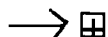


Exhibit 41

Please type a plus sign (+) inside this box



Modified PTO/SB/05 (03-01)
Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL (Only for new nonprovisional applications under 37 CFR 1.53(b))	Attorney Docket No.	Google-57 (GP-151-00-US)
	First Inventor	Jeremy BEM
	Title	INCREASING A NUMBER OF RELEVANT ADVERTISEMENTS USING A RELAXED MATCH
	Express Mail Label No.	EL997188164US

APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents.	ADDRESS TO: Mail Stop Utility Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
-----------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------

1. ☐ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages **43**]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets **12**]
5. Oath or Declaration w/Power of Attorney [Total Pages **1**]
 - a. ☐ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement of Power of Attorney (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO/SB/08A
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: **Cover sheet.**

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Prior application information:

Examiner _____

Group Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	(Insert Customer No. or Attach bar code label here) 26479	or	<input type="checkbox"/> Correspondence address below
Name	Straub & Pokotylo		
Address	620 Tinton Avenue Bldg. B, 2 nd Floor		
City	Tinton Falls	State	N.J.
Country	USA	Zip Code	07724-3260
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Name (Print/Type)	John C. Pokotylo	Registration No. (Attorney/Agent)	36,242
Signature		Date	September 30, 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Mail Stop Utility Patent Application, P.O. Box 1450, Alexandria, VA 22313-1450.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,888	09/30/2003	Jeremy Bem	Google-57 (GP-151-00-US)	9229
26479	7590	04/20/2006	EXAMINER	
STRAUB & POKOTYLO 620 TINTON AVENUE BLDG. B, 2ND FLOOR TINTON FALLS, NJ 07724			NGUYEN, TRI V	
			ART UNIT	PAPER NUMBER
			1751	
DATE MAILED: 04/20/2006				

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

48

Office Action Summary	Application No. 10/674,888	Applicant(s) BEM, JEREMY	
	Examiner Tri V. Nguyen	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/10/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Specification***

1. The abstract of the disclosure is objected to because of undue length (189 words). The Applicant is reminded that the length of the abstract is limited to 150 words or less. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-83 are rejected under 35 U.S.C. 101 because claimed invention is directed to non-statutory subject matter. Claims 1-6, 7-18, 19-30, 31 and 32-43 recite a series of steps and are considered for the purpose of analysis under 35 U.S.C. 101 as reciting a series of steps. Claims 47-52, 53-62, 63-72, 73 and 74-83 recite an apparatus which performs the steps of the method claims above respectively. There is no disclosure within the specification that the apparatus itself is a specific machine, but merely a general purpose apparatus that is programmed to perform the steps of the method claims. Therefore, Claims 47-52, 53-62, 63-72, 73 and 74-83 are analyzed based on the series of steps being performed. Further, the claims do not recite and pre- or post-computer activity but merely perform a series of steps of receiving data and manipulating the data, and is directed to nonstatutory subject matter. Claims 44-46 recite a computer-readable medium having stored thereon a computer-readable data structure to perform the steps of the method claims above. Therefore, Claims 44-46 are analyzed based on the series of steps being performed. Further, the claims do not recite and pre- or post-computer activity but merely perform a series of steps of receiving data and manipulating the data, and are directed to nonstatutory subject matter. A process is statutory if it requires physical acts to be performed outside of the computer independent of and following the steps performed by a programmed computer, where those acts involve the manipulation of tangible physical objects and result in the object having a different physical attribute or structure. Further, the claims merely manipulate an abstract idea or perform a purely mathematical algorithm without limitation to any practical application. A process which merely manipulates an abstract idea or performs a purely mathematical algorithm is non-statutory despite the fact that it might have

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some inherent usefulness (Sakar, 558 F.2d at 1335,200 USPQ at 139). The Examiner suggests adding the step of displaying the selected retrieved items to the claims to overcome the rejection under USC 101.

Claim Rejections - 35 USC § 102

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

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-7, 9-14, 31-32, 34-39, 44-58 and 73-79 are rejected under 35 U.S.C. 102(e) as being anticipated by Dorosario et al. (2003/0078928).

Claim 1: Dorosario et al. discloses a method comprising:

- a) accepting search query information including a word (page 3, parag. 27);
- b) determining one or more words related to the word included in the accepted search query, wherein at least one of the one or more words determined has a different root than the word (page 4, parag. 41 and page 5, parag. 42-43);
- c) generating an ad request including
 - i) the word included in the accepted search query (page 4, parag. 41 and page 5, parag. 42-43), and
 - ii) the one or more words determined to be related to the word included in the accepted search query (page 4, parag. 36, 41 and page 5, parag. 42-43); and
- d) retrieving ads using the ad request (page 8, parag. 66).

