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(j) **Company Options.** Each Company Option outstanding immediately prior to the Effective Time, whether vested or unvested, shall, in connection with the Merger be converted into an option (the "Assumed Company Option") to acquire Parent Common Stock (the "Share Option Portion") and cash (the "Cash Option Portion"), in accordance with the provisions set forth below. Each Assumed Company Option shall continue to have, and be subject to, the same terms and conditions as were applicable to the Company Option immediately prior to the Effective Time (including any repurchase rights or Vesting provisions), subject to the provisions set forth below. It is the intention of the parties that the Share Option Portion of the Assumed Company Options shall qualify following the Effective Time as incentive stock options as defined in Section 422 of the Code to the same extent that such Company Options qualified as incentive stock options immediately prior to the Effective Time.

(1) **Share Option Portion.** The Share Option Portion of each Assumed Company Option shall (subject to the Vesting provisions thereof) be exercisable for that number of whole shares of Parent Common Stock equal to the product obtained by multiplying the number of shares of Company Common Stock that were issuable upon exercise of such Company Option immediately prior to the Effective Time by the Stock Exchange Ratio (rounded down to the nearest whole number of shares of Parent Common Stock) (the "Assumed Option Share Number"). The per share exercise price for each share of Parent Common Stock issuable upon exercise of such Assumed Company Option shall be equal to the product (rounded up to the nearest whole cent) of (1) the quotient obtained by dividing the exercise price per share of Company Common Stock at which such Company Option was exercisable immediately prior to the Effective Time by the Stock Exchange Ratio, multiplied by (2) the quotient obtained by dividing (a) the product of the Reference Value times the Aggregate Stock Consideration (such product, the "Aggregate Reference Value"), by (b) the sum of the Aggregate Remaining Cash Consideration and the Aggregate Reference Value (such sum, the "Aggregate Consideration").

(2) **Cash Option Portion.** The Cash Option Portion of each Assumed Company Option shall (subject to the Vesting provisions of the Assumed Company Option) be exercisable for that amount of cash equal to the product obtained by multiplying the number of shares of Company Common Stock that were issuable upon exercise of such Company Option immediately prior to the Effective Time by the Cash Exchange Ratio (rounded down to the nearest whole cent) (the "Assumed Option Cash Amount" of such Assumed Company Option). The exercise price per dollar of the Cash Option Portion of each Assumed Company Option shall be the quotient (rounded up to the nearest whole cent) obtained by dividing (1) the product of (a) the quotient obtained by dividing the exercise price per share of Company Common Stock at which such Company Option was exercisable immediately prior to the Effective Time by the Stock Exchange Ratio, multiplied by (b) the Assumed Option Share Number, multiplied by (c) the quotient obtained by dividing the Aggregate Remaining Cash Consideration by the Aggregate Consideration, by (2) the Assumed Option Cash Amount of such Assumed Company Option.

(3) Neither the Cash Option Portion nor the Share Option Portion of each unexpired and unexercised Assumed Company Option shall be exercisable independent of the other. The purchase of each share of Parent Common Stock upon exercise of the Share Option Portion of an Assumed Company Option shall be conditioned upon the holder thereof simultaneously exercising (and, accordingly, paying the applicable exercise price) a portion of the Cash Option Portion of the Assumed Company Option that is equal to the quotient obtained by dividing the Cash Exchange Ratio by the Stock Exchange Ratio (rounded up to the nearest whole cent). Similarly, the exercise of an Assumed Company

- 4 -

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Option for each dollar of the Cash Option Portion shall be conditioned upon the holder thereof simultaneously exercising the Assumed Company Option for an amount of shares of the Share Option Portion equal to the quotient obtained by dividing the Stock Exchange Ratio by the Cash Exchange Ratio (rounded down to the nearest whole share); provided that Assumed Company Options may not be exercised for partial shares of Parent Common Stock.

(i) Company Warrants. The Company agrees to use commercially reasonable efforts to enter into agreements with the holders of Company Warrants providing for the exercise or cancellation of such Company Warrant, prior to, or contingent upon, the closing of the Merger. At the Effective Time, each Company Warrant, whether or not Vested, shall by virtue of the Merger be assumed by Parent. Each Company Warrant so assumed by Parent under this Agreement (an "Assumed Warrant") will continue to have, and be subject to, the same terms and conditions as provided in the respective warrant agreement governing such Company Warrant immediately prior to the Effective Time of the Merger (including without limitation Vesting schedules and Vesting commencement dates), including that the number of shares of Parent Common Stock and Merger Cash purchasable upon exercise of each such Assumed Warrant, and exercise price per share of Parent Common Stock shall be as determined pursuant to the terms of such Company Warrant and as the shares underlying the warrant are treated as described herein.

(f) Maximum Amount of Merger Consideration. Notwithstanding any provision contained herein or in the Merger Agreement to the contrary, the maximum amount of cash and Parent Common Stock to be paid and issued (or payable or issuable upon exercise or conversion of Equity Equivalents) in exchange for the acquisition by Parent of all outstanding Company Capital Stock and Equity Equivalents of the Company shall be (i) a cash amount equal to the Aggregate Cash Consideration, and (ii) an amount of Parent Common Stock equal to the Aggregate Stock Consideration.

3.2 Dissenting Shares.

(a) Notwithstanding any provision contained herein or in the Merger Agreement to the contrary, any shares of Company Capital Stock held by a holder that has demanded and perfected dissenters' rights for such shares in accordance with the CGCL and who, as of the Effective Time, has not effectively withdrawn or lost such dissenters' rights ("Dissenting Shares") shall not be converted into or represent the right to receive the consideration set forth in the Merger Agreement, but the holder thereof shall only be entitled to such rights as are granted by the CGCL.

(b) If any holder of shares of Company Capital Stock that demands, in accordance with Section 1301 of the CGCL, that the Company purchase such shares under the CGCL, shall effectively withdraw or lose (through failure to perfect or otherwise) such holder's dissenters' rights, then, as of the later of (i) the Effective Time or (ii) the occurrence of such event, such holder's shares shall automatically be converted into and represent only the right to receive the consideration set forth in the Merger Agreement, (without interest) upon surrender to the Company of the certificate representing such shares.

(c) The Company shall give Parent (i) prompt notice of its receipt of any written demands for purchase of any shares of Company Capital Stock, withdrawals of such demands, and any other instruments relating to the Merger served pursuant to the CGCL and (ii) the opportunity to participate in all negotiations and proceedings with respect to demands for purchase under the CGCL. The Company shall not, except with the prior written consent of Parent or as may be required under

applicable law, voluntarily make any payment with respect to any demands for purchase of Company Capital Stock, or offer to settle or settle any such demands.

3.3 Exchange Procedures

(a) Exchange Agent. The transfer agent of Parent shall serve as the exchange agent (the "Exchange Agent") in the Merger.

(b) Parent Common Stock and Cash. As promptly as practicable after the closing date of the Merger, Parent shall make available for exchange the Merger Shares and Merger Cash issuable in the Merger in exchange for outstanding shares of Company Capital Stock.

(c) Exchange Procedures. As soon as reasonably practicable after the Effective Time, the Surviving Corporation shall cause to be mailed to each holder of record of a certificate or certificates which immediately prior to the Effective Time represented outstanding shares of Company Capital Stock (the "Certificates"), (i) a letter of transmittal in customary form, reasonably acceptable to Parent and Company (which shall specify that delivery shall be effected, and risk of loss and title to the Certificates shall pass, only upon delivery of the Certificates to the Exchange Agent), (ii) instructions for use in effecting the surrender of the Certificates in exchange for Merger Consideration, and (iii) unless earlier delivered to Parent, a certificate to be signed and delivered by each holder of Company Capital Stock (the "Shareholder Certificate"). Upon surrender of a Certificate for cancellation to Exchange Agent or to such other agent or agents as may be appointed by Parent together with such letter of transmittal and Shareholder Certificate (unless, in the case of the Shareholder Certificate, such Shareholder Certificate has previously been executed and delivered by the holder), duly completed and validly executed in accordance with the instructions thereto, the holder of such Certificate shall be entitled to receive in exchange therefor the Merger Consideration to which such holder is entitled under the Merger Agreement. Until surrendered, each outstanding Certificate that, prior to the Effective Time, represented shares of Company Capital Stock will be deemed from and after the Effective Time, for all corporate purposes other than the payment of dividends, to evidence only the right to receive the Merger Consideration pursuant to the Merger Agreement.

(d) Distributions With Respect to Unexchanged Shares of Company Capital Stock. No dividends or other distributions with respect to Parent Common Stock that have a record date and distribution date after the Effective Time shall be paid to the holder of any unsurrendered Certificate with respect to the shares of Parent Common Stock represented thereby until the holder of record of such Certificate shall surrender such Certificate pursuant to the terms of the Merger Agreement. Subject to applicable law, following surrender of any such Certificate, there shall be paid to the record holder of the certificates representing whole shares of Parent Common Stock issued in exchange therefor, without interest, at the time of such surrender, the amount of dividends or other distributions with a record date and distribution date after the Effective Time theretofore payable with respect to such whole shares of Parent Common Stock.

(e) Transfer of Ownership. If any certificate for shares of Parent Common Stock is to be issued pursuant to the Merger in a name other than that in which the Certificate surrendered in exchange therefor is registered, it will be a condition of the issuance thereof that the Certificate so surrendered be properly enclosed and otherwise in proper form for transfer and that the person requesting such exchange will have paid to Parent or any agent designated by it any transfer or other taxes required by reason of the issuance of a certificate for shares of Parent Common Stock in any name other than that

of the registered holder of the Certificate surrendered, or that it be established to the satisfaction of Parent or any such agent that such tax has been paid or is not payable.

3.4 Adjustments to Exchange Ratios. The exchange ratios referred to herein shall be adjusted to reflect appropriately the effect of any stock split, reverse stock split, stock dividend (including any dividend or distribution of securities convertible into Parent Common Stock), reorganization, recapitalization, reclassification or other like change with respect to Parent Common Stock occurring on or after the date hereof and prior to the Effective Time of the Merger.

3.5 No Further Ownership Rights in Company Capital Stock. Any and all Merger Consideration issued or paid in exchange of shares of Company Capital Stock in accordance with the terms hereof shall be deemed to have been issued in full satisfaction of all rights pertaining to such shares of Company Capital Stock, and there shall be no further registration of transfers on the records of the Company of shares of Company Capital Stock that were outstanding immediately prior to the Effective Time. If, after the Effective Time, Certificates are presented to the Surviving Corporation for any reason, they shall be canceled and exchanged.

3.6 Lost, Stolen or Destroyed Certificates. In the event any Certificates shall have been lost, stolen or destroyed, the Exchange Agent shall issue in exchange for such lost, stolen or destroyed Certificates, upon the making of an affidavit of that fact by the holder thereof, the Merger Consideration and, if applicable, the dividends or distributions payable in the Merger to which the holder of such shares of Company Capital Stock would be entitled in the Merger, provided, however, that Parent may, in its discretion and as a condition precedent to the issuance thereof, require the owner of such lost, stolen or destroyed Certificates to provide an indemnity or deliver a bond in such sum as it may reasonably direct as indemnity against any claim that may be made against Parent with respect to the Certificates alleged to have been lost, stolen or destroyed.

3.7 Taking of Necessary Action; Further Action. If, at any time after the Effective Time, any further action is necessary or desirable to carry out the purposes of the Merger Agreement or to vest the Surviving Corporation with full right and title to and possession of all assets, property, rights, privileges, powers and franchises of the Company, the officers and directors of the Surviving Corporation are fully authorized to take, and shall take, all such lawful and necessary or desirable action.

ARTICLE IV

APPROVAL OF THE MERGER

4.1 The respective boards of directors of Sub and the Company have duly approved and adopted this Agreement, the Merger Agreement, and the Merger. The holders that (i) constitute at least a majority of the outstanding shares of Company Common Stock and Company Preferred Stock, voting together, (ii) constitute at least a majority of the outstanding shares of Company Common Stock, (iii) constitute at least a majority of the outstanding shares of Company Preferred Stock, (iv) constitute at least a majority of the outstanding shares of Series B Preferred Stock of the Company have duly approved and adopted this Agreement, the Merger Agreement, and the Merger. The sole shareholder of all the outstanding capital stock of Sub has duly approved and adopted this Agreement, the Merger Agreement, and the Merger.

ARTICLE V**MISCELLANEOUS**

5.1. **Entire Agreement Amendments.** This Agreement, the Merger Agreement, and the schedules, exhibits and agreements referred to herein and therein constitute the entire agreement among the parties hereto with respect to the subject matter hereof and supersedes all prior agreements and understandings among the parties with respect thereto. No addition to or modification of any provision of this Agreement shall be binding upon any party hereto unless made in writing and signed by all parties hereto.

5.2. **Termination.** This Agreement may be terminated and the proposed Merger abandoned at any time prior to the Effective Time, whether before or after approval and adoption of the Merger and the Merger Agreement by termination of the Merger Agreement by the mutual consent of the boards of directors of Parent and the Company.

5.3. **Assignment.** Neither this Agreement nor any of the rights, interests or obligations hereunder shall be assigned by any party hereto without the prior written consent of the other parties hereto. This Agreement will be binding upon and inure to the benefit of the parties hereto and their respective successors, personal representatives and permitted assigns.

5.4. **Further Assurances.** Each party hereto shall execute and cause to be delivered to each other party hereto such instruments and other documents, and shall take such other actions, as such other party may reasonably request for the purpose of carrying out or evidencing the transactions contemplated by this Agreement.

5.5. **Governing Law.** This Agreement will be governed by and construed in accordance with the laws of the State of California applicable to contracts entered into and to be performed wholly within the State of California.

5.6. **Counterparts.** This Agreement may be executed in any number of counterparts, each of which will be an original as regards any party whose signature appears thereon, and all of which together will constitute one and the same instrument.

ARTICLE VI**DEFINITIONS**

6.1 **Definitions.** As used in this Agreement, the following defined terms shall have the meanings indicated below:

"**Aggregate Cash Consideration**" means an amount of cash equal to the sum of (a) \$40,000,000, and (b) the Consideration Adjustment Amount.

"**Aggregate Common Number**" means the aggregate number of shares of Company Common Stock outstanding immediately prior to the Effective Time (including all shares of Company Common Stock issued or issuable upon exercise, conversion or exchange in full of all unvested and vested Company Options, Company Warrants or other Equity Equivalents (other than shares of Company Series B Preferred Stock that are not converted into Company Common Stock prior to the Effective Time)) that

are not exercised, converted, exchanged or expired as of the Effective Time); provided however, that unvested Company Options that will never vest pursuant to their terms as of and after the Effective Time and are held by Company employees that are not Continuing Employees shall not be included in the Aggregate Common Number.

"Aggregate Remaining Cash Consideration" means an amount of cash equal to the difference of (A) the Aggregate Cash Consideration, minus (B) the Series B Amount.

"Aggregate Stock Consideration" means an amount of shares of Parent Common Stock equal to (a) One Million, Two Hundred and Fifty Thousand (1,250,000) minus (b) the quotient obtained by dividing (x) the Consideration Adjustment Amount by (y) .3425.

"Cash Exchange Ratio" means quotient obtained by dividing (a) the Aggregate Remaining Cash Consideration by (b) the Aggregate Common Number.

"Closing Cash Statement" means a statement reasonably acceptable to Parent, which states the amount of cash and cash equivalents (within the meanings of such terms under GAAP) of the Company as of that date that the Company shall prepare and deliver to Parent, at least one (1) Business Day prior to the closing of the Merger.

"Code" means the Internal Revenue Code of 1986, as amended.

"Company Capital Stock" means the Company Common Stock and the Company Preferred Stock.

"Company Common Number" means the number of shares of Company Common Stock outstanding immediately prior to the Effective Time (and following any conversion or exercise of any convertible or exercisable security for Company Common Stock immediately prior to the Effective Time), plus the number of shares of Company Common Stock issuable upon conversion of shares of Company Series A Preferred Stock outstanding immediately prior to the Effective Time.

"Company Option(s)" means any Option to purchase Company Capital Stock, excluding the Company Preferred Stock and the Company Warrants.

"Company Warrants" means any and all warrants to purchase Company Capital Stock.

"Consideration Adjustment Amount" means the amount of cash and cash equivalents (as defined under GAAP) held by the Company as of the Effective Time as indicated on the Closing Cash Statement less each of the following: (a) all Third Party Expenses and any amounts paid to the Purchaser Representative, as reflected in the Statement of Expenses and (b) the aggregate Severance Payments and Obligations as reflected in the Statement of Expenses delivered pursuant to the Merger Agreement.

"Continuing Employee" means each person who shall continue as an employee of the Surviving Corporation after the Effective Time.

"Equity Equivalents" means securities (including Options to purchase any shares of Company Capital Stock), which, by their terms, are or may be exercisable, convertible or exchangeable for or into common stock, preferred stock or other securities.

"Merger Consideration" means the consideration issuable and payable by Parent in the Merger.

"Merger Cash" means the cash issued in exchange for outstanding shares of Company Capital Stock and payable upon exercise of Assumed Company Options and assumed Company Warrants.

"Merger Shares" means the shares of Parent Common Stock issued in exchange for outstanding shares of Company Capital Stock and issuable upon exercise of Assumed Company Options and assumed Company Warrants.

"Option" with respect to any Person means any security, right, subscription, warrant, option, "phantom" stock right or other Contract (other than the Company Preferred Stock) that gives the right to (a) purchase or otherwise receive or be issued any shares of capital stock or other equity interests of such Person or any security of any kind convertible into or exchangeable or exercisable for any shares of capital stock or other equity interests of such Person or (b) receive any benefits or rights similar to any rights enjoyed by or accruing to the holder of shares of capital stock or other equity interests of such Person, including any rights to participate in the equity, income or election of directors or officers of such Person.

"Parent Common Stock" means the shares of the common stock, par value, \$0.001 per share, of the Parent.

"Person" means any natural person, corporation, general partnership, limited partnership, limited liability company or partnership, proprietorship, other business organization, trust, union, association or Governmental Authority.

"Reference Value" means four (4).

"Restricted" means, with respect to outstanding shares of Company Capital Stock or Merger Consideration, that such shares or Merger Consideration are subject to a right of repurchase, forfeiture or divestment in favor of either the party that issued such shares or paid or issued such Merger Consideration, or both.

"Series A Preferred Stock" means the Series A-1 Preferred Stock, Series A-2 Preferred Stock and Series A-3 Preferred Stock, collectively.

"Series B Amount" means the amount equal to the product of (x) the Total Outstanding Series B Shares, multiplied by (y) 8.28.

"Severance Payments and Obligations" means (A) all severance payments paid out to employees, consultants or directors of the Company during the period beginning on March 28, 2003 and ending immediately prior to the Effective Time, (B) all existing obligations entered into or otherwise agreed to by the Company or Company management with respect to severance arrangements with employees, consultants or directors of the Company, and (C) commissions owed by the Company to its employees, agents and consultants.

"Statement of Expenses" means a statement of Third Party Expenses incurred by the Company in form reasonably satisfactory to the Parent that the Company shall provide to Parent, at least one (1) business day prior to the closing date of the Merger.

"Stock Exchange Ratio" means the quotient obtained by dividing (a) the Aggregate Stock Consideration, by (b) the Aggregate Common Number.

"Third Party Expenses" means expenses of third parties incurred by a party to the Merger Agreement in connection with the negotiation and effectuation of the terms and conditions of the Merger Agreement and the transactions contemplated thereby.

"Total Outstanding Series B Shares" means the aggregate number of shares of Company Series B Preferred Stock (including any rights convertible into, or exercisable or exchangeable for, shares of Company Series B Preferred Stock on an as-converted, exercised, or exchanged basis) issued and outstanding immediately prior to the Effective Time.

"Vest" or "Vesting" means (a) with respect to an Option, such Option becoming vested and exercisable, and (b) with respect to shares of Parent Common Stock that are Restricted, such shares becoming released from the applicable risk of forfeiture or divestment or repurchase right; and **"Vested"** (a) with respect to Options, refers to the maximum number of shares which may then be issued upon exercise of such Option (and which upon such issuance will not be Restricted), and (b) with respect to shares of Parent Common Stock that are Restricted, refers to the number of shares which are released from the applicable risk of forfeiture or divestment or repurchase right.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the date and year first above written.

BERMUDA ACQUISITION INC.

By: _____
David Drummond
President, Chief Executive Officer and Secretary

APPLIED SEMANTICS, INC.

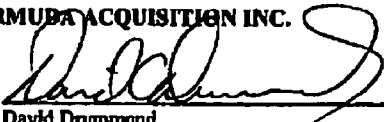
By: Josh Libit
Joshua Libit
President and Chief Executive Officer

By: Bradley Stein
Bradley Stein
Secretary

[Signature Page to Agreement of Merger]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the date and year first above written.

BERMUDA ACQUISITION INC.

By: 
David Drummond
President, Chief Executive Officer and Secretary

APPLIED SEMANTICS, INC.

By: _____
Jordan Libit
President and Chief Executive Officer

By: _____
Bradley Stein
Secretary

[Signature Page to Agreement of Merger]

Exhibit A

AMENDED AND RESTATED
ARTICLES OF INCORPORATION
OF
APPLIED SEMANTICS, INC.

ARTICLE I

The name of this corporation is Applied Semantics, Inc. (the "Corporation").

ARTICLE II

The purpose of the Corporation is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of California other than the banking business, the trust company business, or the practice of a profession permitted to be incorporated by the California Corporations Code.

ARTICLE III

The Corporation is authorized to issue only one class of shares of stock, designated as common stock, and the total number of shares which the Corporation is authorized to issue is One Thousand (1,000), with a par value of \$0.001 per share.

ARTICLE IV

Section 1. Limitation of Directors' Liability. The liability of the directors of the Corporation for monetary damages shall be eliminated to the fullest extent permissible under California law.

Section 2. Indemnification of Corporate Agents. The Corporation is authorized to indemnify agents (as defined in Section 317 of the California Corporations Code) through bylaw provisions, agreements with the agents, votes of shareholders or disinterested directors, or otherwise in excess of the indemnification otherwise permitted by Section 317 of the California Corporations Code, subject only to applicable limits set forth in Section 204 of the California Corporations Code with respect to actions for breach of duty to the Corporation and its shareholders.

Section 3. Repeal or Modification. Any repeal or modification of the foregoing provisions of this Article V shall not adversely affect any right of indemnification or limitation of liability of an agent of the Corporation relating to acts or omissions occurring prior to such repeal or modification.

**APPLIED SEMANTICS, INC.
CERTIFICATE OF APPROVAL OF
AGREEMENT OF MERGER**

We, Jordan Libit and Bradley Stein, certify that:


1. We are the President and Secretary, respectively, of Applied Semantics, Inc., a corporation duly organized and existing under the laws of the state of California (the "Company").
2. The total number of outstanding shares of each class of stock of the Company entitled to vote on the merger as of the record date is as follows:

Class	Total No. of Shares Entitled to Vote
Common	10,204,160
Series A Preferred Stock	805,000
Series B Preferred Stock	1,975,756

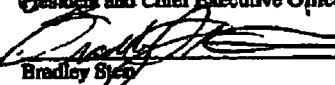
3. The principal terms of the Agreement of Merger in the form attached were duly approved by the board of directors of this corporation and by a vote of a number of shares of each class which equaled or exceeded the vote required for approval.
4. The percentage vote required for approval of each class was (i) at least a majority of the outstanding shares of Company Common Stock and Company Preferred Stock, voting together, (ii) at least a majority of the outstanding shares of Company Common Stock, (iii) at least a majority of the outstanding shares of Company Preferred Stock, and (iv) at least a majority of the outstanding shares of Series B Preferred Stock of the Company.
5. The principal terms of the Agreement of Merger in the form attached were duly approved by holders that (i) constitute at least a majority of the outstanding shares of Company Common Stock and Company Preferred Stock, voting together, (ii) constitute at least a majority of the outstanding shares of Company Common Stock, (iii) constitute at least a majority of the outstanding shares of Company Preferred Stock, and (iv) constitute at least a majority of the outstanding shares of Series B Preferred Stock of the Company.

