I/P Engine, Inc. v. AOL, Inc. et al Doc. 600 Att. 2

EXHIBIT N

Dockets.Justia.com

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

I/P ENGINE, INC.,	)	
Plaintiff,	)	
v.	)	Civ. Action No. 2:11-cv-512
AOL, INC. et al.,	)	
Defendants.	)	

PLAINTIFF I/P ENGINE, INC'S THIRD PRELIMINARY DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS AS TO GOOGLE ADWORDS AND GOOGLE ADSENSE FOR SEARCH

Plaintiff I/P Engine, Inc. ("I/P Engine") hereby makes the following Disclosure of Asserted Claims and Infringement Contentions for U.S. Patent Nos. 6,314,420 ("the '420 patent") and 6,775,664 ("the '664 patent").

A. Identification of Asserted Claims and Infringing Products

Defendant Google, Inc.'s ("Google") products, methods and systems promoted under the names of Google AdWords and Google AdSense for Search[1] (collectively "Google AdWords") are accused of infringing at least the following claims:

- claims 10, 14, 15, 25, 27 and 28 of the '420 patent; and
- claims 1, 5, 6, 21, 22, 26, 28 and 38 of the '664 patent.

Each asserted claim of the '420 and '664 patents are reproduced in the attached claim charts. The left column of the claim charts includes the language of each claim; each limitation of each claim is listed separately. The right column of the claim charts includes the features of Google AdWords that I/P Engine contends infringe each corresponding limitation in the claim

[1] Google AdWords and Google AdSense for Search appear to refer to the same system. Google Adwords facilitates creating and running advertisements, while Google AdSense for Search enables websites to display the Adwords advertisements in response to search queries. IPE0000009; IPE0000031; IPE0000045.

based on evidence currently available to I/P Engine. Based on the attached claim charts, Google is liable for direct infringement of the '420 and '664 patents.

These claim charts can be, and will be, supplemented and/or amended based upon discovery, additional evidence, and/or further investigation.

B. Identification of Infringing Structure, Acts, and/or Materials

As demonstrated by the attached claim charts and as described in Google's marketing materials, Google's document production, and other publicly available sources, each limitation of each claim of the '420 and '664 patents asserted against Google is literally present in Google AdWords. If Google contends that any limitation of any of the asserted claims is not literally present in Google AdWords, any such limitation of the asserted claims is present under the doctrine of equivalents because the difference(s), if any, between Google AdWords, and what is literally claimed in the asserted claims is(are) insubstantial. I/P Engine will provide contentions under the doctrine of equivalents if, after, and when Google identifies which elements it contends are not present in Google AdWords.

C. Identification of Priority Date

Each of the asserted claims of the '420 and '664 patents are entitled to a priority date of December 3, 1998 (based on the filing date of the patent application, U.S. Patent Application No. 09/204,149, that issued as the '420 patent).

D. Indirect Infringement Disclosures

As demonstrated by the attached claim charts and the contentions as to other defendants, the use of Google AdWords directly infringes the asserted claims of the '420 and '664 patents and establishes the prerequisite act of direct infringement. Google has also had knowledge of the '420 and '664 patents at least as early as the filing date of this lawsuit, September 15, 2011 (D.I. 001).

Google, via its marketing materials and other publicly available sources, provides, sells, offers for sale, and/or promotes the infringing products, methods and systems of Google AdWords to its members of the Google Search Network, advertisers and/or end users that use the infringing Google AdWords. IPE0000001-IPE0000010; IPE0000025-IPE0000030; IPE0000058-IPE0000060. Based on these marketing materials and uses, Google intends for its members of the Google Search Network, advertisers and/or end users to use Google AdWords in an infringing manner. Thus, Google intends to cause infringement of the '420 and '664 patents.

By making, using, providing, selling, and/or promoting its infringing Google AdWords, and by continuing to provide, sell, offer for sale, and/or promote its infringing Google AdWords, with the intention of causing at least some members of the Google Search Network, advertisers and/or end users to use Google AdWords in an infringing manner, Google actively and knowingly aids and abets infringement of the '420 and '664 patents and is liable under induced infringement.

In addition, Google AdWords is a material part of the claimed invention of the '420 and '664 patents. Google AdWords is especially made or especially adapted for use with only infringing search engine systems and/or search systems. Furthermore, Google AdWords is not a staple article. Google AdWords is not a commodity of commerce and can only be used with infringing search engine systems and/or search systems. Google AdWords is also not suitable for substantial non-infringing uses. Therefore, Google is liable as a contributory infringer.

These contentions are based on known publicly available information and Google's document production to date. Discovery is ongoing. I/P Engine reserves the right to amend and/or supplement these infringement contentions if and when further information regarding Google AdWords becomes available and/or for other good cause.

Additionally, these contentions address several non-infringement theories put forth by Google; although several of Google's theories rely on claim constructions that are now moot given the Court's claim construction ruling set forth in the Memorandum Opinion and Order dated June 15, 2012. Google has yet to supplement its interrogatory responses based on the Court's claim construction ruling. I/P Engine reserves the right to update its infringement contentions if and when Google updates its interrogatory responses.

Dated: July 2, 2012

By: /s/ Charles J. Monterio, Jr.

Jeffrey K. Sherwood
Frank C. Cimino, Jr.
Kenneth W. Brothers
Dawn Rudenko Albert
Charles J. Monterio, Jr.
DICKSTEIN SHAPIRO LLP
1825 Eye Street, NW
Washington, DC 20006
Telephone: (202) 420-2200
Facsimile: (202) 420-2201

Donald C. Schultz
W. Ryan Snow
CRENSHAW, WARE & MARTIN PLC
150 West Main Street
Norfolk, VA 23510
Telephone: (757) 623-3000
Facsimile: (757) 623-5735

Counsel for Plaintiff I/P Engine, Inc.

CLAIM CHART FOR INFRINGEMENT OF U.S. PATENT NO. 6,314,420

Google AdWords

CLAIM 10	GOOGLE ADWORDS
a. A search engine system comprising:	The preamble is typically not a limitation and thus no comparison needs to be made between the accused system, Google AdWords, and the preamble. *See, e.g., Symantec Corp. v. Computer Associate Intern., Inc.*, 522 F.3d 1279, 1288 (Fed. Cir. 2008)("Absent clear reliance on the preamble in the prosecution history, or in situations where it is necessary to provide antecedent basis for the body of the claim, the preamble generally is not limiting.")(quotation omitted). However, Google AdWords includes a search engine system. Google AdWords includes a search engine system that searches for information (e.g., advertisements) relevant to a search query. For example, when a user enters a search query into the search bar on Google's website and selects the "search" button, the user is presented a list of information, e.g., advertisements. *See* IPE0000051-IPE0000052. In certain configurations, these advertisements are displayed as "Sponsored Links" next to, above, and/or below the website results. *Id.*; *see also* G-IPE-0008836. Google AdWords is also used to display advertisements in response to search queries on websites in the "Google Search Network." IPE0000065; *see also* IPE0000054-IPE0000057 (describing various locations that AdWords advertisements will appear, including the "Google Network" which includes partner websites); G-IPE-0008837 (showing "Ads on Google sites"); G-IPE-0008842 (showing AdSense network). "Search queries are received by one of the Google Web Servers (GWS) . . . It passes that information to an Ad Server to choose a set of ads to return." G-IPE-0009731. "For a search results page, the end user visits google.com (or an AdSense for Search partner), enters a query, and sees results with ads." G-IPE-