Claim 2: Dorosario et al. discloses the method of claim 1 wherein the act of determining one or more words related to the words included in the accepted search query includes using word-related word mapping information, and wherein the word-related word mapping information is based on query session word co-occurrence information (page 4,

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parag. 41 and page 5, parag. 42-43).

Claim 3: Dorosario et al. discloses the method of claim 2 wherein the word-related word mapping information includes weights (page 4, parag. 41 and page 5, parag. 42-43).

Claim 4: Dorosario et al. discloses the method of claim 3 wherein the each of the weights are determined using a probability that a word and a related word will co-occur in a given query session (page 4, parag. 41 and page 5, parag. 42-43).

Claim 5: Dorosario et al. discloses the method of claim 1 wherein each ad includes keyword targeting criteria, and wherein the act of retrieving ads compares elements of the item request with keyword targeting criteria with at least some of the ads (page 4, parag. 41; page 5, parag. 42-43 and page 6, parag. 49-50).

Claim 6: Dorosario et al. discloses the method of claim 1 wherein the words include one or more of single words, word segments, phrases, and n-grams (page 4, parag. 41 and page 5, parag. 42-43).

Claim 7: Dorosario et al. discloses a method comprising:

- a) accepting search query information including a word (page 3, parag. 27);
- b) determining one or more words related to the word included in the accepted search query (page 4, parag. 41 and page 5, parag. 42-43);
- c) generating an item request including
 - i) the word included in the accepted search query (page 4, parag. 41 and page 5, parag. 42-43), and
 - ii) the one or more words determined to be related to the word included in the accepted search query (page 4, parag. 36, 41 and page 5, parag. 42-43);
- d) retrieving items using the item request (page 8, parag. 66);
- e) determining a score for each of the retrieved items (page 3, parag. 28); and
- f) adjusting the scores of any items retrieved on the basis of the one or more words determined to be related to the word included in the accepted search query relative to any items retrieved on the basis of the word included in the accepted search query

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(page 5, parag. 44).

Claim 9: Dorosario et al. discloses the method of claim 7 wherein the act of adjusting the scores includes multiplying each of the scores by a multiplier that is less than one (page 6, parag. 49).

Claim 10: Dorosario et al. discloses the method of claim 9 further comprising:
g) updating the multiplier using performance information (page 5, parag. 44 and page 7, parag. 63).

Claim 11: Dorosario et al. discloses the method of claim 10 wherein the items are ads (page 8, parag. 66).

Claim 12: Dorosario et al. discloses the method of claim 11 wherein the performance information includes ad selection information (page 4, parag. 35).

Claim 13: Dorosario et al. discloses the method of claim 11 wherein the performance information includes ad conversion information (page 4, parag. 35).

Claim 14: Dorosario et al. discloses the method of claim 10 wherein the act of updating the multiplier is performed using a function that causes the updated multiplier to converge to observed user behavior relevant to performance divided by predicted user behavior relevant to performance (page 6, parag. 49).

Claim 31: Dorosario et al. discloses a method comprising:

- a) accepting search query information including a word (page 3, parag. 27);
- b) determining one or more words related to the word included in the accepted search query (page 4, parag. 41 and page 5, parag. 42-43);
- c) generating an item request including
 - i) the word included in the accepted search query (page 4, parag. 36, 41 and page 5, parag. 42-43), and

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- ii) the one or more words determined to be related to the word included in the accepted search query (page 4, parag. 36, 41 and page 5, parag. 42-43);
- d) retrieving items using the item request; wherein the act of determining one or more words related to words included in the accepted search query includes using query session word co-occurrence information (page 3, parag. 28 and page 5, parag. 44).

Claim 32: Dorosario et al. discloses a method comprising:

- a) accepting search query information including a word (page 3, parag. 27);
- b) determining one or more words related to the word included in the accepted search query (page 4, parag. 41 and page 5, parag. 42-43);
- c) generating an item request including
 - i) the word included in the accepted search query (page 4, parag. 36, 41 and page 5, parag. 42-43),, and
 - ii) the one or more words determined to be related to the word included in the accepted search query (page 4, parag. 36, 41 and page 5, parag. 42-43);
- d) retrieving items using the item request (page 8, parag. 66); and
- e) determining a score for each of the retrieved items, wherein a score component is adjusted for any items retrieved on the basis of the one or more words determined to be related to the word included in the accepted search query relative to any items retrieved on the basis of the word included in the accepted search query (page 4, parag. 41 and page 5, parag. 42-43, 45).