We further declare under penalty of perjury under the laws of the State of California that the matters set forth in this certificate are true and correct of our own knowledge.

Date: April 23, 2003



 Jordan Libit
 President and Chief Executive Officer



 Bradley Stein
 Secretary

**BERMUDA ACQUISITION INC.
CERTIFICATE OF APPROVAL OF
AGREEMENT OF MERGER**

I, David Drummond, certify that:

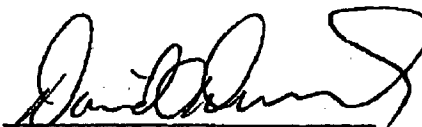
1. I am the President, Chief Executive Officer and Secretary of Bermuda Acquisition Inc., a corporation duly organized and existing under the laws of the state of California.
2. The total number of outstanding shares of each class of stock of the corporation entitled to vote on the merger as of the record date is as follows:

Class	Total No. of Shares Entitled to Vote
Common Stock	1,000

3. The principal terms of the Agreement of Merger in the form attached were duly approved by the board of directors of this corporation and by the vote of 100% of the outstanding shares of Common Stock of Bermuda Acquisition Inc.
4. No vote of the shareholders of Google Technology Inc., the sole shareholder of Bermuda Acquisition Inc., was required.

I further declare under penalty of perjury under the laws of the State of California that the matters set forth in this certificate are true and correct of my own knowledge.

Date: April 23, 2003



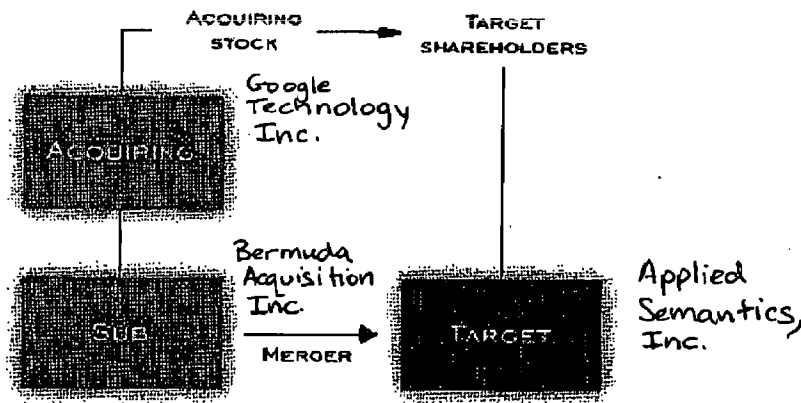
David Drummond
President, Chief Executive Officer and
Secretary



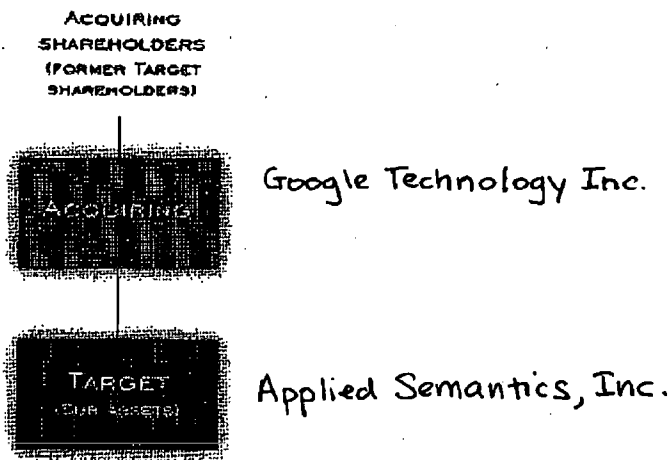
Internal Revenue Code §§ 368(a)(1)(A) and 368(a)(2)(E)

In a reverse triangular merger, a subsidiary ("Sub") of the acquiring corporation ("Acquiring") merges into the target corporation ("Target"). Acquiring's Sub stock is converted into Target stock and the former Target shareholders receive the merger consideration in exchange for their Target stock. This form of acquisition is often desirable for regulatory or contractual reasons when it is important that no transfer of Target assets take place.

(a)(2)(E) Reorganization Diagram



Post-Transaction Structure



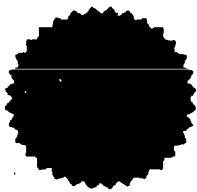
Delaware

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The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AGREEMENT OF MERGER, WHICH MERGES:

"GOOGLE TECHNOLOGY INC.", A CALIFORNIA CORPORATION,
WITH AND INTO "GOOGLE INC." UNDER THE NAME OF "GOOGLE INC.",
A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWENTY-EIGHTH DAY OF AUGUST, A.D. 2003, AT 7:10 O'CLOCK P.M.



Harriet Smith Windsor
Harriet Smith Windsor, Secretary of State

3582691 8100M
030578102

AUTHENTICATION: 2620769

DATE: 09-08-03

State of Delaware
 Secretary of State
 Division of Corporations
 Delivered 07:29 PM 08/28/2003
 FILED 07:10 PM 08/28/2003
 SRV 030561379 - 3582691 FILE

**AGREEMENT AND PLAN OF MERGER
 OF GOOGLE INC.
 A DELAWARE CORPORATION
 AND
 GOOGLE TECHNOLOGY INC.
 A CALIFORNIA CORPORATION**

THIS AGREEMENT AND PLAN OF MERGER dated as of August 27, 2003, (this "Agreement") is between Google Inc., a Delaware corporation ("Google-Delaware") and Google Technology Inc., a California corporation ("Google-California"). Google-Delaware and Google-California are sometimes referred to herein as the "Constituent Corporations."

RECITALS

A. Google-Delaware is a corporation duly organized and existing under the laws of the State of Delaware and has an authorized capital of 864,781,656 shares, 400,000,000 of which are designated "Common Stock", \$0.001 par value, 300,000,000 of which are designated "Class A Senior Common Stock", \$0.001 par value, and 164,781,656 of which are designated "Preferred Stock", \$0.001 par value. Of such authorized shares of Preferred Stock, 15,360,000 shares are designated "Series A Preferred Stock", 15,360,000 shares are designated "Series A-1 Preferred Stock", 50,444,772 shares are designated "Series B Preferred Stock", 50,444,772 shares are designated "Series B-1 Preferred Stock", 9,148,604 shares are designated "Series C Preferred Stock", 9,148,604 shares are designated "Series C-1 Preferred Stock", 7,437,452 shares are designated "Series D Preferred Stock", and 7,437,452 shares are designated "Series D-1 Preferred Stock". As of the date of this Agreement, 1,000 shares of Common Stock are issued and outstanding, all of which were held by Google-California. No shares of Preferred Stock are outstanding.

B. Google-California is a corporation duly organized and existing under the laws of the State of California and has an authorized capital of 864,781,656 shares, 400,000,000 of which are designated "Common Stock", no par value, 300,000,000 of which are designated "Class A Senior Common Stock", no par value, and 164,781,656 of which are designated "Preferred Stock", no par value. Of such authorized shares of Preferred Stock, 15,360,000 shares are designated "Series A Preferred Stock", 15,360,000 shares are designated "Series A-1 Preferred Stock", 50,444,772 shares are designated "Series B Preferred Stock", 50,444,772 shares are designated "Series B-1 Preferred Stock", 9,148,604 shares are designated "Series C Preferred Stock", 9,148,604 shares are designated "Series C-1 Preferred Stock", 7,437,452 shares are designated "Series D Preferred Stock", and 7,437,452 shares are designated "Series D-1 Preferred Stock". As of the record date of the consent of shareholders at which this Agreement was approved, there were issued and outstanding 160,929,560 shares of Class A Senior Common Stock, 9,715,868 shares of Common Stock, 15,360,000 shares of Series A Preferred Stock, no shares of Series A-1 Preferred Stock, 49,822,896 shares of Series B Preferred Stock, no shares of Series B-1 Preferred Stock, 6,479,396 shares of Series C Preferred Stock, no shares of Series C-1 Preferred Stock, no shares of Series D Preferred Stock and no shares of Series D-1 Preferred Stock.

C. The Board of Directors of Google-California has determined that, for the purpose of effecting the reincorporation of Google-California in the State of Delaware, it is advisable and in the best interests of Google-California that Google-California merge with and into Google-Delaware upon the terms and conditions herein provided.

D. The respective Boards of Directors of Google-Delaware and Google-California have approved this Agreement and have directed that this Agreement be submitted to a vote of their respective stockholders and executed by the undersigned officers.

E. The Merger (as defined below) is intended to qualify as a reorganization within the meaning of Section 368 of the Internal Revenue Code of 1986, as amended.

NOW, THEREFORE, in consideration of the mutual agreements and covenants set forth herein, Google-Delaware and Google-California hereby agree, subject to the terms and conditions hereinafter set forth, as follows:

1. MERGER

1.1 **Merger.** In accordance with the provisions of this Agreement, the Delaware General Corporation Law and the California General Corporation Law, Google-California shall be merged with and into Google-Delaware (the "Merger"), the separate existence of Google-California shall cease and Google-Delaware shall be, and is herein sometimes referred as, the "Surviving Corporation," and the name of the Surviving Corporation shall be Google Inc.

1.2 **Filing and Effectiveness.** The Merger shall be completed when the following actions shall have been completed:

(a) This Agreement and Plan of Merger was adopted and approved by the stockholders of each Constituent Corporation in accordance with the requirements of the Delaware General Corporation Law on August 15, 2003 and the California General Corporation Law on August 15, 2003;

(b) All of the conditions precedent to the consummation of the Merger specified in this Agreement shall have been satisfied or duly waived by the party entitled to satisfaction thereof;

(c) An executed Agreement and Plan of Merger meeting the requirements of the Delaware General Corporation Law shall have been filed with the Secretary of State of the State of Delaware;

(d) An executed Agreement and Plan of Merger meeting the requirements of the California Corporations Code shall have been filed with the Secretary of State of the State of California; and

(e) A permit pursuant to Section 25121 of the California General Corporation Law shall have been issued by the California Department of Corporations.

Pursuant to Section 252 of the Delaware General Corporation Law and Section 1108 of the California Corporations Code and the terms of this Section 1.2, the date and time when the Merger shall become effective, provided that subsections (a), (b), (c), (d) and (e) of this Section 1.2 are satisfied, shall be August 31, 2003, herein called the "Effective Date of the Merger."

1.3 **Effect of the Merger.** Upon the Effective Date of the Merger, the separate existence of Google-California shall cease and Google-Delaware, as the Surviving Corporation, (i) shall continue to possess all of its assets, rights, powers and property as constituted immediately prior to the Effective Date of the Merger, (ii) shall be subject to all actions previously taken by its and Google-California's Board of Directors, (iii) shall succeed, without other transfer, to all of the assets, rights, powers and property of Google-California in the manner more fully set forth in Section 259 of the Delaware General Corporation Law, (iv) shall continue to be subject to all of the debts, liabilities and obligations of Google-Delaware as constituted immediately prior to the Effective Date of the Merger, and (v) shall succeed, without other

transfer, to all of the debts, liabilities and obligations of Google-California in the same manner as if Google-Delaware had itself incurred them, all as more fully provided under the applicable provisions of the Delaware General Corporation Law and the California Corporations Code.

II. CHARTER DOCUMENTS, DIRECTORS AND OFFICERS

2.1 Certificate of Incorporation. The Certificate of Incorporation of Google-Delaware as in effect immediately prior to the Effective Date of the Merger shall continue in full force and effect as the Certificate of Incorporation of the Surviving Corporation until duly amended in accordance with the provisions thereof and applicable law.

2.2 Bylaws. The Bylaws of Google-Delaware as in effect immediately prior to the Effective Date of the Merger shall continue in full force and effect as the Bylaws of the Surviving Corporation until duly amended in accordance with the provisions thereof and applicable law.

2.3 Directors and Officers. The directors and officers of Google-California immediately prior to the Effective Date of the Merger shall be the directors and officers of the Surviving Corporation until their successors shall have been duly elected and qualified or until as otherwise provided by law, the Certificate of Incorporation of the Surviving Corporation or the Bylaws of the Surviving Corporation.

III. MANNER OF CONVERSION OF STOCK

3.1 Google-California Common Shares. Upon the Effective Date of the Merger, each share of Google-California Common Stock, issued and outstanding immediately prior thereto shall by virtue of the Merger and without any action by the Constituent Corporations, the holder of such shares or any other person, be converted into and exchanged for one fully paid and nonassessable share of Common Stock, \$0.001 par value, of the Surviving Corporation.

3.2 Google-California Class A Senior Common Shares. Upon the Effective Date of the Merger, each share of Google-California Class A Senior Common Stock, issued and outstanding immediately prior thereto shall by virtue of the Merger and without any action by the Constituent Corporations, the holder of such shares or any other person, be converted into and exchanged for one fully paid and nonassessable share of Class A Senior Common Stock, \$0.001 par value, of the Surviving Corporation.

3.3 Google-California Preferred Shares:

(a) Upon the Effective Date of the Merger, each share of Series A Preferred Stock of Google-California, no par value, issued and outstanding immediately prior to the Merger, which shares are convertible into such number of shares (the "Series A Conversion Rate") of Google-California Common Stock or Class A Senior Common Stock, as the case may be, as set forth in the Google-California Ninth Amended and Restated Articles of Incorporation, as amended, (the "Restated Articles of Incorporation"), shall by virtue of the Merger and without any action by the Constituent Corporations, the holder of such shares or any other person, be converted into and exchanged for one fully paid and nonassessable share of Series A Preferred Stock of the Surviving Corporation, \$0.001 par value, respectively, having such rights, preferences and privileges as set forth in the Certificate of Incorporation of the Surviving Corporation which are identical to the rights, preferences, and privileges of shares of the Series A Preferred Stock of Google-California immediately before the Merger, which share of Preferred Stock shall be convertible into a number of shares of the Surviving Corporation's Common Stock, \$0.001 par value, or Class A Senior Common Stock, \$0.001 par value (as the case may be) equal to the Series A Conversion Rate, subject to adjustment pursuant to the terms of the Certificate of Incorporation of the Surviving Corporation.

(b) Upon the Effective Date of the Merger, each share of Series A-1 Preferred Stock of Google-California, no par value, issued and outstanding immediately prior to the Merger, if any, which shares are convertible into such number of shares (the "Series A-1 Conversion Rate") of Google-California Common Stock or Class A Senior Common Stock, as the case may be, as set forth in the Google-California Restated Articles of Incorporation, as amended, shall by virtue of the Merger and without any action by the Constituent Corporations, the holder of such shares or any other person, be converted into or exchanged for one fully paid and nonassessable share of Series A-1 Preferred Stock of the Surviving Corporation, \$0.001 per value, respectively, having such rights, preferences and privileges as set forth in the Certificate of Incorporation of the Surviving Corporation which are identical to the rights, preferences, and privileges of shares of the Series A-1 Preferred Stock of Google-California immediately before the Merger, which share of Preferred Stock shall be convertible into a number of shares of the Surviving Corporation's Common Stock, \$0.001 per value, or Class A Senior Common Stock, \$0.001 per value (as the case may be) equal to the Series A-1 Conversion Rate, subject to adjustment pursuant to the terms of the Certificate of Incorporation of the Surviving Corporation.

(c) Upon the Effective Date of the Merger, each share of Series B Preferred Stock of Google-California, no par value, issued and outstanding immediately prior to the Merger, which shares are convertible into such number of shares (the "Series B Conversion Rate") of Google-California Common Stock or Class A Senior Common Stock, as the case may be, as set forth in the Google-California Restated Articles of Incorporation, as amended, shall by virtue of the Merger and without any action by the Constituent Corporations, the holder of such shares or any other person, be converted into or exchanged for one fully paid and nonassessable share of Series B Preferred Stock of the Surviving Corporation, \$0.001 per value, respectively, having such rights, preferences and privileges as set forth in the Certificate of Incorporation of the Surviving Corporation which are identical to the rights, preferences, and privileges of shares of the Series B Preferred Stock of Google-California immediately before the Merger, which share of Preferred Stock shall be convertible into a number of shares of the Surviving Corporation's Common Stock, \$0.001 per value, or Class A Senior Common Stock, \$0.001 per value (as the case may be) equal to the Series B Conversion Rate, subject to adjustment pursuant to the terms of the Certificate of Incorporation of the Surviving Corporation.

(d) Upon the Effective Date of the Merger, each share of Series B-1 Preferred Stock of Google-California, no par value, issued and outstanding immediately prior to the Merger, if any, which shares are convertible into such number of shares (the "Series B-1 Conversion Rate") of Google-California Common Stock or Class A Senior Common Stock, as the case may be, as set forth in the Google-California Restated Articles of Incorporation, as amended, shall by virtue of the Merger and without any action by the Constituent Corporations, the holder of such shares or any other person, be converted into or exchanged for one fully paid and nonassessable share of Series B-1 Preferred Stock of the Surviving Corporation, \$0.001 per value, respectively, having such rights, preferences and privileges as set forth in the Certificate of Incorporation of the Surviving Corporation which are identical to the rights, preferences, and privileges of shares of the Series B-1 Preferred Stock of Google-California immediately before the Merger, which share of Preferred Stock shall be convertible into a number of shares of the Surviving Corporation's Common Stock, \$0.001 per value, or Class A Senior Common Stock, \$0.001 per value (as the case may be) equal to the Series B-1 Conversion Rate, subject to adjustment pursuant to the terms of the Certificate of Incorporation of the Surviving Corporation.

(e) Upon the Effective Date of the Merger, each share of Series C Preferred Stock of Google-California, no par value, issued and outstanding immediately prior to the Merger, which shares are convertible into such number of shares (the "Series C Conversion Rate") of Google-California Common Stock or Class A Senior Common Stock, as the case may be, as set forth in the Google-California Restated Articles of Incorporation, as amended, shall by virtue of the Merger and without any action by the Constituent Corporations, the holder of such shares or any other person, be converted into or exchanged for one fully paid

and nonassessable share of Series C Preferred Stock of the Surviving Corporation, \$0.001 per value, respectively, having such rights, preferences and privileges as set forth in the Certificate of Incorporation of the Surviving Corporation which are identical to the rights, preferences, and privileges of shares of the Series C Preferred Stock of Google-California immediately before the Merger, which share of Preferred Stock shall be convertible into a number of shares of the Surviving Corporation's Common Stock, \$0.001 per value, or Class A Senior Common Stock, \$0.001 per value (as the case may be) equal to the Series C Conversion Rate, subject to adjustment pursuant to the terms of the Certificate of Incorporation of the Surviving Corporation.

(f) Upon the Effective Date of the Merger, each share of Series C-1 Preferred Stock of Google-California, no par value, issued and outstanding immediately prior to the Merger, if any, which shares are convertible into such number of shares (the "Series C-1 Conversion Rate") of Google-California Common Stock or Class A Senior Common Stock, as the case may be, as set forth in the Google-California Restated Articles of Incorporation, as amended, shall by virtue of the Merger and without any action by the Constituent Corporations, the holder of such shares or any other person, be converted into or exchanged for one fully paid and nonassessable share of Series C-1 Preferred Stock of the Surviving Corporation, \$0.001 per value, respectively, having such rights, preferences and privileges as set forth in the Certificate of Incorporation of the Surviving Corporation which are identical to the rights, preferences, and privileges of shares of the Series C-1 Preferred Stock of Google-California immediately before the Merger, which share of Preferred Stock shall be convertible into a number of shares of the Surviving Corporation's Common Stock, \$0.001 per value, or Class A Senior Common Stock, \$0.001 per value (as the case may be) equal to the Series C-1 Conversion Rate, subject to adjustment pursuant to the terms of the Certificate of Incorporation of the Surviving Corporation.

(g) Upon the Effective Date of the Merger, each share of Series D Preferred Stock of Google-California, no par value, issued and outstanding immediately prior to the Merger, if any, which shares are convertible into such number of shares (the "Series D Conversion Rate") of Google-California Common Stock or Class A Senior Common Stock, as the case may be, as set forth in the Google-California Restated Articles of Incorporation, as amended, shall by virtue of the Merger and without any action by the Constituent Corporations, the holder of such shares or any other person, be converted into or exchanged for one fully paid and nonassessable share of Series D Preferred Stock of the Surviving Corporation, \$0.001 per value, respectively, having such rights, preferences and privileges as set forth in the Certificate of Incorporation of the Surviving Corporation which are identical to the rights, preferences, and privileges of shares of the Series D Preferred Stock of Google-California immediately before the Merger, which share of Preferred Stock shall be convertible into a number of shares of the Surviving Corporation's Common Stock, \$0.001 per value, or Class A Senior Common Stock, \$0.001 per value (as the case may be) equal to the Series D Conversion Rate, subject to adjustment pursuant to the terms of the Certificate of Incorporation of the Surviving Corporation.

(h) Upon the Effective Date of the Merger, each share of Series D-1 Preferred Stock of Google-California, no par value, issued and outstanding immediately prior to the Merger, if any, which shares are convertible into such number of shares (the "Series D-1 Conversion Rate") of Google-California Common Stock or Class A Senior Common Stock, as the case may be, as set forth in the Google-California Restated Articles of Incorporation, as amended, shall by virtue of the Merger and without any action by the Constituent Corporations, the holder of such shares or any other person, be converted into or exchanged for one fully paid and nonassessable share of Series D-1 Preferred Stock of the Surviving Corporation, \$0.001 per value, respectively, having such rights, preferences and privileges as set forth in the Certificate of Incorporation of the Surviving Corporation which are identical to the rights, preferences, and privileges of shares of the Series D-1 Preferred Stock of Google-California immediately before the Merger, which share of Preferred Stock shall be convertible into a number of shares of the Surviving Corporation's Common Stock, \$0.001 per value, or Class A Senior Common Stock, \$0.001 per value (as the case may be) equal to the Series D-1

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Conversion Rate, subject to adjustment pursuant to the terms of the Certificate of Incorporation of the Surviving Corporation.

