will be remitted to the Company on a similar basis. Advertisers can place ''billboard'' advertisements on the *Open Text Index*, which are visible on a portion of the screen displaying the *Open Text Index* user interface. Also available will be ''embedded'' advertisements, which are presented with the other results of a search using the *Open Text Index*. Embedded advertisements enable an advertiser to target users who have demonstrated an interest in selected subject matters by searching for similar or related information. The Company also offers an *Open Text Index* search service on its own home page Web site at no charge to the user, and Netscape has agreed to list the *Open Text Index* on the Netscape Navigator under the ''Net Search'' button. The Company has begun to sell billboard advertising space on the *Open Text Index* user interface and also intends to sell embedded advertising. The Company's agreement with IBM infoMarket provides for the Company to receive an annual license fee and a monthly fee based on the number of subscribers to the service.

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	Id. at OT03697-98. ***Latitude Web Server*** In November 1995, the Company introduced *Latitude Web Server*, a tool kit that facilitates an organization's creation of a Web site or an Intranet that enables users to find and retrieve information and documents using an index of the organization's network and other Web sites and enables the organization to make selected documents and information available to the public over the Internet. *Latitude Web Server* consists of publicly available Internet protocol software, *Open Text 5*, the Company's crawlers that create and maintain the index, an application programming interface that permits integration of the Company's indexing and search technology with network- and Web-based applications and administrative tools that track and monitor the use of the index. The Company has licensed certain Netscape server technology for bundling with *Latitude Web Server* which will provide a gateway between *Latitude Web Server* and the Internet while providing for security and log-in and access control to protect an organization's confidential information. Ford Motor Company, Northern Telecom, Siemens AG and Silicon Graphics, Inc. have purchased *Latitude Web Server* to assist in the management of information. *Latitude Web Server* is marketed by the Company's direct sales force to organizations that are publishing on the Web or establishing Intranets, to OEMs that wish to embed the Company's indexing and search technology in their Internet-based applications and to VARs. The price of a *Latitude Web Server* ranges from approximately US$12,000 to US$25,000 or more, depending on the desired features and the number of servers containing information to be indexed. ***Latitude*** *Latitude* enables organizations to find and view information and documents spread across multiple servers on local and wide area networks and the Internet. Information can be viewed "as is," in native file formats, without first having to be converted into a proprietary format. *Latitude* employs the Company's search engine and PEM technology to index and retrieve information and documents, and incorporates a set of viewers that are automatically invoked depending on the type of data or document. *Latitude* enables a user to view, in native format, documents and information in over 40 different formats, including major word processing and spreadsheet formats, SGML, Adobe Acrobat files, CAD drawings and multimedia files. Additional viewers can be added for customers with specially formatted information. *Latitude* is designed for organizations that need to make organized information, such as service manuals, parts information and safety bulletins, available to users. For example, Caterpillar has purchased and is implementing *Latitude* as a search tool for information found in the electronic repair and maintenance manuals that are used by 180 Caterpillar equipment dealers. *Latitude* will enable Caterpillar's dealers to find and view repair and maintenance-related information requested by a user, including instructional video clips, on hundreds of thousands of equipment parts and maintenance procedures. The product is currently available as *Latitude Office*. The Company currently plans to introduce *Latitude Department*, an enhancement of *Latitude Office*, in the second quarter of calendar 1996. One of the additional features of *Latitude Department* is a directory similar in format to a table of contents that will enable users to locate documents by category. The Company also currently plans to introduce *Latitude Enterprise*, a further enhancement of *Latitude Office* that will support SQL, in calendar 1996. *Latitude Department* and *Latitude Enterprise* are both designed to support larger and more complex environments by providing additional viewers and more advanced server and routing capabilities for greater search efficiency. *Latitude Office* is marketed by the Company's direct sales force and through VARs. The price of *Latitude Office* is US$28,000 per server, plus a fee of US$200-$350 per client license depending on the number of licenses and other factors. In a typical configuration, the price of a *Latitude Office* system ranges from US$50,000 to US$60,000. Id. at OT03698-99. ***Open Text 5*** *Open Text 5* is the search engine upon which several of the other products and applications marketed by the Company are based. It is sold as a stand-alone indexing and search product that can be added to or employed in custom designed document management systems. For example, Boeing's component cost department uses *Open Text 5* to search its internal files for previously prepared cost change estimates involving parts for which similar cost change estimates are required. The underlying indexing and retrieval technology also is licensed to OEMs for inclusion in their systems. The Company is finalizing *Open Text 6*, which is currently expected to be available for shipment and integration with other products in the first quarter of calendar 1996. This new search engine is expected to include faster index updating, indexes requiring less storage capacity and fuzzy logic searches, which expand the scope of a search to include words and phrases that are similar to the search terms. *Open Text 5* is marketed by the Company's direct sales force, and the price of a typical system ranges from US$30,000 to US$50,000.

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Id. at OT03700.

Customers

The Company's customers include:

Open Text Index

International Business Machines Corporation
networkMCI, Inc.
Yahoo! Corporation

Latitude

Amdahl Corporation
CAE Electronics, Ltd.
Caterpillar Inc.

Latitude Web Server

Ford Motor Company
Northern Telecom
Siemens AG
Silicon Graphics, Inc.

Open Text 5

Andersen Consulting
The Boeing Company
California Continuing Education of the Bar
International Business Machines Corporation
MCI Communications Corp.
Oracle Corporation
Pratt & Whitney
Union Bank of Switzerland
US Department of Defense
US Department of Energy

Livelink

BankAmerica Corporation
The Boeing Company
The British Petroleum P.L.C.
Canon Sales Co., Inc.
General Electric Company
Hitachi, Ltd,
MCI Communications Corp.
National Aeronautics and Space Administration
Nippon Telephone and Telegraph Corporation
Oracle Corporation
Qualcomm, Inc.
Sony Microelectronics/Texas
TransCanada Pipelines
UAL Corporation
US Food and Drug Administration
US Missile Command

Id. at OT03702.

Gateway Agreements

The Company has entered into gateway agreements with Yahoo!, internetMCI and IBM infoMarket. Pursuant to these agreements, the Company has licensed the *Open Text 5* search engine and the *Open Text Index* for use with the Internet information resource products offered by the Gateways. Netscape has agreed to list the *Open Text Index* on the Netscape Navigator under the "Net Search" button. InternetMCI and IBM infoMarket began offering the *Open Text Index* in November 1995 and the Company anticipates that access to the *Open Text Index* through Yahoo! and Netscape Navigator will begin in January 1996 and the first quarter of 1996, respectively.

The agreements with Yahoo! and internetMCI each provide for the Company to receive an annual license fee and a fee based on a percentage of the revenue received by the Gateway from advertisements viewed by gateway users who use the *Open Text Index*. Advertising revenue is generated by advertisers placing either billboard or embedded advertisements on the screens that are visible to a user during the course of a search for information using the *Open Text Index*. The internetMCI agreement also provides for monthly fees for ongoing updates of the *Open Text Index*. The agreement with IBM infoMarket provides for the Company to receive an annual license fee and a monthly fee based on the number of subscribers to the service. The arrangement with Netscape does not initially provide for payments by the Company to Netscape, but such payments will be required in the future.

Id. at OT03702-03.

Competition

The markets for the Company's products are new, intensely competitive, subject to rapid technological change and evolving rapidly. The Company expects competition to increase in the future as the markets for the Company's products continue to develop and as additional companies enter each of its markets.

The primary competitors of the Company's *Open Text Index* include Architext Software, Inc., InfoSeek Corporation, Lycos, Inc. and America Online's Web Crawler. Both InfoSeek and Lycos have been operating on the Internet for a longer period of time than the *Open Text Index*, are displayed on the Netscape Navigator user interface and have superior name recognition. Digital Equipment Corporation has recently introduced an Internet search service named Alta Vista that will compete with the *Open Text Index*. Although Netscape has agreed to list the *Open Text Index* on Netscape Navigator, this listing currently has less prominence than that of InfoSeek and, in the future, might have less prominence than those of other search services. The Company believes that the principal competitive factors in this market include relationships with Internet gateways, product name recognition and reputation, ease of use, reliability, search response time, and the extent to which the index covers

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	the Internet. The Company believes that the *Open Text Index* is competitive with respect to these factors. The Company's strategy for obtaining advertising revenues from the *Open Text Index* is dependent in part on the success of the Company's Internet gateway relationships. Accordingly, competition between the Internet gateways with which the Company has relationships and competing Internet gateways, or failure of the Internet gateways with which the Company has relationships to achieve or maintain market acceptance may have a material adverse effect on the Company's business, operating results and financial condition. In the market for information search and retrieval software, the Company competes with Excalibur Technologies Corporation, Fulcrum Technologies, Inc., Information Dimensions, Inc., PLS, Verity, Inc. and others. The Company also competes indirectly with database vendors that offer information search and retrieval capabilities with their core database products. In the future, the Company may encounter competition from companies that enhance products such as document management systems, groupware applications, Internet products and operating systems to include information search and retrieval functions. The Company believes that the principal competitive factors in this market include the ability to search large amounts of data rapidly without degradation in performance, the ability to find and view information on disparate platforms in a variety of formats and locations, vendor and product reputation, the ability to index information comprehensively, ease of use, product architecture, product quality and performance, quality of product support and price. The Company believes that its search and retrieval technology competes favorably with respect to these factors. Id. at OT03703-04. **Product Development** As of December 1, 1995, the Company's research and development organization included 49 employees. A number of key technical staff have been developing text retrieval software since the 1970s. The Company's roots in the Oxford English Dictionary project provide eleven years of experience with full text retrieval software. The Company also funds research projects at the University of Waterloo, where Dr. Frank Tompa, a founder, director and shareholder of the Company, is a professor and a researcher. See "Certain Transactions—Research Funding." The Company's current product development efforts are focused on enhancing and broadening its information search, work process management and information distribution products. Areas of particular emphasis are the development of the capability of *Livelink* to operate on Intranets and the Internet, the integration of *Livelink* technology with *Latitude Web Server* and the integration of technologies acquired in the acquisitions of assets of Intunix and Internet Anywhere with the Company's other technologies and products. See "Management's Discussion and Analysis of Financial Condition and Results of Operation—Overview." Improvement of search engine speed, development of more efficient Web crawler technology, integration of relational database management systems with the Company's software and enhancements of the user interfaces for all of the Company's products are other areas of ongoing activity for the product development organization. The Company intends to enhance *Latitude* by increasing its ability to handle larger and more complex environments, adding features such as a directory similar to a table of contents and enabling the product to support SQL. Although the principal technology of the Company's products have been developed internally or acquired, the Company also may license and incorporate third-party technology to supplement internal efforts. The Company's ability to successfully develop and release new products and product enhancements in a timely manner is subject to a variety of factors, including its ability to solve technical problems and test products, competing priorities of the Company, the availability of development and other resources and other factors outside the control of the Company. There can be no assurance that the Company will not experience difficulties that could delay or prevent the successful development, introduction or marketing of new products and product enhancements. Id. at OT03705.
Claim 2	
2. A method as claimed in claim **1**, wherein the step of correlating the received search argument to the particular advertisement including selecting the particular advertisement based on the received search argument and user	The Open Text Form Prospectus discloses correlating the received search argument to the particular advertisement including selecting the particular advertisement based on the received search argument and user profile.

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profile data.	**The Company** Open Text Corporation (the "Company") develops, markets, licenses and supports software for use on local and wide area networks, Intranets and the Internet that enables users to find electronically stored information, work together in creative and collaborative processes and distribute or make available to users across networks or the Internet the resulting work product and other information. The Company's search engine enables users to transparently search vast amounts of data stored in a wide variety of formats and in disparate locations, including World Wide Web sites. The Company's search technology is characterized by rapid response times that do not increase materially as the amount of data searched increases, if adequate server and communications resources are employed. The Company's workflow and document management software enables users to establish and manage document-oriented collaborative work processes that involve a diversity of workers, computing platforms and data. In addition, the Company's products enable organizations to flexibly manage the distribution and availability of information. The Company's strategy is to offer information search, work process management and information distribution products that collectively represent a suite of information management solutions addressing the needs of the spectrum of users of local and wide area networks, Intranets and the Internet. Employing its search engine and related technologies, the Company has created the *Open Text Index*, an index of the World Wide Web (the "Web"), that it licenses together with its search technology to major Web information providers, including Yahoo!, internetMCI and IBM infoMarket. The Company also offers the *Open Text Index* as a search tool to Web users on the Company's own Web site in order to increase awareness of the Company's technology and products and to capitalize on the emerging advertising revenue opportunity on the Internet. Netscape Communications Corporation ("Netscape") has agreed to list the *Open Text Index* on the Netscape Navigator under the "Net Search" button. The Company's search engine, currently marketed as *Open Text 5*, has application as a stand-alone search tool for use on local and wide area networks and the Internet and as part of more comprehensive information management solutions. For example, the Company's search engine is a key component of *Latitude*, the Company's document distribution product that enables an organization's users to find and view, in native format, documents in large collections of information stored on local or remote servers and CD-ROMs spread across local and wide area networks and the Internet. In November 1995, the Company introduced *Latitude Web Server*, a software tool kit that facilitates an organization's creation of an internal Internet-protocol network, or "Intranet," that enables users to find and retrieve information and documents available on the organization's Intranet and on other Web sites, and enables the organization to make selected documents available to the public over the Internet. The Company's workflow and document management system, *Livelink*, combines the features of an integrated document management system with workflow management and collaborative computing functions on local and wide area networks. The Company is developing *Livelink* to enable users to manage documents, establish collaborative workgroups and manage and track the progress of their work using Intranets and the Internet. The Company is also integrating *Livelink* and *Latitude Web Server* to enable users to find and retrieve information from the organization's Intranet and from other Web sites and manage the distribution of this information using Intranets and the Internet. Id. at OT03653. **Industry Overview** Organizations are increasingly seeking to streamline their business processes in order to increase worker productivity and reduce costs through the implementation of information management solutions. Through investments in traditional information management tools, organizations often establish a variety of data processing infrastructures that are rigidly designed to complete specific tasks or perform narrowly defined functions. As a result, organizations are increasingly faced with significant information management challenges attributable to rapidly increasing amounts of data created and stored in a variety of formats and in disparate locations across various networks. In addition, the emergence of the Internet as an important medium for communications is an increasingly significant influence on the configuration of network computing environments, and organizations are increasingly adopting private Intranets that are based on client/server architectures and that employ Internet data formats and communications protocols to connect geographically dispersed networks and facilities. *Proliferation of Information on Client/Server Networks and the Internet* In recent years, advances in computer hardware and software technology have resulted in dramatic increases in the amount of electronically stored information available to computer users. The ease of use, increased performance and declining cost of computer hardware and software have resulted in the rapid growth of the number of business and individual personal computer users and the migration of corporate networks from centralized mainframe systems to distributed local and wide area networks based on client/server architectures and, more recently, on peer to peer architectures. The prevalence of client/server networks facilitates the creation and storage of information on numerous computers in disparate locations and in a wide variety of files and formats. Client/server networks consist of desktop computers ("clients") that can access powerful computers ("servers") that store large amounts of information and perform computing functions on behalf of clients. These networks enable dispersed users to communicate with and access the information and other resources of other computers in the network across traditional geographic and organizational boundaries. As a result, information that is critical to organizations increasingly is created, managed and stored on a decentralized basis in numerous sites and in a variety of files and formats.

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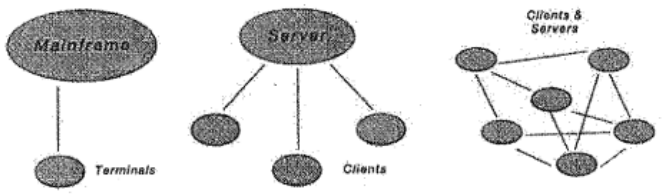

Mainframe Client/Server Internet/Intranet

Computer architectures have evolved with advances in hardware and software technologies. The mainframe architecture, which initially dominated computing, was supplanted by the client/server architecture that resulted from increases in desktop computing power. Recent advances in network hardware and protocols have resulted in the creation of an open network architecture, based on Internet communications protocols, that facilitates flexible communication among multiple servers and multiple clients (Internet/Intranet architecture).

The rapid growth in the use of on-line services and the Internet has enabled both organizations and individual computer users to communicate with other users and access large amounts of information published for general public reference or for access by consumers. The Internet is a global web linking thousands of computer networks. International Data Corporation estimates that the number of Internet users was approximately 38 million at the end of 1994 and predicts that the number of Internet users will grow to approximately 200 million in the year 1999. Much of the recent growth in the use of the Internet is attributable to the emergence of the network of servers and information available on the Internet known as the World Wide Web. The Web employs a client/server architecture that, when integrated with "browser" software, enables non-technical users to exploit the capabilities of the Internet.

In addition to providing access to a vast array of information, the Internet represents a new medium through which organizations and individuals can conduct business. The potential benefits of conducting business on the Internet include direct, immediate communications with consumers, customers, vendors and other parties, increased access to a large and growing universe of organizations and individuals, novel advertising opportunities and low communications and transaction costs. The amount of information available on the Internet, the commercial applications of the Internet, the number of Web sites on which data reside and the amount of data residing on individual Web sites are all increasing rapidly. As a result, both business and home computer users face the challenge of locating and retrieving the specific information that responds to their needs from the vast sea of data available on the Internet.

The Web is characterized by a standard document format described by the Hypertext Mark-Up Language ("HTML") and a standard information transfer protocol called Hypertext Transfer Protocol ("HTTP"). As organizations become familiar with the use of the Web, they are increasingly adopting Internet data formats and communications protocols, such as Transmission Control Protocol/Internet Protocol ("TCP/IP"), and using Web client and server software and, in some cases, the Internet's facilities as the backbone for private networks ("Intranets") that connect an organization's local area networks. The implementation of an Intranet is a low cost alternative to the establishment of a proprietary private network. Intranets enable network users to communicate and access information within an organization's boundaries, collaborate with external groups or individuals, including suppliers, customers and consultants, and use the Web to access information on the Internet and communicate with other Web users. An organization also may use its Intranet servers to publish documents and data on the Web that are created and resident on its Intranet. An increasing number of

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organizations are implementing Intranets as an alternative to traditional client/server networks. Accordingly, demand for business-oriented software solutions that support Internet protocols is increasing, and expected to continue to increase.

Diverse Data Formats

Electronically stored information can be classified as either "relational" or "non-relational" data, as outlined in the chart below. Relational data generally consists of data organized in strictly defined row and column formats. While relational database management systems, such as those marketed by Oracle Corporation ("Oracle"), Sybase, Inc. ("Sybase") and Informix Software ("Informix"), enable organizations to manage their relational data, only a small percentage of electronically stored information is stored in relational databases. The vast majority of the remaining data is stored in non-relational format, which is not suited for search and retrieval using relational database management systems.