CLAIM 10	GOOGLE ADWORDS
	0009727. "On a search results page, we pick ads directly based on the user query . . . ." *Id.*
b. a system for scanning a network to make a demand search for informons relevant to a query from an individual user;	Google AdWords includes a system for looking for or examining items in a network to make a single search engine query that is performed upon a user request for information relevant to a query from an individual user. For example, the search bar on Google's website (www.google.com) and other "search network" sites allows a user to enter a search query and run a single search engine query. *See* section a; IPE0000051-IPE0000053. Google uses distributed databases in its systems, and the databases distribute information, including advertisement information, across several network locations. IPE0000011-IPE0000024; *see also* IPE0000026 (showing distributed systems); [redacted]

CLAIM 10	GOOGLE ADWORDS
	[redacted]

CLAIM 10	GOOGLE ADWORDS
	[redacted] Additionally, the system looks for and examines information on landing pages of advertisements on the Internet. IPE0000066 ("[t]he AdWords system retrieves advertiser landing pages to help us better understand the relevance and quality of your AdWords ads as a whole. . . . To fully understand the quality of your specified page, the system may follow other links on the page."); *see also* G-IPE-0223570; G-IPE-0171697; G-IPE-0820298-99; G-IPE-0591639-40; G-IPE-0247648; G-IPE-0491639; G-IPE-0605010; G-IPE-0191539. To the extent any Defendant alleges that this element is not literally infringed because "scanning a network" occurs prior to receiving a query, nothing in the claim requires a particular order. Moreover, even if a particular order were required by the claim, Google AdWords would still be infringing under the doctrine of equivalents. Equivalency is found if the accused system performs substantially the same function as the patented system in substantially the same way to obtain the same result. *Applied Materials, Inc. v. Advanced Semiconductor Materials America, Inc.*, 98 F.3d 1563, 1574 (Fed. Cir. 1996).

CLAIM 10	GOOGLE ADWORDS
	There is no functional difference as to whether the system scans a network directly after a search to look for items to consider for relevancy to the query, or scans a network prior to the search to look for items to consider for relevancy to the query. Looking for or examining information by scanning prior to conducting the search performs substantially the same function as the claimed limitation (scanning a network to make a demand search), in substantially the same way (a scan/search for the information is performed) to achieve the same results (locating information relevant to a query).
c. a content-based filter system for receiving the informons from the scanning system and for filtering the informons on the basis of applicable content profile data for relevance to the query; and	Google AdWords includes a system for receiving the information from the scanning system and for filtering the information on the basis of applicable content profile data for how well the information satisfies the individual user's information need in the query. For example, Google AdWords receives and filters advertisements on the basis of content data (e.g., ad text, keyword, and landing page attributes) for relevance to the query. IPE0000058. "AdWords uses a dynamic variable called 'Quality Score' to evaluate keyword relevance" and that "Quality Score is based [in part] on . . . the relevance of your ad text, keyword, and landing page." *Id.*; *see also* IPE0000061-IPE0000062 ("[t]he Quality Score for Ad Rank on Google and the search network is determined by . . . the relevance of the keyword and the matched ad to the search query" and "[h]aving relevant keywords and ad text . . . will result in a higher position for your ad."); G-IPE-0263334; G-IPE-0171132 ("Quality Score Formula [includes] . . . The relevance of the keyword to the ads in its ad group . . . The relevance of the keyword and the matched ad to the search query . . . [and] Other relevance factors"); G-IPE-0241639 ("Quality Score = . . . relevance of your ad text + . . . landing page quality + other relevancy factors"); G-IPE-0313104-106 (Quality Score includes "Relevancy" and "[Google] use[s] signals like linguistic processing to determine the relevancy of a query to a keyword."); G-IPE-0247093 (ad quality signals include "ad text relevance"); G-IPE-0260682 ("In addition to keyword performance data Quality Score also takes into account other factors like the relevance of the keyword to your adtext . . . ."); G-IPE-0267523-24 ("Quality Score factors [include] . . . Keyword's relevance to ad text

CLAIM 10	GOOGLE ADWORDS
	. . . ." for example "Keyword appearing in domain (example: FTD appearing in FTD.com gives a boost to the score)" and "Synonyms of kw in ad text gives a boost"); G-IPE-0277078 (listing "Relevance of keyword to ads in ad group" and "Relevance of keyword and ad to search query" as factors of Quality Score); G-IPE-0264611 ("Factors include: Keyword's Relevance to Ad Text"); G-IPE-0267523-24 ("Quality Score factors in order of importance: . . . Keyword's relevance to ad text . . . ."); G-IPE-0247094 (Quality Score factors include "ad text relevance" and "keyword relevance"); G-IPE-0337659 ("The Quality Score for Ad Rank on Google and the search network is determined by: . . . The relevance of the keyword and the matched ad to the search query."); G-IPE-0407258 (Quality Score factors include "The relevance of the keyword and the matched ad to the search query."); G-IPE-0347560 (Quality Score is based on "Relevance – normalized, impression-weighted landing page quality"); G-IPE-0483110 (an ad's quality is determined by "the semantic relevance of the ad copy relative to the keyword" and "the relevance and quality of the landing page."); G-IPE-0264611 (Quality Score Factors include "Keyword's Relevance to Ad Text"). [redacted]

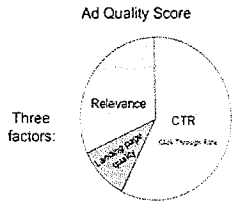
CLAIM 10	GOOGLE ADWORDS
	[redacted]

CLAIM 10	GOOGLE ADWORDS
	[redacted] To the extent any Defendant alleges that this element is not literally infringed, Google AdWords would still be infringing under the doctrine of equivalents. Equivalency is found if the accused system performs substantially the same function as the patented system in substantially the same way to obtain the same result. *Applied Materials, Inc. v. Advanced Semiconductor Materials America, Inc.*, 98 F.3d 1563, 1574 (Fed. Cir. 1996) [redacted]
d. a feedback system for receiving collaborative feedback data from system users relative to informons considered by such users;	Google AdWords includes a system that receives data from system users regarding what information the users found to be relevant. For example, Google AdWords receives feedback (in the form of clickthrough data) about information, e.g., advertisements, considered by the other users. *See* IPE0000064 ("Millions of users click on AdWords ads every day. Every single one of those clicks – and the even more numerous impressions associated with them – is analyzed by our filters (stage 1), which operate in real-time."). Google AdWords uses the "dynamic variable called 'Quality Score' to evaluate keyword relevance." IPE0000058. In AdWords, a component of the "Quality Score" is based on an advertisement's "clickthrough rate (CTR)." *Id.; see also* IPE0000061-IPE0000062 ("[t]he historical clickthrough rate (CTR) of the keyword and the matched ad on Google; if the ad is appearing on a search network page, its CTR on that search network partner is also considered" and that "[h]aving . . . a strong