3.4 Google-California Options, Warrants, Stock Purchase Rights and Convertible Securities

(a) Upon the Effective Date of the Merger, the Surviving Corporation shall assume the obligations of Google-California under, and continue, the option plans (including, without limitation, the 1998 Stock Plan, 1999 Stock Option/Stock Issuance Plan, 2000 Stock Plan, 2003 Stock Plan, 2003 Stock Plan (No. 2) or 2003 Stock Plan (No. 3), which are referred to herein collectively, the "Google-California Stock Plans") and all other employee benefit plans of Google-California. Each outstanding and unexercised option, warrant, other right to purchase, or security convertible into, Google-California Common Stock, Google-California Class A Senior Common Stock or Google-California Preferred Stock (a "Right") shall become an option, warrant, right to purchase or a security convertible into the Surviving Corporation's Common Stock, Class A Senior Common Stock or Preferred Stock, respectively, on the basis of one share of the Surviving Corporation's Common Stock, Class A Senior Common Stock or Preferred Stock, as the case may be, for each one share of Google-California Common Stock, Class A Senior Common Stock or Preferred Stock, as the case may be, issuable pursuant to any such Right (with the series of the shares of the Surviving Corporation's Preferred Stock corresponding to the series of Google-California Preferred Stock replaced), on the same terms and conditions and at an exercise price equal to the exercise price applicable to any such Google-California Right as the Effective Date of the Merger. This paragraph 3.4(a) shall not apply to outstanding shares of Google-California Common Stock, Class A Senior Common Stock or Preferred Stock. Such Common Stock, Class A Senior Common Stock and Preferred Stock are subject to paragraphs 3.1, 3.2 and 3.3 respectively, hereof.

(b) A number of shares of the Surviving Corporation's Common Stock, Class A Senior Common Stock and Preferred Stock shall be reserved for issuance upon the exercise of options, warrants, stock purchase rights and convertible securities equal to the number of shares of Google-California Common Stock, Class A Senior Common Stock and Preferred Stock so reserved immediately prior to the Effective Date of the Merger.

Notwithstanding the foregoing, with respect to options issued under the Google-California Stock Plans that are assumed in the Merger, the number of shares of Common Stock to which the holder would be otherwise entitled upon exercise of each such assumed option following the Merger shall be rounded down to the nearest whole number and the exercise price shall be rounded up to the nearest whole cent. In addition, no "additional benefits" (within the meaning of Section 424(a)(2) of the Internal Revenue Code of 1986, as amended) shall be accorded to the optionees pursuant to the assumption of their options.

3.5 Google-Delaware Common Stock: Upon the Effective Date of the Merger, each share of Common Stock, \$0.001 par value, of Google-Delaware issued and outstanding immediately prior thereto shall, by virtue of the Merger and without any action by Google-Delaware, the holder of such shares or any other person, be cancelled and returned to the status of authorized but unissued shares.

3.6 Cancellation of Physical Certificates/Issuance of Stock By Electronic Means: Each physical stock certificate representing issued and outstanding shares of Google-California Common Stock, Class A Senior Common Stock or Preferred Stock prior to the Effective Date will, after the Effective Date, be cancelled and such certificate will cease to represent any shares of capital stock of Google-California (and such certificate will not represent any shares of capital stock of the Surviving Corporation) and, further, such certificate will cease to entitle the holder thereof to exercise any voting and other rights with respect to, or to receive dividends and other distributions upon, any shares of capital stock of Google-California (and such certificate will not entitle the holder thereof to exercise any voting and other rights with respect to, or to receive dividends and other distributions upon, any shares of capital stock of the Surviving Corporation).

Each holder of a certificate representing issued and outstanding shares of Google-California Common Stock, Class A Senior Common Stock or Preferred Stock prior to the Effective Date shall, upon the cancellation of such certificate on the Effective Date, in lieu of receiving a physical certificate in exchange therefor, be registered in the Surviving Corporation's electronic book entry capitalization system as a holder of an appropriate number of shares of the Surviving Corporation's Common Stock, Class A Senior Common Stock or Preferred Stock (into which the shares represented by such cancelled certificate was converted as provided herein), as the case may be, which shares shall be issued and recorded by electronic means as of the Effective Date.

If any shares of the Surviving Corporation's stock are to be electronically issued and recorded in a name other than that in which the stock certificate cancelled in exchange therefor is registered, it shall be a condition of issuance and recordation thereof that such transfer be properly documented to the satisfaction of the Surviving Corporation and otherwise in compliance with applicable securities laws and, further, that the person requesting such transfer pay to the Exchange Agent any transfer or other taxes payable by reason of such electronic issuance and recordation of shares in a name other than that of the registered holder of the certificate cancelled or otherwise establish to the satisfaction of the Surviving Corporation that such tax has been paid or is not payable.

IV. GENERAL

4.1 **Covenants of Google-Delaware.** Google-Delaware covenants and agrees that it will, on or before the Effective Date of the Merger:

- (a) Qualify to do business as a foreign corporation in the State of California and in connection therewith irrevocably appoint an agent for service of process as required under the provisions of Section 2105 of the California General Corporation Law.
- (b) File any and all documents with the California Franchise Tax Board necessary for the assumption by Google-Delaware of all of the franchise tax liabilities of Google-California.
- (c) Take such other actions as may be required by the California General Corporation Law.

4.2 **Further Assurances.** From time to time, as and when required by Google-Delaware or by its successors or assigns, there shall be executed and delivered on behalf of Google-California such deeds and other instruments, and there shall be taken or caused to be taken by it such further and other actions as shall be appropriate or necessary in order to vest or perfect in or confirm of record or otherwise by Google-Delaware the title to and possession of all the property, interests, assets, rights, privileges, immunities, powers, franchises and authority of Google-California and otherwise to carry out the purposes of this Agreement, and the officers and directors of Google-Delaware are fully authorized in the name and on behalf of Google-California or otherwise to take any and all such action and to execute and deliver any and all such deeds and other instruments.

4.3 **Abandonment.** At any time before the Effective Date of the Merger, this Agreement may be terminated and the Merger may be abandoned for any reason whatsoever by the Board of Directors of either Google-California or of Google-Delaware, or of both, notwithstanding the approval of this Agreement by the shareholders of Google-California or by the sole stockholder of Google-Delaware, or by both.

4.4 **Amendment.** The Boards of Directors of the Constituent Corporations may amend this Agreement at any time prior to the filing of this Agreement (or certificate in lieu thereof) with the Secretary of State of the State of Delaware, provided that an amendment made subsequent to the adoption of this

Agreement by the stockholders of either Constituent Corporation shall not: (1) alter or change the amount or kind of shares, securities, cash, property and/or rights to be received in exchange for or an conversion of all or any of the shares of any class or series thereof of such Constituent Corporation, (2) alter or change any term of the Certificate of Incorporation of the Surviving Corporation to be effected by the Merger, or (3) alter or change any of the terms and conditions of this Agreement if such alteration or change would adversely affect the holders of any class or series of capital stock of any Constituent Corporation.

4.5 Registered Office. The registered office of the Surviving Corporation in the State of Delaware is State of Delaware is 2711 Centerville Road, Suite 400, City of Wilmington, County of New Castle, State of Delaware 19808, and Corporation Service Company is the registered agent of the Surviving Corporation at such address.

4.6 Agreement. Executed copies of this Agreement will be on file at the principal place of business of the Surviving Corporation at 2400 Bayshore Parkway, Mountain View, California 94043, and copies thereof will be furnished to any stockholder of either Constituent Corporation upon request and without cost.

4.7 Governing Law. This Agreement shall in all respects be construed, interpreted and enforced in accordance with and governed by the laws of the State of Delaware and, so far as applicable, the merger provisions of the California General Corporation Law.

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IN WITNESS WHEREOF, this Agreement having first been approved by the resolutions of the Board of Directors of Google-Delaware and Google-California is hereby executed on behalf of each of such two corporations by their respective officers thereto duly authorized.

GOOGLE TECHNOLOGY INC.
a California corporation

By: /s/ ERIC SCHMIDT
Eric Schmidt, Chairman of the Board

By: /s/ DAVID C. DRUMMOND
David C. Drummond, Secretary

GOOGLE INC.
a Delaware corporation

By: /s/ ERIC SCHMIDT
Eric Schmidt, Chairman of the Board

By: /s/ DAVID C. DRUMMOND
David C. Drummond, Secretary

(Signature Page to Agreement and Plan of Merger)

GOOGLE TECHNOLOGY INC.
(a California corporation)

OFFICERS' CERTIFICATE

Eric Schmidt and David C. Drummond certify that:

1. They are the Chairman of the Board and the Secretary, respectively, of Google Technology Inc., a corporation organized under the laws of the State of California (the "Corporation").
2. The Corporation has an authorized capital of 864,781,656 shares, 400,000,000 of which are designated "Common Stock", \$0.001 per value, 300,000,000 of which are designated "Class A Senior Common Stock", \$0.001 per value, and 164,781,656 of which are designated "Preferred Stock", \$0.001 per value. Of such authorized shares of Preferred Stock, 15,360,000 shares are designated "Series A Preferred Stock", 15,360,000 shares are designated "Series A-1 Preferred Stock", 50,444,772 shares are designated "Series B Preferred Stock", 50,444,772 shares are designated "Series B-1 Preferred Stock", 9,148,604 shares are designated "Series C Preferred Stock", 9,148,604 shares are designated "Series C-1 Preferred Stock", 7,437,452 shares are designated "Series D Preferred Stock", and 7,437,452 shares are designated "Series D-1 Preferred Stock".
3. As of the record date (the "Record Date") of the written consent of shareholders at which the Agreement and Plan of Merger (to which this certificate is attached) (the "Merger Agreement") was approved, there were issued and outstanding 160,929,560 shares of Class A Senior Common Stock, 9,713,868 shares of Common Stock, 15,360,000 shares of Series A Preferred Stock, no shares of Series A-1 Preferred Stock, 49,822,896 shares of Series B Preferred Stock, no shares of Series B-1 Preferred Stock, 6,479,536 shares of Series C Preferred Stock, no shares of Series C-1 Preferred Stock, no shares of Series D Preferred Stock and no shares of Series D-1 Preferred Stock. All shares of Common Stock, Class A Senior Common Stock and Preferred Stock outstanding as of the Record Date were entitled to vote on the merger.
4. The principal terms of the Merger Agreement were approved by the Board of Directors and by the vote of a number of shares of each class of stock which equaled or exceeded the vote required.
5. The percentage vote required was (i) more than 50% of the votes entitled to be cast by holders of Common Stock outstanding as of the Record Date, voting as a single class, (ii) more than 50% of the votes entitled to be cast by holders of Class A Senior Common Stock outstanding as of the Record Date, voting as a single class, and (iii) more than 50% of the votes entitled to be cast by the holders of Series A Preferred Stock, Series B Preferred Stock and Series C Preferred Stock outstanding as of the Record Date, voting as a single class.
6. Eric Schmidt and David C. Drummond further declare under penalty of perjury under the laws of the State of California that each has read the foregoing certificate and knows the contents thereof and that the same is true of their own knowledge.

Executed in Mountain View, California on August 27, 2003.

/s/ ERIC SCHMIDT
Eric Schmidt, Chairman of the Board

/s/ DAVID C. DRUMMOND
David C. Drummond, Secretary

GOOGLE INC.
(a Delaware corporation)

OFFICERS' CERTIFICATE

Eric Schmidt and David C. Drummond certify that:

1. They are the Chairman of the Board and the Secretary, respectively, of Google Inc., a corporation organized under the laws of the State of Delaware (the "Corporation").
2. The Corporation has an authorized capital of 864,781,656 shares, 400,000,000 of which are designated "Common Stock", \$0.001 per value, 300,000,000 of which are designated "Class A Senior Common Stock", \$0.001 per value, and 164,781,656 of which are designated "Preferred Stock", \$0.001 per value. Of such authorized shares of Preferred Stock, 15,360,000 shares are designated "Series A Preferred Stock", 15,360,000 shares are designated "Series A-1 Preferred Stock", 50,444,772 shares are designated "Series B Preferred Stock", 50,444,772 shares are designated "Series B-1 Preferred Stock", 9,148,604 shares are designated "Series C Preferred Stock", 9,148,604 shares are designated "Series C-1 Preferred Stock", 7,437,452 shares are designated "Series D Preferred Stock", and 7,437,452 shares are designated "Series D-1 Preferred Stock".
3. As of the record date (the "Record Date") of the written consent of shareholders at which the Agreement and Plan of Merger (to which this certificate is attached) (the "Merger Agreement") was approved, 1,000 shares of Common Stock were issued and outstanding, all of which were held by Google Technology Inc., a California corporation. No shares of Preferred Stock were outstanding. All shares of Common Stock outstanding as of the Record Date were entitled to vote on the merger.
4. The principal terms of the Merger Agreement were approved by the Board of Directors and by the vote of a number of shares of each class of stock which equaled or exceeded the vote required.
5. The percentage vote required was (i) more than 50% of the votes entitled to be cast by holders of Common Stock outstanding as of the Record Date.
6. Eric Schmidt and David C. Drummond further declare under penalty of perjury under the laws of the State of California that each has read the foregoing certificate and knows the contents thereof and that the same is true of their own knowledge.

Executed in Mountain View, California on August 27, 2003:

/s/ ERIC SCHMIDT
Eric Schmidt, Chairman of the Board

/s/ DAVID C. DRUMMOND
David C. Drummond, Secretary

EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	338	((semantic concept\$4) near5 (search adj engine)) and (@pd<"20030930" or @ad<"20030930" or @prad<"20030930" or @rlad<"20030930")	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2007/11/19 11:14
L2	35	((ad advertis\$6) same (scor\$4 rank\$4 weight\$5)) and 1	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2007/11/19 11:15
L3	97	((ad advertis\$6 coupon\$5) and (scor\$4 rank\$4 weight\$5)) and 1	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2007/11/19 11:15



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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	11/20/2007	EXAMINER	
STRAUB & POKOTYLO 620 TINTON AVENUE BLDG. B, 2ND FLOOR TINTON FALLS, NJ 07724			NGUYEN, TRI V	
			ART UNIT	PAPER NUMBER
			1796	
			MAIL DATE	DELIVERY MODE
			11/20/2007	PAPER

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

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/674,888	Applicant(s) BEM, JEREMY	
	Examiner Tri V. Nguyen	Art Unit 1796	

-- 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 16 October 2007.
- 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) 7-10, 12-17, 19-22, 24-29, 32-35, 37-42, 53, 54, 56-64, 66-71, 74, 75, 77-82 and 85 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) 7-10, 12-17, 19-22, 24-29, 32-35, 37-42, 53, 54, 56-64, 66-71, 74, 75, 77-82 and 85 is/are rejected.
 - 7) Claim(s) 62 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 _____ 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)

- | | |
|--|---|
| <ol style="list-style-type: none"> 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | <ol style="list-style-type: none"> 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ 5) <input type="checkbox"/> Notice of Informal Patent Application 6) <input type="checkbox"/> Other: _____ |
|--|---|

DETAILED ACTION

Response to Amendment

1. In the amendment filed on 03/16/07, claims 7, 12, 13, 19, 24, 25, 32, 37, 38, 53, 56, 57, 63, 66, 67, 74, 77 and 78 have been amended and claims 1-6, 11, 18, 23, 30, 31, 36, 43-52, 55, 65, 72, 73, 76, 83, 84 and 86 have been cancelled. The currently pending claims considered below are Claims 7-10, 12-17, 19-22, 24-29, 32-35, 37-42, 53, 54, 56-64, 66-71, 74, 75, 77-82 and 85.
2. Upon review of the amendment dated 03/16/07 and the statement of common ownerships dated 10/16/07, the rejections based on the Weissman et al. (US 6,816,857) reference are withdrawn.

Claim Objections

3. Claim 62 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 62 is directed to the apparatus of claim 53; however, claim 53 is already an apparatus claim. Furthermore, claim 62 has the wrong modifier as the claim has been amended.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 1796

Claim 62 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 62 recites "the apparatus of claim 53" in line 1; however, there is a discrepancy as the claim seems to be missing a further limitation. It is unclear as to the scope of the claim.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 7-10, 12, 13, 19-22, 24, 25, 32-35, 37, 38, 53, 54, 56, 57, 62-64, 66, 67, 74, 75, 77, 78 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorosario et al. in view of Weissman et al. (US 6,453,315) and McElfresh et al.

Claims 7, 19 and 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. 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);

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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 (page 5, parag. 44);

g) serving at least some of the items to a client device for rendering to a user, wherein the serving is controlled, at least in part, using the adjusted scores,

wherein the retrieved items are advertisements but does not explicitly disclose 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. disclose a method of delivering advertisement based on a search query however, Dorosario et al. does not explicitly disclose applicants' search architecture and determining a score for each of the retrieved items uses at least one of ad performance information and ad price information. In an analogous art, Weissman et al. disclose appellants search architecture based on words relationships and score adjustments (col 7, lines 41-49; col 8, lines 8-22; col 9, lines 42-67; col 10, lines 42-54; col 13, lines 35-65 and Figure 3) and McElfresh et al. teach 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 Weissman et al., with the particular search architecture and score adjustment feature based on ad performance information as taught by Weissman et al. and 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.). Furthermore, 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

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taught by Dorosario et al., Weissman et al. and McElfresh 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. The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan.

Claims 8, 20 and 33: Dorosario et al., Weissman et al. and McElfresh et al. disclose the method of 7, 19 and 32 but do not explicitly disclose wherein the act of adjusting the scores includes decreasing the scores. Weissman et al. teach ranking the results and ordering based on relevance (col 7, lines 45-49). 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., Weissman et al. and McElfresh 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).

Claims 9, 21 and 34: Dorosario et al., Weissman et al. and McElfresh et al. disclose the method of claims 7, 19 and 32 but do not explicitly disclose wherein the act of adjusting the scores includes multiplying each of the scores by a multiplier that is less than one. Weissman

Art Unit: 1796

et al. teach ranking the results and ordering based on relevance (col 7, lines 45-49). The instant limitation of adjusting the scores includes multiplying each of the scores by a multiplier that is less than one 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., Weissman et al. and McElfresh et al. to include a step of adjusting the scores includes multiplying each of the scores by a multiplier that is less than one. One would have been motivated to allow for the modification of the method to include a way to reflect the score being adjusted.

Claims 10, 22 and 35: Dorosario et al., Weissman et al. and McElfresh et al. disclose the method of claims 9, 21 and 34 but do not explicitly disclose further comprising:

h) updating the multiplier using performance information. Weissman disclose the feature of updating the score. Dorosario et al. disclose a performance feature in a search engine and weighing factors (page 5, parag. 44 and page 7, parag. 63). 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., Weissman et al. and McElfresh et al., with the performance feature. One would have been motivated to modify the method to expand on the semantic space criteria with an additional dimension thus increasing the number of pertinent information to optimize the effectiveness of advertisement matching.

Claims 12, 24 and 37 Dorosario et al., Weissman et al. and McElfresh et al. disclose the method of claims 10, 22 and 35 disclose wherein the performance information includes ad selection information (Dorosario et al.: page 4, parag. 35; page 5, parag. 44 and page 7, parag. 63).

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Claims 13, 25 and 38: Dorosario et al., Weissman et al. and McElfresh et al. disclose the method of 10, 22 and 35 disclose wherein the performance information includes ad conversion information (Dorosario et al.: page 4, parag. 35).

Claims 53, 54, 56, 57, 62-64, 66, 67, 74, 75, 77, 78 and 85 disclose the apparatus of the method Claims 7-10, 12, 13, 19-22, 24, 25, 32-35, 37, 38 respectively; therefore, the prior arts of Dorosario et al., Weissman et al. and McElfresh et al. as set forth above are relied upon to reject Claims 53, 54, 56, 57, 62-64, 66, 67, 74, 75, 77, 78 and 85.

7. Claims 14-17, 26-29, 39-42, 58-61, 68-71, 79-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weissman et al. and Dorosario et al. as applied to the claims above, and further in view of Hosea et al. (2002/0059094).

Claim 14, 26 and 39: Dorosario et al., Weissman et al. and McElfresh et al. disclose the method of claims 10, 22 and 35 respectively but do not explicitly disclose 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. 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., Weissman et al. and McElfresh 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

Art Unit: 1796

advertising strategy by incorporating pertinent information about the user thus increasing the effectiveness of ad matching.

Claims 15, 27 and 40: Dorosario et al., Weissman et al., McElfresh et al. and Hosea et al. disclose the method of claims 10, 22 and 35 respectively but do 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.

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., Weissman et al. and McElfresh et al. and Hosea 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 advertisement matching.

Claims 16, 28 and 41: Dorosario et al., Weissman et al., McElfresh et al. and Hosea et al. disclose the method of claim 15, 27 and 40 respectively but do not explicitly disclose wherein the user behavior is selection. Dorosario et al. disclose an ad selection feature (page 4, parag. 35; page 5, parag. 44 and page 7, parag. 63).

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Claims 17, 29 and 42: Dorosario et al., Weissman et al., McElfresh et al. and Hosea et al. disclose the method of claim 15, 27 and 40 respectively but do not explicitly disclose wherein the user behavior is conversion. Dorosario et al. disclose an ad conversion feature (page 4, parag. 35; page 5, parag. 44 and page 7, parag. 63).

Claims 58-61, 68-71 and 79-82 disclose the apparatus of the method Claims 14-17, 26-29 and 39-42 respectively; therefore, the prior arts of : Dorosario et al., Weissman et al., McElfresh et al. and Hosea et al. as set forth above are relied upon to reject Claims 58-61, 68-71 and 79-82.

Response to Arguments

8. Applicant's arguments with respect to claims 7-10, 12-17, 19-22, 24-29, 32-35, 37-42, 53, 54, 56-64, 66-71, 74, 75, 77-82 and 85 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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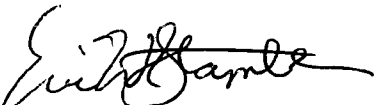
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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, Vasu Jagannathan can be reached on (571) 272-1119 and Vasu Jagannathan can be reached on (571) 272-1119 and Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nvt

Nvt
11/19/2007

**ERIC W. STAMBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3800**

Notice of References Cited	Application/Control No. 10/674,888	Applicant(s)/Patent Under Reexamination BEM; JEREMY	
	Examiner Tri V. Nguyen	Art Unit 1796	Page 1 of 1

U.S. PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A US-6,453,315	09-2002	Weissman et al.	707/5
B	US-			
C	US-			
D	US-			
E	US-			
F	US-			
G	US-			
H	US-			
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					
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T					

NON-PATENT DOCUMENTS

*	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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MAR 16 2007

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Attorney Docket No.: **Google-57 (GP-151-00-US)**

Appl. No.: **10/674,888**

Applicant: **Jeremy BEM**

Filed: **September 30, 2003**

Title: **INCREASING A NUMBER OF RELEVANT ADVERTISEMENTS USING A
RELAXED MATCH**

TC/A.U.: **1751**

Examiner: **Tri V. Nguyen**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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AMENDMENT

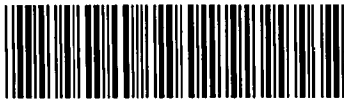
Sir:

In response to the final Office Action mailed on November 16, 2006 (Paper No. 20061113), which set a period for response to expire on February 16, 2007, that period being extended one (1) month to expire on March 16, 2007 please, amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 16 of this paper.

Index of Claims



Application/Control No.

10/674,888

Examiner

Tri V. Nguyen

Applicant(s)/Patent under Reexamination

BEM, JEREMY

Art Unit

1796

√	Rejected
=	Allowed

—	(Through numeral) Cancelled
+	Restricted

N	Non-Elected
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A	Appeal
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Search Notes



Application/Control No.