Non-relational data can be divided into two categories, "unstructured" and "structured." Non-relational data created with word processing programs and other programs, such as spreadsheets, are unstructured and include documents such as proposals, reports, budgets, engineering drawings, memoranda, electronic mail and multimedia files. Increasingly, a significant portion of the information stored as unstructured data contains information of continuing value to an organization.

Documents intended to have a long life and continuing value and that are frequently revised or updated are often created in a structured format called Standard Generalized Markup Language ("SGML"). Such documents include maintenance and owners manuals, parts lists, catalogs and operating policies and procedures manuals. SGML records the elements of the document's structure (e.g., titles, headings, footnotes and various other organizational elements selected by the author) in addition to its text. SGML is well suited for documents that will be stored in databases and delivered in a variety of media and has found wide acceptance in the fields of reference publishing, technical documentation and regulatory compliance, including the Securities and Exchange Commission's "EDGAR" document repository. The importance of SGML has increased recently, because it is the basis upon which HTML, the language of the Web, is built. SGML theory and practice will play a significant role in the future development of HTML.

		Non-Relational Data	
	Relational Data	Structured	Unstructured
Data and File Formats	**SQL** *(Oracle, Sybase and Informix)*	**SGML** **HTML**	**ASCII** **WordPerfect** **Excel** **Word** **Lotus 1-2-3**
Document Types	Sales data reports Accounting reports Invoices Customer records Backlog status	Web sites Owner's manuals Operating procedures Parts lists Product catalogs Product documentation	Memoranda E-mail Presentations Business reports Correspondence Spreadsheets Technical documents Multimedia presentations

In the client/server environment, an increasing proportion of information of continuing value to organizations is non-relational and cannot be found or retrieved using relational database management systems. Accordingly, organizations will increasingly demand software solutions that enable users to find and use information in a variety of data and file formats, regardless of whether it is structured or unstructured.

Id. at OT03689-91.

Market Opportunity

The Company believes that as organizations seek to increase the efficiency of their business processes, they will require software that permits users to find and retrieve information created with a variety of computers and stored in different formats and locations across an organization's network, the Internet, Intranets and the networks of other related organizations. In addition, the Company believes that an effective software solution will facilitate the sharing of information and documents among designated workgroup members, and will enable managers to establish the workflow process by which a project will proceed, to manage and track the status of each element of the project, and to manage the distribution and availability of the work product and other information to the intended audience of users.

Because an organization's high-value documents and information are stored in increasingly disparate locations and formats, the organization's ability to enable its users to find information, work together and distribute information is an increasingly important element of its competitive advantage. Existing product solutions typically address only discrete parts of the information management problem, such as text retrieval, workflow management, document management or collaborative computing. As a result, the Company believes that organizations and individuals will demand an integrated software solution that enables users to find information, work together and distribute information in a way that increases the efficiency of an organization's business processes.

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	Id. at OT03692. • *Distribute Information. Latitude*, an integration of the Company's search, retrieval and viewing technologies, enables organizations to flexibly manage the distribution of documents and other information to selected users. Using *Latitude*, users can find and view, in native format, documents, such as standard word processing and spreadsheet files, and other information without first converting the data into a proprietary format. *Latitude* functions across multiple servers on local and wide area networks and the Internet. *Latitude Web Server* enables internal users to find and view documents on Intranets and the Internet and to make documents available to the public through the Internet. Id. at OT03693. ***Latitude Web Server*** In November 1995, the Company introduced *Latitude Web Server*, a tool kit that facilitates an organization's creation of a Web site or an Intranet that enables users to find and retrieve information and documents using an index of the organization's network and other Web sites and enables the organization to make selected documents and information available to the public over the Internet. *Latitude Web Server* consists of publicly available Internet protocol software, *Open Text 5*, the Company's crawlers that create and maintain the index, an application programming interface that permits integration of the Company's indexing and search technology with network- and Web-based applications and administrative tools that track and monitor the use of the index. The Company has licensed certain Netscape server technology for bundling with *Latitude Web Server* which will provide a gateway between *Latitude Web Server* and the Internet while providing for security and log-in and access control to protect an organization's confidential information. Ford Motor Company, Northern Telecom, Siemens AG and Silicon Graphics, Inc. have purchased *Latitude Web Server* to assist in the management of information. *Latitude Web Server* is marketed by the Company's direct sales force to organizations that are publishing on the Web or establishing Intranets, to OEMs that wish to embed the Company's indexing and search technology in their Internet-based applications and to VARs. The price of a *Latitude Web Server* ranges from approximately US$12,000 to US$25,000 or more, depending on the desired features and the number of servers containing information to be indexed. Id. at OT03698. To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Table B4.
Claim 3	
3. A method as claimed in claim **2**, wherein the user profile data includes selections of the user from previous search arguments.	The Open Text Form Prospectus discloses the user profile data includes selections of the user from previous search arguments. See claim 1[b]. To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Table B4.
Claim 4	

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4. A method as claimed in claim **3**, wherein the user profile data includes selections of the user from previous search results.	The Open Text Form Prospectus discloses wherein the user profile data includes selections of the user from previous search results. To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Table B4.
Claim 5	
5. A method as claimed in claim **4**, wherein the user profile data includes user specified preferences.	The Open Text Form Prospectus discloses user profile data that included user specified preferences. **The Company** Open Text Corporation (the "Company") develops, markets, licenses and supports software for use on local and wide area networks, Intranets and the Internet that enables users to find electronically stored information, work together in creative and collaborative processes and distribute or make available to users across networks or the Internet the resulting work product and other information. The Company's search engine enables users to transparently search vast amounts of data stored in a wide variety of formats and in disparate locations, including World Wide Web sites. The Company's search technology is characterized by rapid response times that do not increase materially as the amount of data searched increases, if adequate server and communications resources are employed. The Company's workflow and document management software enables users to establish and manage document-oriented collaborative work processes that involve a diversity of workers, computing platforms and data. In addition, the Company's products enable organizations to flexibly manage the distribution and availability of information. The Company's strategy is to offer information search, work process management and information distribution products that collectively represent a suite of information management solutions addressing the needs of the spectrum of users of local and wide area networks, Intranets and the Internet. Employing its search engine and related technologies, the Company has created the *Open Text Index*, an index of the World Wide Web (the "Web"), that it licenses together with its search technology to major Web information providers, including Yahoo!, internetMCI and IBM infoMarket. The Company also offers the *Open Text Index* as a search tool to Web users on the Company's own Web site in order to increase awareness of the Company's technology and products and to capitalize on the emerging advertising revenue opportunity on the Internet. Netscape Communications Corporation ("Netscape") has agreed to list the *Open Text Index* on the Netscape Navigator under the "Net Search" button. The Company's search engine, currently marketed as *Open Text 5*, has application as a stand-alone search tool for use on local and wide area networks and the Internet and as part of more comprehensive information management solutions. For example, the Company's search engine is a key component of *Latitude*, the Company's document distribution product that enables an organization's users to find and view, in native format, documents in large collections of information stored on local or remote servers and CD-ROMs spread across local and wide area networks and the Internet. In November 1995, the Company introduced *Latitude Web Server*, a software tool kit that facilitates an organization's creation of an internal Internet-protocol network, or "Intranet," that enables users to find and retrieve information and documents available on the organization's Intranet and on other Web sites, and enables the organization to make selected documents available to the public over the Internet. The Company's workflow and document management system, *Livelink*, combines the features of an integrated document management system with workflow management and collaborative computing functions on local and wide area networks. The Company is developing *Livelink* to enable users to manage documents, establish collaborative workgroups and manage and track the progress of their work using Intranets and the Internet. The Company is also integrating *Livelink* and *Latitude Web Server* to enable users to find and retrieve information from the organization's Intranet and from other Web sites and manage the distribution of this information using Intranets and the Internet. Id. at OT03653.

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	Industry Overview Organizations are increasingly seeking to streamline their business processes in order to increase worker productivity and reduce costs through the implementation of information management solutions. Through investments in traditional information management tools, organizations often establish a variety of data processing infrastructures that are rigidly designed to complete specific tasks or perform narrowly defined functions. As a result, organizations are increasingly faced with significant information management challenges attributable to rapidly increasing amounts of data created and stored in a variety of formats and in disparate locations across various networks. In addition, the emergence of the Internet as an important medium for communications is an increasingly significant influence on the configuration of network computing environments, and organizations are increasingly adopting private Intranets that are based on client/server architectures and that employ Internet data formats and communications protocols to connect geographically dispersed networks and facilities. *Proliferation of Information on Client/Server Networks and the Internet* In recent years, advances in computer hardware and software technology have resulted in dramatic increases in the amount of electronically stored information available to computer users. The ease of use, increased performance and declining cost of computer hardware and software have resulted in the rapid growth of the number of business and individual personal computer users and the migration of corporate networks from centralized mainframe systems to distributed local and wide area networks based on client/server architectures and, more recently, on peer to peer architectures. The prevalence of client/server networks facilitates the creation and storage of information on numerous computers in disparate locations and in a wide variety of files and formats. Client/server networks consist of desktop computers (''clients'') that can access powerful computers (''servers'') that store large amounts of information and perform computing functions on behalf of clients. These networks enable dispersed users to communicate with and access the information and other resources of other computers in the network across traditional geographic and organizational boundaries. As a result, information that is critical to organizations increasingly is created, managed and stored on a decentralized basis in numerous sites and in a variety of files and formats.

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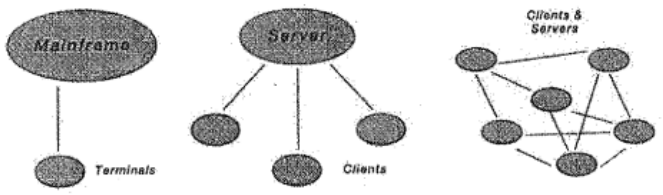

Mainframe Client/Server Internet/Intranet

Computer architectures have evolved with advances in hardware and software technologies. The mainframe architecture, which initially dominated computing, was supplanted by the client/server architecture that resulted from increases in desktop computing power. Recent advances in network hardware and protocols have resulted in the creation of an open network architecture, based on Internet communications protocols, that facilitates flexible communication among multiple servers and multiple clients (Internet/Intranet architecture).

The rapid growth in the use of on-line services and the Internet has enabled both organizations and individual computer users to communicate with other users and access large amounts of information published for general public reference or for access by consumers. The Internet is a global web linking thousands of computer networks. International Data Corporation estimates that the number of Internet users was approximately 38 million at the end of 1994 and predicts that the number of Internet users will grow to approximately 200 million in the year 1999. Much of the recent growth in the use of the Internet is attributable to the emergence of the network of servers and information available on the Internet known as the World Wide Web. The Web employs a client/server architecture that, when integrated with "browser" software, enables non-technical users to exploit the capabilities of the Internet.

In addition to providing access to a vast array of information, the Internet represents a new medium through which organizations and individuals can conduct business. The potential benefits of conducting business on the Internet include direct, immediate communications with consumers, customers, vendors and other parties, increased access to a large and growing universe of organizations and individuals, novel advertising opportunities and low communications and transaction costs. The amount of information available on the Internet, the commercial applications of the Internet, the number of Web sites on which data reside and the amount of data residing on individual Web sites are all increasing rapidly. As a result, both business and home computer users face the challenge of locating and retrieving the specific information that responds to their needs from the vast sea of data available on the Internet.

The Web is characterized by a standard document format described by the Hypertext Mark-Up Language ("HTML") and a standard information transfer protocol called Hypertext Transfer Protocol ("HTTP"). As organizations become familiar with the use of the Web, they are increasingly adopting Internet data formats and communications protocols, such as Transmission Control Protocol/Internet Protocol ("TCP/IP"), and using Web client and server software and, in some cases, the Internet's facilities as the backbone for private networks ("Intranets") that connect an organization's local area networks. The implementation of an Intranet is a low cost alternative to the establishment of a proprietary private network. Intranets enable network users to communicate and access information within an organization's boundaries, collaborate with external groups or individuals, including suppliers, customers and consultants, and use the Web to access information on the Internet and communicate with other Web users. An organization also may use its Intranet servers to publish documents and data on the Web that are created and resident on its Intranet. An increasing number of

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organizations are implementing Intranets as an alternative to traditional client/server networks. Accordingly, demand for business-oriented software solutions that support Internet protocols is increasing, and expected to continue to increase.

Diverse Data Formats

Electronically stored information can be classified as either "relational" or "non-relational" data, as outlined in the chart below. Relational data generally consists of data organized in strictly defined row and column formats. While relational database management systems, such as those marketed by Oracle Corporation ("Oracle"), Sybase, Inc. ("Sybase") and Informix Software ("Informix"), enable organizations to manage their relational data, only a small percentage of electronically stored information is stored in relational databases. The vast majority of the remaining data is stored in non-relational format, which is not suited for search and retrieval using relational database management systems.

Non-relational data can be divided into two categories, "unstructured" and "structured." Non-relational data created with word processing programs and other programs, such as spreadsheets, are unstructured and include documents such as proposals, reports, budgets, engineering drawings, memoranda, electronic mail and multimedia files. Increasingly, a significant portion of the information stored as unstructured data contains information of continuing value to an organization.

Documents intended to have a long life and continuing value and that are frequently revised or updated are often created in a structured format called Standard Generalized Markup Language ("SGML"). Such documents include maintenance and owners manuals, parts lists, catalogs and operating policies and procedures manuals. SGML records the elements of the document's structure (e.g., titles, headings, footnotes and various other organizational elements selected by the author) in addition to its text. SGML is well suited for documents that will be stored in databases and delivered in a variety of media and has found wide acceptance in the fields of reference publishing, technical documentation and regulatory compliance, including the Securities and Exchange Commission's "EDGAR" document repository. The importance of SGML has increased recently, because it is the basis upon which HTML, the language of the Web, is built. SGML theory and practice will play a significant role in the future development of HTML.

		Non-Relational Data	
	Relational Data	Structured	Unstructured
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Id. at OT03689-91.

Market Opportunity

The Company believes that as organizations seek to increase the efficiency of their business processes, they will require software that permits users to find and retrieve information created with a variety of computers and stored in different formats and locations across an organization's network, the Internet, Intranets and the networks of other related organizations. In addition, the Company believes that an effective software solution will facilitate the sharing of information and documents among designated workgroup members, and will enable managers to establish the workflow process by which a project will proceed, to manage and track the status of each element of the project, and to manage the distribution and availability of the work product and other information to the intended audience of users.

Because an organization's high-value documents and information are stored in increasingly disparate locations and formats, the organization's ability to enable its users to find information, work together and distribute information is an increasingly important element of its competitive advantage. Existing product solutions typically address only discrete parts of the information management problem, such as text retrieval, workflow management, document management or collaborative computing. As a result, the Company believes that organizations and individuals will demand an integrated software solution that enables users to find information, work together and distribute information in a way that increases the efficiency of an organization's business processes.

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	Id. at OT03692. • *Distribute Information.* *Latitude*, an integration of the Company's search, retrieval and viewing technologies, enables organizations to flexibly manage the distribution of documents and other information to selected users. Using *Latitude*, users can find and view, in native format, documents, such as standard word processing and spreadsheet files, and other information without first converting the data into a proprietary format. *Latitude* functions across multiple servers on local and wide area networks and the Internet. *Latitude Web Server* enables internal users to find and view documents on Intranets and the Internet and to make documents available to the public through the Internet. Id. at OT03693. ***Latitude Web Server*** In November 1995, the Company introduced *Latitude Web Server*, a tool kit that facilitates an organization's creation of a Web site or an Intranet that enables users to find and retrieve information and documents using an index of the organization's network and other Web sites and enables the organization to make selected documents and information available to the public over the Internet. *Latitude Web Server* consists of publicly available Internet protocol software, *Open Text 5*, the Company's crawlers that create and maintain the index, an application programming interface that permits integration of the Company's indexing and search technology with network- and Web-based applications and administrative tools that track and monitor the use of the index. The Company has licensed certain Netscape server technology for bundling with *Latitude Web Server* which will provide a gateway between *Latitude Web Server* and the Internet while providing for security and log-in and access control to protect an organization's confidential information. Ford Motor Company, Northern Telecom, Siemens AG and Silicon Graphics, Inc. have purchased *Latitude Web Server* to assist in the management of information. *Latitude Web Server* is marketed by the Company's direct sales force to organizations that are publishing on the Web or establishing Intranets, to OEMs that wish to embed the Company's indexing and search technology in their Internet-based applications and to VARs. The price of a *Latitude Web Server* ranges from approximately US$12,000 to US$25,000 or more, depending on the desired features and the number of servers containing information to be indexed. Id. at OT03698. To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Table B4.
Claim 6	
6. A method as claimed in claim **1**, wherein the step of providing the search results and the particular advertisement to the user includes displaying the search results as a page on a data processing device and the particular advertisement as an insert on the page.	The Open Text Form Prospectus discloses providing the search results and the particular advertisement to the user including displaying the search results as a page on a data processing device and the particular advertisement as an insert on the page.