Claim 34: Dorosario et al. discloses the method of claim 32 wherein the act of adjusting the score component includes multiplying the score component by a multiplier that is less than one (page 6, parag. 49).

Claim 35: Dorosario et al. discloses the method of claim 34 further comprising: f) updating the multiplier using performance information (page 5, parag. 44 and page 7, parag. 63).

Claim 36: Dorosario et al. discloses the method of claim 35 wherein the items are ads (page 8, parag. 66).

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Claim 37: Dorosario et al. discloses the method of claim 36 wherein the performance information includes ad selection information (page 4, parag. 35).

Claim 38: Dorosario et al. discloses the method of claim 36 wherein the performance information includes ad conversion information (page 4, parag. 35).

Claim 39: Dorosario et al. discloses the method of claim 35 wherein the act of updating the multiplier is performed using a function that causes the updated multiplier to converge to observed user behavior relevant to performance divided by predicted user behavior relevant to performance (page 6, parag. 49).

Claim 44: Dorosario et al. discloses a computer-readable medium having stored thereon a computer-readable data structure comprising a number of entries, each entry including:

- a) a first word (page 4, parag. 41 and page 5, parag. 42-43);
- b) a second word determined to be related to the first word on the basis of query session information (page 4, parag. 41 and page 5, parag. 42-43).

Claim 45: Dorosario et al. discloses the computer-readable medium of claim 44 wherein each entry further includes: c) a weight indicating a degree of relatedness of the second word to the first word (page 4, parag. 41 and page 5, parag. 42-43).

Claim 46: Dorosario et al. discloses the computer-readable medium of claim 45 wherein the weight corresponds to a probability that the second word co-occurs with the first word in a query session (page 4, parag. 41 and page 5, parag. 42-43).

Claims 47-53 and 73-74 disclose the apparatus of the method Claims 1-7 and 31-34 respectively; therefore, the prior art of Dorosario et al. as set forth above is relied upon to reject Claims 47-53 and 73-74.

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Claim 54: Dorosario et al. discloses the apparatus of claim 53 wherein the means for adjusting use a multiplier, the apparatus further comprising: g) means for updating the multiplier using performance information (page 5, parag. 44 and page 6, parag. 63).

Claim 55: Dorosario et al. discloses the apparatus of claim 54 wherein the items are ads (page 8, parag. 66).

Claim 56: Dorosario et al. discloses the apparatus of claim 55 wherein the performance information includes ad selection information (page 4, parag. 35).

Claim 57: Dorosario et al. discloses the apparatus of claim 55 wherein the performance information includes ad conversion information (page 4, parag. 35).

Claim 58: Dorosario et al. discloses the apparatus of claim 54 wherein the means for updating the multiplier use a function that causes the updated multiplier to converge to observed user behavior relevant to performance divided by predicted user behavior relevant to performance (page 6, parag. 49).

Claim 75: Dorosario et al. discloses the apparatus of claim 74 wherein the score component is adjusted using a multiplier, the apparatus further comprising: f) means for updating the multiplier using performance information (page 5, parag. 44 and page 6, parag. 63).

Claim 76: Dorosario et al. discloses the apparatus of claim 75 wherein the items are ads (page 8, parag. 66).

Claim 77: Dorosario et al. discloses the apparatus of claim 76 wherein the performance information includes ad selection information (page 4, parag. 35).

Claim 78: Dorosario et al. discloses the apparatus of claim 76 wherein the performance information includes ad conversion information (page 4, parag. 35).

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Claim 79: Dorosario et al. discloses the apparatus of claim 75 wherein the means for updating the multiplier use a function that causes the updated multiplier to converge to observed user behavior relevant to performance divided by predicted user behavior relevant to performance (page 6, parag. 49).

Claim Rejections - 35 USC § 103

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

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

7. Claims 8, 19-26, 33 and 63-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorosario et al. (2003/0078928).

Claims 8, 20 and 33: Dorosario et al. discloses the method of claim 7, 19 and 32 but does not explicitly disclose wherein the act of adjusting the scores includes decreasing the scores. Dorosario et al. teaches monitoring the queries and updating the results (page 4, parag. 39). The instant limitation of decreasing the score is seen as a design decision which is given little, if any, patentable weight. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method as taught by Dorosario et al. to include a step of decreasing the score. One would have been motivated to allow for the modification of the method to include a way to reflect the score being adjusted (via a numerical increase or decrease of the updated score with reference to the "un-updated" score).