10/674,888

Examiner

Tri V. Nguyen

Applicant(s)/Patent under Reexamination

BEM, JEREMY

Art Unit

1796

SEARCHED

Class	Subclass	Date	Examiner
705	14	11/19/2007	NVT
707	03	11/19/2007	NVT

INTERFERENCE SEARCHED

Class	Subclass	Date	Examiner

**SEARCH NOTES
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR
East (updated0	11/19/2007	NVT

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Approved for use through 10/31/2002 OMB 0851-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<p align="center">REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</p> <p align="center">Address to: Mail Stop 313c Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p>	Application Number	10/674,888
	Filing Date	September 30, 2003
	First Named Inventor	Jeremy BEM
	Art Unit	1796
	Examiner Name	Tri V. Nguyen
	Attorney Docket Number	Google-57 (GP-151-00-US)

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114**

a. Previously submitted

i. Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).

ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

iii. Other _____

b. Enclosed

i. Amendment/Reply

ii. Affidavit(s)/Declaration(s)

iii. Information Disclosure Statement (IDS)

iv. Other _____

2. **Miscellaneous**

a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. Other _____ trans, fee trans and request for extension of time

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a. The Director is hereby authorized to charge any underpayment or credit any overpayment of the following fees to Deposit Account No. 50-1049

i. RCE fee required under 37 CFR 1.17(e) 03/21/2008 PCHOMP 00000010 501049 1067888

ii. Extension of time fee (37 CFR 1.136 and 1.17) 02 FC:1801 810.00 DA

iii. Other _____

b. Check in the amount of \$ _____ enclosed

c. Payment by credit card (Form PTO-2038 enclosed)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	John C. Pokotylo	Registration No. (Attorney/Agent)	36,242
Signature		Date	March 20, 2008

CERTIFICATE OF MAILING OR TRANSMISSION

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Name (Print/Type)	John C. Pokotylo	Date	March 20, 2008
Signature			

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MAR 20 2008

FACSIMILE COVER SHEET

The Law Offices of
STRAUB & POKOTYLO

620 Tinton Avenue
Bldg. B, 2nd Floor
Tinton Falls, NJ 07724-3260

Telephone: 732-542-9070
Facsimile: 732-542-9071
Internet site: www.sp-ip.com

To: U.S. Patent and Trademark Office

Facsimile No.: (571) 273-8300

From: John C. Pokotylo, Esq.

Date: March 20, 2008

Number of Pages Including Cover: 38

MESSAGE: FORMAL SUBMISSION OF:

- 1) Transmittal (1 pg.);
- 2) Fee transmittal (1 pg.) (in duplicate);
- 3) Request for a One (1) Month Extension of Time (2 pgs.);
- 4) Request for Continued Examination (1 pg.); and
- 5) Amendment (31 pgs.).

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

Appl. No.: 10/574,888

Applicant: Jeremy BEM

Filed: September 30, 2003

Title: INCREASING A NUMBER OF RELEVANT ADVERTISEMENTS USING A RELAXED MATCH

TC/A.U.: 1796

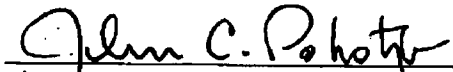
Examiner: Tri V. Nguyen

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (and any accompanying paper(s)) is being facsimile transmitted to the United States Patents and Trademark Office on the date shown below.

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March 20, 2008
Date

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Modified PTO/SB/17 (01-03)

Approved for use through 04/30/2003. OMB 0851-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h1 style="margin: 0;">FEE TRANSMITTAL</h1> <h2 style="margin: 0;">for FY 2007</h2> <p style="font-size: small; margin: 0;">Effective 09/30/2007. Patent fees are subject to annual revision.</p>		Complete If Known	
		Application Number	10/674,888
		Filing Date	September 30, 2003
		First Named Inventor	Jeremy BEM
		Examiner Name	Tri V. Nguyen
		Art Unit	1796
		Attorney Docket No.	Google-57 (GP-151-00-US)
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
TOTAL AMOUNT OF PAYMENT	(\$ 930.00)		

METHOD OF PAYMENT (check all that apply)

Check
 Credit card
 Money Order
 Other
 None

Deposit Account:

Deposit Account Number: 50-1049

Deposit Account Name: Straub & Pokotylo

The Commissioner is authorized to: (check all that apply)

Charge any underpayment of fee(s) indicated below
 Credit any overpayments
 Charge any fee(s) due in connection with the filing submitted herewith
 Charge fee(s) indicated below, except for the filing fee in the to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	85	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	120.00
1252	460	2252	230	Extension for reply within second month	
1253	1,050	2253	525	Extension for reply within third month	
1254	1,640	2254	820	Extension for reply within fourth month	
1255	2,230	2255	1,115	Extension for reply within fifth month	
1401	510	2401	255	Notice of Appeal	
1402	510	2402	255	Filing a brief in support of an appeal	
1403	1,030	2403	515	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	510	2452	255	Petition to revive - unavoidable	
1453	1,540	2453	770	Petition to revive - unintentional	
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1502	820	2502	410	Design issue fee	
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1801	810	2801	405	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					
* Reduced by Basic Filing Fee Paid					SUBTOTAL (3) (\$ 930.00)

FEE CALCULATION

1. BASIC FILING, SEARCH & EXAMINATION FEES

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
1030	515	Utility fee	
440	220	Design fee	
680	340	Plant fee	
1440	720	Reissue fee	
210	105	Provisional fee	
SUBTOTAL (1)			(\$ 0.00)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims: -20** = X =
 Independent Claims: -3** = X =
 Multiple Dependent: =

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid		
1202	50	2202	25	Claims in excess of 20	
1201	210	2201	105	Independent claims in excess of 3	
1203	370	2203	185	Multiple dependent claim, if not paid	
1204	210	2204	105	**Reissue independent claims over original patent	
1205	50	2205	25	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			(\$ 0.00)		

** or number previously paid, if greater, For Reissues, see above

SUBMITTED BY		(Complete if applicable)	
Name (Print/Type)	John C. Pokotylo	Registration No. (Attorney/Agent)	36,242
Signature		Telephone	(732) 542-9070
		Date	March 20, 2008

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		Art Unit	1796	
TOTAL AMOUNT OF PAYMENT	(\$)	930.00	Attorney Docket No.	Google-57 (GP-151-00-US)

METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)																																																																																																																																																																																
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: 50-1049 Deposit Account Name: Straub & Pokotylo		3. ADDITIONAL FEES Large Entity Small Entity																																																																																																																																																																																
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unavoidable</td><td></td></tr> <tr><td>1453</td><td>1,540</td><td>2453</td><td>770</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1,440</td><td>2501</td><td>720</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>820</td><td>2502</td><td>410</td><td>Design issue fee</td><td></td></tr> <tr><td>1503</td><td>1,130</td><td>2503</td><td>565</td><td>Plant issue fee</td><td></td></tr> <tr><td colspan="6">Petitions to the Commissioner - check fee sheet</td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(c)</td><td></td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (Times number of properties)</td><td></td></tr> <tr><td>1809</td><td>810</td><td>2809</td><td>405</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>1810</td><td>810</td><td>2810</td><td>405</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td>810.00</td></tr> <tr><td>1801</td><td>810</td><td>2801</td><td>405</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> </tbody> </table>	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid	1051	130	2051	85	Surcharge - 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Name (Print/Type)	John C. Pokotylo	Registration No. (Attorney/Agent)	36,242
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		Date	March 20, 2008

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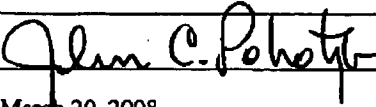
Please type a plus sign (+) inside this box →

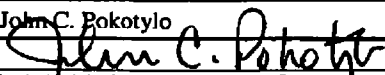
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	Filing Date	September 30, 2003
	First Named Inventor	Jeremy BEM
	Group Art Unit	1796
	Examiner Name	Tri V. Nguyen
Total Number of Pages in This Submission	Attorney Docket Number	Google-57 (GP-151-00-US)

ENCLOSURES <i>(check all that apply)</i>		
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IN THE UNITED STATES
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Attorney Docket No.: **Google-57 (GP-151-00-US)**

Appl. No.: **10/674,888**

Applicant: **Jeremy BEM**

Filed: **September 30, 2003**

Title: **INCREASING A NUMBER OF RELEVANT ADVERTISEMENTS USING A
RELAXED MATCH**

TC/A.U.: **1796**

Examiner: **Tri V. Nguyen**

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

In response to the final Office Action mailed on November 20, 2007 (Paper No. 20071119), which set a period for response to expire on February 20, 2008, that period being extended one (1) month to expire on March 20, 2008, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 16 of this paper.

This listing of claims will replace all prior versions, and listings, of claims in the application:

Claims 1-6 (canceled)

1 Claim 7 (currently amended): A method comprising:

2 a) accepting search query information including a
3 word;

4 b) determining one or more words related to the word
5 included in the accepted search query;

6 c) generating, automatically, an item request
7 including

8 i) the word included in the accepted search
9 query, and

10 ii) the one or more words determined to be
11 related to the word included in the accepted
12 search query;

13 d) retrieving items using the item request;

14 e) determining a score for each of the retrieved
15 items;

16 f) adjusting the scores of any items retrieved on the
17 basis of the one or more words determined to be
18 related to the word included in the accepted search
19 query relative to any items retrieved on the basis of
20 the word included in the accepted search query to
21 generate adjusted scores; and

22 g) serving at least some of the items to a client
23 device for rendering to a user, wherein the serving is
24 controlled, at least in part, using the adjusted
25 scores,

26 wherein the retrieved items are advertisements
27 and wherein the act of determining a score for each of the

28 retrieved items uses at least one of ad performance
29 information and ad price information.

1 Claim 8 (original): The method of claim 7 wherein the act
2 of adjusting the scores includes decreasing the scores.

1 Claim 9 (original): The method of claim 7 wherein the act
2 of adjusting the scores includes multiplying each of the
3 scores by a multiplier that is less than one.

1 Claim 10 (previously presented): The method of claim 9
2 further comprising:
3 h) updating the multiplier using performance
4 information.

Claim 11 (canceled)

1 Claim 12 (previously presented): The method of claim 10
2 wherein the performance information includes ad selection
3 information.

1 Claim 13 (previously presented): The method of claim 10
2 wherein the performance information includes ad conversion
3 information.

1 Claim 14 (original): The method of claim 10 wherein the
2 act of updating the multiplier is performed using a
3 function that causes the updated multiplier to converge to
4 observed user behavior relevant to performance divided by
5 predicted user behavior relevant to performance.

1 Claim 15 (original): The method of claim 10 wherein the
2 act of updating the multiplier is performed using the
3 formula:

$$4 \quad \text{updated_multiplier} = \frac{N \cdot \text{initial_multiplier} + \text{observed_user_behavior}}{N + \text{naively_predicted_user_behavior}}$$

5 wherein N is a number.

1 Claim 16 (original): The method of claim 15 wherein the
2 user behavior is selection.

1 Claim 17 (original): The method of claim 15 wherein the
2 user behavior is conversion.

Claim 18 (canceled)

1 Claim 19 (currently amended): A method comprising:
2 a) accepting search query information including a
3 word;
4 b) determining one or more words related to the word
5 included in the accepted search query;
6 c) generating, automatically, an item request
7 including
8 i) the word included in the accepted search
9 query, and
10 ii) the one or more words determined to be
11 related to the word included in the accepted
12 search query;
13 d) retrieving items using the item request;
14 e) determining a score for each of the retrieved
15 items;
16 f) adjusting the scores of any items retrieved solely
17 on the basis of the one or more words determined to be

18 related to the word included in the accepted search
 19 query relative to any items retrieved on the basis of
 20 the word included in the accepted search query to
 21 generate adjusted scores; and
 22 g) serving at least some of the items to a client
 23 device for rendering to a user, wherein the serving is
 24 controlled, at least in part, using the adjusted
 25 scores,
 26 wherein the retrieved items are advertisements
 27 and wherein the act of determining a score for each of the
 28 retrieved items uses at least one of ad performance
 29 information and ad price information.

1 Claim 20 (original): The method of claim 19 wherein the
 2 act of adjusting the scores includes decreasing the scores.

1 Claim 21 (original): The method of claim 19 wherein the
 2 act of adjusting the scores includes multiplying each of
 3 the scores by a multiplier that is less than one.

1 Claim 22 (previously presented): The method of claim 21
 2 further comprising:
 3 h) updating the multiplier using performance
 4 information.

Claim 23 (canceled)

1 Claim 24 (previously presented): The method of claim 22
 2 wherein the performance information includes ad selection
 3 information.

1 Claim 25 (previously presented): The method of claim 22
2 wherein the performance information includes ad conversion
3 information.

1 Claim 26 (original): The method of claim 22 wherein the
2 act of updating the multiplier is performed using a
3 function that causes the updated multiplier to converge to
4 observed user behavior relevant to performance divided by
5 predicted user behavior relevant to performance.

1 Claim 27 (original): The method of claim 22 wherein the
2 act of updating the multiplier is performed using the
3 formula:

$$4 \quad \text{updated_multiplier} = \frac{N \cdot \text{initial_multiplier} + \text{observed_user_behavior}}{N + \text{predicted_user_behavior}}$$

5 wherein N is a number.

1 Claim 28 (original): The method of claim 27 wherein the
2 user behavior is selection.

1 Claim 29 (original): The method of claim 27 wherein the
2 user behavior is conversion.

Claims 30-31 (canceled)

1 Claim 32 (currently amended): A method comprising:
2 a) accepting search query information including a
3 word;
4 b) determining one or more words related to the word
5 included in the accepted search query;
6 c) generating, automatically, an item request
7 including

- 8 i) the word included in the accepted search
9 query, and
10 ii) the one or more words determined to be
11 related to the word included in the accepted
12 search query;
13 d) retrieving items using the item request;
14 e) determining a score for each of the retrieved
15 items, wherein a score component is adjusted for any
16 items retrieved on the basis of the one or more words
17 determined to be related to the word included in the
18 accepted search query relative to any items retrieved
19 on the basis of the word included in the accepted
20 search query; and
21 f) transmitting at least some of the retrieved items
22 towards a client device for rendering to a user,
23 wherein the retrieved items are advertisements
24 and wherein the score component is at least one of ad
25 performance information and ad price information.

1 Claim 33 (original): The method of claim 32 wherein the
2 act of adjusting the score component includes decreasing
3 the score component.

1 Claim 34 (original): The method of claim 32 wherein the
2 act of adjusting the score component includes multiplying
3 the score component by a multiplier that is less than one.

1 Claim 35 (previously presented): The method of claim 34
2 further comprising:

- 3 g) updating the multiplier using performance
4 information.

Claim 36 (canceled)

1 Claim 37 (previously presented): The method of claim 35
2 wherein the performance information includes ad selection
3 information.

1 Claim 38 (previously presented): The method of claim 35
2 wherein the performance information includes ad conversion
3 information.

1 Claim 39 (original): The method of claim 35 wherein the
2 act of updating the multiplier is performed using a
3 function that causes the updated multiplier to converge to
4 observed user behavior relevant to performance divided by
5 predicted user behavior relevant to performance.

1 Claim 40 (original): The method of claim 35 wherein the
2 act of updating the multiplier is performed using the
3 formula:

$$4 \quad \text{updated_multiplier} = \frac{N \cdot \text{initial_multiplier} + \text{observed_user_behavior}}{N + \text{naively_predicted_user_behavior}}$$

5 wherein N is a number.

1 Claim 41 (original): The method of claim 40 wherein the
2 user behavior is selection.

1 Claim 42 (original): The method of claim 40 wherein the
2 user behavior is conversion.

Claims 43-52 (canceled)

1 Claim 53 (currently amended): Apparatus comprising:

- 2 a) an input for accepting search query information
3 including a word;
- 4 b) means for determining one or more words related to
5 the word included in the accepted search query;
- 6 c) means for generating, automatically, an item
7 request including
- 8 i) the word included in the accepted search
9 query, and
- 10 ii) the one or more words determined to be
11 related to the word included in the accepted
12 search query;
- 13 d) means for retrieving items using the item request;
- 14 e) means for determining a score for each of the
15 retrieved items;
- 16 f) means for adjusting the scores of any items
17 retrieved on the basis of the one or more words
18 determined to be related to the word included in the
19 accepted search query relative to any items retrieved
20 on the basis of the word included in the accepted
21 search query to generate adjusted scores; and
- 22 g) means for serving at least some of the items to a
23 client device for rendering to a user, wherein the
24 serving is controlled, at least in part, using the
25 adjusted scores,
- 26 wherein the retrieved items are advertisements
27 and wherein the means for determining a score for each of
28 the retrieved items use at least one of ad performance
29 information and ad price information.

1 Claim 54 (previously presented): The apparatus of claim 53
2 wherein the means for adjusting use a multiplier, the
3 apparatus further comprising:

4 h) means for updating the multiplier using
5 performance information.

Claim 55 (canceled)

1 Claim 56 (previously presented): The apparatus of claim 54
2 wherein the performance information includes ad selection
3 information.

1 Claim 57 (previously presented): The apparatus of claim 54
2 wherein the performance information includes ad conversion
3 information.

1 Claim 58 (original): The apparatus of claim 54 wherein the
2 means for updating the multiplier use a function that
3 causes the updated multiplier to converge to observed user
4 behavior relevant to performance divided by predicted user
5 behavior relevant to performance.

1 Claim 59 (original): The apparatus of claim 54 wherein the
2 means for updating the multiplier use the formula:

$$3 \quad \text{updated_multiplier} = \frac{N \cdot \text{initial_multiplier} + \text{observed_user_behavior}}{N + \text{naively_predicted_user_behavior}}$$

4 wherein N is a number.

1 Claim 60 (original): The apparatus of claim 59 wherein the
2 user behavior is selection.

1 Claim 61 (original): The apparatus of claim 59 wherein the
2 user behavior is conversion.

Claim 62 (canceled)

1 Claim 63 (currently amended): Apparatus comprising:
2 a) an input for accepting search query information
3 including a word;
4 b) means for determining one or more words related to
5 the word included in the accepted search query;
6 c) means for generating, automatically, an item
7 request including
8 i) the word included in the accepted search
9 query, and
10 ii) the one or more words determined to be
11 related to the word included in the accepted
12 search query;
13 d) means for retrieving items using the item request;
14 e) means for determining a score for each of the
15 retrieved items;
16 f) means for adjusting the scores of any items
17 retrieved solely on the basis of the one or more words
18 determined to be related to the word included in the
19 accepted search query relative to any items retrieved
20 on the basis of the word included in the accepted
21 search query to generate adjusted scores; and
22 g) means for serving at least some of the items to a
23 client device for rendering to a user, wherein the
24 serving is controlled, at least in part, using the
25 adjusted scores,
26 wherein the retrieved items are advertisements
27 and wherein the means for determining a score for each of
28 the retrieved items uses at least one of ad performance
29 information and ad price information.

1 Claim 64 (original): The apparatus of claim 63 wherein the
2 means for adjusting uses a multiplier, the apparatus
3 further comprising:
4 g) means for updating the multiplier using
5 performance information.

Claim 65 (canceled)

1 Claim 66 (previously presented): The apparatus of claim 64
2 wherein the performance information includes ad selection
3 information.

1 Claim 67 (previously presented): The apparatus of claim 64
2 wherein the performance information includes ad conversion
3 information.

1 Claim 68 (original): The apparatus of claim 64 wherein the
2 means for updating the multiplier use a function that
3 causes the updated multiplier to converge to observed user
4 behavior relevant to performance divided by predicted user
5 behavior relevant to performance.

1 Claim 69 (original): The apparatus of claim 64 wherein the
2 means for updating the multiplier use the formula:

3
$$\text{updated_multiplier} = \frac{N \cdot \text{initial_multiplier} + \text{observed_user_behavior}}{N + \text{predicted_user_behavior}}$$

4 wherein N is a number.

1 Claim 70 (original): The apparatus of claim 69 wherein the
2 user behavior is selection.

1 Claim 71 (original): The apparatus of claim 69 wherein the
2 user behavior is conversion.

Claims 72-73 (canceled)

1 Claim 74 (currently amended): Apparatus comprising:
2 a) an input for accepting search query information,
3 including a word;
4 b) means for determining one or more words related to
5 the word included in the accepted search query;
6 c) means for generating, automatically, an item
7 request including
8 i) the word included in the accepted search
9 query, and
10 ii) the one or more words determined to be
11 related to the word included in the accepted
12 search query;
13 d) means for retrieving items using the item request;
14 e) means for determining a score for each of the
15 retrieved items, wherein a score component is adjusted
16 for any items retrieved on the basis of the one or
17 more words determined to be related to the word
18 included in the accepted search query relative to any
19 items retrieved on the basis of the word included in
20 the accepted search query; and
21 f) means for transmitting at least some of the
22 retrieved items towards a client device for rendering
23 to a user,
24 wherein the retrieved items are advertisements
25 and wherein the score component is at least one of ad
26 performance information and ad price information.

1 Claim 75 (previously presented): The apparatus of claim 74
 2 wherein the score component is adjusted using a multiplier,
 3 the apparatus further comprising:
 4 g) means for updating the multiplier using
 5 performance information.

Claim 76 (canceled)

1 Claim 77 (previously presented): The apparatus of claim 75
 2 wherein the performance information includes ad selection
 3 information.

1 Claim 78 (previously presented): The apparatus of claim 75
 2 wherein the performance information includes ad conversion
 3 information.

1 Claim 79 (original): The apparatus of claim 75 wherein the
 2 means for updating the multiplier use a function that
 3 causes the updated multiplier to converge to observed user
 4 behavior relevant to performance divided by predicted user
 5 behavior relevant to performance.

1 Claim 80 (original): The apparatus of claim 75 wherein the
 2 means for updating the multiplier use the formula:

$$3 \quad \text{updated_multiplier} = \frac{N \cdot \text{initial_multiplier} + \text{observed_user_behavior}}{N + \text{naively_predicted_user_behavior}}$$

4 wherein N is a number.

1 Claim 81 (original): The apparatus of claim 80 wherein the
 2 user behavior is selection.

1 Claim 82 (original): The apparatus of claim 80 wherein the
2 user behavior is conversion.

Claims 83-84 (canceled)

1 Claim 85 (previously presented): The method of claim 7
2 wherein the act of retrieving ads using the ad request
3 retrieves ads relevant to any one of the words of the
4 generated ad request.

Claim 86 (canceled)

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REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicant respectfully submits that the pending claims comply with 35 U.S.C. § 112, and are not rendered obvious under 35 U.S.C. § 103. Accordingly, it is believed that this application is in condition for allowance. **If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicant respectfully requests that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.**

The applicant will now address each of the issues raised in the outstanding Office Action.

Objections

Claim 62 is objected to under 37 C.F.R. § 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Since claim 62 has been canceled, this objection is rendered moot.

Rejections under 35 U.S.C. § 112

Claim 62 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Since claim 62 has been canceled, this rejection is rendered moot.

Rejections under 35 U.S.C. § 103

Claims 7-10, 12, 13, 19-22, 24, 25, 32-35, 37, 38, 53, 54, 56, 57, 62-64, 66, 67, 74, 75, 77, 78 and 85 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0078928 ("the Dorosario publication") in view of U.S. Patent No. 6,453,315 ("the Weissman patent") and U.S. Patent No. 6,907,566 ("the McElfresh patent"). The applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following.

As shown, in the example illustrated in Figure 16, embodiments consistent with the present invention may be used to search for items such as ads 1660 by accepting a query (e.g., iditarod 1620), finding related word(s) (e.g., alaska, dog sled, ... malamute 1634), and generating, automatically, a request including both the word in the original query, as well as the related word(s) (e.g., request 1640 including both iditarod and alaska, ... malamute).