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	The Company Open Text Corporation (the "Company") develops, markets, licenses and supports software for use on local and wide area networks, Intranets and the Internet that enables users to find electronically stored information, work together in creative and collaborative processes and distribute or make available to users across networks or the Internet the resulting work product and other information. The Company's search engine enables users to transparently search vast amounts of data stored in a wide variety of formats and in disparate locations, including World Wide Web sites. The Company's search technology is characterized by rapid response times that do not increase materially as the amount of data searched increases, if adequate server and communications resources are employed. The Company's workflow and document management software enables users to establish and manage document-oriented collaborative work processes that involve a diversity of workers, computing platforms and data. In addition, the Company's products enable organizations to flexibly manage the distribution and availability of information. The Company's strategy is to offer information search, work process management and information distribution products that collectively represent a suite of information management solutions addressing the needs of the spectrum of users of local and wide area networks, Intranets and the Internet. Employing its search engine and related technologies, the Company has created the *Open Text Index*, an index of the World Wide Web (the "Web"), that it licenses together with its search technology to major Web information providers, including Yahoo!, internetMCI and IBM infoMarket. The Company also offers the *Open Text Index* as a search tool to Web users on the Company's own Web site in order to increase awareness of the Company's technology and products and to capitalize on the emerging advertising revenue opportunity on the Internet. Netscape Communications Corporation ("Netscape") has agreed to list the *Open Text Index* on the Netscape Navigator under the "Net Search" button. The Company's search engine, currently marketed as *Open Text 5*, has application as a stand-alone search tool for use on local and wide area networks and the Internet and as part of more comprehensive information management solutions. For example, the Company's search engine is a key component of *Latitude*, the Company's document distribution product that enables an organization's users to find and view, in native format, documents in large collections of information stored on local or remote servers and CD-ROMs spread across local and wide area networks and the Internet. In November 1995, the Company introduced *Latitude Web Server*, a software tool kit that facilitates an organization's creation of an internal Internet-protocol network, or "Intranet," that enables users to find and retrieve information and documents available on the organization's Intranet and on other Web sites, and enables the organization to make selected documents available to the public over the Internet. The Company's workflow and document management system, *Livelink*, combines the features of an integrated document management system with workflow management and collaborative computing functions on local and wide area networks. The Company is developing *Livelink* to enable users to manage documents, establish collaborative workgroups and manage and track the progress of their work using Intranets and the Internet. The Company is also integrating *Livelink* and *Latitude Web Server* to enable users to find and retrieve information from the organization's Intranet and from other Web sites and manage the distribution of this information using Intranets and the Internet. Id. at OT03653. **Competition; New Entrants** The markets for the Company's products are new, intensely competitive, subject to rapid technological change and evolving rapidly. The Company expects competition to persist, increase and intensify in the future as the markets for the Company's products continue to develop and as additional companies enter each of its markets. The primary competitors of the Company's *Open Text Index* are Architext Software, Inc., InfoSeek Corporation, Lycos, Inc. and America Online's Web Crawler. Digital Equipment Corporation has recently introduced an Internet search service named Alta Vista that will compete with the *Open Text Index*. Both InfoSeek and Lycos have been operating on the Internet for a longer period of time than the *Open Text Index*, are displayed on the Netscape Navigator user interface and have superior name recognition. While Netscape has agreed to list the *Open Text Index* on Netscape Navigator, this listing currently has less prominence than that of InfoSeek, and, in the future, might have less prominence than those of other search services. The Company's strategy for obtaining advertising revenues from the *Open Text Index* is dependent in part on the success of the Company's gateway relationships. Accordingly, competition between the Internet gateways with which the Company has relationships and competing Internet gateways or failure of the Internet gateways with which the Company has relationships to achieve or maintain market acceptance may have a material adverse effect on the Company's business, operating results and financial condition. Id. at OT03662-63.

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	Dependence on Internet Gateway Providers The Company is relying on a number of strategic relationships to achieve market acceptance of certain of its products. In particular, the Company has entered into arrangements with several Internet "gateways," including Yahoo! Corporation ("Yahoo!"), networkMCI, Inc. ("internetMCI"), International Business Machines, Inc. ("IBM infoMarket") and Netscape (collectively, the "Gateways"), and intends to enter into similar agreements with others. The agreements with Yahoo! and internetMCI allow these Gateways to use the Company's *Open Text Index* in exchange for a share of advertising revenues generated by the sale of advertising space visible to the user during the course of a search for information using the *Open Text Index* initiated through the Gateway, and the agreement with IBM infoMarket provides for payments to the Company based on the number of subscribers to the service. Netscape has agreed to list the *Open Text Index* on the Netscape Navigator. The success of the Company is dependent, to a large degree, on the success of the Gateways and other gateways with which the Company may have a relationship in the future, and the continued attractiveness to customers of their service offerings. Although the Company views these relationships as important factors in achieving market acceptance of certain of its products and the development and commercialization of its technologies, the agreements with the Gateways are not exclusive and can be terminated by the Gateways under certain circumstances. There can be no assurance that the Gateways or any other Internet gateways with which the Company may form relationships in the future will regard their relationships with the Company as strategic to their own respective businesses and operations, that they will not reassess their commitment to the Company's technologies at any time in the future or that they will not develop or acquire their own competitive technology. Furthermore, there can be no assurance that the service offerings of the Company's gateway alliances will achieve or maintain market acceptance or commercial success. Failure of one or more of the Company's gateway alliances to achieve or maintain market acceptance or commercial success or the termination of one or more successful gateway alliances would have a material adverse effect in the Company's business, operating results and financial condition. Id. at OT03663. **Risk of Capacity Constraints and System Failure Relating to *Open Text Index*** A key element of the Company's marketing strategy and promotional efforts is its use of the *Open Text Index*, which the Company makes available at no charge to users of the Internet, as a highly visible demonstration of the capabilities of the Company's search engine software. Accordingly, the performance of the *Open Text Index* is critical to the Company's reputation, the success of its relationships with Internet gateways and its ability to attract advertisers to the *Open Text Index*. Any system failure that causes interruptions in the availability or speed of the Company's *Open Text Index* could have a material adverse effect on the Company. An increase in the volume of searches conducted using the *Open Text Index* could strain the capacity of the Company's search engine or the hardware deployed at the *Open Text Index*, which could lead to slower response times or even a complete system failure. The *Open Text Index* has experienced brief periods of service interruption, normally associated with implementation of software changes to the system, all of which to date have been promptly corrected. In October 1995, the *Open Text Index* experienced a period of significantly slower response times due to an increased volume of searches until the Company added additional servers and communications capacity. On several occasions since that time, increased usage of the *Open Text Index*, changes to hardware and software configuration related to the implementations of the Yahoo! gateway agreement and the establishment of related services in Mountain View, California have resulted in brief periods during which the *Open Text Index* produced slow response times. While the Company monitors the performance of the *Open Text Index* and seeks to take prompt action to correct any deterioration in response times, periods of slow response may occur in the future, and there can be no assurance that the Company will be able to take prompt and effective corrective action. The Company has made certain commitments under its gateway agreements to provide rapid response times and consistent system availability, and, accordingly, any slower response times or system failure could result in the termination of, or exposure to damages under, one or more of these agreements. The Company is also dependent on hardware suppliers for prompt delivery, installation and service of servers and other equipment used to provide the *Open Text Index*. Copies of the Company's *Open Text Index* are located at computer facilities located in Toronto, Ontario and Mountain View, California. There can be no assurance that a system failure at either of these locations would not adversely affect the performance of the *Open Text Index*. These systems are vulnerable to damage from fire, earthquakes, power loss, telecommunications failures and similar events. Despite the implementation of network security measures by the Company, its servers are also vulnerable to computer viruses, break-ins and similar disruptive problems. Computer viruses, break-ins or other problems caused by third parties could lead to interruptions, delays or cessation in service to the Company's *Open Text Index* users. Id. at OT03665. Because materials may be uploaded by the on-line or Internet services operated or facilitated by the Company or the Internet gateways with which it has a relationship and be subsequently distributed to others, there is a potential that claims will be made against the Company for defamation, negligence, copyright or trademark infringement or other theories based on the nature and content of such materials. Such claims have been brought, and sometimes successfully pressed, against on-line services, including recent, successful high-profile cases against Prodigy and NETCOM. Although the Company carries general liability insurance, the Company's insurance may not cover potential claims of this type or may not be adequate to indemnify the Company for all liability that may be imposed. Any imposition of liability that is not covered by insurance or is in excess of insurance coverage could have a material adverse effect on the Company.

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	Id. at OT03667. **The Open Text Solution** The Company's suite of software products enables users to find information, work together and distribute the resulting work product and other information to users across local and wide area networks or the Internet. The Company's software supports original, native file formats and applications and does not require either the conversion of the information into new formats or the replacement of existing desktop computing tools. A key element of the Company's strategy is to develop the capability of its products to enable the formation of work groups and collaboration on Intranets and the Internet. The Company's suite of software products addresses the following needs: • *Find Information.* The Company's proprietary string search technology enables users to search the full text of databases and documents in response to a user query that is not limited to document titles or keywords. The Company's search technology is characterized by rapid response times that do not increase materially as the amount of data searched increases, if adequate server and communications resources are employed. The Company's search engine and related products, including *Open Text 5* and *Latitude*, enable users to find and view information, thus supporting both the creative and storage-related functions critical to individual and collaborative work processes. The Company's search and retrieval solutions address the needs of a variety of information users and include the *Open Text Index*, which allows computer users to search the Company's index of the Web, and *Latitude Web Server*, which enables organizations to index and search for information on their local and wide area networks and the Internet. Id. at OT03692-93. **The Open Text Strategy** The Company's objective is to be the leading provider of information search, work process management and information distribution solutions to the spectrum of users of local and wide area networks, Intranets and the Internet. Key elements of the Company's strategy are summarized below: • *Build Awareness of the "Open Text" Brand and Increase Internet Exposure through Alliances with Internet Gateways.* The Company believes that awareness of the Company and its software solutions will increase as Internet users are exposed to the Company's search and retrieval technology through their use of the *Open Text Index*. The Company has arrangements with popular Internet gateways, including Yahoo!, internetMCI, IBM infoMarket and Netscape Navigator, to provide its *Open Text Index* and search and retrieval technology as one of the Internet resource products offered by the Gateways. Each Gateway will identify the *Open Text Index* on the user interface when the Company's search technology is employed. The Company intends to pursue similar arrangements with other Internet gateways. • *Provide Integrated Information Search, Work Process Management and Information Distribution Solutions.* The Company intends to develop the capability of *Livelink* to operate over Intranets and the Internet, and to integrate *Livelink*, its collaborative workflow and document management system, with *Latitude Web Server*, its tool kit for creating a Web site or Intranet capable of finding and retrieving documents using an index of an organization's network and other Web sites, and making selected documents and information available to the public over the Internet. The Company's goal is to offer an integrated suite of information management solutions addressing the needs of the spectrum of users of local and wide area networks, Intranets and the Internet. The Company has entered into an agreement with Netscape that makes Netscape Navigator technology available for inclusion in the Company's client-based products and certain Netscape server technology available for inclusion in the Company's server-based products. The Company believes that this arrangement will contribute to the Company's ability to offer integrated solutions by assuring compatibility of both its client- and server-based software solutions with this popular industry standard. Id. at OT03693-94. **Technology** *Search and Retrieval Technology* *Development History. Open Text 5* and previous versions of the Company's indexing and search technology evolved out of the work of the Oxford English Dictionary project undertaken at the University of Waterloo in 1984 and completed in 1989. This project, undertaken in cooperation with Oxford University Press, IBM and the Government of Canada, required the development of technology suitable for searching large databases containing complex, multilingual, highly irregular data structured in SGML format. Modern text search and retrieval technologies are based on the full text index model. Full text retrieval software builds a comprehensive index of all terms that appear in the documents to be searched and completes

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	searches by reading the index, rather than by accessing and reading the documents themselves. Unlike traditional relational database management systems, full text retrieval does not require that information be rigorously structured in row and column formats. Traditionally, full text retrieval systems have been based on the creation of an ''inverted word index,'' which is a list of each indexed term that appears in a database. The inverted word index also lists the locations in the documents where the term appears. Inverted word search technology does not efficiently index common words such as ''and,'' ''the'' and ''is,'' because these words occur in numerous locations in each document, rendering searches for phrases such as ''The Limited,'' ''We, the people'' and ''to be or not to be'' relatively slower. By contrast, string search algorithms, such as those employed by the Company, permit efficient searches for such phrases. *Core Algorithm.* The Company's search engine is not based on the traditional inverted word index approach, but on a ''string search'' algorithm that enables a user to search for strings of data of arbitrary length, whether partial words, complete words or phrases. This algorithm indexes complete word series and phrases in context, in addition to individual terms. String search technology is also more easily adaptable to searches of databases in languages such as Chinese, Japanese, Korean and other languages that are not based on the European alphabet. These languages require multiple bytes to represent each character, and string search technology simply treats these characters as sequences of bytes in a string. Electronically stored audio and video information may also be represented as strings. A version of *Open Text 5* that supports Japanese Kanji is available for use in the Japanese market, and the Company currently is developing software to search other Asian language character sets. The Company is also working on the development of capabilities to search non-textual information, such as audio data. The index required in the application of string search technology requires the use of more memory than an inverted word index. Recent increases in computing speeds, memory size and hard drive capacity and reductions in the cost of memory have increased the size of data files that can be built and processed economically, making string search technology practical and cost effective. *Structured Documents and SGML.* The Company's search engine also differs from conventional technologies in that it recognizes that documents are often characterized by complex structures. For example, documents often contain titles, headings, sections, subsections and paragraphs. The Company's search engine can search any number of different user-defined document structures without loss of performance. It fully supports SGML, the key international standard for structured documents. *Parallel Execution Monitor.* The Company's search technology also includes a routing function called the Parallel Execution Monitor (the ''PEM''). The PEM provides a single point of access for distributed parallel searching of large databases in networked environments, including the Internet, in which it is difficult or impossible to unify all data on a single server or to build a single index of the data to be searched. The PEM performs all the network connection and remote process management functions necessary to accomplish this task. Accordingly, the index may reside on a number of servers in a variety of locations, and the use of the PEM enables the search to be simultaneously conducted across a number of servers that contain the index. The PEM enables the user to conduct searches quickly and without concern for the specific location of the data for any given query. The use of the PEM also enables the Company's search engine to deliver consistent response times regardless of database size or configuration, if adequate server and communications resources are employed. *Indexing.* Most information retrieval products, including those developed by the Company, automate the index-building function. *Open Text 5* creates and maintains indexes through the use of ''crawlers,'' software programs that search for and retrieve material to be indexed. Crawlers move from site to site, automatically identifying documents that need to be included or updated in the index. The Company's crawlers are designed to be ''intelligent,'' avoiding duplicated material and updating material based in part on an assessment of its relevancy. Thus, new data added to a database can be added to the index without re-indexing the entire database. Deleted data similarly is removed from the index. Id. at OT03694-95.

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Products

The Company markets a modular suite of information search, work process management and information distribution products to organizations and individuals. The following table sets forth certain data with respect to the Company's products:

Product	Application	Distribution Channel	Current Version Release Date	Initial Version Release Date
Open Text Index	On-line Internet directory service	Direct sales	March 1995	Same
Latitude Web Server	Directory tool kit enabling organizations to index internal and external Web pages	Direct sales OEMs VARs	November 1995	Same
Latitude	Information retrieval and viewing system for data located in disparate locations and formats	Direct sales VARs	March 1995	Same
Livelink	Workflow and document management software enabling workgroup collaboration	Direct sales OEMs VARs Distributors	May 1995	March 1992
Open Text 5	Indexing and search product resident on a server	Direct sales OEMs VARs	January 1995	September 1991
Internet Anywhere	Client-based Internet access tools	OEMs Retail	October 1995	June 1994
PC Search	Indexing and search product resident on a PC	Direct sales VARs	November 1995	Same

Id. at OT03697.

Open Text Index

The *Open Text Index* uses one of the Company's search engines and the Company's crawlers to ind information located on the Web. The *Open Text Index* indexes every word of every page of information indexe rather than a selection of key words. Although the amount of information available on the Internet is increasing rapidly, the Company seeks to keep pace with this growth by increasing the coverage of the *Open Text Index*. The Company believes that its crawlers have identified a substantial portion of the sites located on the Web. As of December 7, 1995, the *Open Text Index* had indexed over 2.4 billion words, numbers and addresses, which have been indexed from approximately 1.6 million Web pages. The *Open Text Index* has also indexed over 25 million hyperlinks from indexed Web pages to other Web pages.

The *Open Text Index* enables a user to search for terms appearing in particular elements of a document's structure, conduct weighted searches and search for other documents with similar content. The *Open Text Index* also provides a ''results sampling'' feature, which permits a user to view the searched term in context from the *Open Text Index* without being required to access the documents in which the term appears.

The Company has licensed the *Open Text Index* and ongoing updates to Yahoo!, internetMCI and IBM infoMarket to enable these Gateways to provide the *Open Text Index* to their customers as part of their Web access service. The *Open Text Index* also represents a source of advertising revenue for the Company. Pursuant to an agreement with Yahoo! in October 1995, the Company will operate an *Open Text Index* search service for users of the Yahoo! home page. The Company will receive a portion of any revenue received from advertisements visible to Yahoo! users who access the *Open Text Index*. Pursuant to an agreement with internetMCI, a portion of any advertising revenue received by internetMCI will be remitted to the Company on a similar basis. Advertisers can place ''billboard'' advertisements on the *Open Text Index*, which are visible on a portion of the screen displaying the *Open Text Index* user interface. Also available will be ''embedded'' advertisements, which are presented with the other results of a search using the *Open Text Index*. Embedded advertisements enable an advertiser to target users who have demonstrated an interest in selected subject matters by searching for similar or related information. The Company also offers an *Open Text Index* search service on its own home page Web site at no charge to the user, and Netscape has agreed to list the *Open Text Index* on the Netscape Navigator under the ''Net Search'' button. The Company has begun to sell billboard advertising space on the *Open Text Index* user interface and also intends to sell embedded advertising. The Company's agreement with IBM infoMarket provides for the Company to receive an annual license fee and a monthly fee based on the number of subscribers to the service.