Claim 19: Dorosario et al. discloses a method comprising:

- a) accepting search query information including a word (page 3, parag. 27);
- b) determining one or more words related to the word included in the accepted search query (page 4, parag. 41 and page 5, parag. 42-43);

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- c) generating an item request including
 - i) the word included in the accepted search query (page 4, parag. 41 and page 5, parag. 42-43), and
 - ii) the one or more words determined to be related to the word included in the accepted search query (page 4, parag. 36, 41 and page 5, parag. 42-43);
- d) retrieving items using the item request (page 8, parag. 66);
- e) determining a score for each of the retrieved items (page 3, parag. 28); and but does not explicitly disclose
- f) adjusting the scores of any items retrieved solely on the basis of the one or more words determined to be related to the word included in the accepted search query relative to any items retrieved on the basis of the word included in the accepted search query.

Dorosario et al. discloses adjusting the score of any items retrieved on the basis of the one or more words determined to be related to the word included in the accepted search query relative to any items retrieved on the basis of the word included in the accepted search query (page 4, parag. 5, parag. 44). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method as taught by Dorosario et al., with the adjusting being solely based on the one or more words determined to be related to the word included in the accepted search query relative to any items retrieved on the basis of the word included in the accepted search query since it was known in the art that different schemes of advertising utilizing an assortment of features are used to provide a specific scope in the targeted audience sought by the advertiser such as the criteria included in broadening and/or restricting the reach of the targeted advertisement in view of the search results.

Claim 21: Dorosario et al. discloses the method of claim 19 wherein the act of adjusting the scores includes multiplying each of the scores by a multiplier that is less than one (page 6, parag. 49).

Claim 22: Dorosario et al. discloses the method of claim 21 further comprising: g) updating the multiplier using performance information (page 5, parag. 44 and page 7, parag. 63).

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Claim 23: Dorosario et al. discloses the method of claim 22 wherein the items are ads (page 8, parag. 66).

Claim 24: Dorosario et al. discloses the method of claim 23 wherein the performance information includes ad selection information (page 4, parag. 35).

Claim 25: Dorosario et al. discloses the method of claim 23 wherein the performance information includes ad conversion information (page 4, parag. 35).

Claim 26: Dorosario et al. discloses the method of claim 22 wherein the act of updating the multiplier is performed using a function that causes the updated multiplier to converge to observed user behavior relevant to performance divided by predicted user behavior relevant to performance (page 6, parag. 49).

Claim 63 discloses the apparatus of the method Claim 19; therefore, the prior art of Dorosario et al. as set forth above is relied upon to reject Claim 63.

Claim 64: Dorosario et al. discloses the apparatus of claim 63 wherein the means for adjusting uses a multiplier, the apparatus further comprising: g) means for updating the multiplier using performance information (page 5, parag. 44 and page 7, parag. 63).

Claim 65: Dorosario et al. discloses the apparatus of claim 64 wherein the items are ads (page 8, parag. 66).

Claim 66: Dorosario et al. discloses the apparatus of claim 65 wherein the performance information includes ad selection information (page 4, parag. 35).

Claim 67: Dorosario et al. discloses the apparatus of claim 65 wherein the performance information includes ad conversion information (page 4, parag. 35).

Claim 68: Dorosario et al. discloses the apparatus of claim 64 wherein the means for

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updating the multiplier use a function that causes the updated multiplier to converge to observed user behavior relevant to performance divided by predicted user behavior relevant to performance (page 6, parag. 49).

8. Claims 15-17, 27-29, 40-42, 59-61, 69-71 and 80-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorosario et al. in view of Hosea et al. (2002/0059094).

Claims 15, 23 and 36: Dorosario et al. discloses the method of claim 10, 19 and 32 respectively but does not explicitly disclose wherein the act of updating the multiplier is performed using the formula:

$$\text{updated_multiplier} = (\text{N} \times \text{initial multiplier} + \text{observed_user_behavior}) / (\text{N} + \text{naively_predicted_user_behavior})$$

wherein N is a number.

Dorosario et al. disclose the steps of monitoring and updating the different variables included in the selection of the ads (page 5, parag. 44 and 45). In an analogous art, Hosea et al. teaches that it is known to use an adaptive profiling algorithm starting with an educated guess (the zip code of the user) and evolving as more information is available about the user (page 4, parag. 43 and 44). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method as taught by Dorosario et al., with the adaptive profiling feature as taught by Hosea et al. One would have been motivated to modify the method with an adaptive profiling algorithm for providing a more efficient targeted advertising strategy by incorporating a greater number of pertinent information about the user thus increasing the effectiveness of the matching step.