Still referring to Figure 16, the items (e.g., ads) returned may be scored. The score of items returned in response to the related word(s) may be penalized relative to those returned in response to word(s) in the original query. For example, since ad A was returned in response to related word "alaska", its score is multiplied by a factor of 0.7 (1692). Since, on the other hand, ad B was returned in response to the word "iditarod" from the original query (1620), its score is not penalized (1694).

The Dorosario publication is also used to serve ads. However, the Dorosario publication basically generates a list of preferred advertisement categories for a user by monitoring that user's search queries. (See, e.g., blocks 102, 104 and 106 of Figure 3.) Ads are also associated with advertisement categories. (See, e.g., block 118 of Figure 3.) This list of preferred advertisement categories is then used to serve ads to the user, where the ads pertain to categories that the user should be interested in. (See, e.g., 120 and 122 of Figure 3.)

To generate the list of preferred advertisement categories for a user, the Dorosario publication may:

include a query monitoring process for **monitoring** the queries entered by a user. A query association process **associates** each monitored query with one or more predefined advertisement categories. A preference file maintenance process **maintains**, for each user, an advertisement preference file that specifies the predefined advertisement categories associated with each monitored query entered by the user. [Emphasis added.]

Paragraph [0005]. More specifically, the query may be parsed into chunks. The Dorosario publication may include:

a word association process for **associating** one of the plurality of predefined advertisement categories with one or more of the discrete chunks included in the query. The query association process includes a word categorization process for **categorizing**

one or more of the discrete chunks included in the query into one of the plurality of predefined advertisement categories **if** it is determined that the one or more discrete chunks **is not currently associated with any of the plurality of predefined advertisement categories**. The query association process includes a word reclassification process for **reclassifying** one or more of the discrete chunks included in the query into a different predefined advertisement category **if** it is determined that the existing association of the one or more discrete chunks with its predefined advertisement category **is no longer valid due to changes in the user's query patterns**. [Emphasis added.]

Paragraph [0009].

The Dorosario publication also introduces, generally, how search engines may work in paragraphs [0025]-[0037].

Having introduced both exemplary embodiments consistent with the claimed invention, as well as the Dorosario publication, at least some of the patentable features of the claims are now discussed.

Independent claims 7, 19, 32, 53, 63 and 74, as amended, are not rendered obvious by the Dorosario publication, the Weismann patent, and the McElfresh patent at least because:

- (1) these references, either taken alone or in combination, neither teach, nor suggest, an act of (or means for) **automatically** generating an ad

request including both (i) a word included in an accepted search query, and (ii) one or more words determined to be related to the word included in the accepted search query;

(2) these references, either taken alone or in combination, neither teach, nor suggest, an act of (or means for) 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, or an act of (or means for) determining a score for each of a number of 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; and

(3) one skilled in the art would not have combined these references as proposed by the Examiner.

Each of these three issues is addressed below.

First, independent claims 7, 19, 32, 53, 63 and 74, as amended, are not rendered obvious by the Dorosario publication, the Weismann patent, and the McElfresh patent because these references, either taken alone or in combination, neither teach, nor suggest, an act of (or means for) **automatically** generating an ad request including both (i) a word included in an accepted search query (recall, e.g., "iditarod" in Figure 16), and (ii)

one or more words determined to be related to the word included in the accepted search query (recall, e.g., "alaska", "dog sled", ..., "malamute" in Figure 16.).

The Examiner cites paragraphs [0036] and [0041]-[0043] of the Dorosario publication as teaching generating an ad request including both (i) a word included in an accepted search query, and (ii) one or more words determined to be related to the word included in the accepted search query. (See Paper No. 20071119, page 3.) However, the claims, as amended, require that this be done **automatically**. The Dorosario publication does not teach or suggest such a feature. Specifically, paragraph [0036] of the Dorosario publication illustrates how to resolve an ambiguous query word, such as "Saturn" which might pertain to the planet, the car, or the video game. The Dorosario publication discusses presenting suggestions to a user, and modifying (effectively narrowing) the search according to the selection made by the user. Thus, although the Dorosario publication may be used to modify a search query with supplemental search terms, it does not do so **automatically**, but rather requires user selection.

Paragraphs [0041]-[0043] of the Dorosario publication discuss associating words or phrases (e.g., chunks) of a user query with advertisement categories. As an example, "german sheppard" may be associated with the category "dogs". These categories then populate a user's preferred ad preference file, which is a list of predefined ad categories to which the user's past queries (or portions thereof) belong. These categories, but apparently not the original search query terms, are used to target ads. Thus, even if these categories (e.g.,

"dog") can be characterized as words related to words of the search query (e.g., "german sheppard"), the Dorosario publication apparently only uses the category, but apparently does not use the original search query, to retrieve ads. For example, the Dorosario publication states:

advertisement targeting process 34 allows for the creation and maintenance of an **advertisement preference files 48 for each user** 10 entering a query 40 into search engine 20. These advertisement preference files specify the areas of interest for that particular user. Accordingly, by understanding the areas in which a particular user is interested, **area-specific advertising can be targeted and transmitted to that user.**

Advertisement targeting process 34 includes a file repository process 80 for storing **advertisements grouped in accordance with predefined advertisement categories** 44. Thus, if user 10 runs a considerable number of searches (i.e. executes queries) relating to automobiles, they are most-likely a car enthusiast. Therefore, advertisement preference file 48 would specify an area of interest for user 10 as being **automobiles**. Therefore, user 10 would probably be interested in seeing ads relating to various automobiles and automobile related products (e.g., automotive accessories, high performance driving schools, etc.).

An advertisement transmission process 82 processes the advertisement preference file 48 for user 10, **retrieves the appropriate category-specific advertisements from advertisement repository 80 and**

transmits these advertisements to user
10 so they can be viewed/heard on
user's computer 38. [Emphasis added.]

Paragraphs [0065] and [0066].

As can be appreciated from the foregoing, the cited portions of the Dorosario publication do not teach an act of, or means for, **automatically** generating an ad request (a user selection is required in paragraph [0036] of the Dorosario publication) including **both** (i) a word included in an accepted search query, **and** (ii) one or more words determined to be related to the word included in the accepted search query (apparently, only the category, not the original query terms, is used to retrieve ads in the Dorosario publication).

Thus, independent claims 7, 19, 32, 53, 63 and 74, as amended, are not rendered obvious by the Dorosario publication, the Weismann patent, and the McElfresh patent for at least this first reason. Since claims 8-10, 12, 13 and 85 directly or indirectly depend from claim 7, since claims 20-22, 24 and 25 directly or indirectly depend from claim 19, since claims 33-35, 37 and 38 directly or indirectly depend from claim 32, since claims 54, 56, 57 and 62 directly or indirectly depend from claim 53, since claims 64, 66 and 67 directly or indirectly depend from claim 63 and since claims 75, 77 and 78 directly or indirectly depend from claim 74, these claims are similarly not rendered obvious by the cited references.

Second, independent claims 7, 19, 53, and 63, as amended, are not rendered obvious by the Dorosario publication, the Weismann patent, and the McElfresh

patent because these references, either taken alone or in combination, neither teach, nor suggest, an act of (or means for) 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 (e.g., a score of ad A, retrieved due to "alaska", is multiplied by 0.7 in Figure 16) relative to any items retrieved on the basis of the word included in the accepted search query (e.g., the score of ad B, which is retrieved due to "iditarod", is not adjusted in Figure 16). Similarly, independent claims 32 and 74 are not rendered obvious by the Dorosario publication, the Weismann patent, and the McElfresh patent because these references, either taken alone or in combination, neither teach, nor suggest, an act of (or means for) determining a score for each of a number of 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 (e.g., a score of ad A, retrieved due to "alaska", is determined using adjustment factor 0.7 in Figure 16) relative to any items retrieved on the basis of the word included in the accepted search query (e.g., the score of ad B, which is retrieved due to "iditarod", is not adjusted in Figure 16). Note that some embodiments consistent with the present invention adjust a previously determined score (See, e.g., 690 of Figure 6.), while in other embodiments consistent with the present invention, the score is effectively adjusted during its determination (See, e.g., 535 and 550 of Figure 5.)

The Examiner cites paragraph [0044] of the Dorosario publication as teaching these feature. (See Paper No.

20071119, page 4.) However, this section of the Dorosario publication concerns automatic categorization methods for categorizing previously uncharacterized words into categories. Thus, predefined advertisement categories can change and evolve. As one example, the category "baseball" might initially include the names of all present major league baseball teams. However, this category might evolve to later include the names of expansion teams. Although not mentioned in the cited section, the categorization of a word or phrase may change over time. For example, the term "titantic" might be initially categorized under "history", but might later be categorized under "entertainment". (See, e.g., paragraph [0054] of the Dorosario publication.)

In any event, neither the automated categorization techniques, nor the fact that words may be recategorized, teach adjusting a score, or influencing the scoring, of items retrieved on the basis of an item request including a word included in an accepted search query and one or more words determined to be related to the word included in the accepted search query such that 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 are treated differently than any items retrieved on the basis of the word included in the accepted search query.

During an earlier telephone interview, Examiner Nguyen and SPE Stamber seemed to appreciate this feature, and how it differed from the Dorosario publication, particularly when understood in the context of the example of Figure 16 of the present application.

Thus, independent claims 7, 19, 32, 53, 63 and 74, as amended, are not rendered obvious by the Dorosario publication, the Weismann patent, and the McElfresh patent for at least this second reason. Since claims 8-10, 12, 13 and 85 directly or indirectly depend from claim 7, since claims 20-22, 24 and 25 directly or indirectly depend from claim 19, since claims 33-35, 37 and 38 directly or indirectly depend from claim 32, since claims 54, 56, 57 and 62 directly or indirectly depend from claim 53, since claims 64, 66 and 67 directly or indirectly depend from claim 63 and since claims 75, 77 and 78 directly or indirectly depend from claim 74, these claims are similarly not rendered obvious by the cited references.

Third, one skilled in the art would not have combined these references as proposed by the Examiner. The Examiner contends:

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 Weissman et al., with the particular search architecture and score adjustment feature based on ad performance information as taught by Weissman et al. and 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.**) Furthermore, 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., Weissman

et al. and McElfresh 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. **The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan.** [Emphasis added.]

(Paper No. 20071119, pages 4 and 5.) The applicant respectfully disagrees.

First, the Examiner alleges that the proposed combination would "increase the efficiency in the targeting of the advertisement [by the Dorosario patent] by incorporating an adjustment based on the prior interaction of the users with the ads." (Paper No. 20071119, page 4) However, as discussed above, the Dorosario patent generates a list of preferred advertisement categories for a user by monitoring that user's search queries. (See, e.g., blocks 102, 104 and 106 of Figure 3.) Ads are also associated with advertisement categories. (See, e.g., block 118 of Figure 3.) This list of preferred advertisement categories is then used to serve ads to the user, which ads pertain to categories that the user should be interested in. (See, e.g., 120 and 122 of Figure 3.)

The applicant respectfully submits that *it is unpredictable whether modifying a system targeting ads to a particular user using that particular user's search queries to further consider the prior interaction of other users with ads would "increase the efficiency in the targeting of advertisements" as alleged by the Examiner.* Thus, one skilled in the art would not have combined the references as proposed by the Examiner for a least this reason. Consequently, independent claims 7, 19, 32, 53, 63 and 74 are not rendered obvious for at least this additional reason. Since claims 8-10, 12, 13 and 85 directly or indirectly depend from claim 7, since claims 20-22, 24 and 25 directly or indirectly depend from claim 19, since claims 33-35, 37 and 38 directly or indirectly depend from claim 32, since claims 54, 56, 57 and 62 directly or indirectly depend from claim 53, since claims 64, 66 and 67 directly or indirectly depend from claim 63 and since claims 75, 77 and 78 directly or indirectly depend from claim 74, these claims are similarly not rendered obvious by the cited references.

Second, the Examiner's finding that "a particular known technique *was recognized as part of the ordinary capabilities of a skilled artisan*" is insufficient to support a conclusion that one skilled in the art would have combined the references as proposed by the Examiner. Frankly, the Examiner's rationale does not show a motivation for one skilled in the art to combine the references as proposed, nor does it provide any obvious rationale for making such a combination. Consequently, independent claims 7, 19, 32, 53, 63 and 74 are not rendered obvious for at least this additional reason.

Since claims 8-10, 12, 13 and 85 directly or indirectly depend from claim 7, since claims 20-22, 24 and 25 directly or indirectly depend from claim 19, since claims 33-35, 37 and 38 directly or indirectly depend from claim 32, since claims 54, 56, 57 and 62 directly or indirectly depend from claim 53, since claims 64, 66 and 67 directly or indirectly depend from claim 63 and since claims 75, 77 and 78 directly or indirectly depend from claim 74, these claims are similarly not rendered obvious by the cited references.

Claims 14-17, 26-29, 39-42, 58-61, 68-71 and 79-82 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Weissman patent and the Dorosario publication and further in view of U.S. Patent Application Publication No. 2002/0059094 ("the Hosea publication"). The applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following.

The Examiner concedes that the Dorosario publication, the Weissman patent and the McElfresh patent do not teach updating a multiplier using the formula:

$$\text{updated_multiplier} = \frac{N \cdot \text{initial_multiplier} + \text{observed_user_behavior}}{N + \text{naively_predicted_user_behavior}}$$

To compensate for this admitted deficiency, the Examiner relies on the Hosea publication as teaching an adaptive profiling algorithm, and concludes that it would have been obvious to use this feature of the Hosea publication to modify the Examiner's proposed combination. (See Paper No. 20071119, page 8.)

First, the purported teachings of the Hosea publication would not compensate for the deficiencies of

the Dorosario publication, the Weissman patent and the McElfresh patent with respect to claims 7, 19, 32, 53, 63 and 74, discussed above, regardless of the scope of the purported teachings of the Hosea publication, and regardless of the presence or absence of an obvious reason to combine these references. Thus, these claims are not rendered obvious by the Dorosario publication, the Weissman patent, the McElfresh patent and Hosea publication for at least this reason.

Second, the algorithm discussed in cited paragraphs [0043] and [0044] of the Hosea publication is different from that claimed. Thus, these claims are not rendered obvious by the Dorosario and Hosea publications for at least this additional reason.

Conclusion

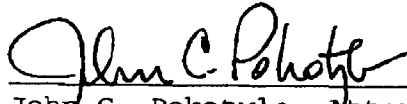
In view of the foregoing amendments and remarks, the applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, the applicant requests that the Examiner pass this application to issue.

Any arguments made in this amendment pertain **only** to the specific aspects of the invention **claimed**. Any claim amendments or cancellations, and any arguments, are made **without prejudice to, or disclaimer of**, the applicant's right to seek patent protection of any unclaimed (e.g., narrower, broader, different) subject matter, such as by way of a continuation or divisional patent application for example.

Further, the applicant reserves it's right to separately argue the patentability of separate features of the various independent claims, and/or separate features of various dependent claims, even if such features were not specifically addressed in this response. To the extent that the patentability of any such feature(s) was addressed in one or more prior actions, such arguments are incorporated herein by reference, to the extent applicable.

Respectfully submitted,

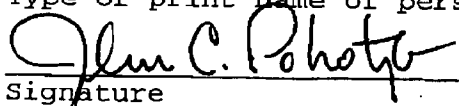
March 20, 2008


John C. Pokotylo, Attorney
Reg. No. 36,242
Tel.: (732) 542-9070

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (and any accompanying paper(s)) is being facsimile transmitted to the United States Patent Office on the date shown below.

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Date

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IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

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

Applicant: Jeremy BEM

Serial No.: 10/674,888

Filing Date: September 30, 2003

Title: INCREASING A NUMBER OF RELEVANT ADVERTISEMENTS USING
A RELAXED MATCH

Examiner: Tri V. Nguyen

Group Art Unit: 1796

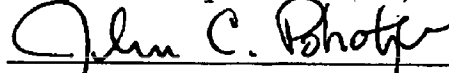
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR A ONE (1) MONTH EXTENSION OF TIME

In response to the final Office Action mailed on November 20, 2007, which set a time for response to expire on February 20, 2008, please extend that period one (1) month to expire on March 20, 2008. The Patent Office is authorized to charge the fee of \$120.00 and any fee due to the deposit account of Straub & Pokotylo, deposit account number 50-1049.

Respectfully submitted,



John C. Pokotylo, Attorney
Reg. No. 36,242
Customer No. 26479
(732) 542-9070

March 20, 2008

03/21/2008 PCHOMP 00000010 501049 10674888

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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	06/13/2008	EXAMINER	
STRAUB & POKOTYLO 788 Shrewsbury Avenue TINTON FALLS, NJ 07724			NGUYEN, TRI V	
			ART UNIT	PAPER NUMBER
			1796	
			MAIL DATE	DELIVERY MODE
			06/13/2008	PAPER

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

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No. 10/674,888	Applicant(s) BEM, JEREMY	
Examiner TRI V. NGUYEN	Art Unit 1796	

-- 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 20 March 2008.
- 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) See Continuation Sheet 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) 7-10, 12-14, 19-22, 24-26, 32-35, 37-39, 53, 54, 56-58, 63, 64, 66-68, 74, 75, 77-79 and 85 is/are rejected.
- 7) Claim(s) 15-17, 27-29, 40-42, 59-61, 69-71, 80-82 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 _____ 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) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

Continuation of Disposition of Claims: Claims pending in the application are 7-10,12-17,19-22,24-29,32-35,37-42,53,54,56-61,63,64,66-71,74,75,77-81 and 85.

DETAILED ACTION

Request for Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/20/08 has been entered.

Response to Amendment

2. In the amendment filed on 03/16/07, claims 7, 19, 32, 53, 63 and 74 have been amended and claims 1-6, 11, 18, 23, 30, 31, 36, 43-52, 55, 62, 65, 72, 73, 76, 83, 84 and 86 have been cancelled. The currently pending claims considered below are Claims 7-10, 12-17, 19-22, 24-29, 32-35, 37-42, 53, 54, 56-61, 63, 64, 66-71, 74, 75, 77-82 and 85.

3. In view of the amendment and applicant's remarks, the objections and rejections under 112(2) are withdrawn.

Claim Rejections - 35 USC § 101

4. 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.

5. Claims 7-10, 12-17, 19-22, 24-29, 32-35, 37-42 and 85 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

It is noted that based on Supreme Court precedent and recent Federal Circuit decisions, the Office's guidance is that a § 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or

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materials) to a different state or thing. If neither of these requirements is met by the claim, the method is not a patent eligible process under § 101 and should be rejected as being directed to nonstatutory subject matter. See *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780,787-88 (1876).

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 7-10,12-17,19-22,24-29,32-35,37-42,53,54,56-61,63,64,66-71,74,75,77-81 and 85 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 7, 19, 32, 53, 63 and 74 recite the limitation of "automatically" generating the request; however, a review of the specification does not specifically teach "automatically" generating the request as claimed.

Claim Rejections - 35 USC § 103

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 7-10, 12, 13, 19-22, 24, 25, 32-35, 37, 38, 53, 54, 56, 57, 63, 64, 66, 67, 74, 75, 77, 78 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorosario et al. in view of Weissman et al., McElfresh et al. and Oh (US 2003/0182274).

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Claims 7, 19 and 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. 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);
- 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 (page 5, parag. 44);
- g) serving at least some of the items to a client device for rendering to a user, wherein the serving is controlled, at least in part, using the adjusted scores,
 - wherein the retrieved items are advertisements but does not explicitly disclose 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. disclose a method of delivering advertisement based on a search query however, Dorosario et al. does not explicitly disclose applicants' search architecture, determination a score for each of the retrieved items that uses at least one of ad performance information and ad price information and automatically generating the request. In an analogous art, Weissman et al. disclose appellants search architecture based on words relationships and

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score adjustments (col 7, lines 41-49; col 8, lines 8-22; col 9, lines 42-67; col 10, lines 42-54; col 13, lines 35-65 and Figure 3), McElfresh et al. teach 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) and Oh teach that the feature of automatic tasking in a search engine with advertising functionality (abstract and §51). It is noted that both Dorosario et al. and Weissman et al. teach a variation of the automatic tasking (Dorsario: § 44 and Weissman: col 5, lines 52-55 and col 7, lines 50-65). Since Dorosario et al. aim to increase the matching between keywords and advertisements via various parameters, 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 particular search architecture, score adjustment feature based on ad performance information and automatic tasking as taught by Weissman et al., McElfresh et al. and Oh respectively. 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 and to automatically perform tasks to expedite known process parameters. Furthermore, 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., Weissman et al., McElfresh et al. and Oh 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

Art Unit: 3622

of the search results. The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan.

Claims 8, 20 and 33: Dorosario et al., Weissman et al., McElfresh et al. and Oh disclose the method of 7, 19 and 32 but do not explicitly disclose wherein the act of adjusting the scores includes decreasing the scores. Weissman et al. teach ranking the results and ordering based on relevance (col 7, lines 45-49). 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., Weissman et al., McElfresh et al. and Oh 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).

Claims 9, 21 and 34: Dorosario et al., Weissman et al., McElfresh et al. and Oh disclose the method of claims 7, 19 and 32 but do not explicitly disclose wherein the act of adjusting the scores includes multiplying each of the scores by a multiplier that is less than one. Weissman et al. teach ranking the results and ordering based on relevance (col 7, lines 45-49). The instant limitation of adjusting the scores includes multiplying each of the scores by a multiplier that is less than one 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., Weissman et al., McElfresh et al. and Oh to include a step of adjusting the scores includes multiplying each of the scores by a

Art Unit: 3622

multiplier that is less than one. One would have been motivated to allow for the modification of the method to include a way to reflect the score being adjusted.

Claims 10, 22 and 35: Dorosario et al., Weissman et al., McElfresh et al. and Oh disclose the method of claims 9, 21 and 34 but do not explicitly disclose further comprising:

h) updating the multiplier using performance information. Weissman disclose the feature of updating the score. Dorosario et al. disclose a performance feature in a search engine and weighing factors (page 5, parag. 44 and page 7, parag. 63). 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., Weissman et al., McElfresh et al. and Oh, with the performance feature. One would have been motivated to modify the method to expand on the semantic space criteria with an additional dimension thus increasing the number of pertinent information to optimize the effectiveness of advertisement matching.

Claims 12, 24 and 37 Dorosario et al., Weissman et al., McElfresh et al. and Oh disclose the method of claims 10, 22 and 35 disclose wherein the performance information includes ad selection information (Dorosario et al.: page 4, parag. 35; page 5, parag. 44 and page 7, parag. 63).

Claims 13, 25 and 38: Dorosario et al., Weissman et al., McElfresh et al. and Oh disclose the method of 10, 22 and 35 disclose wherein the performance information includes ad conversion information (Dorosario et al.: page 4, parag. 35).

Art Unit: 3622

Claims 53, 54, 56, 57, 63, 64, 66, 67, 74, 75, 77, 78 and 85 disclose the apparatus of the method Claims 7-10, 12, 13, 19-22, 24, 25, 32-35, 37, 38 respectively; therefore, the prior arts of Dorosario et al., Weissman et al., McElfresh et al. and Oh as set forth above are relied upon to reject Claims 53, 54, 56, 57, 63, 64, 66, 67, 74, 75, 77, 78 and 85.