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	Id. at OT03697-98. ***Latitude Web Server*** In November 1995, the Company introduced *Latitude Web Server*, a tool kit that facilitates an organization's creation of a Web site or an Intranet that enables users to find and retrieve information and documents using an index of the organization's network and other Web sites and enables the organization to make selected documents and information available to the public over the Internet. *Latitude Web Server* consists of publicly available Internet protocol software, *Open Text 5*, the Company's crawlers that create and maintain the index, an application programming interface that permits integration of the Company's indexing and search technology with network- and Web-based applications and administrative tools that track and monitor the use of the index. The Company has licensed certain Netscape server technology for bundling with *Latitude Web Server* which will provide a gateway between *Latitude Web Server* and the Internet while providing for security and log-in and access control to protect an organization's confidential information. Ford Motor Company, Northern Telecom, Siemens AG and Silicon Graphics, Inc. have purchased *Latitude Web Server* to assist in the management of information. *Latitude Web Server* is marketed by the Company's direct sales force to organizations that are publishing on the Web or establishing Intranets, to OEMs that wish to embed the Company's indexing and search technology in their Internet-based applications and to VARs. The price of a *Latitude Web Server* ranges from approximately US$12,000 to US$25,000 or more, depending on the desired features and the number of servers containing information to be indexed. ***Latitude*** *Latitude* enables organizations to find and view information and documents spread across multiple servers on local and wide area networks and the Internet. Information can be viewed "as is," in native file formats, without first having to be converted into a proprietary format. *Latitude* employs the Company's search engine and PEM technology to index and retrieve information and documents, and incorporates a set of viewers that are automatically invoked depending on the type of data or document. *Latitude* enables a user to view, in native format, documents and information in over 40 different formats, including major word processing and spreadsheet formats, SGML, Adobe Acrobat files, CAD drawings and multimedia files. Additional viewers can be added for customers with specially formatted information. *Latitude* is designed for organizations that need to make organized information, such as service manuals, parts information and safety bulletins, available to users. For example, Caterpillar has purchased and is implementing *Latitude* as a search tool for information found in the electronic repair and maintenance manuals that are used by 180 Caterpillar equipment dealers. *Latitude* will enable Caterpillar's dealers to find and view repair and maintenance-related information requested by a user, including instructional video clips, on hundreds of thousands of equipment parts and maintenance procedures. The product is currently available as *Latitude Office*. The Company currently plans to introduce *Latitude Department*, an enhancement of *Latitude Office*, in the second quarter of calendar 1996. One of the additional features of *Latitude Department* is a directory similar in format to a table of contents that will enable users to locate documents by category. The Company also currently plans to introduce *Latitude Enterprise*, a further enhancement of *Latitude Office* that will support SQL, in calendar 1996. *Latitude Department* and *Latitude Enterprise* are both designed to support larger and more complex environments by providing additional viewers and more advanced server and routing capabilities for greater search efficiency. *Latitude Office* is marketed by the Company's direct sales force and through VARs. The price of *Latitude Office* is US$28,000 per server, plus a fee of US$200-$350 per client license depending on the number of licenses and other factors. In a typical configuration, the price of a *Latitude Office* system ranges from US$50,000 to US$60,000. Id. at OT03698-99. ***Open Text 5*** *Open Text 5* is the search engine upon which several of the other products and applications marketed by the Company are based. It is sold as a stand-alone indexing and search product that can be added to or employed in custom designed document management systems. For example, Boeing's component cost department uses *Open Text 5* to search its internal files for previously prepared cost change estimates involving parts for which similar cost change estimates are required. The underlying indexing and retrieval technology also is licensed to OEMs for inclusion in their systems. The Company is finalizing *Open Text 6*, which is currently expected to be available for shipment and integration with other products in the first quarter of calendar 1996. This new search engine is expected to include faster index updating, indexes requiring less storage capacity and fuzzy logic searches, which expand the scope of a search to include words and phrases that are similar to the search terms. *Open Text 5* is marketed by the Company's direct sales force, and the price of a typical system ranges from US$30,000 to US$50,000.

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Id. at OT03700.

Customers

The Company's customers include:

Open Text Index

International Business Machines Corporation
networkMCI, Inc.
Yahoo! Corporation

Latitude

Amdahl Corporation
CAE Electronics, Ltd.
Caterpillar Inc.

Latitude Web Server

Ford Motor Company
Northern Telecom
Siemens AG
Silicon Graphics, Inc.

Open Text 5

Andersen Consulting
The Boeing Company
California Continuing Education of the Bar
International Business Machines Corporation
MCI Communications Corp.
Oracle Corporation
Pratt & Whitney
Union Bank of Switzerland
US Department of Defense
US Department of Energy

Livelink

BankAmerica Corporation
The Boeing Company
The British Petroleum P.L.C.
Canon Sales Co., Inc.
General Electric Company
Hitachi, Ltd,
MCI Communications Corp.
National Aeronautics and Space Administration
Nippon Telephone and Telegraph Corporation
Oracle Corporation
Qualcomm, Inc.
Sony Microelectronics/Texas
TransCanada Pipelines
UAL Corporation
US Food and Drug Administration
US Missile Command

Id. at OT03702.

Gateway Agreements

The Company has entered into gateway agreements with Yahoo!, internetMCI and IBM infoMarket. Pursuant to these agreements, the Company has licensed the *Open Text 5* search engine and the *Open Text Index* for use with the Internet information resource products offered by the Gateways. Netscape has agreed to list the *Open Text Index* on the Netscape Navigator under the "Net Search" button. InternetMCI and IBM infoMarket began offering the *Open Text Index* in November 1995 and the Company anticipates that access to the *Open Text Index* through Yahoo! and Netscape Navigator will begin in January 1996 and the first quarter of 1996, respectively.

The agreements with Yahoo! and internetMCI each provide for the Company to receive an annual license fee and a fee based on a percentage of the revenue received by the Gateway from advertisements viewed by gateway users who use the *Open Text Index*. Advertising revenue is generated by advertisers placing either billboard or embedded advertisements on the screens that are visible to a user during the course of a search for information using the *Open Text Index*. The internetMCI agreement also provides for monthly fees for ongoing updates of the *Open Text Index*. The agreement with IBM infoMarket provides for the Company to receive an annual license fee and a monthly fee based on the number of subscribers to the service. The arrangement with Netscape does not initially provide for payments by the Company to Netscape, but such payments will be required in the future.

Id. at OT03702-03.

Competition

The markets for the Company's products are new, intensely competitive, subject to rapid technological change and evolving rapidly. The Company expects competition to increase in the future as the markets for the Company's products continue to develop and as additional companies enter each of its markets.

The primary competitors of the Company's *Open Text Index* include Architext Software, Inc., InfoSeek Corporation, Lycos, Inc. and America Online's Web Crawler. Both InfoSeek and Lycos have been operating on the Internet for a longer period of time than the *Open Text Index*, are displayed on the Netscape Navigator user interface and have superior name recognition. Digital Equipment Corporation has recently introduced an Internet search service named Alta Vista that will compete with the *Open Text Index*. Although Netscape has agreed to list the *Open Text Index* on Netscape Navigator, this listing currently has less prominence than that of InfoSeek and, in the future, might have less prominence than those of other search services. The Company believes that the principal competitive factors in this market include relationships with Internet gateways, product name recognition and reputation, ease of use, reliability, search response time, and the extent to which the index covers

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	the Internet. The Company believes that the *Open Text Index* is competitive with respect to these factors. The Company's strategy for obtaining advertising revenues from the *Open Text Index* is dependent in part on the success of the Company's Internet gateway relationships. Accordingly, competition between the Internet gateways with which the Company has relationships and competing Internet gateways, or failure of the Internet gateways with which the Company has relationships to achieve or maintain market acceptance may have a material adverse effect on the Company's business, operating results and financial condition. In the market for information search and retrieval software, the Company competes with Excalibur Technologies Corporation, Fulcrum Technologies, Inc., Information Dimensions, Inc., PLS, Verity, Inc. and others. The Company also competes indirectly with database vendors that offer information search and retrieval capabilities with their core database products. In the future, the Company may encounter competition from companies that enhance products such as document management systems, groupware applications, Internet products and operating systems to include information search and retrieval functions. The Company believes that the principal competitive factors in this market include the ability to search large amounts of data rapidly without degradation in performance, the ability to find and view information on disparate platforms in a variety of formats and locations, vendor and product reputation, the ability to index information comprehensively, ease of use, product architecture, product quality and performance, quality of product support and price. The Company believes that its search and retrieval technology competes favorably with respect to these factors. Id. at OT03703-04. **Product Development** As of December 1, 1995, the Company's research and development organization included 49 employees. A number of key technical staff have been developing text retrieval software since the 1970s. The Company's roots in the Oxford English Dictionary project provide eleven years of experience with full text retrieval software. The Company also funds research projects at the University of Waterloo, where Dr. Frank Tompa, a founder, director and shareholder of the Company, is a professor and a researcher. See "Certain Transactions—Research Funding." The Company's current product development efforts are focused on enhancing and broadening its information search, work process management and information distribution products. Areas of particular emphasis are the development of the capability of *Livelink* to operate on Intranets and the Internet, the integration of *Livelink* technology with *Latitude Web Server* and the integration of technologies acquired in the acquisitions of assets of Intunix and Internet Anywhere with the Company's other technologies and products. See "Management's Discussion and Analysis of Financial Condition and Results of Operation—Overview." Improvement of search engine speed, development of more efficient Web crawler technology, integration of relational database management systems with the Company's software and enhancements of the user interfaces for all of the Company's products are other areas of ongoing activity for the product development organization. The Company intends to enhance *Latitude* by increasing its ability to handle larger and more complex environments, adding features such as a directory similar to a table of contents and enabling the product to support SQL. Although the principal technology of the Company's products have been developed internally or acquired, the Company also may license and incorporate third-party technology to supplement internal efforts. The Company's ability to successfully develop and release new products and product enhancements in a timely manner is subject to a variety of factors, including its ability to solve technical problems and test products, competing priorities of the Company, the availability of development and other resources and other factors outside the control of the Company. There can be no assurance that the Company will not experience difficulties that could delay or prevent the successful development, introduction or marketing of new products and product enhancements. Id. at OT03705. To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Tables B1, B2, & B3.
Claim 8	
8. A method of providing advertisements to a user searching for desired information within a data	The Open Text Form Prospectus discloses providing advertisements to a user searching for desired information within a data network.

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network, comprising the steps of:	*See* Claim 1[preamble].
[a] receiving, at a server, a search request sent from a user, the search request including a search argument corresponding to the desired information;	The Open Text Form Prospectus discloses receiving, at a server, a search request sent from a user, the search request including a search argument corresponding to the desired information. **The Company** Open Text Corporation (the "Company") develops, markets, licenses and supports software for use on local and wide area networks, Intranets and the Internet that enables users to find electronically stored information, work together in creative and collaborative processes and distribute or make available to users across networks or the Internet the resulting work product and other information. The Company's search engine enables users to transparently search vast amounts of data stored in a wide variety of formats and in disparate locations, including World Wide Web sites. The Company's search technology is characterized by rapid response times that do not increase materially as the amount of data searched increases, if adequate server and communications resources are employed. The Company's workflow and document management software enables users to establish and manage document-oriented collaborative work processes that involve a diversity of workers, computing platforms and data. In addition, the Company's products enable organizations to flexibly manage the distribution and availability of information. The Company's strategy is to offer information search, work process management and information distribution products that collectively represent a suite of information management solutions addressing the needs of the spectrum of users of local and wide area networks, Intranets and the Internet. Employing its search engine and related technologies, the Company has created the *Open Text Index*, an index of the World Wide Web (the "Web"), that it licenses together with its search technology to major Web information providers, including Yahoo!, internetMCI and IBM infoMarket. The Company also offers the *Open Text Index* as a search tool to Web users on the Company's own Web site in order to increase awareness of the Company's technology and products and to capitalize on the emerging advertising revenue opportunity on the Internet. Netscape Communications Corporation ("Netscape") has agreed to list the *Open Text Index* on the Netscape Navigator under the "Net Search" button. The Company's search engine, currently marketed as *Open Text 5*, has application as a stand-alone search tool for use on local and wide area networks and the Internet and as part of more comprehensive information management solutions. For example, the Company's search engine is a key component of *Latitude*, the Company's document distribution product that enables an organization's users to find and view, in native format, documents in large collections of information stored on local or remote servers and CD-ROMs spread across local and wide area networks and the Internet. In November 1995, the Company introduced *Latitude Web Server*, a software tool kit that facilitates an organization's creation of an internal Internet-protocol network, or "Intranet," that enables users to find and retrieve information and documents available on the organization's Intranet and on other Web sites, and enables the organization to make selected documents available to the public over the Internet. The Company's workflow and document management system, *Livelink*, combines the features of an integrated document management system with workflow management and collaborative computing functions on local and wide area networks. The Company is developing *Livelink* to enable users to manage documents, establish collaborative workgroups and manage and track the progress of their work using Intranets and the Internet. The Company is also integrating *Livelink* and *Latitude Web Server* to enable users to find and retrieve information from the organization's Intranet and from other Web sites and manage the distribution of this information using Intranets and the Internet. Id. at OT03653. **Industry Overview** Organizations are increasingly seeking to streamline their business processes in order to increase worker productivity and reduce costs through the implementation of information management solutions. Through investments in traditional information management tools, organizations often establish a variety of data processing infrastructures that are rigidly designed to complete specific tasks or perform narrowly defined functions. As a result, organizations are increasingly faced with significant information management challenges attributable to rapidly increasing amounts of data created and stored in a variety of formats and in disparate locations across various networks. In addition, the emergence of the Internet as an important medium for communications is an increasingly significant influence on the configuration of network computing environments, and organizations are increasingly adopting private Intranets that are based on client/server architectures and that employ Internet data formats and communications protocols to connect geographically dispersed networks and facilities. *Proliferation of Information on Client/Server Networks and the Internet* In recent years, advances in computer hardware and software technology have resulted in dramatic increases in the amount of electronically stored information available to computer users. The ease of use, increased performance and declining cost of computer hardware and software have resulted in the rapid growth of the number of business and individual personal computer users and the migration of corporate networks from centralized mainframe systems to distributed local and wide area networks based on client/server architectures and, more recently, on peer to peer architectures. The prevalence of client/server networks facilitates the creation and storage of information on numerous computers in disparate locations and in a wide variety of files and formats. Client/server networks consist of desktop computers ("clients") that can access powerful computers ("servers") that store large amounts of information and perform computing functions on behalf of clients. These networks enable dispersed users to communicate with and access the information and other resources of other computers in the network across traditional geographic and organizational boundaries. As a result, information that is critical to organizations increasingly is created, managed and stored on a decentralized basis in numerous sites and in a variety of files and formats.

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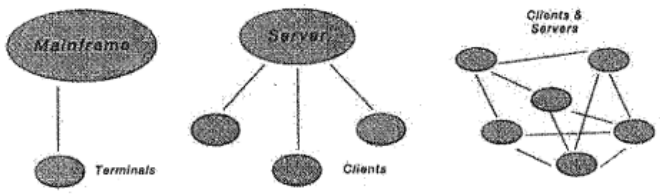

Mainframe Client/Server Internet/Intranet

Computer architectures have evolved with advances in hardware and software technologies. The mainframe architecture, which initially dominated computing, was supplanted by the client/server architecture that resulted from increases in desktop computing power. Recent advances in network hardware and protocols have resulted in the creation of an open network architecture, based on Internet communications protocols, that facilitates flexible communication among multiple servers and multiple clients (Internet/Intranet architecture).

The rapid growth in the use of on-line services and the Internet has enabled both organizations and individual computer users to communicate with other users and access large amounts of information published for general public reference or for access by consumers. The Internet is a global web linking thousands of computer networks. International Data Corporation estimates that the number of Internet users was approximately 38 million at the end of 1994 and predicts that the number of Internet users will grow to approximately 200 million in the year 1999. Much of the recent growth in the use of the Internet is attributable to the emergence of the network of servers and information available on the Internet known as the World Wide Web. The Web employs a client/server architecture that, when integrated with "browser" software, enables non-technical users to exploit the capabilities of the Internet.

In addition to providing access to a vast array of information, the Internet represents a new medium through which organizations and individuals can conduct business. The potential benefits of conducting business on the Internet include direct, immediate communications with consumers, customers, vendors and other parties, increased access to a large and growing universe of organizations and individuals, novel advertising opportunities and low communications and transaction costs. The amount of information available on the Internet, the commercial applications of the Internet, the number of Web sites on which data reside and the amount of data residing on individual Web sites are all increasing rapidly. As a result, both business and home computer users face the challenge of locating and retrieving the specific information that responds to their needs from the vast sea of data available on the Internet.

The Web is characterized by a standard document format described by the Hypertext Mark-Up Language ("HTML") and a standard information transfer protocol called Hypertext Transfer Protocol ("HTTP"). As organizations become familiar with the use of the Web, they are increasingly adopting Internet data formats and communications protocols, such as Transmission Control Protocol/Internet Protocol ("TCP/IP"), and using Web client and server software and, in some cases, the Internet's facilities as the backbone for private networks ("Intranets") that connect an organization's local area networks. The implementation of an Intranet is a low cost alternative to the establishment of a proprietary private network. Intranets enable network users to communicate and access information within an organization's boundaries, collaborate with external groups or individuals, including suppliers, customers and consultants, and use the Web to access information on the Internet and communicate with other Web users. An organization also may use its Intranet servers to publish documents and data on the Web that are created and resident on its Intranet. An increasing number of

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organizations are implementing Intranets as an alternative to traditional client/server networks. Accordingly, demand for business-oriented software solutions that support Internet protocols is increasing, and expected to continue to increase.

Diverse Data Formats

Electronically stored information can be classified as either "relational" or "non-relational" data, as outlined in the chart below. Relational data generally consists of data organized in strictly defined row and column formats. While relational database management systems, such as those marketed by Oracle Corporation ("Oracle"), Sybase, Inc. ("Sybase") and Informix Software ("Informix"), enable organizations to manage their relational data, only a small percentage of electronically stored information is stored in relational databases. The vast majority of the remaining data is stored in non-relational format, which is not suited for search and retrieval using relational database management systems.

Non-relational data can be divided into two categories, "unstructured" and "structured." Non-relational data created with word processing programs and other programs, such as spreadsheets, are unstructured and include documents such as proposals, reports, budgets, engineering drawings, memoranda, electronic mail and multimedia files. Increasingly, a significant portion of the information stored as unstructured data contains information of continuing value to an organization.

Documents intended to have a long life and continuing value and that are frequently revised or updated are often created in a structured format called Standard Generalized Markup Language ("SGML"). Such documents include maintenance and owners manuals, parts lists, catalogs and operating policies and procedures manuals. SGML records the elements of the document's structure (e.g., titles, headings, footnotes and various other organizational elements selected by the author) in addition to its text. SGML is well suited for documents that will be stored in databases and delivered in a variety of media and has found wide acceptance in the fields of reference publishing, technical documentation and regulatory compliance, including the Securities and Exchange Commission's "EDGAR" document repository. The importance of SGML has increased recently, because it is the basis upon which HTML, the language of the Web, is built. SGML theory and practice will play a significant role in the future development of HTML.

		Non-Relational Data	
	Relational Data	Structured	Unstructured
Data and File Formats	**SQL** *(Oracle, Sybase and Informix)*	**SGML** **HTML**	**ASCII** **WordPerfect** **Excel** **Word** **Lotus 1-2-3**
Document Types	Sales data reports Accounting reports Invoices Customer records Backlog status	Web sites Owner's manuals Operating procedures Parts lists Product catalogs Product documentation	Memoranda E-mail Presentations Business reports Correspondence Spreadsheets Technical documents Multimedia presentations

In the client/server environment, an increasing proportion of information of continuing value to organizations is non-relational and cannot be found or retrieved using relational database management systems. Accordingly, organizations will increasingly demand software solutions that enable users to find and use information in a variety of data and file formats, regardless of whether it is structured or unstructured.

Id. at OT03689-91.

Parallel Execution Monitor. The Company's search technology also includes a routing function called the Parallel Execution Monitor (the "PEM"). The PEM provides a single point of access for distributed parallel searching of large databases in networked environments, including the Internet, in which it is difficult or impossible to unify all data on a single server or to build a single index of the data to be searched. The PEM performs all the network connection and remote process management functions necessary to accomplish this task. Accordingly, the index may reside on a number of servers in a variety of locations, and the use of the PEM enables the search to be simultaneously conducted across a number of servers that contain the index. The PEM enables the user to conduct searches quickly and without concern for the specific location of the data for any given query. The use of the PEM also enables the Company's search engine to deliver consistent response times regardless of database size or configuration, if adequate server and communications resources are employed.