CLAIM 10	GOOGLE ADWORDS
	CTR on Google . . . will result in a higher position for your ad."). Google says that, of the three components of Quality Score, CTR is "the biggest one by far" and that "by allowing users to vote with their clicks, we have millions of people that are helping us to decide which ads are best for each search query." IPE0000073; *see also* G-IPE-0260374 ("we do look at the historical performance of your particular ad text and your keyword with that ad text"); G-IPE-0313104-105 (Quality Score includes "Clickthrough rate"); G-IPE-0337659 ("The Quality Score for Ad Rank on Google and the search network is determined by: . . . The historical clickthrough rate (CTR) of the keyword and the matched ad on Google; if the ad is appearing on a search network page, its CTR on that search network partner is also considered"); [redacted] G-IPE-0483110 (an ad's quality is determined by "historical performance across all advertisers who have used the keyword"); G-IPE-0264611 (Quality Score Factors include "Keyword's Historical CTR"); G-IPE-0267523-24 ("Quality Score factors in order of importance: Keyword Historical CTR . . . ."); G-IPE-0171132 ("The historical clickthrough rate (CTR) of the keyword and the matched ad on the Google domain; note that CTR on non-Google sites (such as AOL.com) only ever impacts Quality Score on our search partners – not on Google . . . ."); G-IPE-017112; G-IPE-1711137; G-IPE-0407258; G-IPE-0224368; G-IPE-224358. [redacted] The CTR is collaborative feedback data. [redacted]

CLAIM 10	GOOGLE ADWORDS
	[redacted]
e. the filter system combining pertaining feedback data from the feedback system with the content profile data in filtering each informon for relevance to the query.	Google AdWords includes a system that combines pertaining feedback data with content data in filtering information for relevance to the query. For example, Google states that AdWords uses a "Quality Score" to evaluate an advertisement's relevance. IPE0000063. [redacted]

CLAIM 10	GOOGLE ADWORDS
	[redacted] [redacted] The Quality Score is a combination of factors including feedback data, i.e., "[a] keyword's clickthrough rate (CTR)," and content data, i.e., "the relevance of your ad text, keyword, and landing page." IPE0000063; *see also* IPE0000062 ("Having relevant keywords and ad text [and] a strong CTR on Google . . . will result in a higher position for your ad."); G-IPE-0337659 ("The Quality Score for Ad Rank on Google and the search network is determined by: . . . The historical clickthrough rate (CTR) of the keyword and the matched ad on Google; if the ad is appearing on a search network page, its CTR on that search network partner is also considered . . . [and] the relevance of the keyword and the matched ad to the search query"); G-IPE-0483110 (an ad's quality is determined by "historical performance across all advertisers who have used the keyword (which is a substantial amount of data), the semantic relevance of the ad copy relative to the keyword, the relevance and quality of the landing page, and other quality factors."); G-IPE-0407258 (Quality Score includes "The historical clickthrough rate (CTR) of the keyword and the matched ad . . . [and] The relevance of the keyword and the matched ad to the search query."); G-IPE-0247094 ("We put all of these signals and more together to create a *Quality Score* . . . . Currently, the formula is best represented as: Quality Score = keyword's CTR, ad text relevance, keyword relevance, landing page relevance"); G-IPE-0267523-24 ("Quality Score factors in order of importance: Keyword Historical CTR, Keyword's relevance to ad text . . . ."); G-IPE-0313104 ("Clickthrough rate" and

CLAIM 10	GOOGLE ADWORDS
	"Relevancy" contribute to Quality Score"); G-IPE-0310824 ("we bucket Quality Score into 3 buckets (LPQ, Relevance, and CTR"); G-IPE-0347560-64; G-IPE-0223570; G-IPE-0224368; *see also* sections c and d above. Further, the "Ad Quality Score" is illustrated as including three factors: "Relevance," "CTR," and "Landing page quality." *See* G-IPE-0008850:  [redacted]

CLAIM 14	GOOGLE ADWORDS
The system of claim 10 wherein the collaborative feedback data comprises passive feedback data.	Google AdWords collects and uses feedback data in the form of CTR. *See* claim 10 section d. The CTR recorded by Google AdWords is passive feedback data.

CLAIM 15	GOOGLE ADWORDS
The system of claim 14 wherein the passive feedback data is obtained by passively	Google AdWords passively monitors a user's behavior related to proposed advertisements. Google AdWords records the clickthrough rates of each

CLAIM 15	GOOGLE ADWORDS
monitoring the actual response to a proposed informon.	respective advertisement. *See* claim 10 section d.

CLAIM 25	GOOGLE ADWORDS
a. A method for operating a search engine system comprising:	The preamble is typically not a limitation and thus no comparison needs to be made between the accused system, Google AdWords, and the preamble. *See, e.g., Symantec Corp. v. Computer Associate Intern., Inc.*, 522 F.3d 1279, 1288 (Fed. Cir. 2008)("Absent clear reliance on the preamble in the prosecution history, or in situations where it is necessary to provide antecedent basis for the body of the claim, the preamble generally is not limiting.")(quotation omitted). However, Google AdWords includes a method for operating a search engine system. Google AdWords includes a search engine system that searches for information (e.g., advertisements) relevant to a search query. For example, when a user enters a search query into the search bar on Google's website and selects the "search" button, the user is presented a list of information, e.g., advertisements. *See* IPE0000051-IPE0000052. In certain configurations, these advertisements are displayed as "Sponsored Links" next to, above, and/or below the website results. *Id.*; *see also* G-IPE-0008836. Google AdWords is also used to display advertisements in response to search queries on websites in the "Google Search Network." IPE0000065; *see also* IPE0000054-IPE0000057 (describing various locations that AdWords advertisements will appear, including the "Google Network" which includes partner websites); G-IPE-0008837 (showing "Ads on Google sites"); G-IPE-0008842 (showing AdSense network). "Search queries are received by one of the Google Web Servers (GWS) . . . It passes that information to an Ad Server to choose a set of ads to return." G-IPE-

CLAIM 25	GOOGLE ADWORDS
	0009731. "For a search results page, the end user visits google.com (or an AdSense for Search partner), enters a query, and sees results with ads." G-IPE-0009727. "On a search results page, we pick ads directly based on the user query . . . ." *Id.*
b. scanning a network to make a demand search for informons relevant to a query from an individual user;	Google AdWords looks for or examines items in a network to make a single search engine query that is performed upon a user request for information (e.g., advertisements) relevant to a query from a user. For example, the search bar on Google's website (www.google.com) and other "search network" sites allows a user to enter a search query and run a single search engine query. *See* section a; IPE0000051-IPE0000053. Google uses distributed databases in its systems, and the databases distribute information, including advertisement information, across several network locations. IPE0000011-IPE0000024; *see also* IPE0000026 (showing distributed systems); [redacted]

CLAIM 25	GOOGLE ADWORDS
	[redacted]

CLAIM 25	GOOGLE ADWORDS
	[redacted] [redacted] [redacted] To the extent any Defendant alleges that this element is not literally infringed because "scanning a network" occurs prior to receiving a query, nothing in the claim requires a particular order. Moreover, even if a particular order were required by the claim Google AdWords would still be infringing under the doctrine of equivalents. Equivalency is found if the accused system performs