10. Claims 14, 26, 39, 58, 68 and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable Dorosario et al., Weissman et al., McElfresh et al. and Oh as applied to the claims above, and further in view of Hosea et al.

Claim 14, 26 and 39: Dorosario et al., Weissman et al., McElfresh et al. and Oh disclose the method of claims 10, 22 and 35 respectively but do not explicitly disclose 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. 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., Weissman et al. and McElfresh 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 pertinent information about the user thus increasing the effectiveness of ad matching.

Art Unit: 3622

Claims 58, 68 and 79 describe the apparatus of the method Claims 14, 26 and 39 respectively; therefore, the prior arts of : Dorosario et al., Weissman et al., McElfresh et al., Oh and Hosea et al. as set forth above are relied upon to reject Claims 58, 68 and 79.

Allowable Subject Matter

11. Claims 15-17, 27-29, 40-42, 59-61, 69-71 and 80-82 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Dorosario et al., Weissman et al., McElfresh et al., Oh and Hosea et al. describe the claimed invention; however, none of the cited references teach the specific formula 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;

and the various parameters of the formula.

Response to Arguments

12. Applicant's arguments, filed on 3/20/08 with respect to claims 15-17, 27-29, 40-42, 59-61, 69-71 and 80-82 have been fully considered and are persuasive. The rejection under 103(a) of 15-17, 27-29, 40-42, 59-61, 69-71 and 80-82 has been withdrawn.

13. Applicant's arguments filed 3/20/08 have been fully considered but they are not persuasive.

Art Unit: 3622

- a. Regarding applicant's argument that the cited references do not teach the automatic feature on page 19 et seq., the examiner notes that the new ground of rejection for the amended claims.
- b. Regarding applicant's argument that the cited references do not teach the features of a score determination and adjustment on page 23 et seq., the examiner notes the Dorosario reference teach advertisement matching in a search engine environment and aim to achieve the most efficient targeted advertisement via various parameters such semantic matching and profiling. The Weissman reference is relied upon to show that score generation and adjustment are well known features in semantic mapping and matching. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the score matching feature as in the improvement discussed in Weissman in the method of Dorosario.
- c. Regarding applicant's argument that the combination is not obvious on page 26 et seq., it is noted that even if the references in the instant case do not expressly suggest the specific combination claimed by the inventor, an assertion which the examiner contests, the courts have stated "to support [a] conclusion that claimed combination is directed to obvious subject matter, references must either expressly or impliedly suggest claimed combination or examiner must present convincing line of reasoning as to why artisan would have found claimed invention to have been obvious in light of references' teachings." Ex parte Clapp, 227 USPQ 972, 973 (BdPatApp&Int 1985). Furthermore, The Courts have already established that "[h]aving established that this knowledge was in the art, the examiner could then properly rely, as put forth by the solicitor, on a conclusion of obviousness 'from common knowledge and common sense of the person of ordinary skill in the art without any specific hint or suggestion in a

Art Unit: 3622

particular reference." In re Bozek, 163 USPQ 545, 549 (CCPA 1969). In the instant case, it is noted that the Dorosario reference teach advertisement matching in a search engine environment and aim to achieve the most efficient targeted advertisement via various parameters such semantic matching and user's profiling. The Weissman reference is relied upon to show that score generation and adjustment are well known features for optimizing semantic mapping and matching. It would be well within the purview of a skilled artisan to implement the features of score generation and adjustment within the environment of Dorosario's targeted advertisement for search engines to enhance the delivery of more efficient and customized advertisement. Furthermore, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention since Weisman's features are used to optimize the matching scheme of Dorosario.

d. Regarding applicant's argument that the Hosea et al. reference does not teach the update-multiplier formula. Regarding claims 14, 26, 39, 58, 68 and 79, it is noted that Hosea et al. teach an example of an adaptive profiling algorithm that takes into consideration the behavior of the user over time starting from a pre-determined data; however, the Examiner concurs that the Hosea et al. does not disclose the specific formula and notes that the claims directed to the specific formula are now allowable subject matter.

Conclusion

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.

Art Unit: 3622

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119 and Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. V. N./
Examiner, Art Unit 1796
June 13, 2008

/Eric W. Stamber/
Supervisory Patent Examiner, Art Unit 3622

Notice of References Cited	Application/Control No. 10/674,888	Applicant(s)/Patent Under Reexamination BEM, JEREMY	
	Examiner TRI V. NGUYEN	Art Unit 1796	Page 1 of 1

U.S. PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A US-2003/0182274	09-2003	Oh, Young-June	707/3
	B US-			
	C US-			
	D US-			
	E US-			
	F US-			
	G US-			
	H US-			
	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				
	O				
	P				
	Q				
	R				
	S				
	T				

NON-PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	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).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Search Notes 	Application/Control No. 10674888	Applicant(s)/Patent Under Reexamination BEM, JEREMY
	Examiner TRI V NGUYEN	Art Unit 1796

SEARCHED			
Class	Subclass	Date	Examiner
705	14	06/07/08	nvt

SEARCH NOTES		
Search Notes	Date	Examiner
EAST updated	6/07/08	nvt
Google scholar & Patents	06/07/08	nvt

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

Index of Claims 	Application/Control No. 10674888	Applicant(s)/Patent Under Reexamination BEM, JEREMY
	Examiner TRI V NGUYEN	Art Unit 1796

✓	Rejected
=	Allowed


-	Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE							
Final	Original	06/07/2008							
	1	-							
	2	-							
	3	-							
	4	-							
	5	-							
	6	-							
	7	✓							
	8	✓							
	9	✓							
	10	✓							
	11	-							
	12	✓							
	13	✓							
	14	✓							
	15	○							
	16	○							
	17	○							
	18	-							
	19	✓							
	20	✓							
	21	✓							
	22	✓							
	23	-							
	24	✓							
	25	✓							
	26	✓							
	27	○							
	28	○							
	29	○							
	30	-							
	31	-							
	32	✓							
	33	✓							
	34	✓							
	35	✓							
	36	-							

Index of Claims 	Application/Control No. 10674888	Applicant(s)/Patent Under Reexamination BEM, JEREMY
	Examiner TRI V NGUYEN	Art Unit 1796

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Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE									
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	42	○									
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	69	○									
	70	○									
	71	○									
	72	-									

Index of Claims 	Application/Control No. 10674888	Applicant(s)/Patent Under Reexamination BEM, JEREMY
	Examiner TRI V NGUYEN	Art Unit 1796

✓	Rejected
=	Allowed

-	Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE							
Final	Original	06/07/2008							
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	74	✓							
	75	✓							
	76	-							
	77	✓							
	78	✓							
	79	✓							
	80	O							
	81	O							
	82	O							
	83	-							
	84	-							
	85	✓							
	86	-							



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APPLICATION NUMBER	PATENT NUMBER	GROUP ART UNIT	FILE WRAPPER LOCATION
10/674,888		1796	17M1



Correspondence Address/Fee Address Change

The following fields have been set to Customer Number 82402 on 10/07/2008

- Correspondence Address
- Maintenance Fee Address
- Power of Attorney Address

The address of record for Customer Number 82402 is:

82402
Straub & Pokotylo
788 Shrewsbury Avenue
Tinton Falls, NJ 07724



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APPLICATION NUMBER	PATENT NUMBER	GROUP ART UNIT	FILE WRAPPER LOCATION
10/674,888		1796	17M1



Correspondence Address/Fee Address Change

The following fields have been set to Customer Number 82402 on 11/20/2008

- Correspondence Address
- Maintenance Fee Address
- Power of Attorney Address

The address of record for Customer Number 82402 is:

82402
Straub & Pokotylo
788 Shrewsbury Avenue
Tinton Falls, NJ 07724

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Attorney Docket No.: **Google-57 (GP-151-00-US)**

Appl. No.: **10/674,888**

Applicant: **Jeremy BEM**

Filed: **September 30, 2003**

Title: **INCREASING A NUMBER OF RELEVANT ADVERTISEMENTS USING A
RELAXED MATCH**

TC/A.U.: **1796**

Examiner: **Tri V. Nguyen**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

In response to the Office Action mailed on June 13, 2008 (Paper No. 20080528), which set a period for response to expire on September 13, 2008, that period being extended three (3) months to expire on December 13, 2008, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 17 of this paper.

This listing of claims will replace all prior versions, and listings, of claims in the application:

Claims 1-6 (canceled)

1 Claim 7 (currently amended): A computer-implemented method
2 comprising:

3 a) accepting, using a computer system including at
4 least one computer, search query information including
5 a word;

6 b) determining, using the computer system, one or
7 more words related to the word included in the
8 accepted search query;

9 c) generating, automatically using the computer
10 system, an item request including

11 i) the word included in the accepted search
12 query, and

13 ii) the one or more words determined to be
14 related to the word included in the accepted
15 search query;

16 d) retrieving, using the computer system, items using
17 the item request;

18 e) determining, using the computer system, a score
19 for each of the retrieved items;

20 f) adjusting, using the computer system, the scores
21 of any items retrieved on the basis of the one or more
22 words determined to be related to the word included in
23 the accepted search query relative to any items

24 retrieved on the basis of the word included in the
25 accepted search query to generate adjusted scores; and

26 g) serving, using the computer system, at least some
27 of the items to a client device for rendering to a

28 user, wherein the serving is controlled, at least in
 29 part, using the adjusted scores,
 30 wherein the retrieved items are advertisements
 31 and wherein the act of determining a score for each of the
 32 retrieved items uses at least one of ad performance
 33 information and ad price information.

1 Claim 8 (currently amended): The computer-implemented
 2 method of claim 7 wherein the act of adjusting the scores
 3 includes decreasing the scores.

1 Claim 9 (currently amended): The computer-implemented
 2 method of claim 7 wherein the act of adjusting the scores
 3 includes multiplying each of the scores by a multiplier
 4 that is less than one.

1 Claim 10 (currently amended): The computer-implemented
 2 method of claim 9 further comprising:
 3 h) updating, using the computer system, the
 4 multiplier using performance information.

Claim 11 (canceled)

1 Claim 12 (currently amended): The computer-implemented
 2 method of claim 10 wherein the performance information
 3 includes ad selection information.

1 Claim 13 (currently amended): The computer-implemented
 2 method of claim 10 wherein the performance information
 3 includes ad conversion information.

1 Claim 14 (currently amended): The computer-implemented
 2 method of claim 10 wherein the act of updating the
 3 multiplier is performed using a function that causes the
 4 updated multiplier to converge to observed user behavior
 5 relevant to performance divided by predicted user behavior
 6 relevant to performance.

1 Claim 15 (currently amended): The computer-implemented
 2 method of claim 10 wherein the act of updating the
 3 multiplier is performed using the formula:

4
$$\text{updated_multiplier} = \frac{N \cdot \text{initial multiplier} + \text{observed_user_behavior}}{N + \text{naively_predicted_user_behavior}}$$

5 wherein N is a number.

1 Claim 16 (currently amended): The computer-implemented
 2 method of claim 15 wherein the user behavior is selection.

1 Claim 17 (currently amended): The computer-implemented
 2 method of claim 15 wherein the user behavior is conversion.

Claim 18 (canceled)

1 Claim 19 (currently amended): A computer-implemented
 2 method comprising:

- 3 a) accepting, using a computer system including at
- 4 least one computer, search query information including
- 5 a word;
- 6 b) determining, using the computer system, one or
- 7 more words related to the word included in the
- 8 accepted search query;
- 9 c) generating, automatically using the computer
- 10 system, an item request including

11 i) the word included in the accepted search
12 query, and
13 ii) the one or more words determined to be
14 related to the word included in the accepted
15 search query;
16 d) retrieving, using the computer system, items using
17 the item request;
18 e) determining, using the computer system, a score
19 for each of the retrieved items;
20 f) adjusting, using the computer system, the scores
21 of any items retrieved solely on the basis of the one
22 or more words determined to be related to the word
23 included in the accepted search query relative to any
24 items retrieved on the basis of the word included in
25 the accepted search query to generate adjusted scores;
26 and
27 g) serving, using the computer system, at least some
28 of the items to a client device for rendering to a
29 user, wherein the serving is controlled, at least in
30 part, using the adjusted scores,
31 wherein the retrieved items are advertisements
32 and wherein the act of determining a score for each of the
33 retrieved items uses at least one of ad performance
34 information and ad price information.

1 Claim 20 (currently amended): The computer-implemented
2 method of claim 19 wherein the act of adjusting the scores
3 includes decreasing the scores.

1 Claim 21 (currently amended): The computer-implemented
2 method of claim 19 wherein the act of adjusting the scores

3 includes multiplying each of the scores by a multiplier
4 that is less than one.

1 Claim 22 (currently amended): The computer-implemented
2 method of claim 21 further comprising:

3 h) updating, using the computer system, the
4 multiplier using performance information.

Claim 23 (canceled)

1 Claim 24 (currently amended): The computer-implemented
2 method of claim 22 wherein the performance information
3 includes ad selection information.

1 Claim 25 (currently amended): The computer-implemented
2 method of claim 22—wherein the performance information
3 includes ad conversion information.

1 Claim 26 (currently amended): The computer-implemented
2 method of claim 22 wherein the act of updating the
3 multiplier is performed using a function that causes the
4 updated multiplier to converge to observed user behavior
5 relevant to performance divided by predicted user behavior
6 relevant to performance.

1 Claim 27 (currently amended): The computer-implemented
2 method of claim 22 wherein the act of updating the
3 multiplier is performed using the formula:

$$4 \quad \text{updated_multiplier} = \frac{N \cdot \text{initial_multiplier} + \text{observed_user_behavior}}{N + \text{predicted_user_behavior}}$$

5 wherein N is a number.

1 Claim 28 (currently amended): The computer-implemented
2 method of claim 27 wherein the user behavior is selection.

1 Claim 29 (currently amended): The computer-implemented
2 method of claim 27 wherein the user behavior is conversion.

Claims 30-31 (canceled)

1 Claim 32 (currently amended): A computer-implemented
2 method comprising:
3 a) accepting, using a computer system having at least
4 one computer, search query information including a
5 word;
6 b) determining, using the computer system, one or
7 more words related to the word included in the
8 accepted search query;
9 c) generating, automatically using the computer
10 system, an item request including
11 i) the word included in the accepted search
12 query, and
13 ii) the one or more words determined to be
14 related to the word included in the accepted
15 search query;
16 d) retrieving, using the computer system, items using
17 the item request;
18 e) determining, using the computer system, a score
19 for each of the retrieved items, wherein a score
20 component is adjusted for any items retrieved on the
21 basis of the one or more words determined to be
22 related to the word included in the accepted search
23 query relative to any items retrieved on the basis of
24 the word included in the accepted search query; and

25 f) transmitting, using the computer system, at least
 26 some of the retrieved items towards a client device
 27 for rendering to a user,
 28 wherein the retrieved items are advertisements
 29 and wherein the score component is at least one of ad
 30 performance information and ad price information.

1 Claim 33 (currently amended): The computer-implemented
 2 method of claim 32 wherein the act of adjusting the score
 3 component includes decreasing the score component.

1 Claim 34 (currently amended): The computer-implemented
 2 method of claim 32 wherein the act of adjusting the score
 3 component includes multiplying the score component by a
 4 multiplier that is less than one.

1 Claim 35 (currently amended): The computer-implemented
 2 method of claim 34 further comprising:
 3 g) updating, using the computer system, the
 4 multiplier using performance information.

Claim 36 (canceled)

1 Claim 37 (currently amended): The computer-implemented
 2 method of claim 35 wherein the performance information
 3 includes ad selection information.

1 Claim 38 (currently amended): The computer-implemented
 2 method of claim 35—wherein the performance information
 3 includes ad conversion information.

1 Claim 39 (currently amended): The computer-implemented
 2 method of claim 35 wherein the act of updating the
 3 multiplier is performed using a function that causes the
 4 updated multiplier to converge to observed user behavior
 5 relevant to performance divided by predicted user behavior
 6 relevant to performance.

1 Claim 40 (currently amended): The computer-implemented
 2 method of claim 35 wherein the act of updating the
 3 multiplier is performed using the formula:

$$4 \quad \text{updated_multiplier} = \frac{N \cdot \text{initial multiplier} + \text{observed_user_behavior}}{N + \text{naively_predicted_user_behavior}}$$

5 wherein N is a number.

1 Claim 41 (currently amended): The computer-implemented
 2 method of claim 40 wherein the user behavior is selection.

1 Claim 42 (currently amended): The computer-implemented
 2 method of claim 40 wherein the user behavior is conversion.

Claims 43-52 (canceled)

1 Claim 53 (currently amended): Apparatus comprising:
 2 a) an input for accepting search query information
 3 including a word;
 4 b) at least one processor; and
 5 c) at least one storage device storing machine
 6 executable instructions which, when executed by the at
 7 least one processor, perform a method including,
 8 1) [[means for]] determining one or more words
 9 related to the word included in the accepted
 10 search query, [[+]]

11 2) ~~[[e) means for]]~~ generating, automatically,
12 an item request including
13 i) the word included in the accepted search
14 query, and
15 ii) the one or more words determined to be
16 related to the word included in the accepted
17 search query, ~~[[+]]~~
18 3) ~~[[d) means for]]~~ retrieving items using the
19 item request, ~~[[+]]~~
20 4) ~~[[e) means for]]~~ determining a score for each
21 of the retrieved items, ~~[[+]]~~
22 5) ~~[[f) means for]]~~ adjusting the scores of any
23 items retrieved on the basis of the one or more
24 words determined to be related to the word
25 included in the accepted search query relative to
26 any items retrieved on the basis of the word
27 included in the accepted search query to generate
28 adjusted scores, ~~[[+]]~~ and
29 6) ~~[[g) means for]]~~ serving at least some of the
30 items to a client device for rendering to a user,
31 wherein the serving is controlled, at least in
32 part, using the adjusted scores,
33 wherein the retrieved items are
34 advertisements and wherein the means for determining a
35 score for each of the retrieved items use at least one
36 of ad performance information and ad price
37 information.

1 Claim 54 (currently amended): The apparatus of claim 53
2 wherein the act of adjusting uses ~~[[means for adjusting~~
3 ~~use]]~~ a multiplier, the method ~~[[apparatus]]~~ further
4 including ~~[[comprising+]]~~

5 7) ~~[[h]—means for]]~~ updating the multiplier using
6 performance information.

Claim 55 (canceled)

1 Claim 56 (previously presented): The apparatus of claim 54
2 wherein the performance information includes ad selection
3 information.

1 Claim 57 (previously presented): The apparatus of claim 54
2 wherein the performance information includes ad conversion
3 information.

1 Claim 58 (currently amended): The apparatus of claim 54
2 wherein the act of updating the multiplier uses ~~[[means for~~
3 ~~updating the multiplier use]]~~ a function that causes the
4 updated multiplier to converge to observed user behavior
5 relevant to performance divided by predicted user behavior
6 relevant to performance.

1 Claim 59 (currently amended): The apparatus of claim 54
2 wherein the act of updating the multiplier uses ~~[[means for~~
3 ~~updating the multiplier use]]~~ the formula:

$$4 \quad \text{updated_multiplier} = \frac{N \cdot \text{initial_multiplier} + \text{observed_user_behavior}}{N + \text{naively_predicted_user_behavior}}$$

5 wherein N is a number.

1 Claim 60 (original): The apparatus of claim 59 wherein the
2 user behavior is selection.

1 Claim 61 (original): The apparatus of claim 59 wherein the
2 user behavior is conversion.

Claim 62 (canceled)

- 1 Claim 63 (currently amended): Apparatus comprising:
2 a) an input for accepting search query information
3 including a word;
4 b) at least one processor; and
5 c) at least one storage device storing machine
6 executable instructions which, when executed by the at
7 least one processor, perform a method including,
8 1) ~~[[means for]]~~ determining one or more words
9 related to the word included in the accepted
10 search query, ~~[[+]]~~
11 2) ~~[[e]—means for]]~~ generating, automatically,
12 an item request including
13 i) the word included in the accepted search
14 query, and
15 ii) the one or more words determined to be
16 related to the word included in the accepted
17 search query, ~~[[+]]~~
18 3) ~~[[d]—means for]]~~ retrieving items using the
19 item request, ~~[[+]]~~
20 4) ~~[[e]—means for]]~~ determining a score for each
21 of the retrieved items, ~~[[+]]~~
22 5) ~~[[f]—means for]]~~ adjusting the scores of any
23 items retrieved solely on the basis of the one or
24 more words determined to be related to the word
25 included in the accepted search query relative to
26 any items retrieved on the basis of the word
27 included in the accepted search query to generate
28 adjusted scores, ~~[[+]]~~ and

29 6) ~~[[g) means for]]~~ serving at least some of the
30 items to a client device for rendering to a user,
31 wherein the serving is controlled, at least in
32 part, using the adjusted scores,
33 wherein the retrieved items are advertisements
34 and wherein the means for determining a score for each of
35 the retrieved items uses at least one of ad performance
36 information and ad price information.

1 Claim 64 (currently amended): The apparatus of claim 63
2 wherein the act of ~~[[means for]]~~ adjusting uses a
3 multiplier, the method ~~[[apparatus]]~~ further including
4 ~~[[comprising]]~~

5 7) ~~[[g) means for]]~~ updating the multiplier using
6 performance information.

Claim 65 (canceled)

1 Claim 66 (previously presented): The apparatus of claim 64
2 wherein the performance information includes ad selection
3 information.

1 Claim 67 (previously presented): The apparatus of claim 64
2 wherein the performance information includes ad conversion
3 information.

1 Claim 68 (currently amended): The apparatus of claim 64
2 wherein the act of updating the multiplier uses ~~[[means for~~
3 ~~updating the multiplier use]]~~ a function that causes the
4 updated multiplier to converge to observed user behavior
5 relevant to performance divided by predicted user behavior
6 relevant to performance.

1 Claim 69 (currently amended): The apparatus of claim 64
 2 wherein the act of updating the multiplier uses ~~[[means for~~
 3 ~~updating the multiplier use]]~~ the formula:

$$4 \quad \text{updated_multiplier} = \frac{N \cdot \text{initial multiplier} + \text{observed_user_behavior}}{N + \text{predicted_user_behavior}}$$

5 wherein N is a number.

1 Claim 70 (original): The apparatus of claim 69 wherein the
 2 user behavior is selection.

1 Claim 71 (original): The apparatus of claim 69 wherein the
 2 user behavior is conversion.

Claims 72-73 (canceled)

1 Claim 74 (currently amended): Apparatus comprising:
 2 a) an input for accepting search query information
 3 including a word;
 4 b) at least one processor; and
 5 c) at least one storage device storing machine
 6 executable instructions which, when executed by the at
 7 least one processor, perform a method including,
 8 1) [[means for]] determining one or more words
 9 related to the word included in the accepted
 10 search query, [[+]]
 11 2) [[e) means for]] generating, automatically,
 12 an item request including
 13 i) the word included in the accepted search
 14 query, and
 15 ii) the one or more words determined to be
 16 related to the word included in the accepted
 17 search query, [[+]]

18 3) ~~[[d) means for]]~~ retrieving items using the
19 item request, ~~[[+]]~~
20 4) ~~[[e) means for]]~~ determining a score for each
21 of the retrieved items, wherein a score component
22 is adjusted for any items retrieved on the basis
23 of the one or more words determined to be related
24 to the word included in the accepted search query
25 relative to any items retrieved on the basis of
26 the word included in the accepted search
27 query, ~~[[+]]~~ and
28 5) ~~[[f) means for]]~~ transmitting at least some
29 of the retrieved items towards a client device
30 for rendering to a user,
31 wherein the retrieved items are
32 advertisements and wherein the score component is at
33 least one of ad performance information and ad price
34 information.