Id. at OT03695.

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Workflow and Document Management Technology

Architecture. *Livelink*, the Company's workflow and document management product, employs a client/server architecture that enables organizations to connect standard desktop computers, networks, databases and servers in an organization-wide workflow and document management system. *Livelink* supports a variety of computing platforms, including Microsoft Windows and Windows 95, Apple Macintosh and Unix.

Id. at OT03696.

Products

The Company markets a modular suite of information search, work process management and information distribution products to organizations and individuals. The following table sets forth certain data with respect to the Company's products:

Product	Application	Distribution Channel	Current Version Release Date	Initial Version Release Date
Open Text Index	On-line Internet directory service	Direct sales	March 1995	Same
Latitude Web Server	Directory tool kit enabling organizations to index internal and external Web pages	Direct sales OEMs VARs	November 1995	Same
Latitude	Information retrieval and viewing system for data located in disparate locations and formats	Direct sales VARs	March 1995	Same
Livelink	Workflow and document management software enabling workgroup collaboration	Direct sales OEMs VARs Distributors	May 1995	March 1992
Open Text 5	Indexing and search product resident on a server	Direct sales OEMs VARs	January 1995	September 1991
Internet Anywhere	Client-based Internet access tools	OEMs Retail	October 1995	June 1994
PC Search	Indexing and search product resident on a PC	Direct sales VARs	November 1995	Same

Id. at OT03697.

Latitude

Latitude enables organizations to find and view information and documents spread across multiple servers on local and wide area networks and the Internet. Information can be viewed "as is," in native file formats, without first having to be converted into a proprietary format. *Latitude* employs the Company's search engine and PEM technology to index and retrieve information and documents, and incorporates a set of viewers that are automatically invoked depending on the type of data or document. *Latitude* enables a user to view, in native format, documents and information in over 40 different formats, including major word processing and spreadsheet formats, SGML, Adobe Acrobat files, CAD drawings and multimedia files. Additional viewers can be added for customers with specially formatted information.

Latitude is designed for organizations that need to make organized information, such as service manuals, parts information and safety bulletins, available to users. For example, Caterpillar has purchased and is implementing *Latitude* as a search tool for information found in the electronic repair and maintenance manuals that are used by 180 Caterpillar equipment dealers. *Latitude* will enable Caterpillar's dealers to find and view repair and maintenance-related information requested by a user, including instructional video clips, on hundreds of thousands of equipment parts and maintenance procedures.

Id. at OT03698.

Hypertext Transfer Protocol (HTTP). HTTP is a file transfer protocol specifically developed to enable Web servers to send data to clients, including HTML and graphic add-ins.

'969 Patent	OPEN TEXT FORM PROSPECTUS
	Id. at OT03735. *Structured Query Language (SQL).* A data access language designed to simplify and standardize the way relational data can be manipulated and retrieved on heterogeneous computer platforms from multiple vendors. Prevalent for several years on mainframe platforms, SQL is an emerging standard on other platforms, including client/server systems. Id. at OT03736. *World Wide Web.* A network of computer servers that uses a special communications protocol to link different servers throughout the Internet and permits communication of graphics, video and sound. Id. at OT03737. *See* also Claim 1[a]. To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Table B2, B7.
[b] searching, by the server computer based upon the received search argument, a first database to generate search results, the first database having data network related information and being contained on the server computer;	The Open Text Form Prospectus discloses searching a first database to generate search results, the first database having data network related information and being contained on the server computer. *See* Claim 1[b] and 8[a]. To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Table B2, B7.
[c] correlating the received search argument to a particular advertisement in a second database having advertisement related information, the second database contained on a client computer; and	The Open Text Form Prospectus discloses correlating the received search argument to a particular advertisement in a second database having advertisement related information, the second database contained on a client computer. *See* Claim 1[c] and 8[a]. To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Table B2, B7.
[d] providing the search results together with the particular advertisement to	The Open Text Form Prospectus discloses providing the search results together with the particular advertisement to the user.

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the user.	*See* Claim 1[d].
Claim 9	
9. A method as claimed in claim **8**, wherein the step of correlating the received search argument to the particular advertisement includes selecting the particular advertisement based on the received search argument and user profile data.	The Open Text Form Prospectus discloses correlating the received search argument to the particular advertisement by selecting the particular advertisement based on the received search argument and user profile data. *See* Claim 2.
Claim 10	
10. A method as claimed in claim **9**, wherein the user profile data is based partially upon previous search arguments of the user.	The Open Text Form Prospectus discloses a method as claimed in claim **9**, wherein the user profile data is based partially upon previous search arguments of the user. *See* Claim 3.
Claim 11	
11. A method as claimed in claim **10**, wherein the user profile data is based partially upon previous search results for the user.	The Open Text Form Prospectus discloses a method as claimed in claim **10**, wherein the user profile data is based partially upon previous search results for the user. *See* Claim 4.
Claim 12	
12. A method as claimed in claim **11**, wherein the user profile data includes user specified preferences.	The Open Text Form Prospectus discloses the user profile data includes user specified preferences. *See* Claim 5.
Claim 13	
13. A method as claimed in claim **8**, wherein the step of providing the search results and the particular advertisement to the user includes displaying the search results as a page on	The Open Text Form Prospectus discloses wherein the step of providing the search results and the particular advertisement to the user includes displaying the search results as a page on a data processing device and the particular advertisement as an insert on the page. *See* Claim 6.

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a data processing device and the particular advertisement as an insert on the page.	
Claim 14	
14. A method as claimed in claim **8**, wherein the step of correlating the received search argument to a particular advertisement in the second database is performed by the client computer.	The Open Text Form Prospectus discloses correlating the received search argument to a particular advertisement in the second database is performed by the client computer. **The Company** Open Text Corporation (the "Company") develops, markets, licenses and supports software for use on local and wide area networks, Intranets and the Internet that enables users to find electronically stored information, work together in creative and collaborative processes and distribute or make available to users across networks or the Internet the resulting work product and other information. The Company's search engine enables users to transparently search vast amounts of data stored in a wide variety of formats and in disparate locations, including World Wide Web sites. The Company's search technology is characterized by rapid response times that do not increase materially as the amount of data searched increases, if adequate server and communications resources are employed. The Company's workflow and document management software enables users to establish and manage document-oriented collaborative work processes that involve a diversity of workers, computing platforms and data. In addition, the Company's products enable organizations to flexibly manage the distribution and availability of information. The Company's strategy is to offer information search, work process management and information distribution products that collectively represent a suite of information management solutions addressing the needs of the spectrum of users of local and wide area networks, Intranets and the Internet. Employing its search engine and related technologies, the Company has created the *Open Text Index*, an index of the World Wide Web (the "Web"), that it licenses together with its search technology to major Web information providers, including Yahoo!, internetMCI and IBM infoMarket. The Company also offers the *Open Text Index* as a search tool to Web users on the Company's own Web site in order to increase awareness of the Company's technology and products and to capitalize on the emerging advertising revenue opportunity on the Internet. Netscape Communications Corporation ("Netscape") has agreed to list the *Open Text Index* on the Netscape Navigator under the "Net Search" button. The Company's search engine, currently marketed as *Open Text 5*, has application as a stand-alone search tool for use on local and wide area networks and the Internet and as part of more comprehensive information management solutions. For example, the Company's search engine is a key component of *Latitude*, the Company's document distribution product that enables an organization's users to find and view, in native format, documents in large collections of information stored on local or remote servers and CD-ROMs spread across local and wide area networks and the Internet. In November 1995, the Company introduced *Latitude Web Server*, a software tool kit that facilitates an organization's creation of an internal Internet-protocol network, or "Intranet," that enables users to find and retrieve information and documents available on the organization's Intranet and on other Web sites, and enables the organization to make selected documents available to the public over the Internet. The Company's workflow and document management system, *Livelink*, combines the features of an integrated document management system with workflow management and collaborative computing functions on local and wide area networks. The Company is developing *Livelink* to enable users to manage documents, establish collaborative workgroups and manage and track the progress of their work using Intranets and the Internet. The Company is also integrating *Livelink* and *Latitude Web Server* to enable users to find and retrieve information from the organization's Intranet and from other Web sites and manage the distribution of this information using Intranets and the Internet. Id. at OT03653.

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	Industry Overview Organizations are increasingly seeking to streamline their business processes in order to increase worker productivity and reduce costs through the implementation of information management solutions. Through investments in traditional information management tools, organizations often establish a variety of data processing infrastructures that are rigidly designed to complete specific tasks or perform narrowly defined functions. As a result, organizations are increasingly faced with significant information management challenges attributable to rapidly increasing amounts of data created and stored in a variety of formats and in disparate locations across various networks. In addition, the emergence of the Internet as an important medium for communications is an increasingly significant influence on the configuration of network computing environments, and organizations are increasingly adopting private Intranets that are based on client/server architectures and that employ Internet data formats and communications protocols to connect geographically dispersed networks and facilities. *Proliferation of Information on Client/Server Networks and the Internet* In recent years, advances in computer hardware and software technology have resulted in dramatic increases in the amount of electronically stored information available to computer users. The ease of use, increased performance and declining cost of computer hardware and software have resulted in the rapid growth of the number of business and individual personal computer users and the migration of corporate networks from centralized mainframe systems to distributed local and wide area networks based on client/server architectures and, more recently, on peer to peer architectures. The prevalence of client/server networks facilitates the creation and storage of information on numerous computers in disparate locations and in a wide variety of files and formats. Client/server networks consist of desktop computers (''clients'') that can access powerful computers (''servers'') that store large amounts of information and perform computing functions on behalf of clients. These networks enable dispersed users to communicate with and access the information and other resources of other computers in the network across traditional geographic and organizational boundaries. As a result, information that is critical to organizations increasingly is created, managed and stored on a decentralized basis in numerous sites and in a variety of files and formats.

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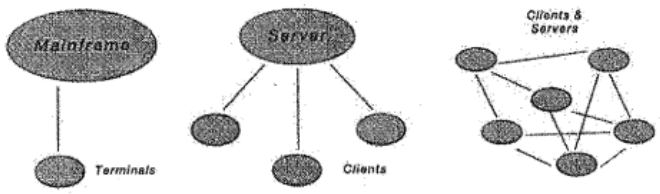

Mainframe Client/Server Internet/Intranet

Computer architectures have evolved with advances in hardware and software technologies. The mainframe architecture, which initially dominated computing, was supplanted by the client/server architecture that resulted from increases in desktop computing power. Recent advances in network hardware and protocols have resulted in the creation of an open network architecture, based on Internet communications protocols, that facilitates flexible communication among multiple servers and multiple clients (Internet/Intranet architecture).

The rapid growth in the use of on-line services and the Internet has enabled both organizations and individual computer users to communicate with other users and access large amounts of information published for general public reference or for access by consumers. The Internet is a global web linking thousands of computer networks. International Data Corporation estimates that the number of Internet users was approximately 38 million at the end of 1994 and predicts that the number of Internet users will grow to approximately 200 million in the year 1999. Much of the recent growth in the use of the Internet is attributable to the emergence of the network of servers and information available on the Internet known as the World Wide Web. The Web employs a client/server architecture that, when integrated with "browser" software, enables non-technical users to exploit the capabilities of the Internet.

In addition to providing access to a vast array of information, the Internet represents a new medium through which organizations and individuals can conduct business. The potential benefits of conducting business on the Internet include direct, immediate communications with consumers, customers, vendors and other parties, increased access to a large and growing universe of organizations and individuals, novel advertising opportunities and low communications and transaction costs. The amount of information available on the Internet, the commercial applications of the Internet, the number of Web sites on which data reside and the amount of data residing on individual Web sites are all increasing rapidly. As a result, both business and home computer users face the challenge of locating and retrieving the specific information that responds to their needs from the vast sea of data available on the Internet.

The Web is characterized by a standard document format described by the Hypertext Mark-Up Language ("HTML") and a standard information transfer protocol called Hypertext Transfer Protocol ("HTTP"). As organizations become familiar with the use of the Web, they are increasingly adopting Internet data formats and communications protocols, such as Transmission Control Protocol/Internet Protocol ("TCP/IP"), and using Web client and server software and, in some cases, the Internet's facilities as the backbone for private networks ("Intranets") that connect an organization's local area networks. The implementation of an Intranet is a low cost alternative to the establishment of a proprietary private network. Intranets enable network users to communicate and access information within an organization's boundaries, collaborate with external groups or individuals, including suppliers, customers and consultants, and use the Web to access information on the Internet and communicate with other Web users. An organization also may use its Intranet servers to publish documents and data on the Web that are created and resident on its Intranet. An increasing number of

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organizations are implementing Intranets as an alternative to traditional client/server networks. Accordingly, demand for business-oriented software solutions that support Internet protocols is increasing, and expected to continue to increase.

Diverse Data Formats

Electronically stored information can be classified as either "relational" or "non-relational" data, as outlined in the chart below. Relational data generally consists of data organized in strictly defined row and column formats. While relational database management systems, such as those marketed by Oracle Corporation ("Oracle"), Sybase, Inc. ("Sybase") and Informix Software ("Informix"), enable organizations to manage their relational data, only a small percentage of electronically stored information is stored in relational databases. The vast majority of the remaining data is stored in non-relational format, which is not suited for search and retrieval using relational database management systems.

Non-relational data can be divided into two categories, "unstructured" and "structured." Non-relational data created with word processing programs and other programs, such as spreadsheets, are unstructured and include documents such as proposals, reports, budgets, engineering drawings, memoranda, electronic mail and multimedia files. Increasingly, a significant portion of the information stored as unstructured data contains information of continuing value to an organization.

Documents intended to have a long life and continuing value and that are frequently revised or updated are often created in a structured format called Standard Generalized Markup Language ("SGML"). Such documents include maintenance and owners manuals, parts lists, catalogs and operating policies and procedures manuals. SGML records the elements of the document's structure (e.g., titles, headings, footnotes and various other organizational elements selected by the author) in addition to its text. SGML is well suited for documents that will be stored in databases and delivered in a variety of media and has found wide acceptance in the fields of reference publishing, technical documentation and regulatory compliance, including the Securities and Exchange Commission's "EDGAR" document repository. The importance of SGML has increased recently, because it is the basis upon which HTML, the language of the Web, is built. SGML theory and practice will play a significant role in the future development of HTML.

		Non-Relational Data	
	Relational Data	Structured	Unstructured
Data and File Formats	**SQL** *(Oracle, Sybase and Informix)*	**SGML** **HTML**	**ASCII** **WordPerfect** **Excel** **Word** **Lotus 1-2-3**
Document Types	Sales data reports Accounting reports Invoices Customer records Backlog status	Web sites Owner's manuals Operating procedures Parts lists Product catalogs Product documentation	Memoranda E-mail Presentations Business reports Correspondence Spreadsheets Technical documents Multimedia presentations

In the client/server environment, an increasing proportion of information of continuing value to organizations is non-relational and cannot be found or retrieved using relational database management systems. Accordingly, organizations will increasingly demand software solutions that enable users to find and use information in a variety of data and file formats, regardless of whether it is structured or unstructured.

Id. at OT03689-91.

Parallel Execution Monitor. The Company's search technology also includes a routing function called the Parallel Execution Monitor (the "PEM"). The PEM provides a single point of access for distributed parallel searching of large databases in networked environments, including the Internet, in which it is difficult or impossible to unify all data on a single server or to build a single index of the data to be searched. The PEM performs all the network connection and remote process management functions necessary to accomplish this task. Accordingly, the index may reside on a number of servers in a variety of locations, and the use of the PEM enables the search to be simultaneously conducted across a number of servers that contain the index. The PEM enables the user to conduct searches quickly and without concern for the specific location of the data for any given query. The use of the PEM also enables the Company's search engine to deliver consistent response times regardless of database size or configuration, if adequate server and communications resources are employed.

Id. at OT03695.

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Workflow and Document Management Technology

Architecture. *Livelink*, the Company's workflow and document management product, employs a client/server architecture that enables organizations to connect standard desktop computers, networks, databases and servers in an organization-wide workflow and document management system. *Livelink* supports a variety of computing platforms, including Microsoft Windows and Windows 95, Apple Macintosh and Unix.

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Product	Application	Distribution Channel	Current Version Release Date	Initial Version Release Date
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Id. at OT03697.

Latitude

Latitude enables organizations to find and view information and documents spread across multiple servers on local and wide area networks and the Internet. Information can be viewed "as is," in native file formats, without first having to be converted into a proprietary format. *Latitude* employs the Company's search engine and PEM technology to index and retrieve information and documents, and incorporates a set of viewers that are automatically invoked depending on the type of data or document. *Latitude* enables a user to view, in native format, documents and information in over 40 different formats, including major word processing and spreadsheet formats, SGML, Adobe Acrobat files, CAD drawings and multimedia files. Additional viewers can be added for customers with specially formatted information.

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Id. at OT03698.

Hypertext Transfer Protocol (HTTP). HTTP is a file transfer protocol specifically developed to enable Web servers to send data to clients, including HTML and graphic add-ins.

'969 Patent	OPEN TEXT FORM PROSPECTUS
	Id. at OT03735. *Structured Query Language (SQL).* A data access language designed to simplify and standardize the way relational data can be manipulated and retrieved on heterogeneous computer platforms from multiple vendors. Prevalent for several years on mainframe platforms, SQL is an emerging standard on other platforms, including client/server systems. Id. at OT03736. *World Wide Web.* A network of computer servers that uses a special communications protocol to link different servers throughout the Internet and permits communication of graphics, video and sound. Id. at OT03737. To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Table B2, B7.
Claim 16	
16. A method as claimed in claim **8**, wherein:	To the extent that this preamble may be construed to be limiting, the Open Text Form Prospectus discloses this method. *See* Claim 8.
[a] the server computer is a database search engine computer; and	The Open Text Form Prospectus discloses the server computer is a database search engine computer. *See* Claim 15[a].
[b] the client computer is an associate search engine computer.	The Open Text Form Prospectus discloses the client computer is an associate search engine computer. *See* Claim 1[c]. To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Table B1, B7.
Claim 17	
17. An advertising machine for providing advertisements to a user searching for desired information within a data network, the advertising	The Open Text Form Prospectus discloses including an advertising machine for providing advertisements to a user searching for desired information within a data network. *See* Claim 8[preamble].