CLAIM 25	GOOGLE ADWORDS
	substantially the same function as the patented system in substantially the same way to obtain the same result. *Applied Materials, Inc. v. Advanced Semiconductor Materials America, Inc.*, 98 F.3d 1563, 1574 (Fed. Cir. 1996). There is no functional difference as to whether the system scans a network directly after a search to look for items to consider for relevancy to the query, or scans a network prior to the search to look for items to consider for relevancy to the query. Looking for or examining information by scanning prior to conducting the search performs substantially the same function as the claimed limitation (scanning a network to make a demand search), in substantially the same way (a scan/search for the information is performed) to achieve the same results (locating information relevant to a query).
c. receiving the informons in a content-based filter system from the scanning system and filtering the informons on the basis of applicable content profile data for relevance to the query;	Google AdWords receives information from the scanning system and filters the information on the basis of applicable content profile data for how well the information satisfies the individual user's information need in the query. For example, Google AdWords receives and filters advertisements on the basis of content data (e.g., ad text, keyword, and landing page attributes) for relevance to the query. IPE0000058. "AdWords uses a dynamic variable called 'Quality Score' to evaluate keyword relevance" and that "Quality Score is based [in part] on . . . the relevance of your ad text, keyword, and landing page." *Id.*; *see also* IPE0000061-IPE0000062 ("[t]he Quality Score for Ad Rank on Google and the search network is determined by . . . the relevance of the keyword and the matched ad to the search query" and "[h]aving relevant keywords and ad text . . . will result in a higher position for your ad."); G-IPE-0263334; G-IPE-0171132 ("Quality Score Formula [includes] . . . The relevance of the keyword to the ads in its ad group . . . The relevance of the keyword and the matched ad to the search query . . . [and] Other relevance factors"); G-IPE-0241639 ("Quality Score = . . . relevance of your ad text + . . . landing page quality + other relevancy factors"); G-IPE-0313104-106 (Quality Score includes "Relevancy" and "[Google] use[s] signals like linguistic processing to determine the relevancy of a query to a keyword."); G-IPE-0247093 (ad quality signals include "ad text relevance"); G-IPE-0260682

CLAIM 25	GOOGLE ADWORDS
	("In addition to keyword performance data Quality Score also takes into account other factors like the relevance of the keyword to your adtext . . . ."); G-IPE-0267523-24 ("Quality Score factors [include] . . . Keyword's relevance to ad text . . . ." for example "Keyword appearing in domain (example: FTD appearing in FTD.com gives a boost to the score)" and "Synonyms of kw in ad text gives a boost"); G-IPE-0277078 (listing "Relevance of keyword to ads in ad group" and "Relevance of keyword and ad to search query" as factors of Quality Score); G-IPE-0264611 ("Factors include: Keyword's Relevance to Ad Text"); G-IPE-0267523-24 ("Quality Score factors in order of importance: . . . Keyword's relevance to ad text . . . ."); G-IPE-0247094 (Quality Score factors include "ad text relevance" and "keyword relevance"); G-IPE-0337659 ("The Quality Score for Ad Rank on Google and the search network is determined by: . . . The relevance of the keyword and the matched ad to the search query."); G-IPE-0407258 (Quality Score factors include "The relevance of the keyword and the matched ad to the search query."); G-IPE-0347560 (Quality Score is based on "Relevance – normalized, impression-weighted landing page quality"); G-IPE-0483110 (an ad's quality is determined by "the semantic relevance of the ad copy relative to the keyword" and "the relevance and quality of the landing page."); G-IPE-0264611 (Quality Score Factors include "Keyword's Relevance to Ad Text"). [redacted]

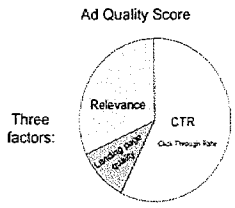
CLAIM 25	GOOGLE ADWORDS
	[redacted]

CLAIM 25	GOOGLE ADWORDS
	[redacted] To the extent any Defendant alleges that this element is not literally infringed, Google AdWords would still be infringing under the doctrine of equivalents. Equivalency is found if the accused system performs substantially the same function as the patented system in substantially the same way to obtain the same result. *Applied Materials, Inc. v. Advanced Semiconductor Materials America, Inc.*, 98 F.3d 1563, 1574 (Fed. Cir. 1996). [redacted]
d. receiving collaborative feedback data from system users relative to informons considered by such users; and	Google AdWords also receives data from system users regarding what information the users found to be relevant. For example, Google AdWords receives feedback (in the form of clickthrough data) about information, e.g., advertisements, considered by the other users. *See* IPE0000064 ("Millions of users click on AdWords ads every day. Every single one of those clicks – and the even more numerous impressions associated with them – is analyzed by our filters (stage 1), which operate in real-time."). Google AdWords uses the "dynamic variable called 'Quality Score' to evaluate keyword relevance." IPE0000058. In AdWords, a component of the "Quality Score" is based on an

CLAIM 25	GOOGLE ADWORDS
	advertisement's "clickthrough rate (CTR)." *Id.; see also* IPE0000061-IPE0000062 ("[t]he historical clickthrough rate (CTR) of the keyword and the matched ad on Google; if the ad is appearing on a search network page, its CTR on that search network partner is also considered" and that "[h]aving . . . a strong CTR on Google . . . will result in a higher position for your ad."). Google says that, of the three components of Quality Score, CTR is "the biggest one by far" and that "by allowing users to vote with their clicks, we have millions of people that are helping us to decide which ads are best for each search query." IPE0000073; *see also* G-IPE-0260374 ("we do look at the historical performance of your particular ad text and your keyword with that ad text"); G-IPE-0313104-105 (Quality Score includes "Clickthrough rate"); G-IPE-0337659 ("The Quality Score for Ad Rank on Google and the search network is determined by: . . . The historical clickthrough rate (CTR) of the keyword and the matched ad on Google; if the ad is appearing on a search network page, its CTR on that search network partner is also considered"); [redacted] G-IPE-0264611 (Quality Score Factors include "Keyword's Historical CTR"); G-IPE-0267523-24 ("Quality Score factors in order of importance: Keyword Historical CTR . . . ."); G-IPE-0171132 ("The historical clickthrough rate (CTR) of the keyword and the matched ad on the Google domain; note that CTR on non-Google sites (such as AOL.com) only ever impacts Quality Score on our search partners – not on Google . . . ."); G-IPE-017112; G-IPE-1711137; G-IPE-0407258; G-IPE-0224368; G-IPE-224358. [redacted] The CTR is collaborative feedback data. [redacted]

CLAIM 25	GOOGLE ADWORDS
	[redacted]
e. combining pertaining feedback data with the content profile data in filtering each informon for relevance to the query.	Google AdWords combines pertaining feedback data with content data in filtering information for relevance to the query. For example, Google AdWords uses a "Quality Score" to filter advertisements. IPE0000063. [redacted]