Claims 16, 28 and 41: Dorosario et al. and Hosea et al. disclose the method of claim 15, 27 and 40 respectively wherein the user behavior is selection (Dorosario et al.: page 4, parag. 35).

Claims 17, 29 and 42: Dorosario et al. and Hosea et al. disclose the method of claim 15, 27 and 40 respectively wherein the user behavior is conversion (Dorosario et al.: page 4, parag. 35).

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Claims 59-61, 69-71 and 80-82 disclose the apparatus of the method Claims 15-17, 27-29 and 40-42 respectively; therefore, the prior arts of Dorosario et al. and Hosea et al. as set forth above are relied upon to reject Claims 59-61, 69-71 and 80-82.

9. Claims 18, 30, 43, 62, 72 and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorosario et al. in view of McElfresh et al. (6,907,566).

Claims 18, 30 and 43: Dorosario et al. discloses the method of claims 7, 19 and 32 respectively but does not explicitly disclose wherein the retrieved items are advertisements and wherein the act of determining a score for each of the retrieved items uses at least one of ad performance information and ad price information. Dorosario et al. discloses monitoring and updating for use in subsequent ad selections (page 5, parag. 44 and 45). In an analogous art, McElfresh et al. teaches that it is known to track the performance of the ads displayed and further use the performance data as factors in a statistical model in targeted advertising (col 5, lines 66 to col 6, line 14; col 8, lines 15-28 and col 11, lines 34 to 67). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method as taught by Dorosario et al., with the score adjustment feature based on ad performance information as taught by McElfresh et al. One would have been motivated to modify the method to increase the efficiency in the targeting of the advertisement by incorporating an adjustment based on the prior interaction of the users with the ads.

Claims 62, 72 and 83 disclose the apparatus of the method Claims 18, 30 and 43 respectively; therefore, the prior arts of Dorosario et al. and McElfresh et al. as set forth above are relied upon to reject Claims 62, 72 and 83.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- A. Dean et al. (2004/0059708) discloses methods and apparatus for serving relevant ads.
- B. Wieser et al. (WO 01/044992) discloses a method and system for matching ads with the contents of a web page.
- C. Weissman et al. (6,816,857) discloses a method to match ads with results from a search engine based on the intended meaning of the search query.
- D. Soulanille (6,978,263) discloses a system and method for influencing a position on a search result and serving ads.
- E. Bowman et al. (6,185,558) discloses a method for identifying relevancy of the items on a current search based on prior similar queries.
- F. Lang et al. (6,314,420) discloses a collaborative/adaptive search engine based on a feedback system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri V. Nguyen whose telephone number is (571) 272-6965. The examiner can normally be reached on M-F 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029 or Eric Stamber at (571) 272 6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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nvt



ERIC W. STAMBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Application Number: _____
 Filing Date: _____
 First Name of Inventor: _____
 Group Affiliation: _____

Complete if Known

Application Number: 10/674,888
Filing Date: September 30, 2003
First Named Inventor: Jeremy Bem
Group Art Unit: 3625
Examiner Name: Not yet assigned

Sheet	1	of	1
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Attorney Docket No.: Google-57 (GP-151-00-US)

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Examiner Signature	<i>Agustin</i>	Date Considered	3/23/06
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Signature	Considered
<p>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	

1 Unique citation designation number. 2 See attached kinds of U.S. Patent Documents. 3 Enter Office that Issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the Indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16, if possible. 6 Applicant is to place a check mark here if English language translation is attached.

Notice of References Cited	Application/Control No. 10/674,888	Applicant(s)/Patent Under Reexamination BEM, JEREMY	
	Examiner Tri V. Nguyen	Art Unit 1751	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2003/0078928	04-2003	Dorosario et al.	707/10
*	B	US-2002/0059094	05-2002	Hosea et al.	705/10
*	C	US-6,907,566	06-2005	McElfresh et al.	715/517
*	D	US-2004/0059708	03-2004	Dean et al.	707/001
*	E	US-6,816,857	11-2004	Weissman et al.	707/5
*	F	US-6,978,263	12-2005	Soulanille, Thomas A.	707/3
*	G	US-6,185,558	02-2001	Bowman et al.	707/5
*	H	US-6,314,420	11-2001	Lang et al.	707/3
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N	WO 01/044992	06-2001	US	Wieser et a.	G06F 17/30
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
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