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machine comprising:	
[a] a server computer coupled to the data network that receives a search request from the user, the search request including a search argument corresponding to the desired information;	The Open Text Form Prospectus discloses a server computer coupled to the data network that received a search request from the user, the search request including a search argument corresponding to the desired information. *See* Claim 8[a].
[b] a database search engine coupled to the server computer that receives the search argument from the server computer and searches a first database to generate search results, the first database having data network related information and being contained on the server computer;	The Open Text Form Prospectus discloses a database search engine coupled to the server computer that received the search argument from the server computer and searched a first database to generate search results, the first database having data network related information and being contained on the server computer. *See* Claim 8[b].
[c] an associative search engine coupled to the server computer that correlates the received search argument to a particular advertisement in a second database having advertisement related information, the second database contained on a client computer; and	The Open Text Form Prospectus discloses an associative search engine coupled to the server computer that correlated the received search argument to a particular advertisement in a second database having advertisement related information. The second database was contained on a client computer. *See* Claim 8[c].
[d] the server computer providing the search results together with the particular advertisement to the user.	The Open Text Form Prospectus discloses the server computer provided the search results together with the particular advertisement to the user. *See* Claim 8[d].
Claim 18	
18. The advertising machine of claim **17**,	The Open Text Form Prospectus discloses selecting the particular advertisement based on the received search argument and user

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wherein the associative search engine selects the particular advertisement based on the received search argument and user profile data.	profile data. *See* Claim 2.
Claim 19	
19. The advertising machine of claim **18**, wherein the user profile data is based partially upon previous search arguments of the user.	The Open Text Form Prospectus discloses the user profile data is based partially upon previous search arguments of the user. *See* Claim 3.
Claim 20	
20. The advertising machine of claim **18**, wherein the user profile data is based partially upon previous search results for the user.	The Open Text Form Prospectus discloses the user profile data is based partially upon previous search results for the user. *See* Claim 4.
Claim 21	
21. The advertising machine of claim **18**, wherein the user profile data includes user specified preferences.	The user profile data used by the Open Text Form Prospectus discloses included user specified preferences. *See* Claim 5.
Claim 22	
22. An advertising machine coupled to a data network for providing advertisements to a user, the advertising machine comprising:	The Open Text Form Prospectus discloses an advertising machine coupled to a data network for providing advertisements to a user. *See* Claim 17[preamble].
[a] a server computer coupled to the data network that receives a search request from the user, the search request including a search argument corresponding to the	The Open Text Form Prospectus discloses a server computer was coupled to the data network that received a search request from the user, the search request including a search argument corresponding to the desired information. *See* Claim 17[a].

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desired information;	
[b] a database search engine coupled to the server computer that receives the search argument from the server computer and searches a first database to generate search results, the first database having data network related information and being contained on the server computer;	The Open Text Form Prospectus discloses a database search engine coupled to the server computer that receives the search argument from the server computer and searches a first database to generate search results, the first database having data network related information and being contained on the server computer. *See* Claim 17[b].
[c] an associative search engine coupled to the server computer that correlates the received search argument to a particular advertisement in a second database having advertisement related information, the second database contained on a client computer;	The Open Text Form Prospectus discloses an associative search engine coupled to the server computer that correlated the received search argument to a particular advertisement in a second database having advertisement related information, the second database contained on a client computer. *See* Claim 17[c].
[d] the server computer providing the search results together with the particular advertisement to the user;	The Open Text Form Prospectus discloses the server computer used by the Open Text Form Prospectus discloses provided the search results together with the particular advertisement to the user. *See* Claim 17[d].
[e] the server computer determining whether the advertisement was successful; and	The Open Text Form Prospectus discloses the server computer determined whether the advertisement was successful. *See* Claim 17[c]. To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Tables B4 & B6.
[f] the server computer altering criteria for	The Open Text Form Prospectus discloses the server computer altered criteria for subsequent correlations of received search

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subsequent correlations of received search arguments to the second database.	arguments to the second database. *See* Claim 1[a] and [b]. To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Tables B4, B6, B7.
Claim 23	
23. The advertising machine of claim **22**, wherein the associative search engine correlates the received search argument to the particular advertisement based on the received search argument and user profile data.	The Open Text Form Prospectus discloses correlating the received search argument to the particular advertisement based on the received search argument and the user profile data. *See* Claim 2.

'245 Patent	YAHOO
Claim 1	
1. A method for operating an advertising machine implemented on at least one computer to provide advertisements via a communications link to a data processing device of a user, the method comprising:	The Open Text Form Prospectus discloses providing advertisements via a communications link to a data processing device of a user. *See* '969 Patent Claim 1[preamble].
[a] receiving user preference input from the data processing device via the communications link;	The Open Text Form Prospectus discloses receiving user preference input from the data processing device via the communications link. *See* '969 Patent Claims 1[a], 2 and 5. To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Table B4

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[b] creating user preference data based upon the user preference input;	The Open Text Form Prospectus discloses creating user preference data based upon the user preference input. *See* ‘969 Patent Claims 1[a], 2 and 5. To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Table B4
[c] receiving from the data processing device via the communications link a search request that includes a search argument;	The Open Text Form Prospectus discloses receiving from the data processing device via the communications link a search request that includes a search argument. *See* ‘969 Patent Claim 1[a].
[d] searching at least one database using the search argument to produce search results;	The Open Text Form Prospectus discloses searching at least one database using the search argument to produce search results. *See* ‘969 Patent Claim 1[b].
[e] selecting at least one advertisement from an advertisement database relating to the search argument using the user preference data; and	The Open Text Form Prospectus discloses selecting at least one advertisement from an advertisement database relating to the search argument using the user preference data. *See* ‘969 Patent Claims 1[c], 2 and 5.
[f] transmitting the search results together with the at least one advertisement via the communications link to the data processing device.	The Open Text Form Prospectus discloses transmitting the search results together with the at least one advertisement via the communications link to the data processing device. *See* ‘969 Patent Claim 1[d].
Claim 3	
3. The method of claim **1**, further comprising ordering the search results based upon the user preference data.	The Open Text Form Prospectus discloses ordering the search results based upon the user preference data. *See* Claim 1[a] and [b]. To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Table B4.
Claim 5	
5. The method of claim **1**,	To the extent that this preamble may be construed to be limiting,

’245 Patent	YAHOO
further comprising:	the Open Text Form Prospectus discloses this method. *See* Claim 1.
[a] receiving user preference edit input via the communications link from the data processing device; and	The Open Text Form Prospectus discloses receiving user preference edit input via the communications link from the data processing device. *See* Claim 1[a]. To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Table B4.
[b] modifying the user preference data based upon the user preference edit input.	The Open Text Form Prospectus discloses modifying the user preference data based upon the user preference edit input. *See* Claim 1[b]. To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Table B4.
Claim 6	
6. The method of claim **1**, further comprising:	To the extent that this preamble may be construed to be limiting, the Open Text Form Prospectus discloses this method. *See* Claim 1.
[a] receiving user preference re-prioritization input; and	The Open Text Form Prospectus discloses receiving user preference re-prioritization input. *See* Claim 1[a]. To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Table B4.
[b] re-prioritizing the user preference data based upon the user preference re-prioritization input.	The Open Text Form Prospectus discloses re-prioritizing the user preference data based upon the user preference re-prioritization input. *See* Claim 1[b].

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	To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Table B4.
Claim 7	
7. The method of claim **1**, wherein the user preference data is derived from prior searching history.	The Open Text Form Prospectus discloses wherein the user preference data is derived from prior searching history. *See* ’969 Patent Claims 3, 4.
Claim 8	
8. The method of claim **1**, further comprising:	To the extent that this preamble may be construed to be limiting, the Open Text Form Prospectus discloses this method. *See* Claim 1.
[a] receiving search refinement input via the communications link from the data processing device of the user;	The Open Text Form Prospectus discloses receiving search refinement input via the communications link from the data processing device of the user. *See* Claim 1[c].
[b] refining the search results based upon the search refinement input; and	The Open Text Form Prospectus discloses refining the search results based upon the search refinement input. *See* Claim 1[d].
[c] transmitting the refined search results via the communications link to the data processing device.	The Open Text Form Prospectus discloses transmitting the refined search results via the communications link to the data processing device. *See* Claim 1[f].
Claim 9	
9. An advertising machine implemented on at least one computer and operable to provide advertisements via a communications link to a data processing device of a user, the advertising machine comprising:	The Open Text Form Prospectus discloses an advertising machine implemented on at least one computer and was operable to provide advertisements via a communications link to a data processing device of a user. *See* Claim 1[preamble].
[a] a communications interface operable to	The Open Text Form Prospectus discloses a communications interface operable to interface with the data processing device of

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interface with the data processing device of the user via the communications link;	the user via the communications link. *See* Claim 1[a] and [c].
[b] a database search engine operable to:	The Open Text Form Prospectus discloses a database search engine. *See* Claim 1[d].
[c] receive from the data processing device via the communications link a search request that includes a search argument; and	The Open Text Form Prospectus discloses receiving from the data processing device via the communications link a search request that includes a search argument. *See* Claim 1[c].
[d] search at least one database using the search argument to produce search results;	The Open Text Form Prospectus discloses searching at least one database using the search argument to produce search results. *See* Claim 1[d].
[e] an associative search engine operable to:	The Open Text Form Prospectus discloses an associative search engine. *See* Claim 1[e].
[f] receive user preference input from the data processing device via the communications link;	The Open Text Form Prospectus discloses an associative search engine operable to receive user preference input from the data processing device via the communications link. *See* Claim 1[a].
[g] create user preference data based upon the user preference input; and	The Open Text Form Prospectus discloses an associative search engine operable to create user preference data based upon the user preference input. *See* Claim 1[b].
[h] select at least one advertisement from an advertisement database relating to the search argument using the user preference data; and	The Open Text Form Prospectus discloses an associative search engine operable to select at least one advertisement from an advertisement database relating to the search argument using the user preference data. *See* Claim 1[e].
[i] the advertising machine operable to transmit the search results together with the at least one	The Open Text Form Prospectus discloses the advertising machine operable to transmit the search results together with the at least one advertisement via the communications link to the data processing device.

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advertisement via the communications link to the data processing device.	*See* Claim 1[f].
Claim 16	
16. The advertising machine of claim **9**, wherein the user preference data is derived from prior searching history.	The Open Text Form Prospectus discloses the advertising machine of claim **9**, wherein the user preference data is derived from prior searching history. *See* Claim 7.
Claim 17	
17. The advertising machine of claim **9**, wherein the database search engine is further operable to:	To the extent that this preamble may be construed to be limiting, the Open Text Form Prospectus discloses a search engine. *See* Claim 9.
[a] receive search refinement input via the communications link from the data processing device of the user;	The Open Text Form Prospectus discloses receiving search refinement input via the communications link from the data processing device of the user. *See* Claim 8[a].
[b] refine the search results based upon the search refinement input; and	The Open Text Form Prospectus discloses refining the search results based upon the search refinement input. *See* Claim 8[b].
[c] transmit the refined search results via the communications link to the data processing device.	The Open Text Form Prospectus discloses transmitting the refined search results via the communications link to the data processing device. *See* Claim 8[c].

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Claim 1	
1. An advertising machine implemented on at least one computer and operable to provide advertisements via a communications link to a data processing device of a user, the advertising machine comprising:	The Open Text Form Prospectus discloses an advertising machine implemented on at least one computer and operable to provide advertisements via a communications link to a data processing device of a user. *See* ’245 Patent Claim 9[preamble].
[a] a communications interface operable to interface with the data processing device of the user via the communications link;	The Open Text Form Prospectus discloses a communications interface operable to interface with the data processing device of the user via the communications link. *See* ’245 Patent Claim 9[a].
[b] a database search engine operable to:	The Open Text Form Prospectus discloses a database search engine. *See* ’245 Patent Claim 9[b].
[c] receive from the data processing device via the communications link a search request that includes a search argument; and	The Open Text Form Prospectus discloses receiving from the data processing device via the communications link a search request that includes a search argument. *See* ’245 Patent Claim 9[c].
[d] search at least one database using the search argument to produce search results;	The Open Text Form Prospectus discloses searching at least one database using the search argument to produce search results. *See* ’245 Patent Claim 9[d].
[e] an associative search engine operable to select at least one advertisement from an advertisement database based upon at least one of the search argument and the search results; and	The Open Text Form Prospectus discloses an associative search engine operable to select at least one advertisement from an advertisement database based upon at least one of the search argument and the search results. *See* ’245 Patent Claim 9[e] and [h].
[f] the advertising machine operable to:	The Open Text Form Prospectus discloses an advertising machine. *See* ’245 Patent Claim 9[i].
[g] transmit the search results together with the at	The Open Text Form Prospectus discloses transmitting the search results together with the at least one advertisement via the

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least one advertisement via the communications link to the data processing device;	communications link to the data processing device. *See* ’245 Patent Claim 9[i].
[h] receive a response from the data processing device via the communications link that indicates selection of an advertisement; and	The Open Text Form Prospectus discloses receiving a response from the data processing device via the communications link that indicates selection of an advertisement. *See* ’969 Patent Claim 22[e].
[i] based upon the advertisement selection, generate a fee record.	The Open Text Form Prospectus discloses based upon the advertisement selection, the Open Text Form Prospectus discloses generated a fee record. *See* ’969 Patent Claim 22[e]. To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Table B6
Claim 2	
2. The advertising machine of claim **1**, wherein the advertising machine is further operable to extract a toll based upon the fee record.	The Open Text Form Prospectus discloses wherein the advertising machine is further operable to extract a toll based upon the fee record. *See* ’969 Patent Claim 22[e]. To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Table B6
Claim 3	
3. The advertising machine of claim **1**, wherein the advertising machine is further operable to direct the data processing device to a website corresponding to the selection of the advertisement.	The Open Text Form Prospectus discloses directing the data processing device to a website corresponding to the selection of the advertisement. *See* ’969 Patent Claim 22[e]. To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Tables B2 & B3
Claim 4	

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4. The advertising machine of claim **1**, wherein the advertising machine is further operable to update preference data for the user based upon the selection of the advertisement.	The Open Text Form Prospectus discloses wherein the advertising machine is further operable to update preference data for the user based upon the selection of the advertisement. *See* ’969 Patent Claims 2 and 5. To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Table B4
Claim 5	
5. The advertising machine of claim **1**, wherein the advertising machine is further operable to update the advertisement database based upon the selection of the advertisement.	The Open Text Form Prospectus discloses wherein the advertising machine is further operable to update the advertisement database based upon the selection of the advertisement. *See* ’969 Patent Claims 1[c], 2 and 5.
Claim 8	
8. The advertising machine of claim **1**, wherein the associative search engine is operable to select at least one advertisement from an advertisement database based upon at least the search argument.	The Open Text Form Prospectus discloses wherein the associative search engine is operable to select at least one advertisement from an advertisement database based upon at least the search argument. *See* ‘969 Patent, Claim 1[c].
Claim 10	
10. An advertising machine implemented on at least one computer and operable to provide advertisements via a communications link to a data processing device of a user, the advertising machine comprising:	The Open Text Form Prospectus discloses an advertising machine implemented on at least one computer and operable to provide advertisements via a communications link to a data processing device of a user. *See* Claim 1[preamble].
[a] a communications interface operable to interface with the data processing device of the user via the	The Open Text Form Prospectus discloses a communications interface operable to interface with the data processing device of the user via the communications link. *See* Claim 1[a].

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communications link;	
[b] a database search engine operable to:	The Open Text Form Prospectus discloses a database search engine. *See* Claim 1[b].
[c] receive from the data processing device via the communications link a search request that includes a search argument; and	The Open Text Form Prospectus discloses receiving from the data processing device via the communications link a search request that includes a search argument. *See* Claim 1[c].
[d] search at least one database using the search argument to produce search results;	The Open Text Form Prospectus discloses searching at least one database using the search argument to produce search results. *See* Claim 1[d].
[e] an associative search engine operable to select at least one advertisement from an advertisement database based upon at least one of the search argument and the search results; and	The Open Text Form Prospectus discloses an associative search engine operable to select at least one advertisement from an advertisement database based upon at least one of the search argument and the search results. *See* Claim 1[e].
[f] the advertising machine operable to:	The Open Text Form Prospectus discloses an advertising machine. *See* Claim 1[f].
[g] transmit the search results together with the at least one advertisement via the communications link to the data processing device;	The Open Text Form Prospectus discloses transmitting the search results together with the at least one advertisement via the communications link to the data processing device. *See* Claim 1[g].
[h] receive a response from the data processing device via the communications link that indicates non-selection of the at least one advertisement.	The Open Text Form Prospectus discloses receiving a response from the data processing device via the communications link that indicates non-selection of the at least one advertisement. *See* ‘969 Patent Claim 22[e]. To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Tables B4 & B6
Claim 11	

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11. The advertising machine of claim **10**, wherein:	To the extent that this preamble may be construed to be limiting, the Open Text Form Prospectus discloses an advertising machine. *See* Claim 10.
[a] the associative search engine is further operable to select at least one differing advertisement based upon the non-selection of the at least one advertisement; and	The Open Text Form Prospectus discloses the associative search engine is further operable to select at least one differing advertisement based upon the non-selection of the at least one advertisement. *See* '969 Patent Claim 22[e]. To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Table B4
[b] the advertising machine is further operable to transmit the at least one differing advertisement via the communications link to the data processing device.	The Open Text Form Prospectus discloses the advertising machine is further operable to transmit the at least one differing advertisement via the communications link to the data processing device. *See* '969 Patent Claim 22[e]. To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Tables B2, B3, & B4
Claim 12	
12. The advertising machine of claim **10**, wherein the advertising machine is further operable to update preference data for the user based upon the non-selection of the at least one advertisement.	The Open Text Form Prospectus discloses wherein the advertising machine is further operable to update preference data for the user based upon the non-selection of the at least one advertisement. *See* Claim 4. To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Table B4
Claim 13	
13. The advertising machine of claim **10**, wherein the advertising machine is further operable	The Open Text Form Prospectus discloses wherein the advertising machine is further operable to update the advertisement database based upon the non-selection of the advertisement.

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to update the advertisement database based upon the non-selection of the advertisement.	*See* Claim 5. To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Table B4
Claim 14	
14. The advertising machine of claim **10**, wherein the search results and the at least one advertisement are included in a web page transmitted to the data processing device via the communications link.	The Open Text Form Prospectus discloses wherein the search results and the at least one advertisement are included in a web page transmitted to the data processing device via the communications link. *See* '969 Patent Claim 6.
Claim 15	
15. The advertising machine of claim **10**, wherein the associative search engine is operable to select at least one advertisement from an advertisement database based upon at least the search argument.	The Open Text Form Prospectus discloses wherein the associative search engine is operable to select at least one advertisement from an advertisement database based upon at least the search argument. *See* Claim 8.
Claim 17	
17. A method for operating an advertising machine implemented on at least one computer to provide advertisements via a communications link to a data processing device of a user, the method comprising:	The Open Text Form Prospectus discloses an advertising machine implemented on at least one computer to provide advertisements via a communications link to a data processing device of a user. *See* Claim 1[preamble].
[a] the advertising machine receiving from the data processing device via the communications link a search request that includes	The Open Text Form Prospectus discloses receiving from the data processing device via the communications link a search request that includes a search argument. *See* Claim 1[c].