CLAIM 25	GOOGLE ADWORDS
	[redacted] [redacted] The Quality Score is a combination of factors including feedback data, i.e., "[a] keyword's clickthrough rate (CTR)," and content data, i.e., "the relevance of your ad text, keyword, and landing page." IPE0000063; *see also* IPE0000062 ("Having relevant keywords and ad text [and] a strong CTR on Google . . . will result in a higher position for your ad."); G-IPE-0337659 ("The Quality Score for Ad Rank on Google and the search network is determined by: . . . The historical clickthrough rate (CTR) of the keyword and the matched ad on Google; if the ad is appearing on a search network page, its CTR on that search network partner is also considered . . . [and] the relevance of the keyword and the matched ad to the search query"); G-IPE-0483110 (an ad's quality is determined by "historical performance across all advertisers who have used the keyword (which is a substantial amount of data), the semantic relevance of the ad copy relative to the keyword, the relevance and quality of the landing page, and other quality factors."); G-IPE-0407258 (Quality Score includes "The historical clickthrough rate (CTR) of the keyword and the matched ad . . . [and] The relevance of the keyword and the matched ad to the search query."); G-IPE-0247094 ("We put all of these signals and more together to create a *Quality Score* . . . . Currently, the formula is best represented as: Quality Score = keyword's CTR, ad text

CLAIM 25	GOOGLE ADWORDS
	relevance, keyword relevance, landing page relevance"); G-IPE-0267523-24 ("Quality Score factors in order of importance: Keyword Historical CTR, Keyword's relevance to ad text . . . ."); G-IPE-0313104 ("Clickthrough rate" and "Relevancy" contribute to Quality Score"); G-IPE-0310824 ("we bucket Quality Score into 3 buckets (LPQ, Relevance, and CTR"); G-IPE-0347560-64; G-IPE-0223570; G-IPE-0224368; *see also* sections c and d above. Further, the "Ad Quality Score" is illustrated as including three factors: "Relevance," "CTR," and "Landing page quality." *See* G-IPE-0008850:  [redacted]

CLAIM 27	GOOGLE ADWORDS
The method of claim 25 wherein the collaborative feedback data provides passive feedback data.	Google AdWords collects and uses feedback data in the form of CTR. *See* claim 25 section d. The CTR recorded by Google AdWords is passive feedback data.

CLAIM 28	GOOGLE ADWORDS
The method of claim 27 wherein the passive feedback data is obtained by passively monitoring the actual response to a proposed informon.	Google AdWords passively monitors a user's behavior related to proposed advertisements. Google AdWords records the clickthrough rates of each respective advertisement. *See* claim 25 section d.

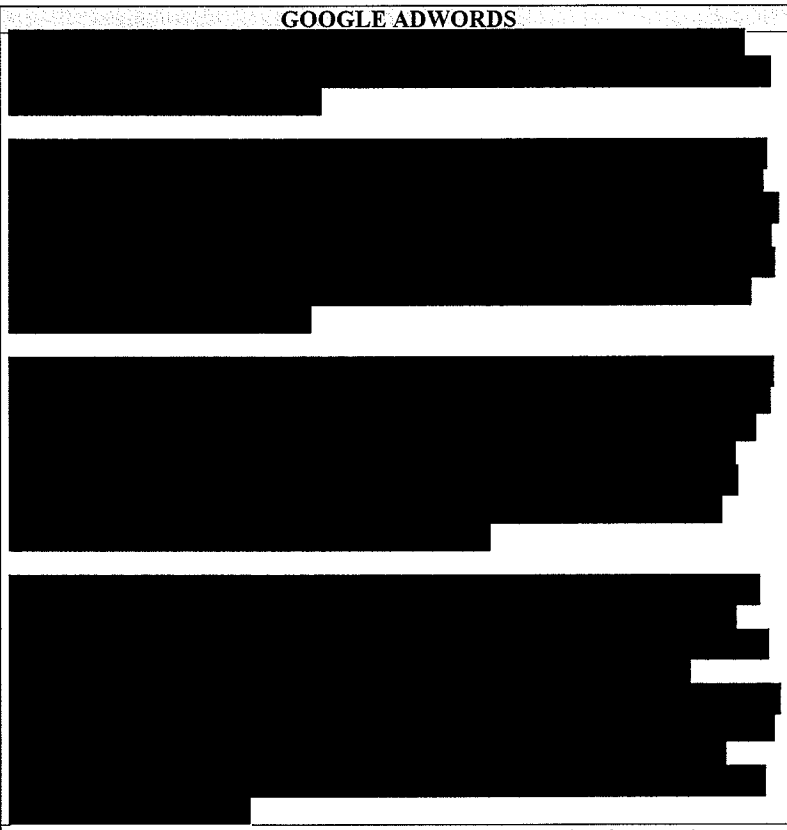
CLAIM CHART FOR INFRINGEMENT OF U.S. PATENT NO. 6,775,664

Google AdWords

CLAIM 1	GOOGLE ADWORDS
a. A search system comprising:	The preamble is typically not a limitation and thus no comparison needs to be made between the accused system, Google AdWords, and the preamble. *See, e.g., Symantec Corp. v. Computer Associate Intern., Inc.*, 522 F.3d 1279, 1288 (Fed. Cir. 2008)("Absent clear reliance on the preamble in the prosecution history, or in situations where it is necessary to provide antecedent basis for the body of the claim, the preamble generally is not limiting.")(quotation omitted). However, Google AdWords includes a search system. Google AdWords includes a system that searches for information (e.g., advertisements) relevant to a search query. For example, when a user enters a search query into the search bar on Google's website and selects the "search" button, the user is presented a list of information, e.g., advertisements. *See* IPE0000051-IPE0000052. In certain configurations, these advertisements are displayed as "Sponsored Links" next to, above, and/or below the website results. *Id.*; *see also* G-IPE-0008836. Google AdWords is also used to display advertisements in response to search queries on websites in the "Google Search Network." IPE0000065; *see also* IPE0000054-IPE0000057 (describing various locations that AdWords advertisements will appear, including the "Google Network" which includes partner websites); G-IPE-0008837 (showing "Ads on Google sites"); G-IPE-0008842 (showing AdSense network). "Search queries are received by one of the Google Web Servers (GWS) . . . It passes that information to an Ad Server to choose a set of ads to return." G-IPE-0009731. "For a search results page, the end user visits google.com (or an AdSense for Search partner), enters a query, and sees results with ads." G-IPE-0009727. "On a search results page, we pick ads directly based on the user query

CLAIM 1	GOOGLE ADWORDS
	. . . ." *Id.*
b. a scanning system for searching for information relevant to a query associated with a first user in a plurality of users;	Google AdWords includes a system for searching for information relevant to a query associated with a first user. For example, the search bar on Google's website (www.google.com) and other "search network" sites allows a user to enter a search query and run a search. *See* section a; IPE0000051-IPE0000053. Google AdWords searches for the information, in part, on the basis of content data (e.g., ad text, keyword, and landing page attributes) for relevance to the query. IPE0000058. "AdWords uses a dynamic variable called 'Quality Score' to evaluate keyword relevance" and that "Quality Score is based [in part] on . . . the relevance of your ad text, keyword, and landing page." *Id.*; *see also* IPE0000061-IPE0000062 ("[t]he Quality Score for Ad Rank on Google and the search network is determined by . . . the relevance of the keyword and the matched ad to the search query" and "[h]aving relevant keywords and ad text . . . will result in a higher position for your ad."); G-IPE-0263334; G-IPE-0171132 ("Quality Score Formula [includes] . . . The relevance of the keyword to the ads in its ad group . . . The relevance of the keyword and the matched ad to the search query . . . [and] Other relevance factors"); G-IPE-0241639 ("Quality Score = . . . relevance of your ad text + . . . landing page quality + other relevancy factors"); G-IPE-0313104-106 (Quality Score includes "Relevancy" and "[Google] use[s] signals like linguistic processing to determine the relevancy of a query to a keyword."); G-IPE-0247093 (ad quality signals include "ad text relevance"); G-IPE-0260682 ("In addition to keyword performance data Quality Score also takes into account other factors like the relevance of the keyword to your adtext . . . ."); G-IPE-0267523-24 ("Quality Score factors [include] . . . Keyword's relevance to ad text . . . ." for example "Keyword appearing in domain (example: FTD appearing in FTD.com gives a boost to the score)" and "Synonyms of kw in ad text gives a boost"); G-IPE-0277078 (listing "Relevance of keyword to ads in ad group" and "Relevance of keyword and ad to search query" as factors of Quality Score); G-IPE-0264611 ("Factors include: Keyword's Relevance to Ad Text"); G-IPE-0267523-24 ("Quality Score factors in order of importance: . . . Keyword's