1 Claim 75 (currently amended): The apparatus of claim 74
2 wherein the score component is adjusted using a multiplier,
3 the method ~~[[apparatus]]~~ further including ~~[[comprising+]]~~
4 6) ~~[[g) means for]]~~ updating the multiplier using
5 performance information.

Claim 76 (canceled)

1 Claim 77 (previously presented): The apparatus of claim 75
2 wherein the performance information includes ad selection
3 information.

1 Claim 78 (previously presented): The apparatus of claim 75
 2 wherein the performance information includes ad conversion
 3 information.

1 Claim 79 (currently amended): The apparatus of claim 75
 2 wherein the act of updating the multiplier uses [~~means for~~
 3 ~~updating the multiplier use~~] a function that causes the
 4 updated multiplier to converge to observed user behavior
 5 relevant to performance divided by predicted user behavior
 6 relevant to performance.

1 Claim 80 (currently amended): The apparatus of claim 75
 2 wherein the act of updating the multiplier uses [~~means for~~
 3 ~~updating the multiplier use~~] the formula:

$$4 \quad \text{updated_multiplier} = \frac{N \cdot \text{initial_multiplier} + \text{observed_user_behavior}}{N + \text{naively_predicted_user_behavior}}$$

5 wherein N is a number.

1 Claim 81 (original): The apparatus of claim 80 wherein the
 2 user behavior is selection.

1 Claim 82 (original): The apparatus of claim 80 wherein the
 2 user behavior is conversion.

Claims 83-84 (canceled)

1 Claim 85 (previously presented): The method of claim 7
 2 wherein the act of retrieving ads using the ad request
 3 retrieves ads relevant to any one of the words of the
 4 generated ad request.

Claim 86 (canceled)

REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicant respectfully submits that the pending claims comply with 35 U.S.C. § 101, comply with 35 U.S.C. § 112 and are not rendered obvious under 35 U.S.C. § 103. Accordingly, it is believed that this application is in condition for allowance. If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicant respectfully requests that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.

The applicant will now address each of the issues raised in the outstanding Office Action.

Objections

Claims 15-17, 27-29, 40-42, 59-61, 69-71 and 80-82 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Since, however, the independent claims are allowable for reasons set forth below, these claims have not been amended at this time.

Rejections under 35 U.S.C. § 101

Claims 7-10, 12-17, 19-22, 24-29, 32-35, 37-42 and 85 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The applicant respectfully requests that the Examiner reconsider and

withdraw this ground of rejection in view of the following.

These method claims have been amended to recite that they are computer-implemented, with each of the acts being performed by a computer system including at least one computer. These amendments are supported, for example, by Figure 15 and section § 4.2.3 of the specification (which starts on page 24). Thus, the claims recite statutory subject matter for at least this first reason.

Further, the method claims transform accepted search query information into the transmission or controlled serving of items to a client device for rendering to a user. Thus, the claims recite statutory subject matter for at least this second reason.

Rejections under 35 U.S.C. § 112

Claims 7-10, 12-17, 19-22, 24-29, 32-35, 37-42, 53, 54, 56-61, 63, 64, 66-71, 74, 75, 77-81 and 85 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following.

The Examiner contends that claims 7, 19, 32, 53, 63 and 74 recite the limitation of "automatically" generating a request, but the specification does not specifically teach this feature as claimed. The applicant respectfully disagrees.

The test of enablement is whether one of ordinary skill in the art could make or use the invention from the disclosures in the patent, coupled with information known

in the art, without undue experimentation. (See MPEP 2164.01.) In this instance, the act of generating, automatically (using a computer system), an item request including (i) a word included in the accepted search query, and (ii) one or more words determined to be related to the word included in the accepted search query is supported by elements 420, 422, 424 and 426 of Figure 4, page 16, lines 13-21, Figure 7 (which illustrates an exemplary data structure corresponding to information 426 of Figure 4), page 18, line 6 through page 19, line 2, Figure 11 (which illustrates an exemplary method corresponding to the operations 422 of Figure 4), page 20, lines 4-19, Figure 15 and page 24, line 10 through page 25, line 13. Using at least the cited sections of the application, one reasonably skilled in the art could make or use the claimed invention, coupled with information known in the art, without undue experimentation. Consequently, claims 7-10, 12-17, 19-22, 24-29, 32-35, 37-42, 53, 54, 56-61, 63, 64, 66-71, 74, 75, 77-81 and 85 comply with the enablement requirement of 35 U.S.C. § 112, first paragraph. Thus, this ground of rejection should be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 7-10, 12, 13, 19-22, 24, 25, 32-35, 37, 38, 53, 54, 56, 57, 63, 64, 66, 67, 74, 75, 77, 78 and 85 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0078928 ("the Dorosario publication") in view of U.S. Patent No. 6,453,315 ("the Weissman patent"), U.S. Patent No. 6,907,566 ("the McElfresh patent") and U.S.

Patent Application Publication No. 2003/0182274 ("the Oh publication"). The applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following.

As noted in the previous response and shown, in the example illustrated in Figure 16, embodiments consistent with the present invention may be used to search for items such as ads 1660 by accepting a query (e.g., iditarod 1620), finding related word(s) (e.g., alaska, dog sled, ... malamute 1634), and generating, automatically, a request including both the word in the original query, as well as the related word(s) (e.g., request 1640 including both iditarod and alaska, ... malamute).

Still referring to Figure 16, the items (e.g., ads) returned may be scored. The score of items returned in response to the related word(s) may be penalized relative to those returned in response to word(s) in the original query. For example, since ad A was returned in response to related word "alaska", its score is multiplied by a factor of 0.7 (1692). Since, on the other hand, ad B was returned in response to the word "iditarod" from the original query (1620), its score is not penalized (1694).

Independent claims 7, 19, 32, 53, 63 and 74 are not rendered obvious by the Dorosario publication, the Weismann patent, the McElfresh patent and the Oh publication at least because:

- (1) these references, either taken alone or in combination, neither teach, nor suggest, an act of (or means for) **automatically** generating an ad

request including both (i) a word included in an accepted search query, and (ii) one or more words determined to be related to the word included in the accepted search query;

(2) these references, either taken alone or in combination, neither teach, nor suggest, an act of (or means for) 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, or an act of (or means for) determining a score for each of a number of 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; and

(3) one skilled in the art would not have combined these references, and then further modify this combination, as proposed by the Examiner.

Each of these three issues is addressed below.

First, independent claims 7, 19, 32, 53, 63 and 74 are not rendered obvious by the Dorosario publication, the Weismann patent, the McElfresh patent and the Oh publication because these references, either taken alone or in combination, neither teach, nor suggest, an act of (or means for) **automatically** generating an ad request including both (i) a word included in an accepted search

query (recall, e.g., "iditarod" in Figure 16), and (ii) one or more words determined to be related to the word included in the accepted search query (recall, e.g., "alaska", "dog sled", ..., "malamute" in Figure 16.).

The Examiner cites paragraphs [0036] and [0041]-[0043] of the Dorosario publication as teaching generating an ad request including both (i) a word included in an accepted search query, and (ii) one or more words determined to be related to the word included in the accepted search query. (See Paper No. 20080528, page 4.) Cited paragraph [0036] of the Dorosario publication illustrates how to resolve an ambiguous query word, such as "Saturn" which might pertain to the planet, the car, or the video game. The Dorosario publication discusses presenting suggestions to a user, and **modifying (effectively narrowing) the search according to the selection made by the user**. Thus, although the cited section of Dorosario publication concerns modifying a search query with supplemental search terms, **it does not do so automatically, but rather requires manual user selection**.

The Examiner concedes that the Dorosario publication does not teach automatically generating the request (See Paper No. 20080528, page 4.), but relies on the Oh publication as teaching "automatic tasking in a search engine with advertising functionality" (Paper No. 20080528, page 5), citing the Abstract and paragraph [0051]. Frankly, the applicant cannot see how the cited portions of the Oh publication teach the features alleged. More specifically, the Abstract of the Oh publication introduces "[a] navigable search engine architecture comprising a plurality of search look up

tables (10) having predetermined search values **selectable by a user to define a search criteria**. . . . [Emphasis added.]" and notes that " **[w]hen a user has defined a search criteria** using said search values, the search engine finds and lists (20) the headings of the nodes that are related to said search criteria. [Emphasis added.]" This does not teach, suggest, or make obvious **automating the act of modifying (effectively narrowing) a search according a manual the selection made by the user** in the Dorosario publication. Indeed, doing so would destroy the ability of the Dorosario publication to capture the defined (and clarified) intent of the user. Paragraph [0051] of the Oh publication states:

Thus, in the above example, **if the user has selected "Los Angeles" for search value 12a, "Sydney" for search value 12b and "flights" for search value 12c, the search engine automatically detects that there are two banner ads listed in its target directory 14d**, namely a banner ad for Qantas Airways and a banner ad for American Airlines, both of which offer flights between Los Angeles and Sydney. Both Qantas Airways and American Airlines have paid to have their advertisements appear on screen when these search values are nominated. The duration and manner in which each banner ad is displayed will be a function of the basis on which advertising space is sold. It will be seen that this feature of the preferred search engine provides a significant advantage over prior art search engines as particular vendors' advertising can be targeted to selected end users, rather than simply displayed at random

as in prior art search engines.
[Emphasis added.]

Likewise, this does not teach, suggest, or make obvious **automating the act of modifying (effectively narrowing) a search according a manual the selection made by the user** in the Dorosario publication.

As can be appreciated from the foregoing, one skilled in the art would not have been combined the purported teachings Dorosario publication and the Oh publication, and even if one did, any automation taught by the Oh publication is in a context different from **modifying (effectively narrowing) a search according a manual the selection made by the user** in the Dorosario publication.

Paragraphs [0041]-[0043] of the Dorosario publication, cited by the Examiner, discuss associating words or phrases (e.g., chunks) of a user query with advertisement categories. As an example, "german sheppard" may be associated with the category "dogs". These categories then populate a user's preferred ad preference file, which is a list of predefined ad categories to which the user's past queries (or portions thereof) belong. These categories, but apparently **not the original search query terms**, are used to target ads. Thus, even if these categories (e.g., "dog") can be characterized as words related to words of the search query (e.g., "german sheppard"), the Dorosario publication apparently only uses the category, but apparently **does not use the original search query, to retrieve ads**. For example, the Dorosario publication states:

advertisement targeting process 34 allows for the creation and maintenance of an **advertisement preference files 48 for each user** 10 entering a query 40 into search engine 20. These advertisement preference files specify the areas of interest for that particular user. Accordingly, by understanding the areas in which a particular user is interested, **area-specific advertising can be targeted and transmitted to that user.** Advertisement targeting process 34 includes a file repository process 80 for storing **advertisements grouped in accordance with predefined advertisement categories** 44. Thus, if user 10 runs a considerable number of searches (i.e. executes queries) relating to automobiles, they are most likely a car enthusiast. Therefore, advertisement preference file 48 would specify an area of interest for user 10 as being **automobiles**. Therefore, user 10 would probably be interested in seeing ads relating to various automobiles and automobile related products (e.g., automotive accessories, high performance driving schools, etc.).

An advertisement transmission process 82 processes the advertisement preference file 48 for user 10, **retrieves the appropriate category-specific advertisements from advertisement repository** 80 and transmits these advertisements to user 10 so they can be viewed/heard on user's computer 38. [Emphasis added.]

Paragraphs [0065] and [0066].

As can be appreciated from the foregoing, the cited portions of the Dorosario publication do not teach an act

of, or means for, automatically generating an ad request (a user selection is required in paragraph [0036] of the Dorosario publication) including **both** (i) **a word included in an accepted search query, and** (ii) one or more words determined to be related to the word included in the accepted search query (apparently, only the category, not the original query terms, is used to retrieve ads in the Dorosario publication). Furthermore, none of the purported teachings of the Weismann patent, the McElfresh patent and the Oh publication compensate for this deficiency.

Thus, independent claims 7, 19, 32, 53, 63 and 74 are not rendered obvious by the Dorosario publication, the Weismann patent, the McElfresh patent and the Oh publication for at least this first reason. Since claims 8-10, 12, 13 and 85 directly or indirectly depend from claim 7, since claims 20-22, 24 and 25 directly or indirectly depend from claim 19, since claims 33-35, 37 and 38 directly or indirectly depend from claim 32, since claims 54, 56, 57 and 62 directly or indirectly depend from claim 53, since claims 64, 66 and 67 directly or indirectly depend from claim 63 and since claims 75, 77 and 78 directly or indirectly depend from claim 74, these claims are similarly not rendered obvious by the cited references.

Second, independent claims 7, 19, 53, and 63 are not rendered obvious by the Dorosario publication, the Weismann patent, the McElfresh patent and the Oh publication because these references, either taken alone or in combination, neither teach, nor suggest, an act of (or means for) **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 (e.g., a score of ad A, retrieved due to "alaska", is multiplied by 0.7 in Figure 16) **relative to any items retrieved on the basis of the word included in the accepted search query** (e.g., the score of ad B, which is retrieved due to "iditarod", is not adjusted in Figure 16). Similarly, independent claims 32 and 74 are not rendered obvious by the Dorosario publication, the Weismann patent, and the McElfresh patent because these references, either taken alone or in combination, neither teach, nor suggest, an act of (or means for) **determining a score for each of a number of 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** (e.g., a score of ad A, retrieved due to "alaska", is determined using adjustment factor 0.7 in Figure 16) **relative to any items retrieved on the basis of the word included in the accepted search query** (e.g., the score of ad B, which is retrieved due to "iditarod", is not adjusted in Figure 16). Note that some embodiments consistent with the present invention adjust a previously determined score (See, e.g., 690 of Figure 6.), while in other embodiments consistent with the present invention, the score is effectively adjusted during its determination. (See, e.g., 535 and 550 of Figure 5.)

The Examiner cites paragraph [0044] of the Dorosario publication as teaching these feature. (See Paper No. 20080528, page 4.) However, this section of the Dorosario publication concerns automatic categorization

methods for categorizing previously uncharacterized words into categories. Thus, predefined advertisement categories can change and evolve. As one example, the category "baseball" might initially include the names of all present major league baseball teams. However, this category might evolve to later include the names of expansion teams. Although not mentioned in the cited section, the categorization of a word or phrase may change over time. For example, the term "titantic" might be initially categorized under "history", but might later be categorized under "entertainment". (See, e.g., paragraph [0054] of the Dorosario publication.)

In any event, neither the automated categorization techniques, nor the fact that words may be recategorized, teach adjusting a score, or influencing the scoring, of items retrieved on the basis of an item request including a word included in an accepted search query and one or more words determined to be related to the word included in the accepted search query such that 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 are treated differently than any items retrieved on the basis of the word included in the accepted search query.

The Examiner also seems to imply that the Weissman patent teaches score adjustment based on ad performance. (See Paper No. 20080528, pages 4 and 5.) However, simply adjusting a score **based on ad performance**, does not teach, nor does it make obvious, **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. The former concerns an attribute of an advertisement, while the latter concerns components of an item request used to retrieve an item.

Thus, independent claims 7, 19, 32, 53, 63 and 74, as amended, are not rendered obvious by the Dorosario publication, the Weismann patent, the McElfresh patent and the Oh publication for at least this second reason. Since claims 8-10, 12, 13 and 85 directly or indirectly depend from claim 7, since claims 20-22, 24 and 25 directly or indirectly depend from claim 19, since claims 33-35, 37 and 38 directly or indirectly depend from claim 32, since claims 54, 56, and 57 directly or indirectly depend from claim 53, since claims 64, 66 and 67 directly or indirectly depend from claim 63 and since claims 75, 77 and 78 directly or indirectly depend from claim 74, these claims are similarly not rendered obvious by the cited references.

Third, one skilled in the art would not have combined these references, and then further modify the combination, as proposed by the Examiner. The Examiner contends:

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., Weissman et al., McElfresh et al. and Oh 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. The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan. [Emphasis added.]

(Paper No. 20071119, pages 5 and 6.) The applicant respectfully disagrees.

The Examiner's general assertion is insufficient, as a matter of law, to support a conclusion that one skilled in the art would have combined the references, and then further modified the combination as proposed by the Examiner. Alleging that 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, is merely a general allegation that there were various techniques known for advertisers to target their ads. Regardless of whether or not there are "different schemes" using "an assortment of features", such a general allegation cannot support rejecting the specific methods and apparatus claimed. If such a relaxed standard were to be applied, any specific technique of targeting advertisements (or of retrieving, scoring and service items) would be rendered obvious, which is clearly improper.

Consequently, independent claims 7, 19, 32, 53, 63 and 74 are not rendered obvious for at least this

additional reason. Since claims 8-10, 12, 13 and 85 directly or indirectly depend from claim 7, since claims 20-22, 24 and 25 directly or indirectly depend from claim 19, since claims 33-35, 37 and 38 directly or indirectly depend from claim 32, since claims 54, 56, 57 and 62 directly or indirectly depend from claim 53, since claims 64, 66 and 67 directly or indirectly depend from claim 63 and since claims 75, 77 and 78 directly or indirectly depend from claim 74, these claims are similarly not rendered obvious by the cited references.

Claims 14, 26, 39, 58, 68 and 79 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Dorosario and Oh publications and the Weissman and McElfresh patents and further in view of U.S. Patent Application Publication No. 2002/0059094 ("the Hosea publication"). The applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following.

The purported teachings of the Hosea publication would not compensate for the deficiencies of the Dorosario publication, the Weissman patent, the McElfresh patent and the Oh publication with respect to claims 7, 19, 32, 53, 63 and 74, discussed above, regardless of the scope of the purported teachings of the Hosea publication, and regardless of the presence or absence of an obvious reason to combine these references. Thus, these claims are not rendered obvious by the Dorosario publication, the Weissman patent, the McElfresh patent, the Oh publication and Hosea publication for at least this reason.

Conclusion

In view of the foregoing amendments and remarks, the applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, the applicant requests that the Examiner pass this application to issue.

Any arguments made in this amendment pertain *only* to the specific aspects of the invention *claimed*. Any claim amendments or cancellations, and any arguments, are made *without prejudice to, or disclaimer of*, the applicant's right to seek patent protection of any unclaimed (e.g., narrower, broader, different) subject matter, such as by way of a continuation or divisional patent application for example.

Since the applicant's remarks, amendments, and/or filings with respect to the Examiner's objections and/or rejections are sufficient to overcome these objections and/or rejections, the applicant's silence as to assertions by the Examiner in the Office Action and/or to certain facts or conclusions that may be implied by objections and/or rejections in the Office Action (such as, for example, whether a reference constitutes prior art, whether references have been properly combined or modified, whether dependent claims are separately patentable, etc.) is not a concession by the applicant that such assertions and/or implications are accurate, and that all requirements for an objection and/or a rejection have been met. Thus, the applicant reserves the right to analyze and dispute any such assertions and implications in the future.

Respectfully submitted,

December 15, 2008

John C. Pokotylo

John C. Pokotylo, Attorney

Reg. No. 36,242

Tel.: (732) 936-1400

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STRAUB & POKOTYLO

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Tinton Falls, NJ 07724

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Internet site: www.sp-ip.com

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- 3) Request for a three (3) Month Extension of Time (2 pgs.); and
- 4) Amendment (33 pgs.).

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

Appl. No.: 10/674,888

Applicant: Jeremy BEM

Filed: September 30, 2003

Title: INCREASING A NUMBER OF RELEVANT ADVERTISEMENTS USING A RELAXED MATCH

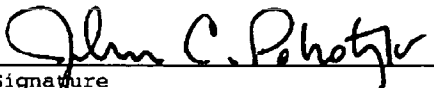
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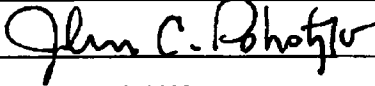
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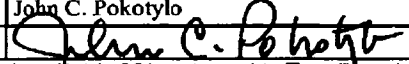
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<h1>TRANSMITTAL FORM</h1> <p><i>(to be used for all correspondence after initial filing)</i></p>	Application Number	10/674,888
	Filing Date	September 30, 2003
	First Named Inventor	Jeremy BEM
	Group Art Unit	1796
	Examiner Name	Tri V. Nguyen
Total Number of Pages in This Submission	Attorney Docket Number	Google-57 (GP-151-00-US)

ENCLOSURES <i>(check all that apply)</i>		
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		Filing Date	September 30, 2003
		First Named Inventor	Jeremy BEM
		Examiner Name	Tri V. Nguyen
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		Attorney Docket No.	Google-57 (GP-151-00-US)
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
TOTAL AMOUNT OF PAYMENT	(\$) 1,110.00		

<p>METHOD OF PAYMENT (check all that apply)</p> <p><input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None</p> <p><input checked="" type="checkbox"/> Deposit Account:</p> <p>Deposit Account Number: 50-1049</p> <p>Deposit Account Name: Straub & Pokotylo</p> <p>The Commissioner is authorized to: (check all that apply)</p> <p><input checked="" type="checkbox"/> Charge any underpayment of fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments</p> <p><input checked="" type="checkbox"/> Charge any fee(s) due in connection with the filing submitted herewith</p> <p><input checked="" type="checkbox"/> Charge fee(s) indicated below, except for the filing fee in the to the above-identified deposit account.</p>	<p>FEE CALCULATION (continued)</p> <p>3. ADDITIONAL FEES</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051 130</td><td>2051 65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052 50</td><td>2052 25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053 130</td><td>1053 130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812 2,520</td><td>1812 2,520</td><td>For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>1804 920*</td><td>1804 920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805 1,840*</td><td>1805 1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251 130</td><td>2251 65</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252 490</td><td>2252 245</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253 1,110</td><td>2253 555</td><td>Extension for reply within third month</td><td>1,110.00</td></tr> <tr><td>1254 1,730</td><td>2254 865</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255 2,350</td><td>2255 1,175</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401 540</td><td>2401 270</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402 540</td><td>2402 270</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403 1,080</td><td>2403 540</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451 1,510</td><td>1451 1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452 540</td><td>2452 270</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453 1,620</td><td>2453 810</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501 1,510</td><td>2501 755</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502 860</td><td>2502 430</td><td>Design issue fee</td><td></td></tr> <tr><td>1503 1,190</td><td>2503 595</td><td>Plant issue fee</td><td></td></tr> <tr><td colspan="4" style="text-align: center;">Petitions to the Commissioner - check fee sheet</td></tr> <tr><td>1807 50</td><td>1807 50</td><td>Processing fee under 37 CFR 1.17(c)</td><td></td></tr> <tr><td>1806 180</td><td>1806 180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021 40</td><td>8021 40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1809 810</td><td>2809 405</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>1810 810</td><td>2810 405</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>1801 810</td><td>2801 405</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802 900</td><td>1802 900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr><td colspan="4">Other fee (specify)</td></tr> <tr> <td colspan="3">* Reduced by Basic Filing Fee Paid</td> <td>SUBTOTAL (3) (\$) 1,110.00</td> </tr> </tbody> </table>	Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid	1051 130	2051 65	Surcharge - late filing fee or oath		1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet		1053 130	1053 130	Non-English specification		1812 2,520	1812 2,520	For filing a request for ex parte reexamination		1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action		1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action		1251 130	2251 65	Extension for reply within first month		1252 490	2252 245	Extension for reply within second month		1253 1,110	2253 555	Extension for reply within third month	1,110.00	1254 1,730	2254 865	Extension for reply within fourth month		1255 2,350	2255 1,175	Extension for reply within fifth month		1401 540	2401 270	Notice of Appeal		1402 540	2402 270	Filing a brief in support of an appeal		1403 1,080	2403 540	Request for oral hearing		1451 1,510	1451 1,510	Petition to institute a public use proceeding		1452 540	2452 270	Petition to revive - unavoidable		1453 1,620	2453 810	Petition to revive - unintentional		1501 1,510	2501 755	Utility issue fee (or reissue)		1502 860	2502 430	Design issue fee		1503 1,190	2503 595	Plant issue fee		Petitions to the Commissioner - check fee sheet				1807 50	1807 50	Processing fee under 37 CFR 1.17(c)		1806 180	1806 180	Submission of Information Disclosure Stmt		8021 40	8021 40	Recording each patent assignment per property (times number of properties)		1809 810	2809 405	Filing a submission after final rejection (37 CFR 1.129(a))		1810 810	2810 405	For each additional invention to be examined (37 CFR 1.129(b))		1801 810	2801 405	Request for Continued Examination (RCE)		1802 900	1802 900	Request for expedited examination of a design application		Other fee (specify)				* Reduced by Basic Filing Fee Paid			SUBTOTAL (3) (\$) 1,110.00
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SUBMITTED BY		(Complete if applicable)	
Name (Print/Type)	John C. Pokotylo	Registration No. (Attorney/Agent)	36,242
Signature	<i>John C. Pokotylo</i>	Telephone	(732) 936-1400
		Date	December 15, 2008

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

**RECEIVED
CENTRAL FAX CENTER
DEC 15 2008**

Attorney Docket No.: **Google-57 (GP-151-00-US)**

Applicant: **Jeremy BEM**

Serial No.: **10/674,888**

Filing Date: **September 30, 2003**

Title: **INCREASING A NUMBER OF RELEVANT ADVERTISEMENTS USING
A RELAXED MATCH**

Examiner: **Tri V. Nguyen**

Group Art Unit: **1796**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR A THREE (3) MONTH EXTENSION OF TIME

In response to the Office Action mailed on June 13, 2008, which set a time for response to expire on September 13, 2008, please extend that period three (3) months to expire on December 13, 2008. The Patent Office is authorized to charge the fee of \$1,110.00 and any fee due to the deposit account of Straub & Pokotylo, deposit account number 50-1049.