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a search argument;	
[b] the advertising machine searching at least one database using the search argument to produce search results;	The Open Text Form Prospectus discloses searching at least one database using the search argument to produce search results. *See* Claim 1[d].
[c] the advertising machine selecting at least one advertisement from an advertisement database based upon at least one of the search argument and the search results;	The Open Text Form Prospectus discloses selecting at least one advertisement from an advertisement database based upon at least one of the search argument and the search results. *See* Claim 1[e].
[d] the advertising machine transmitting the search results together with the at least one advertisement via the communications link to the data processing device;	The Open Text Form Prospectus discloses transmitting the search results together with the at least one advertisement via the communications link to the data processing device. *See* Claim 1[g].
[e] the advertising machine receiving a response from the data processing device via the communications link that indicates selection of an advertisement; and	The Open Text Form Prospectus discloses receiving a response from the data processing device via the communications link that indicates selection of an advertisement. *See* Claim 1[h].
[f] the advertising machine generating a fee record based upon the selection of the advertisement.	The Open Text Form Prospectus discloses generating a fee record based upon the selection of the advertisement. *See* Claim 1[i].
Claim 18	
18. The method of claim **17**, further comprising the advertising machine extracting a toll based upon the fee record.	The Open Text Form Prospectus discloses extracting a toll based upon the fee record. *See* Claim 2.
Claim 19	
19. The method of claim **17**, further comprising the advertising machine directing the data	The Open Text Form Prospectus discloses directing the data processing device to a website corresponding to the selection of the advertisement.

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processing device to a website corresponding to the selection of the advertisement.	*See* Claim 3.
Claim 20	
20. The method of claim **17**, further comprising the advertising machine updating preference data for the user based upon the selection of the advertisement.	The Open Text Form Prospectus discloses updating preference data for the user based upon the selection of the advertisement. *See* Claim 4.
Claim 21	
21. The method of claim **17**, further comprising the advertising machine updating the advertisement database based upon the selection of the advertisement.	The Open Text Form Prospectus discloses updating the advertisement database based upon the selection of the advertisement. *See* Claim 5.
Claim 23	
23. The method of claim **17**, wherein the search results and the at least one advertisement are included in a web page transmitted to the data processing device via the communications link.	The Open Text Form Prospectus discloses searching results and the at least one advertisement were included in a web page transmitted to the data processing device via the communications link. *See* Claim 7.
Claim 24	
24. The method of claim **17**, further comprising the advertising machine selecting at least one advertisement from an advertisement database based upon at least the search argument.	The Open Text Form Prospectus discloses selecting at least one advertisement from an advertisement database based upon at least the search argument. *See* Claim 8.
Claim 26	
26. A method for operating	The Open Text Form Prospectus discloses an advertising machine

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an advertising machine implemented on at least one computer to provide advertisements via a communications link to a data processing device of a user, the method comprising:	implemented on at least one computer to provide advertisements via a communications link to a data processing device of a user. *See* Claim 10[preamble].
[a] the advertising machine receiving from the data processing device via the communications link a search request that includes a search argument;	The Open Text Form Prospectus discloses receiving from the data processing device via the communications link a search request that includes a search argument. *See* Claim 10[c].
[b] the advertising machine searching at least one database using the search argument to produce search results;	The Open Text Form Prospectus discloses searching at least one database using the search argument to produce search results *See* Claim 10[d].
[c] the advertising machine selecting at least one advertisement from an advertisement database based upon at least one of the search argument and the search results;	The Open Text Form Prospectus discloses selecting at least one advertisement from an advertisement database based upon at least one of the search argument and the search results. *See* Claim 10[e].
[d] the advertising machine transmitting the search results together with the at least one advertisement via the communications link to the data processing device; and	The Open Text Form Prospectus discloses transmitting the search results together with the at least one advertisement via the communications link to the data processing device. *See* Claim 10[g].
[e] the advertising machine receiving a response from the data processing device via the communications link that indicates non-selection of the at least one advertisement.	The Open Text Form Prospectus discloses receiving a response from the data processing device via the communications link that indicates non-selection of the at least one advertisement. *See* Claim 10[h].
Claim 27	

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27. The method of claim **26**, further comprising:	To the extent that this preamble may be construed to be limiting, the Open Text Form Prospectus discloses this method. *See* Claim 26.
[a] the advertising machine selecting at least one differing advertisement based upon the non-selection of the at least one advertisement; and	The Open Text Form Prospectus discloses selecting at least one differing advertisement based upon the non-selection of the at least one advertisement. *See* Claim 11[a].
[b] the advertising machine transmitting the at least one differing advertisement via the communications link to the data processing device.	The Open Text Form Prospectus discloses transmitting the at least one differing advertisement via the communications link to the data processing device. *See* Claim 11[b].
Claim 28	
28. The method of claim **26**, further comprising the advertising machine updating preference data for the user based upon the non-selection of the at least one advertisement.	The Open Text Form Prospectus discloses the advertising machine updating preference data for the user based upon the non-selection of the at least one advertisement. *See* Claim 12.
Claim 29	
29. The method of claim **26**, further comprising the advertising machine updating the advertisement database based upon the non-selection of the advertisement.	The Open Text Form Prospectus discloses updating the advertisement database based upon the non-selection of the advertisement. *See* Claim 13.
Claim 30	
30. The method of claim **26**, wherein the search results and the at least one advertisement are included in a web page transmitted to the data processing device via the communications link.	The Open Text Form Prospectus discloses searching results and the at least one advertisement were included in a web page transmitted to the data processing device via the communications link. *See* Claim 14.

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Claim 31	
31. The method of claim **26**, further comprising the advertising machine selecting at least one advertisement from an advertisement database based upon at least the search argument.	The Open Text Form Prospectus discloses selecting at least one advertisement from an advertisement database based upon at least the search argument. *See* Claim 15.
Claim 33	
33. A server computer that is operable to provide advertisements via a communications link to a data processing device of a user, the server computer comprising:	The Open Text Form Prospectus discloses a server computer operable to provide advertisements via a communications link to a data processing device of a user. *See* '969 Patent Claim 1[preamble] and [a].
[a] at least one communications interface operable to interface with the data processing device of the user, a database search engine, and an associative search engine;	The Open Text Form Prospectus discloses at least one communications interface operable to interface with the data processing device of the user, a database search engine, and an associative search engine. *See* Claim 1[a].
[b] the server computer, using the at least one communications interface, is operable to:	The Open Text Form Prospectus discloses the server computer, using the at least one communications interface, is operable to perform the following method. *See* Claim 1[b].
[c] receive from the data processing device via the communications link a search request that includes a search argument; and	The Open Text Form Prospectus discloses receiving from the data processing device via the communications link a search request that includes a search argument. *See* Claim 1[c].
[d] interact with the database search engine to receive search results from the database search engine that are selected based upon the search argument;	The Open Text Form Prospectus discloses interacting with the database search engine to receive search results from the database search engine that are selected based upon the search argument. *See* Claim 1[d].
[e] interact with the	The Open Text Form Prospectus discloses interacting with the

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associative search engine to receive an advertisement that is selected based upon at least one of the search argument and the search results; and	associative search engine to receive an advertisement that is selected based upon at least one of the search argument and the search results. *See* Claim 1[e].
[f] transmit the search results together with the at least one advertisement via the communications link to the data processing device.	The Open Text Form Prospectus discloses transmitting the search results together with the at least one advertisement via the communications link to the data processing device. *See* Claim 1[g].
Claim 34	
34. The server computer of claim **33**, wherein the server computer, in conjunction with the at least one communications interface, is further operable to:	To the extent that this preamble may be construed to be limiting, the Open Text Form Prospectus discloses wherein the server computer, in conjunction with the at least one communications interface, is further operable as follows. *See* Claim 33.
[a] receive a response from the data processing device via the communications link that indicates selection of an advertisement; and	The Open Text Form Prospectus discloses receiving a response from the data processing device via the communications link that indicates selection of an advertisement. *See* Claim 1[h].
[b] based upon the advertisement selection, generate a fee record.	The Open Text Form Prospectus discloses generating a fee record based upon the advertisement selection. *See* Claim 1[i].
Claim 35	
35. The server computer of claim **34**, wherein the server computer is further operable to extract a toll based upon the fee record.	The Open Text Form Prospectus discloses wherein the server computer is further operable to extract a toll based upon the fee record. *See* Claim 2.
Claim 36	
36. The server computer of claim **34**, wherein the server computer is further operable to direct the data processing device to a	The Open Text Form Prospectus discloses wherein the server computer is further operable to direct the data processing device to a website corresponding to the selection of the advertisement. *See* Claim 3.

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website corresponding to the selection of the advertisement.	
Claim 37	
37. The server computer of claim **34**, wherein the server computer is further operable to update preference data for the user based upon the selection of the advertisement.	The Open Text Form Prospectus discloses wherein the server computer is further operable to update preference data for the user based upon the selection of the advertisement. *See* Claim 4.
Claim 38	
38. The server computer of claim **34**, wherein the search results and the at least one advertisement are included in a web page.	The Open Text Form Prospectus discloses wherein the search results and the at least one advertisement are included in a web page. *See* Claim 7.
Claim 39	
39. The server computer of claim **33**, wherein the server computer, using the at least one communication interface, is operable to interact with the database search engine to receive an advertisement that is selected based upon at least the search argument.	The Open Text Form Prospectus discloses wherein the server computer, using the at least one communication interface, is operable to interact with the database search engine to receive an advertisement that is selected based upon at least the search argument. *See* Claim 8.
Claim 41	
41. A method of operating a server computer to provide advertisements comprising:	The Open Text Form Prospectus discloses operating a server computer to provide advertisements. *See* Claim 33[preamble].
[a] the server computer receiving from a data processing device via at least one communications interface a search request that includes a search argument; and	The Open Text Form Prospectus discloses receiving from a data processing device via at least one communications interface a search request that includes a search argument. *See* Claim 33[c].

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[b] the server computer interacting with a database search engine via the at least one communications interface to receive search results from the database search engine that are selected based upon the search argument;	The Open Text Form Prospectus discloses interacting with a database search engine via the at least one communications interface to receive search results from the database search engine that were selected based upon the search argument. *See* Claim 33[d].
[c] the server computer interacting with an associative search engine via the at least one communications interface to receive an advertisement that is selected based upon at least one of the search argument and the search results; and	The Open Text Form Prospectus discloses interacting with an associative search engine via the at least one communications interface to receive an advertisement that was selected based upon at least one of the search argument and the search results. *See* Claim 33[e].
[d] the server computer transmitting the search results together with the at least one advertisement via the at least one communications interface to the data processing device.	The Open Text Form Prospectus discloses transmitting the search results together with the at least one advertisement via the at least one communications interface to the data processing device. *See* Claim 33[f].
Claim 42	
42. The method of claim **41**, further comprising:	To the extent that this preamble may be construed to be limiting, the Open Text Form Prospectus discloses this method. *See* Claim 41.
[a] the server computer receiving a response from the data processing device via the at least one communications interface that indicates selection of an advertisement; and	The Open Text Form Prospectus discloses receiving a response from the data processing device via the at least one communications interface that indicated selection of an advertisement. *See* Claim 34[a].
[b] based upon the advertisement selection, generating a fee record.	The Open Text Form Prospectus discloses generating a fee record based upon the advertisement selection.

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	See Claim 34[b].
Claim 43	
43. The method of claim **41**, further comprising the server computer extracting a toll based upon the fee record.	The Open Text Form Prospectus discloses extracting a toll based upon the fee record. *See* Claim 35.
Claim 44	
44. The method of claim **41**, further comprising the server computer directing the data processing device to a website corresponding to the selection of the advertisement.	The Open Text Form Prospectus discloses directing the data processing device to a website corresponding to the selection of the advertisement. *See* Claim 36.
Claim 45	
45. The method of claim **41**, further comprising the server computer updating preference data for the user based upon the selection of the advertisement.	The Open Text Form Prospectus discloses updating preference data for the user based upon the selection of the advertisement. *See* Claim 37.
Claim 46	
46. The method of claim **41**, wherein the search results and the at least one advertisement are included in a web page.	The Open Text Form Prospectus discloses searching results and the at least one advertisement were included in a web page. *See* Claim 38.
Claim 47	
47. The method of claim **41**, further comprising the server computer interacting with an associative search engine via the at least one communication interface to receive an advertisement that is selected based upon at least the search argument.	The Open Text Form Prospectus discloses interacting with an associative search engine via the at least one communication interface to receive an advertisement that is selected based upon at least the search argument. *See* Claim 39.

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Claim 1	
1. A method for operating an advertising machine implemented on at least one computer to provide advertisements via a communications link to a data processing device of a user, the method comprising:	The Open Text Form Prospectus discloses an advertising machine implemented on at least one computer to provide advertisements via a communications link to a data processing device of a user. *See* ’970 Patent Claim 17[preamble].
[a] receiving from the data processing device via the communications link a search request that includes a search argument;	The Open Text Form Prospectus discloses receiving a search request that includes a search argument. *See* ’970 Patent Claim 17[a].
[b] searching at least one database using the search argument to produce search results;	The Open Text Form Prospectus discloses searching at least one database using the search argument to produce search results. *See* ’970 Patent Claim 17[b].
[c] selecting at least one advertisement from an advertisement database relating to at least one of the search argument and the search results;	The Open Text Form Prospectus discloses selecting at least one advertisement from an advertisement database relating to at least one of the search argument and the search results. *See* ’970 Patent Claim 17[c].
[d] transmitting the search results together with the at least one advertisement via the communications link to the data processing device;	The Open Text Form Prospectus discloses transmitting the search results together with the at least one advertisement via the communications link to the data processing device. *See* ’970 Patent Claim 17[d].
[e] receiving search refinement input from the data processing device via the communications link;	The Open Text Form Prospectus discloses receiving search refinement input from the data processing device via the communications link. *See* ’245 Patent Claim 8[a].
[f] producing modified search results based upon at least the search refinement input;	The Open Text Form Prospectus discloses producing modified search results based upon at least the search refinement input. *See* ’245 Patent Claim 8[b] and [c].
[g] selecting at least one other advertisement from	The Open Text Form Prospectus discloses selecting at least one other advertisement from the advertisement database based upon at

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the advertisement database based upon at least one of the search refinement input and the modified search results; and	least one of the search refinement input and the modified search results. *See* ’970 Patent Claim 17[c] To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Tables B2 & B3
[h] transmitting at least one of the modified search results and the at least one other advertisement via the communications link to the data processing device.	The Open Text Form Prospectus discloses transmitting at least one of the modified search results and the at least one other advertisement via the communications link to the data processing device. *See* ’970 Patent Claim 17[d].
Claim 5	
5. The method of claim **1**, wherein the search refinement input comprises at least one additional search argument.	The Open Text Form Prospectus discloses the search refinement input comprises at least one additional search argument. *See* ’245 Patent Claim 8[a]. To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Table B1
Claim 6	
6. The method of claim **1**, wherein the search refinement input comprises additional search criteria.	The Open Text Form Prospectus discloses wherein the search refinement input comprised of additional search criteria. *See* ’245 Patent Claim 8[a]. To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Table B1
Claim 7	
7. The method of claim **1**, wherein the at least one advertisement includes a link to a website	The Open Text Form Prospectus discloses wherein the at least one advertisement includes a link to a website sponsoring the advertisement.

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sponsoring the advertisement.	*See* ’970 Patent Claim 3.
Claim 8	
8. The method of claim **1**, further comprising:	To the extent that this preamble may be construed to be limiting, the Open Text Form Prospectus discloses this method. *See* Claim 1
[a] determining, via communication with the data processing device that the user does not select the at least one advertisement; and	The Open Text Form Prospectus discloses determining via communication with the data processing device that the user does not select the at least one advertisement. *See* ’970 Patent Claim 10[h].
[b] updating advertisements provided to the data processing device based upon a determination that the user does not select the at least one advertisement.	The Open Text Form Prospectus discloses updating advertisements provided to the data processing device based upon a determination that the user does not select the at least one advertisement. *See* ’970 Patent Claim 12, 13.
Claim 9	
9. The method of claim **1**, further comprising selecting the at least one advertisement based upon a least one of user profile data and user preference data.	The Open Text Form Prospectus discloses selecting the at least one advertisement based upon a least one of user profile data and user preference data. *See* ’969 Patent Claim 2.
Claim 10	
10. The method of claim **1**, further comprising selecting the search results based upon at least one of user profile data and user preference data.	The Open Text Form Prospectus discloses selecting search results based upon at least one of user profile data and user preference data. *See* ’969 Patent Claim 1[c].
Claim 12	
12. A method for operating a data processing device of a user to receive advertisements via a	The Open Text Form Prospectus discloses a method for operating a data processing device of a user to receive advertisements via a communications link from an advertising machine implemented on at least one computer.

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communications link from an advertising machine implemented on at least one computer, the method comprising:	*See* Claim 1[preamble].
[a] based upon interaction with the user, creating a search request that includes a search argument;	The Open Text Form Prospectus discloses based upon interaction with the user, creating a search request that includes a search argument. *See* Claim 1[a].
[b] transmitting to the advertising machine via the communications link the search request that includes the search argument;	The Open Text Form Prospectus discloses transmitting to the advertising machine via the communications link the search request that includes the search argument. *See* Claim 1[a].
[c] receiving search results and at least one advertisement via the communications link from the advertising machine, the at least one advertisement relating to the search argument;	The Open Text Form Prospectus discloses receiving search results and at least one advertisement via the communications link from the advertising machine, the at least one advertisement relating to the search argument. *See* Claim 1[d].
[d] displaying the search results and the at least one advertisement on a display of the data processing device;	The Open Text Form Prospectus discloses displaying the search results and the at least one advertisement on a display of the data processing device. *See* Claim 1[d].
[e] based upon interaction with the user, receiving search refinement input;	The Open Text Form Prospectus discloses based upon interaction with the user, receiving search refinement input. *See* Claim 1[e].
[f] transmitting the search refinement input to the advertising machine via the communications link;	The Open Text Form Prospectus discloses transmitting the search refinement input to the advertising machine via the communications link. *See* Claim 1[e].
[g] receiving modified search results and at least one other advertisement from the advertising	The Open Text Form Prospectus discloses receiving modified search results and at least one other advertisement from the advertising machine that are based upon at least the search refinement input.