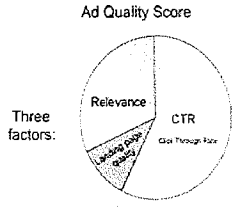
CLAIM 1	GOOGLE ADWORDS
	relevance to ad text . . . ."); G-IPE-0247094 (Quality Score factors include "ad text relevance" and "keyword relevance"); G-IPE-0337659 ("The Quality Score for Ad Rank on Google and the search network is determined by: . . . The relevance of the keyword and the matched ad to the search query."); G-IPE-0407258 (Quality Score factors include "The relevance of the keyword and the matched ad to the search query."); G-IPE-0347560 (Quality Score is based on "Relevance – normalized, impression-weighted landing page quality"); G-IPE-0483110 (an ad's quality is determined by "the semantic relevance of the ad copy relative to the keyword" and "the relevance and quality of the landing page."); G-IPE-0264611 (Quality Score Factors include "Keyword's Relevance to Ad Text"). [redacted]

CLAIM 1	GOOGLE ADWORDS
	
c. a feedback system for receiving information found to be relevant to the query by other users; and	Google AdWords includes a system for receiving information found to be relevant to the query by users of the system. For example, Google AdWords receives feedback (in the form of clickthrough data) about information, e.g.,

CLAIM 1	GOOGLE ADWORDS
	advertisements, considered by the other users. *See* IPE0000064 ("Millions of users click on AdWords ads every day. Every single one of those clicks – and the even more numerous impressions associated with them – is analyzed by our filters (stage 1), which operate in real-time."). Google AdWords uses the "dynamic variable called 'Quality Score' to evaluate keyword relevance." IPE0000058. In AdWords, a component of the "Quality Score" is based on an advertisement's "clickthrough rate (CTR)." *Id.; see also* IPE0000061-IPE0000062 ("[t]he historical clickthrough rate (CTR) of the keyword and the matched ad on Google; if the ad is appearing on a search network page, its CTR on that search network partner is also considered" and that "[h]aving . . . a strong CTR on Google . . . will result in a higher position for your ad."). Google says that, of the three components of Quality Score, CTR is "the biggest one by far" and that "by allowing users to vote with their clicks, we have millions of people that are helping us to decide which ads are best for each search query." IPE0000073; *see also* G-IPE-0260374 ("we do look at the historical performance of your particular ad text and your keyword with that ad text"); G-IPE-0313104-105 (Quality Score includes "Clickthrough rate"); G-IPE-0337659 ("The Quality Score for Ad Rank on Google and the search network is determined by: . . . The historical clickthrough rate (CTR) of the keyword and the matched ad on Google; if the ad is appearing on a search network page, its CTR on that search network partner is also considered"); [redacted] G-IPE-0483110 (an ad's quality is determined by "historical performance across all advertisers who have used the keyword"); G-IPE-0264611 (Quality Score Factors include "Keyword's Historical CTR"); G-IPE-0267523-24 ("Quality Score factors in order of importance: Keyword Historical CTR . . . ."); G-IPE-0171132 ("The historical clickthrough rate (CTR) of the keyword and the matched ad on the Google domain; note that CTR on non-Google sites (such as AOL.com) only ever impacts Quality Score on our search partners – not on Google . . . ."); G-IPE-017112; G-IPE-1711137; G-IPE-0407258; G-IPE-0224368; G-IPE-224358. [redacted] The CTR is collaborative

CLAIM 1	GOOGLE ADWORDS
	feedback data.
d. content-based filter system for combining the information from the feedback system with the information from the scanning system and for filtering the combined information for relevance to at least one of the query and the first user.	Google AdWords includes a system for combining information from the feedback system with information from the scanning system to filter information for relevance to the query. For example, Google states that AdWords uses a "Quality Score" to evaluate an advertisement's relevance. IPE0000063.

CLAIM 1	GOOGLE ADWORDS
	[redacted] [redacted] [redacted] The Quality Score is a combination of factors including feedback data, i.e., "[a] keyword's clickthrough rate (CTR)," and content data, i.e., "the relevance of your ad text, keyword, and landing page." IPE0000063; *see also* IPE0000062 ("Having relevant keywords and ad text [and] a strong CTR on Google . . . will result in a higher position for your ad."); G-IPE-0337659 ("The Quality Score for Ad Rank on Google and the search network is determined by: . . . The historical clickthrough rate (CTR) of the keyword and the matched ad on Google; if the ad is appearing on a search network page, its CTR on that search network partner is also considered . . . [and] the relevance of the keyword and the matched ad to the search query"); G-IPE-0483110 (an ad's quality is determined by "historical performance across all advertisers who have used the keyword (which is a

CLAIM 1	GOOGLE ADWORDS
	substantial amount of data), the semantic relevance of the ad copy relative to the keyword, the relevance and quality of the landing page, and other quality factors."); G-IPE-0407258 (Quality Score includes "The historical clickthrough rate (CTR) of the keyword and the matched ad . . . [and] The relevance of the keyword and the matched ad to the search query."); G-IPE-0247094 ("We put all of these signals and more together to create a *Quality Score* . . . . Currently, the formula is best represented as: Quality Score = keyword's CTR, ad text relevance, keyword relevance, landing page relevance"); G-IPE-0267523-24 ("Quality Score factors in order of importance: Keyword Historical CTR, Keyword's relevance to ad text . . . ."); G-IPE-0313104 ("Clickthrough rate" and "Relevancy" contribute to Quality Score"); G-IPE-0310824 ("we bucket Quality Score into 3 buckets (LPQ, Relevance, and CTR"); G-IPE-0347560-64; G-IPE-0223570; G-IPE-0224368; *see also* sections c and d above. Further, the "Ad Quality Score" is illustrated as including three factors: "Relevance," "CTR," and "Landing page quality." *See* G-IPE-0008850:  [redacted]

CLAIM 5	GOOGLE ADWORDS
The search system of claim 1 wherein the filtered information is an advertisement.	Google AdWords filters advertisements. *See* claim 1 sections a-d.

CLAIM 6	GOOGLE ADWORDS
The search system of claim 1 further comprising an information delivery system for delivering the filtered information to the first user.	Google AdWords delivers information to a user in the form of links to websites with short descriptions. *See* IPE0000051-IPE0000053 (displaying an example search for "grill").

CLAIM 21	GOOGLE ADWORDS
The search system of claim 1 wherein the content-based filter system filters by extracting features from the information.	Google AdWords extracts features (e.g., text) from an advertisement to perform content-based filtering. IPE0000058.

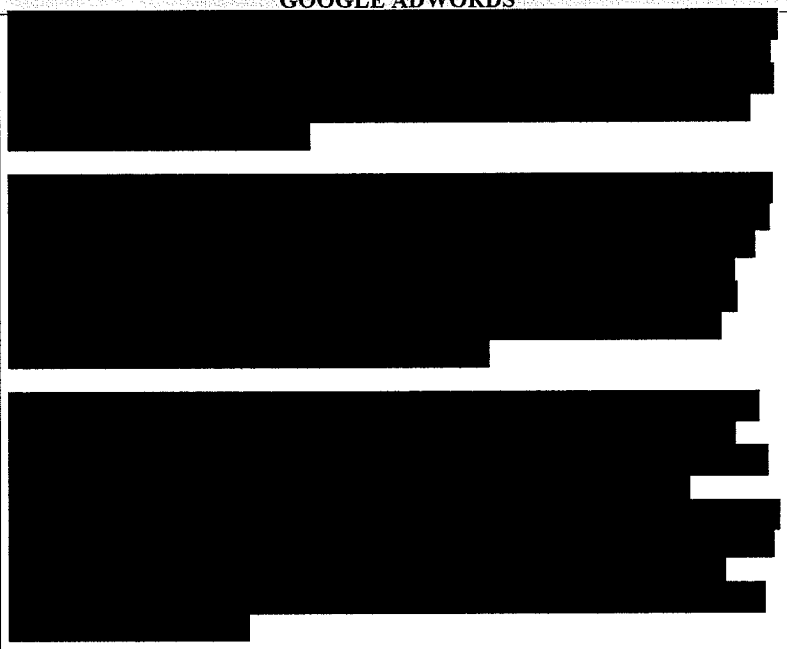
CLAIM 22	GOOGLE ADWORDS
The search system of claim 21 wherein the extracted features comprise content data indicative of the relevance to the at least one of the query and the user.	In Google AdWords, the extracted features described in claim 21 are content data that is used to indicate the relevance of an item to the user's query. *See* claim 1 section b.

CLAIM 26	GOOGLE ADWORDS
a. A method for obtaining information relevant to a first user comprising:	The preamble is typically not a limitation and thus no comparison needs to be made between the accused system, Google AdWords, and the preamble. *See, e.g., Symantec Corp. v. Computer Associate Intern., Inc.*, 522 F.3d 1279, 1288 (Fed. Cir. 2008)("Absent clear reliance on the preamble in the prosecution

CLAIM 26	GOOGLE ADWORDS
	history, or in situations where it is necessary to provide antecedent basis for the body of the claim, the preamble generally is not limiting.")(quotation omitted). However, Google AdWords includes a method for obtaining information relevant to a first user. Google AdWords includes a method for obtaining information relevant to a user. For example, when a user enters a search query into the search bar on Google's website and selects the "search" button, the user is presented a list of information, e.g., advertisements. *See* IPE0000051-IPE0000052. In certain configurations, these advertisements are displayed as "Sponsored Links" next to, above, and/or below the website results. *Id.*; *see also* G-IPE-0008836. Google AdWords also includes methods for obtaining information relevant to a user for the purpose of displaying search results and/or advertisements on websites in the "Google Search Network." IPE0000065; *see also* IPE0000054-IPE0000057 (describing various locations that AdWords advertisements will appear, including the "Google Network" which includes partner websites); G-IPE-0008837 (showing "Ads on Google sites"); G-IPE-0008842 (showing AdSense network). "Search queries are received by one of the Google Web Servers (GWS) . . . It passes that information to an Ad Server to choose a set of ads to return." G-IPE-0009731. "For a search results page, the end user visits google.com (or an AdSense for Search partner), enters a query, and sees results with ads." G-IPE-0009727. "On a search results page, we pick ads directly based on the user query . . . ." *Id.*
b. searching for information relevant to a query associated with a first user in a plurality of users;	Google AdWords searches for information relevant to a query associated with a first user. For example, the search bar on Google's website (www.google.com) and other "search network" sites allows a user to enter a search query and run a search. *See* section a; *see* IPE0000051-IPE0000053. Google AdWords searches the information, in part, on the basis of content data (e.g., ad text, keyword, and

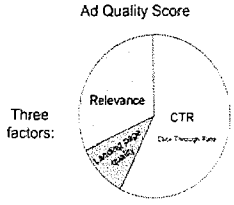
CLAIM 26	GOOGLE ADWORDS
	landing page attributes) for relevance to the query. IPE0000058. "AdWords uses a dynamic variable called 'Quality Score' to evaluate keyword relevance" and that "Quality Score is based [in part] on . . . the relevance of your ad text, keyword, and landing page." *Id.*; *see also* IPE0000061-IPE0000062 ("[t]he Quality Score for Ad Rank on Google and the search network is determined by . . . the relevance of the keyword and the matched ad to the search query" and "[h]aving relevant keywords and ad text . . . will result in a higher position for your ad."); G-IPE-0263334; G-IPE-0171132 ("Quality Score Formula [includes] . . . The relevance of the keyword to the ads in its ad group . . . The relevance of the keyword and the matched ad to the search query . . . [and] Other relevance factors"); G-IPE-0241639 ("Quality Score = . . . relevance of your ad text + . . . landing page quality + other relevancy factors"); G-IPE-0313104-106 (Quality Score includes "Relevancy" and "[Google] use[s] signals like linguistic processing to determine the relevancy of a query to a keyword."); G-IPE-0247093 (ad quality signals include "ad text relevance"); G-IPE-0260682 ("In addition to keyword performance data Quality Score also takes into account other factors like the relevance of the keyword to your adtext . . . ."); G-IPE-0267523-24 ("Quality Score factors [include] . . . Keyword's relevance to ad text . . . ." for example "Keyword appearing in domain (example: FTD appearing in FTD.com gives a boost to the score)" and "Synonyms of kw in ad text gives a boost"); G-IPE-0277078 (listing "Relevance of keyword to ads in ad group" and "Relevance of keyword and ad to search query" as factors of Quality Score); G-IPE-0264611 ("Factors include: Keyword's Relevance to Ad Text"); G-IPE-0267523-24 ("Quality Score factors in order of importance: . . . Keyword's relevance to ad text . . . ."); G-IPE-0247094 (Quality Score factors include "ad text relevance" and "keyword relevance"); G-IPE-0337659 ("The Quality Score for Ad Rank on Google and the search network is determined by: . . . The relevance of the keyword and the matched ad to the search query."); G-IPE-0407258 (Quality Score factors include "The relevance of the keyword and the matched ad to the search query."); G-IPE-0347560 (Quality Score is based on "Relevance – normalized, impression-weighted landing page quality"); G-IPE-

CLAIM 26	GOOGLE ADWORDS
	0483110 (an ad's quality is determined by "the semantic relevance of the ad copy relative to the keyword" and "the relevance and quality of the landing page."); G-IPE-0264611 (Quality Score Factors include "Keyword's Relevance to Ad Text"). [redacted]