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machine that are based upon at least the search refinement input; and	*See* Claim 1[h].
[h] displaying the modified search results and the at least one other advertisement on the display of the data processing device.	The Open Text Form Prospectus discloses displaying the modified search results and the at least one other advertisement on the display of the data processing device. *See* Claim 1[h].
Claim 14	
14. The method of claim **12**, wherein the search refinement input comprises at least one additional search argument.	The Open Text Form Prospectus discloses wherein the search refinement input comprises at least one additional search argument. *See* Claim 5.
Claim 15	
15. The method of claim **12**, wherein the search refinement input comprises additional search criteria.	The Open Text Form Prospectus discloses wherein the search refinement input comprises additional search criteria. *See* Claim 6.
Claim 16	
16. The method of claim **12**, wherein the at least one advertisement includes a link to a website sponsoring the advertisement.	The Open Text Form Prospectus discloses wherein the at least one advertisement includes a link to a website sponsoring the advertisement. *See* Claim 7.
Claim 17	
17. The method of claim **12**, further comprising:	To the extent that this preamble may be construed to be limiting, the Open Text Form Prospectus discloses this method. *See* Claim 12.
[a] determining that the user does not select the at least one advertisement; and	The Open Text Form Prospectus discloses determining that the user did not select the at least one advertisement. *See* Claim 8[a].
[b] transmitting the indication that the user does not select the at least	The Open Text Form Prospectus discloses transmitting the indication that the user did not select the at least one advertisement to the advertising machine via the communications link.

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one advertisement to the advertising machine via the communications link.	*See* Claim 8[a].
Claim 18	
18. The method of claim **12**, further comprising:	To the extent that this preamble may be construed to be limiting, the Open Text Form Prospectus discloses this method. *See* Claim 12.
[a] receiving user input to indicate selection of the at least one advertisement; and	The Open Text Form Prospectus discloses receiving user input to indicate selection of the at least one advertisement. *See* '970 Patent Claim 1[h].
[b] transmitting the indication that the user selects the at least one advertisement to the advertising machine via the communications link.	The Open Text Form Prospectus discloses transmitting the indication that the user selected the at least one advertisement to the advertising machine via the communications link. *See* '970 Patent Claim 1[h].

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Claim 1	
1. A method for operating an advertising machine implemented on at least one computer to provide advertisements via a communications link to a data processing device of a user, the method comprising:	The Open Text Form Prospectus discloses a method for operating an advertising machine implemented on at least one computer to provide advertisements via a communications link to a data processing device of a user. *See* ’970 Patent Claim 1[preamble].
[a] receiving from the data processing device via the communications link a search request that includes a search argument;	The Open Text Form Prospectus discloses receiving from the data processing device via the communications link a search request that includes a search argument. *See* ’970 Patent Claim 1[a].
[b] searching at least one database using the search argument to produce search results;	The Open Text Form Prospectus discloses searching at least one database using the search argument to produce search results. *See* ’970 Patent Claim 1[b].
[c] selecting at least one advertisement from an advertisement database based upon at least one of the search argument and the search results; and	The Open Text Form Prospectus discloses selecting at least one advertisement from an advertisement database based upon at least one of the search argument and the search results. *See* ’970 Patent Claim 1[c].
[d] transmitting the search results together with the at least one advertisement via the communications link to the data processing device in a web page data format that causes the data processing device to display the search results in a first display portion of a display of the data processing device and to display the at least one advertisement in a second display portion of the display of the data processing device.	The Open Text Form Prospectus discloses transmitting the search results together with the at least one advertisement via the communications link to the data processing device in a web page data format that causes the data processing device to display the search results in a first display portion of a display of the data processing device and to display the at least one advertisement in a second display portion of the display of the data processing device. *See* ’970 Patent Claim 1[d], ’969 Patent Claim 6.

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Claim 2	
2. The method of claim **1**, wherein the at least one advertisement includes a link to a website sponsoring the advertisement.	The Open Text Form Prospectus discloses wherein the at least one advertisement includes a link to a website sponsoring the advertisement. *See* ’178 Patent Claim 7.
Claim 5	
5. The method of claim **1**, wherein the search results and the at least one advertisement are included in a web page transmitted to the data processing device via the communications link.	The Open Text Form Prospectus discloses wherein the search results and the at least one advertisement are included in a web page transmitted to the data processing device via the communications link. *See* Claim 1[d].
Claim 6	
6. The method of claim **1**, wherein the at least one computer is operated by a search engine provider.	The Open Text Form Prospectus discloses wherein the at least one computer is operated by a search engine provider. *See* Claim 1[preamble] To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Table B1
Claim 7	
7. The method of claim **1**, further comprising compiling user profile data for the user based upon at least the search term.	The Open Text Form Prospectus discloses compiling user profile data for the user based upon at least the search term. *See* ’969 Patent Claims 2 and 3.
Claim 8	
8. The method of claim **1**, further comprising:	To the extent that this preamble may be construed to be limiting, the Open Text Form Prospectus discloses this method. *See* Claim 1.
[a] determining, via communication with the data processing device that	The Open Text Form Prospectus discloses determining, via communication with the data processing device that the user did not select the at least one advertisement.

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the user does not select the at least one advertisement; and	*See* ’970 Patent Claim 10[h].
[b] using the determination that the user does not select the at least one advertisement in subsequent advertisement selection operations.	The Open Text Form Prospectus discloses using the determination that the user does not select the at least one advertisement in subsequent advertisement selection operations. *See* ’970 Patent Claims 11, 12, 13; ’178 Patent Claim 8.
Claim 9	
9. A method for operating a data processing device of a user to receive advertisements via a communications link from an advertising machine implemented on at least one computer, the method comprising:	The Open Text Form Prospectus discloses a method for operating a data processing device of a user to receive advertisements via a communications link from an advertising machine implemented on at least one computer. *See* Claim 1[preamble].
[a] based upon interaction with the user, creating a search request that includes a search argument;	The Open Text Form Prospectus discloses based upon interaction with the user, the Open Text Form Prospectus discloses created a search request that includes a search argument. *See* Claim 1[a].
[b] transmitting to the advertising machine via the communications link the search request that includes the search argument;	The Open Text Form Prospectus discloses transmitting to the advertising machine via the communications link the search request that includes the search argument. *See* Claim 1[a].
[c] receiving search results and at least one advertisement via the communications link from the advertising machine, the at least one advertisement relating to the search argument;	The Open Text Form Prospectus discloses receiving search results and at least one advertisement via the communications link from the advertising machine, the at least one advertisement relating to the search argument. *See* Claim 1[d].
[d] displaying the search results in a first display portion of a display of the data processing device; and	The Open Text Form Prospectus discloses displaying the search results in a first display portion of a display of the data processing device.

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	See Claim 1[d].
[e] displaying the at least one advertisement in a second display portion of the display of the data processing device.	The Open Text Form Prospectus discloses displaying the at least one advertisement in a second display portion of the display of the data processing device. *See* Claim 1[d].
Claim 10	
10. The method of claim **9**, wherein the at least one advertisement includes a link to a website sponsoring the advertisement.	The Open Text Form Prospectus discloses wherein the at least one advertisement includes a link to a website sponsoring the advertisement. *See* Claim 2.
Claim 11	
11. The method of claim **9**, wherein the search results and the at least one advertisement are included in a web page received from the advertising machine via the communications link.	The Open Text Form Prospectus discloses wherein the search results and the at least one advertisement are included in a web page received from the advertising machine via the communications link. *See* Claim 5.
Claim 12	
12. The method of claim **9**, further comprising transmitting user preference data to the advertising machine via the communications interface.	The Open Text Form Prospectus discloses transmitting user preference data to the advertising machine via the communications interface. *See* ’245 Patent Claim 1[a, b].
Claim 13	
13. The method of claim **9**, further comprising:	To the extent that this preamble may be construed to be limiting, the Open Text Form Prospectus discloses this method. *See* Claim 9.
[a] determining, via communication with the data processing device that the user does not select the at least one advertisement; and	The Open Text Form Prospectus discloses determining, via communication with the data processing device that the user did not select the at least one advertisement. *See* Claim 8[a].

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[b] using the determination that the user does not select the at least one advertisement in subsequent advertisement selection operations.	The Open Text Form Prospectus discloses using the determination that the user does not select the at least one advertisement in subsequent advertisement selection operations. *See* Claim 8[b].
Claim 14	
14. An advertising machine implemented on at least one computer and operable to provide advertisements via a communications link to a data processing device of a user, the advertising machine comprising:	The Open Text Form Prospectus discloses an advertising machine implemented on at least one computer and operable to provide advertisements via a communications link to a data processing device of a user. *See* Claim 1[preamble].
[a] a communications interface operable to interface with the data processing device of the user via the communications link;	The Open Text Form Prospectus discloses a communications interface operable to interface with the data processing device of the user via the communications link. *See* Claim 1[a].
[b] a database search engine operable to:	The Open Text Form Prospectus discloses a database search engine. *See* Claim 1[b].
[c] receive from the data processing device via the communications link a search request that includes a search argument; and	The Open Text Form Prospectus discloses receiving from the data processing device via the communications link a search request that includes a search argument. *See* Claim 1[a].
[d] search at least one database using the search argument to produce search results;	The Open Text Form Prospectus discloses searching at least one database using the search argument to produce search results. *See* Claim 1[b].
[e] an associative search engine operable to select at least one advertisement from an advertisement database based upon at least one of the search argument and the search	The Open Text Form Prospectus discloses an associative search engine operable to select at least one advertisement from an advertisement database based upon at least one of the search argument and the search results. *See* Claim 1[c].

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results; and	
[f] the advertising machine operable to transmit the search results together with the at least one advertisement via the communications link to the data processing device in a web page data format that causes the data processing device to display the search results in a first display portion of a display of the data processing device and to display the at least one advertisement in a second display portion of the display of the data processing device.	The Open Text Form Prospectus discloses transmitting the search results together with the at least one advertisement via the communications link to the data processing device in a web page data format that causes the data processing device to display the search results in a first display portion of a display of the data processing device and to display the at least one advertisement in a second display portion of the display of the data processing device. *See* Claim 1[d].
Claim 15	
15. The advertising machine of claim **14**, wherein the at least one advertisement includes a link to a website sponsoring the advertisement.	The Open Text Form Prospectus discloses wherein the at least one advertisement includes a link to a website sponsoring the advertisement. *See* Claim 2.
Claim 18	
18. The advertising machine of claim **14**, wherein the search results and the at least one advertisement are included in a web page transmitted to the data processing device via the communications link.	The Open Text Form Prospectus discloses wherein the search results and the at least one advertisement are included in a web page transmitted to the data processing device via the communications link. *See* Claim 5.
Claim 20	
20. The advertising machine of claim **14**, wherein the advertising	The Open Text Form Prospectus discloses wherein the advertising machine is further operable to compile user profile data for the user based upon at least the search term.

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machine is further operable to compile user profile data for the user based upon at least the search term.	*See* Claim 7.

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Claim 1	
1. A method for operating an advertising machine implemented on at least one computer to provide advertisements via a communications link to a data processing device of a user, the method comprising:	The Open Text Form Prospectus discloses a method for operating an advertising machine implemented on at least one computer to provide advertisements via a communications link to a data processing device of a user. *See* ’245 Patent Claim 1[preamble].
[a] creating user profile data for the user;	The Open Text Form Prospectus discloses creating user profile data for the user. *See* ’245 Patent Claim 1[b].
[b] storing the user profile data;	The Open Text Form Prospectus discloses storing the user profile data. *See* ’245 Patent Claim 1[b] To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Table B4
[c] receiving from the data processing device via the communications link a search request that includes a search argument;	The Open Text Form Prospectus discloses receiving from the data processing device via the communications link a search request that includes a search argument. *See* ’245 Patent Claim 1[c].
[d] searching at least one database having data network related information using the search argument to generate search results;	The Open Text Form Prospectus discloses searching at least one database having data network related information using the search argument to generate search results. *See* ’245 Patent Claim 1[d].
[e] selecting at least one advertisement from an advertisement database relating to the search argument using the user profile data; and	The Open Text Form Prospectus discloses selecting at least one advertisement from an advertisement database relating to the search argument using the user profile data. *See* ’245 Patent Claim 1[e].
[f] transmitting the search	The Open Text Form Prospectus discloses transmitting the search

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results together with the at least one advertisement via the communications link to the data processing device.	results together with the at least one advertisement via the communications link to the data processing device. *See* ’245 Patent Claim 1[f].
Claim 2	
2. The method of claim **1**, wherein the user profile data includes prior purchasing information regarding the user.	The Open Text Form Prospectus discloses wherein the user profile data includes prior purchasing information regarding the user. *See* ‘969 Patent Claim 2. To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Table B4
Claim 3	
3. The method of claim **1**, wherein storing the user profile data comprises storing the user profile data in a user profile database of the advertising machine.	The Open Text Form Prospectus discloses wherein storing the user profile data comprises storing the user profile data in a user profile database of the advertising machine. *See* Claim 1[b].
Claim 4	
4. The methods of claim **1**, wherein storing the user profile data comprises storing the user profile data on the data processing device.	The Open Text Form Prospectus discloses wherein storing the user profile data comprises storing the user profile data on the data processing device. *See* Claim 1[b].
Claim 5	
5. The method of claim **1**, wherein the user profile data is based upon prior search history of the user.	The Open Text Form Prospectus discloses wherein the user profile data is based upon prior search history of the user. *See* ’245 Patent Claim 7.
Claim 6	
6. The method of claim **1**, wherein the user profile data is based upon user interests selected from the group consisting of social interests, family interests,	The Open Text Form Prospectus discloses wherein the user profile data is based upon user interests selected from the group consisting of social interests, family interests, political interests, technological interests, geographical interests, environmental interests, and educational interests.

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political interests, technological interests, geographical interests, environmental interests, and educational interests.	*See* '969 Patent Claim 2. To the extent this reference does not teach this claim element, this reference in combination with the knowledge of one of ordinary skill in the art renders this claim element obvious. See, e.g.: Table B4.
Claim 7	
7. The method of claim **1**, further comprising updating the user profile data based upon the search argument.	The Open Text Form Prospectus discloses updating the user profile data based upon the search argument. *See* '969 Patent Claim 3.
Claim 8	
8. The method of claim **1**, further comprising updating the user profile data using data obtained via interaction with the data processing device.	The Open Text Form Prospectus discloses updating the user profile data using data obtained via interaction with the data processing device. *See* '969 Patent Claim 2.
Claim 9	
9. The method of claim **1**, further comprising sorting the search results based upon the user profile data.	The Open Text Form Prospectus discloses sorting the search results based upon the user profile data. *See* '969 Patent Claims 1[b], [d], and [2].
Claim 10	
10. The method of claim **1**, wherein searching at least one database having data network related information using the search argument to generate search results and selecting at least one advertisement from an advertisement database relating to the search argument using the user profile data comprise accessing distinct differing databases.	The Open Text Form Prospectus discloses searching at least one database having data network related information using the search argument to generate search results and selected at least one advertisement from an advertisement database relating to the search argument using the user profile data comprise accessing distinct differing databases. *See* '969 Patent Claim 1[b] and [c].

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Claim 20	
20. An advertising machine implemented on at least one computer and operable to provide advertisements via a communications link to a data processing device of a user, the advertising machine comprising:	The Open Text Form Prospectus discloses an advertising machine implemented on at least one computer and operable to provide advertisements via a communications link to a data processing device of a user. *See* Claim 1[preamble].
[a] a communications interface operable to interface with the data processing device of the user via the communications link;	The Open Text Form Prospectus discloses a communications interface operable to interface with the data processing device of the user via the communications link. *See* Claim 1[c].
[b] a database search engine operable to:	The Open Text Form Prospectus discloses a database search engine. *See* Claim 1[d].
[c] receive from the data processing device via the communications interface a search request that includes a search argument; and	The Open Text Form Prospectus discloses receiving from the data processing device via the communications interface a search request that included a search argument. *See* Claim 1[c].
[d] search at least one database having data network related information using the search argument to generate search results;	The Open Text Form Prospectus discloses searching at least one database having data network related information using the search argument to generate search result. *See* Claim 1[d].
[e] an associative search engine operable to:	The Open Text Form Prospectus discloses an associative search engine. *See* Claim 1[e].
[f] create user profile data for the user;	The Open Text Form Prospectus discloses creating user profile data for the user. *See* Claim 1[a].
[g] store the user profile data; and	The Open Text Form Prospectus discloses storing the user profile data.

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	See Claim 1[b].
[h] select at least one advertisement from an advertisement database relating to the search argument using the user profile data; and	The Open Text Form Prospectus discloses selecting at least one advertisement from an advertisement database relating to the search argument using the user profile data. *See* Claim 1[e].
[i] the advertising machine operable to transmit the search results together with the at least one advertisement via the communications link to the data processing device.	The Open Text Form Prospectus discloses transmitting the search results together with the at least one advertisement via the communications link to the data processing device. *See* Claim 1[f].
Claim 21	
21. The advertising machine of claim **20**, wherein the user profile data includes prior purchasing information regarding the user.	The Open Text Form Prospectus discloses wherein the user profile data includes prior purchasing information regarding the user. *See* Claim 2.
Claim 22	
22. The advertising machine of clam **20**, wherein the associative search engine is operable to store the user profile data in a user profile database of the advertising machine.	The Open Text Form Prospectus discloses wherein the associative search engine is operable to store the user profile data in a user profile database of the advertising machine. *See* Claim 3.
Claim 23	
23. The advertising machine of claim **20**, wherein the associative search engine is operable to transmit the user profile data via the communications interface to the data processing device for storage.	The Open Text Form Prospectus discloses wherein the associative search engine is operable to transmit the user profile data via the communications interface to the data processing device for storage. *See* Claim 4.
Claim 24	

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24. The advertising machine of claim **20**, wherein the user profile data is based upon prior search history of the user.	The Open Text Form Prospectus discloses wherein the user profile data is based upon prior search history of the user. *See* Claim 5.
Claim 25	
25. The advertising machine of claim **20**, wherein the user profile data is based upon user interests selected from the group consisting of social interests, family interests, political interests, technological interests, geographical interests, environmental interests, and educational interests.	The Open Text Form Prospectus discloses wherein the user profile data is based upon user interests selected from the group consisting of social interests, family interests, political interests, technological interests, geographical interests, environmental interests, and educational interests. *See* Claim 6.
Claim 28	
28. The advertising machine of claim **20**, wherein the at least one database having data network related information and the advertisement database comprise distinct differing databases.	The Open Text Form Prospectus discloses wherein the at least one database having data network related information and the advertisement database comprise distinct differing databases. *See* Claim 10.