CLAIM 26	GOOGLE ADWORDS
	
c. receiving information found to be relevant to the query by other users;	Google AdWords receives information found to be relevant to the query by users of the system. For example, Google AdWords receives feedback (in the form of clickthrough data) about information, e.g., advertisements, considered by the other users. *See* IPE0000064 ("Millions of users click on AdWords ads every day. Every single one of those clicks – and the even more numerous impressions associated with them – is analyzed by our filters (stage 1), which operate in real-time."). Google AdWords uses the "dynamic variable called 'Quality Score' to

CLAIM 26	GOOGLE ADWORDS
	evaluate keyword relevance." IPE0000058. In AdWords, a component of the "Quality Score" is based on an advertisement's "clickthrough rate (CTR)." *Id.; see also* IPE0000061-IPE0000062 ("[t]he historical clickthrough rate (CTR) of the keyword and the matched ad on Google; if the ad is appearing on a search network page, its CTR on that search network partner is also considered" and that "[h]aving . . . a strong CTR on Google . . . will result in a higher position for your ad."). Google says that, of the three components of Quality Score, CTR is "the biggest one by far" and that "by allowing users to vote with their clicks, we have millions of people that are helping us to decide which ads are best for each search query." IPE0000073; *see also* G-IPE-0260374 ("we do look at the historical performance of your particular ad text and your keyword with that ad text"); G-IPE-0313104-105 (Quality Score includes "Clickthrough rate"); G-IPE-0337659 ("The Quality Score for Ad Rank on Google and the search network is determined by: . . . The historical clickthrough rate (CTR) of the keyword and the matched ad on Google; if the ad is appearing on a search network page, its CTR on that search network partner is also considered"); [redacted] G-IPE-0483110 (an ad's quality is determined by "historical performance across all advertisers who have used the keyword"); G-IPE-0264611 (Quality Score Factors include "Keyword's Historical CTR"); G-IPE-0267523-24 ("Quality Score factors in order of importance: Keyword Historical CTR . . . ."); G-IPE-0171132 ("The historical clickthrough rate (CTR) of the keyword and the matched ad on the Google domain; note that CTR on non-Google sites (such as AOL.com) only ever impacts Quality Score on our search partners – not on Google . . . ."); G-IPE-017112; G-IPE-1711137; G-IPE-0407258; G-IPE-0224368; G-IPE-224358. [redacted] The CTR is collaborative feedback data. [redacted]

CLAIM 26	GOOGLE ADWORDS
	[redacted]
d. combining the information found to be relevant to the query by other users with the searched information; and	Google AdWords combines information found to be relevant to the query with the searched information. For example, Google states that AdWords uses a "Quality Score" to evaluate an advertisement's relevance. IPE0000063. The Quality Score is a combination of factors including feedback data, i.e., "[a] keyword's clickthrough rate (CTR)," and content data, i.e., "the relevance of your ad text, keyword, and landing page." IPE0000063; *see also* IPE0000062 ("Having relevant keywords and ad text [and] a strong CTR on Google . . . will result in a higher position for your ad."); G-IPE-0337659 ("The Quality Score for Ad Rank on Google and the search network is determined by: . . . The historical clickthrough rate (CTR) of the keyword and the matched ad on Google; if the ad

CLAIM 26	GOOGLE ADWORDS
	is appearing on a search network page, its CTR on that search network partner is also considered . . . [and] the relevance of the keyword and the matched ad to the search query"); G-IPE-0483110 (an ad's quality is determined by "historical performance across all advertisers who have used the keyword (which is a substantial amount of data), the semantic relevance of the ad copy relative to the keyword, the relevance and quality of the landing page, and other quality factors."); G-IPE-0407258 (Quality Score includes "The historical clickthrough rate (CTR) of the keyword and the matched ad . . . [and] The relevance of the keyword and the matched ad to the search query."); G-IPE-0247094 ("We put all of these signals and more together to create a *Quality Score* . . . . Currently, the formula is best represented as: Quality Score = keyword's CTR, ad text relevance, keyword relevance, landing page relevance"); G-IPE-0267523-24 ("Quality Score factors in order of importance: Keyword Historical CTR, Keyword's relevance to ad text . . . ."); G-IPE-0313104 ("Clickthrough rate" and "Relevancy" contribute to Quality Score"); G-IPE-0310824 ("we bucket Quality Score into 3 buckets (LPQ, Relevance, and CTR"); G-IPE-0347560-64; G-IPE-0223570; G-IPE-0224368; *see also* sections c and d above. Further, the "Ad Quality Score" is illustrated as including three factors: "Relevance," "CTR," and "Landing page quality." *See* G-IPE-0008850:  [redacted]

CLAIM 26	GOOGLE ADWORDS
	[redacted]
e. content-based filtering the combined information for relevance to at least one of the query and the first user.	Google AdWords calculates a "Quality Score" for each advertisement, which combines content and feedback information. *See* claim 26 section d. The "Quality Score" is used to determine the relevance of the advertisement to the query and/or the user. IPE0000058 ("For AdWords ads, the most important factor in relevance and ranking is the ad's quality, also called the Quality Score."). [redacted]

CLAIM 26	GOOGLE ADWORDS
	[redacted]

CLAIM 28	GOOGLE ADWORDS
28. The method of claim 26 further comprising the step of delivering the filtered information to the first user.	Google AdWords delivers filtered information to a user in the form of links to websites with short descriptions. *See* IPE0000051-IPE0000053 (displaying an example search for "grill").

CLAIM 38	GOOGLE ADWORDS
38. The method of claim 26 wherein the searching step comprises scanning a network in response to a demand search for the information relevant to the query associated with the first user.	Google AdWords looks for or examines items in a network to make a single search engine query that is performed upon a user request for information relevant to a query from a user. For example, the search bar on Google's website (www.google.com) and other "search network" sites allows a user to enter a search query and run a single search engine query. *See* claim 26 section b; IPE0000051-IPE0000053. Google uses distributed databases in its systems, and the databases distribute information, including advertisement information, across several network locations. IPE0000011-IPE0000024; *see also* IPE0000026 (showing distributed systems); [redacted]

CLAIM 38	GOOGLE ADWORDS
	[redacted]

CLAIM 38	GOOGLE ADWORDS
	[redacted]

CLAIM 38	GOOGLE ADWORDS
	[redacted]

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of July, 2012, the foregoing **PLAINTIFF I/P ENGINE, INC.'S THIRD PRELIMINARY DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS AS TO GOOGLE ADWORDS AND GOOGLE ADSENSE FOR SEARCH**, was served via email, on the following:

Stephen Edward Noona
Kaufman & Canoles, P.C.
150 W Main St
Suite 2100
Norfolk, VA 23510
senoona@kaufcan.com

David Bilsker
David Perlson
Quinn Emanuel Urquhart & Sullivan LLP
50 California Street, 22nd Floor
San Francisco, CA 94111
davidbilsker@quinnemanuel.com
davidperlson@quinnemanuel.com

Robert L. Burns
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
Two Freedom Square
11955 Freedom Drive
Reston, VA 20190
robert.burns@finnegan.com

Cortney S. Alexander
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
3500 SunTrust Plaza
303 Peachtree Street, NE
Atlanta, GA 94111
cortney.alexander@finnegan.com

/s/ Charles J. Monterio, Jr.
Charles J. Monterio, Jr.