12/16/2008 HFIARZII 00000002 501049 10674888

01 FC:1253 1110.00 DA

Respectfully submitted,

December 15, 2008

John C. Pokotylo
John C. Pokotylo, Attorney
Reg. No. 36,242
Customer No. 26479
(732) 936-1400

STRAUB & POKOTYLO
788 Shrewsbury Ave.
Tinton Falls, NJ 07724

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (and any accompanying paper(s)) is being facsimile transmitted to the United States Patent Office on the date shown below.

John C. Pokotylo

Type or print name of person signing certification

John C. Pokotylo
Signature

December 15, 2008
Date

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 10/674,888	Filing Date 09/30/2003	<input checked="" type="checkbox"/> To be Mailed
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APPLICATION AS FILED – PART I			OTHER THAN SMALL ENTITY			
	(Column 1)	(Column 2)	SMALL ENTITY <input type="checkbox"/>	OR		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	RATE (\$)	FEE (\$)
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A		N/A	
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A		N/A	
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$ =		X \$ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =		X \$ =	
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).					
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))						
* If the difference in column 1 is less than zero, enter "0" in column 2.						
TOTAL			TOTAL			

APPLICATION AS AMENDED – PART II					OTHER THAN SMALL ENTITY			
	(Column 1)	(Column 2)	(Column 3)		SMALL ENTITY	OR		
AMENDMENT	12/15/2008	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 55	Minus ** 83	= 0	X \$ =		OR X \$52=	0
	Independent (37 CFR 1.16(h))	* 6	Minus *** 11	= 0	X \$ =		OR X \$220=	0
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))								
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
TOTAL ADD'L FEE					TOTAL ADD'L FEE			

	(Column 1)	(Column 2)	(Column 3)		SMALL ENTITY	OR		
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus **	=	X \$ =		OR X \$ =	
	Independent (37 CFR 1.16(h))	*	Minus ***	=	X \$ =		OR X \$ =	
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))								
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
TOTAL ADD'L FEE					TOTAL ADD'L FEE			

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
 /NICHELE PETERSON/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
 If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

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
82402	7590	03/19/2009	EXAMINER	
Straub & Pokotylo 788 Shrewsbury Avenue Tinton Falls, NJ 07724			NGUYEN, TRI V	
			ART UNIT	PAPER NUMBER
			1796	
			MAIL DATE	DELIVERY MODE
			03/19/2009	PAPER

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

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/674,888	Applicant(s) BEM, JEREMY	
	Examiner TRI V. NGUYEN	Art Unit 1796	

-- 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 15 December 2008.
- 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) See Continuation Sheet 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) 7-10, 12-14, 19-22, 24-26, 32-35, 37-39, 53, 54, 56-58, 63, 64, 66-68, 74, 75, 77-79 and 85 is/are rejected.
- 7) Claim(s) 15-17, 27-29, 40-42, 59-61, 69-71, 80-82 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 _____ 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)

- | | |
|--|---|
| <ul style="list-style-type: none"> 1) <input type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____. | <ul style="list-style-type: none"> 4) <input type="checkbox"/> Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____. 5) <input type="checkbox"/> Notice of Informal Patent Application 6) <input type="checkbox"/> Other: _____. |
|--|---|

Continuation of Disposition of Claims: Claims pending in the application are 7-10,12-17,19-22,24-29,32-35,37-42,53,54,56-61,63,64,66-71,74,75,77-82 and 85..

DETAILED ACTION

Response to Amendment

1. In the amendment filed on 12/15/08, claims 7-10, 12-17, 19-22, 24-29, 32-35, 37-42, 53, 54, 58, 59, 63, 64, 68, 69, 74, 75 and 79 have been amended and claims 1-6, 11, 18, 23, 30, 31, 36, 43-52, 55, 62, 65, 72, 73, 76, 83, 84 and 86 have been cancelled. The currently pending claims considered below are Claims 7-10, 12-17, 19-22, 24-29, 32-35, 37-42, 53, 54, 56-61, 63, 64, 66-71, 74, 75, 77-82 and 85.

2. In view of the amendment and applicant's remarks, the 101 rejections are withdrawn; however, the 112(1) and 103(a) rejections are maintained.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 7-10,12-17,19-22,24-29,32-35,37-42,53,54,56-61,63,64,66-71,74,75,77-81 and 85 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 7, 19, 32, 53, 63 and 74 recite the limitation of "automatically" generating the request; however, a review of the specification does not specifically teach "automatically" generating the request as claimed.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 7-10, 12, 13, 19-22, 24, 25, 32-35, 37, 38, 53, 54, 56, 57, 63, 64, 66, 67, 74, 75, 77, 78 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorosario et al. in view of Weissman et al., McElfresh et al. and Oh (US 2003/0182274).

Claims 7, 19 and 32: Dorosario et al. discloses a computer-implemented method comprising:

a) accepting, using a computer system including at least one computer, search query information including a word (page 3, parag. 27);

b) determining, using a computer system, 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, automatically using the computer system, 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, using the computer system, items using the item request (page 8, parag. 66);

e) determining, using the computer system, a score for each of the retrieved items (page 3, parag. 28);

f) adjusting, using the computer system, 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

Art Unit: 1796

relative to any items retrieved on the basis of the word included in the accepted search query (page 5, parag. 44);

g) serving, using the computer system, at least some of the items to a client device for rendering to a user, wherein the serving is controlled, at least in part, using the adjusted scores,

wherein the retrieved items are advertisements but does not explicitly disclose 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. disclose a method of delivering advertisement based on a search query however, Dorosario et al. does not explicitly disclose applicants' search architecture, determination a score for each of the retrieved items that uses at least one of ad performance information and ad price information and automatically generating the request. In an analogous art, Weissman et al. disclose appellants search architecture based on words relationships and score adjustments (col 7, lines 41-49; col 8, lines 8-22; col 9, lines 42-67; col 10, lines 42-54; col 13, lines 35-65 and Figure 3), McElfresh et al. teach 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) and Oh teach that the feature of automatic tasking in a search engine with advertising functionality (abstract and §51). It is noted that both Dorosario et al. and Weissman et al. teach a variation of the automatic tasking (Dorsario: § 44 and Weissman: col 5, lines 52-55 and col 7, lines 50-65). Since Dorosario et al. aim to increase the matching between keywords and advertisements via various parameters, 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 particular search architecture, score adjustment feature based on ad performance information and automatic tasking as taught by Weissman et al., McElfresh et al.

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and Oh respectively. 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 and to automatically perform tasks to expedite known process parameters. Furthermore, 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., Weissman et al., McElfresh et al. and Oh 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. The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan.

Claims 8, 20 and 33: Dorosario et al., Weissman et al., McElfresh et al. and Oh disclose the method of 7, 19 and 32 but do not explicitly disclose wherein the act of adjusting the scores includes decreasing the scores. Weissman et al. teach ranking the results and ordering based on relevance (col 7, lines 45-49). 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., Weissman et al., McElfresh et al. and Oh 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).

Claims 9, 21 and 34: Dorosario et al., Weissman et al., McElfresh et al. and Oh disclose the method of claims 7, 19 and 32 but do not explicitly disclose wherein the act of adjusting the scores includes multiplying each of the scores by a multiplier that is less than one. Weissman et al. teach ranking the results and ordering based on relevance (col 7, lines 45-49). The instant limitation of adjusting the scores includes multiplying each of the scores by a multiplier that is less than one 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., Weissman et al., McElfresh et al. and Oh to include a step of adjusting the scores includes multiplying each of the scores by a multiplier that is less than one. One would have been motivated to allow for the modification of the method to include a way to reflect the score being adjusted.

Claims 10, 22 and 35: Dorosario et al., Weissman et al., McElfresh et al. and Oh disclose the method of claims 9, 21 and 34 but do not explicitly disclose further comprising:

h) updating, using the computer system, the multiplier using performance information. Weissman disclose the feature of updating the score. Dorosario et al. disclose a performance feature in a search engine and weighing factors (page 5, parag. 44 and page 7, parag. 63). 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., Weissman et al., McElfresh et al. and Oh, with the performance feature. One would have been motivated to modify the method to expand on the semantic space criteria with an additional dimension thus

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increasing the number of pertinent information to optimize the effectiveness of advertisement matching.

Claims 12, 24 and 37 Dorosario et al., Weissman et al., McElfresh et al. and Oh disclose the method of claims 10, 22 and 35 disclose wherein the performance information includes ad selection information (Dorosario et al.: page 4, parag. 35; page 5, parag. 44 and page 7, parag. 63).

Claims 13, 25 and 38: Dorosario et al., Weissman et al., McElfresh et al. and Oh disclose the method of 10, 22 and 35 disclose wherein the performance information includes ad conversion information (Dorosario et al.: page 4, parag. 35).

Claims 53, 54, 56, 57, 63, 64, 66, 67, 74, 75, 77, 78 and 85 disclose the apparatus of the method Claims 7-10, 12, 13, 19-22, 24, 25, 32-35, 37, 38 respectively; therefore, the prior arts of Dorosario et al., Weissman et al., McElfresh et al. and Oh as set forth above are relied upon to reject Claims 53, 54, 56, 57, 63, 64, 66, 67, 74, 75, 77, 78 and 85.

Claims 14, 26, 39, 58, 68 and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable Dorosario et al., Weissman et al., McElfresh et al. and Oh as applied to the claims above, and further in view of Hosea et al.

Claim 14, 26 and 39: Dorosario et al., Weissman et al., McElfresh et al. and Oh disclose the method of claims 10, 22 and 35 respectively but do not explicitly disclose wherein the act of

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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. 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., Weissman et al. and McElfresh 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 pertinent information about the user thus increasing the effectiveness of ad matching.

Claims 58, 68 and 79 describe the apparatus of the method Claims 14, 26 and 39 respectively; therefore, the prior arts of : Dorosario et al., Weissman et al., McElfresh et al., Oh and Hosea et al. as set forth above are relied upon to reject Claims 58, 68 and 79.

Allowable Subject Matter

7. Claims 15-17, 27-29, 40-42, 59-61, 69-71 and 80-82 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Dorosario et al., Weissman et al., McElfresh et al., Oh and Hosea et al. describe the claimed invention; however, none of the cited references teach the specific formula wherein the act of updating the multiplier is performed using the formula:

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

wherein N is a number;

and the various parameters of the formula.

Response to Arguments

8. Applicant's arguments filed 12/15/08 have been fully considered but they are not persuasive.

Regarding the 112(1) rejections, applicant argues that that Figs 4, 7, 15 and accompanying text disclose the claimed limitation of an automated method (pages 18 and 19). The examiner respectfully disagrees and notes that Fig 4 describes the overall scheme of the method, Fig 7 describes a table entry and Fig 11 describes an apparatus. Furthermore, the accompanying text does not recite the word "automatically". If the feature is inherent or obvious to a process using a computer-based system, it would then seem that any disclosure that includes a computer would meet the requirement of automatically performing a task.

Regarding claims 7, 19, 32, 53, 63 and 74, applicant argues that the cited references do not teach the feature of automatically generating an ad request that includes both (i) a word included in an accepted query and (ii) one or more words determined to be related to the word included in the accepted search query (pages 20-25). In particular, applicant argues that the Dorosario reference requires a manual step and is absent of the automated limitation (page 22 et seq.). The examiner respectfully notes that the transitional term "comprising", which is synonymous with "including," "containing," or "characterized by," is inclusive or open-ended and does not exclude additional, unrecited elements or method steps. See, e.g., > Mars Inc. v. H.J. Heinz Co., 377 F.3d 1369, 1376, 71 USPQ2d 1837, 1843 (Fed. Cir. 2004) ("like the term

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comprising,' the terms containing' and mixture' are open-ended."). *Invitrogen Corp. v. Biocrest Mfg., L.P.*, 327 F.3d 1364, 1368, 66 USPQ2d 1631, 1634 (Fed. Cir. 2003); *Genentech, Inc. v. Chiron Corp.*, 112 F.3d 495, 501, 42 USPQ2d 1608, 1613 (Fed. Cir. 1997). Thus the instant claims do not preclude a manual step in the process. Furthermore, it is noted that the Dorosario reference teaches the features of a parsing process to improve word association, an automated categorization process that includes word association, an adaptive process customized to the searching pattern and statistical weights to determine the targeted advertisement falling within similar pattern of interest (§ 41-44, 47-50, 54-56). The Oh reference is relied upon to teach that the automated process of in a search engine environment with advertising features is well known. Thus, 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 particular search architecture, score adjustment feature based on ad performance information and automatic tasking as taught by Weissman et al., McElfresh et al. and Oh respectively.

Applicant argues that the Dorosario reference does not rely on the original query terms in the targeted ads selection (page 24 et seq.). The examiner respectfully disagrees and notes that the Dorosario reference teaches that the targeted advertisements are selected based on the query entry since the query entry is the starting point of the ad selection process of parsing the entry, word association and adaptive customization of the selection of the targeted advertisement (abstract, § 27-30, 39-44 and Fig 1).

Applicant argues that the cited references do not teach the feature of determining an adjusting the score of the advertisement relative to the search query terms (page 26 et seq.). The examiner respectfully disagrees and notes that the Dorosario reference teaches the feature of a mathematical model to determine the targeted advertising such as category relevancy determination based on related words and co-queries relationship (§ 41-44, 47-50, 54-56).

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Furthermore, the Weissman et al. reference is relied upon to teach the score generation and adjustment applied to semantic mapping and matching based on query terms – input string and set of known meaning are given relevancy score and the advertisement is selected based on the relationships with the query term (col 7, line 35 to col 8, line 46 and col 13, lines 35 to 65).

Regarding applicant's argument that the combination is not obvious on page 29 et seq., it is noted that even if the references in the instant case do not expressly suggest the specific combination claimed by the inventor, an assertion which the examiner contests, the courts have stated "to support [a] conclusion that claimed combination is directed to obvious subject matter, references must either expressly or impliedly suggest claimed combination or examiner must present convincing line of reasoning as to why artisan would have found claimed invention to have been obvious in light of references' teachings." Ex parte Clapp, 227 USPQ 972, 973 (BdPatApp&Int 1985). Furthermore, The Courts have already established that "[h]aving established that this knowledge was in the art, the examiner could then properly rely, as put forth by the solicitor, on a conclusion of obviousness 'from common knowledge and common sense of the person of ordinary skill in the art without any specific hint or suggestion in a particular reference.'" In re Bozek, 163 USPQ 545, 549 (CCPA 1969). In the instant case, it is noted that each of the cited reference is directed to the same field of advertisement based on query terms and that the features taught by the cited references would have been well within the purview of a skilled artisan the marketing art. In particular, it is noted that the Dorosario reference teach advertisement matching in a search engine environment and aim to achieve the most efficient targeted advertisement via various parameters such semantic matching and user's profiling. The Weissman reference is relied upon to show that score generation and adjustment are well known features for optimizing semantic mapping and matching;), the McElfresh et al. reference is relied upon to teach that it is known to track the performance of the

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ads displayed and further use the performance data as factors in a statistical model in targeted advertising and the Oh reference is relied upon to teach that the feature of automatic tasking in a search engine with advertising functionality. Thus, it would be well within the purview of a skilled artisan to implement the features of score generation and adjustment of Weissman, the performance tracking of McElfresh et al. and the automated feature of OH within the environment of Dorosario's targeted advertisement for search engines to enhance the delivery of more efficient and customized advertisement. Furthermore, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention since Weisman's, McElfresh et al.'s and Oh's features are used to optimize the matching scheme, performance reporting and the efficiency of the Dorosario method.

Applicant argues the allowance of the dependent claims based on the independent claims being allowable. The examiner directs applicant to the response to the independent claims shown above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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, Vasu Jagannathan can be reached on (571) 272-1119 and Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. V. N./
Examiner, Art Unit 1796
March 19, 2009

/Eric W. Stamber/
Supervisory Patent Examiner, Art Unit 3622

Index of Claims 	Application/Control No. 10674888	Applicant(s)/Patent Under Reexamination BEM, JEREMY
	Examiner TRI V NGUYEN	Art Unit 1796

✓	Rejected
=	Allowed


-	Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE									
Final	Original	03/15/2009									
	1	-									
	2	-									
	3	-									
	4	-									
	5	-									
	6	-									
	7	✓									
	8	✓									
	9	✓									
	10	✓									
	11	-									
	12	✓									
	13	✓									
	14	✓									
	15	○									
	16	○									
	17	○									
	18	-									
	19	✓									
	20	✓									
	21	✓									
	22	✓									
	23	-									
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	26	✓									
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	28	○									
	29	○									
	30	-									
	31	-									
	32	✓									
	33	✓									
	34	✓									
	35	✓									
	36	-									

Index of Claims 	Application/Control No. 10674888	Applicant(s)/Patent Under Reexamination BEM, JEREMY
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Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE									
Final	Original	03/15/2009									
	37	✓									
	38	✓									
	39	✓									
	40	○									
	41	○									
	42	○									
	43	-									
	44	-									
	45	-									
	46	-									
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	48	-									
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	51	-									
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	59	○									
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	64	✓									
	65	-									
	66	✓									
	67	✓									
	68	✓									
	69	○									
	70	○									
	71	○									
	72	-									

Index of Claims 	Application/Control No. 10674888	Applicant(s)/Patent Under Reexamination BEM, JEREMY
	Examiner TRI V NGUYEN	Art Unit 1796

✓	Rejected
=	Allowed


-	Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE								
Final	Original	03/15/2009								
	73	-								
	74	✓								
	75	✓								
	76	-								
	77	✓								
	78	✓								
	79	✓								
	80	○								
	81	○								
	82	○								
	83	-								
	84	-								
	85	✓								
	86	-								

Search Notes 	Application/Control No. 10674888	Applicant(s)/Patent Under Reexamination BEM, JEREMY
	Examiner TRI V NGUYEN	Art Unit 1796

SEARCHED			
Class	Subclass	Date	Examiner
705	14	3/15/2009	nvt

SEARCH NOTES		
Search Notes	Date	Examiner
EAST updated	3/15/2009	nvt
Google scholar & Patents	3/15/2009	nvt

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	52	((target\$3 custom\$5 personal\$5) near3 (ad advertis\$5)) same (search near3 (engine quer\$3)) same automatic\$6	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/15 18:08
L2	18	1 and (@pd<"20030930" or @ad<"20030930" or @prad<"20030930" or @rlad<"20030930")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/15 19:16

3/15/2009 7:17:28 PM

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AUG 19 2009

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Attorney Docket No.: **Google-57 (GP-151-00-US)**

Appl. No.: **10/674,888**

Confirmation No.: **9229**

Applicant: **Jeremy BEM**

Filed: **September 30, 2003**

Title: **INCREASING A NUMBER OF RELEVANT ADVERTISEMENTS USING A
RELAXED MATCH**

TC/A.U.: **1796**

Examiner: **Tri V. Nguyen**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

In response to the final Office Action mailed on March 19, 2009 (Paper No. 20090315), which set a period for response to expire on June 19, 2009, that period being extended two (2) months to expire on August 19, 2009, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 16 of this paper.

This listing of claims will replace all prior versions, and listings, of claims in the application:

Claims 1-7 (canceled)

1 Claim 8 (currently amended): The computer-implemented
2 method of claim ~~[[7]]~~ 15 wherein the act of adjusting the
3 scores includes decreasing the scores.

Claims 9-11 (canceled)

1 Claim 12 (currently amended): The computer-implemented
2 method of claim ~~[[10]]~~ 15 wherein the performance
3 information includes ad selection information.

1 Claim 13 (currently amended): The computer-implemented
2 method of claim ~~[[10]]~~ 15 wherein the performance
3 information includes ad conversion information.

1 Claim 14 (currently amended): The computer-implemented
2 method of claim ~~[[10]]~~ 15 wherein the act of updating the
3 multiplier is performed using a function that causes the
4 updated multiplier to converge to observed user behavior
5 relevant to performance divided by predicted user behavior
6 relevant to performance.

1 Claim 15 (currently amended): A computer-implemented
2 method comprising:
3 a) accepting, by a computer system including at least
4 one computer, search query information including a
5 word;

- 6 b) determining, by the computer system, one or more
7 words related to the word included in the accepted
8 search query;
9 c) generating, by the computer system, an item
10 request including
11 i) the word included in the accepted search
12 query, and
13 ii) the one or more words determined to be
14 related to the word included in the accepted
15 search query;
16 d) retrieving, by the computer system, items using
17 the item request;
18 e) determining, by the computer system, a score for
19 each of the retrieved items;
20 f) adjusting, by the computer system, the scores of
21 any items retrieved on the basis of the one or more
22 words determined to be related to the word included in
23 the accepted search query relative to any items
24 retrieved on the basis of the word included in the
25 accepted search query to generate adjusted scores,
26 wherein the act of adjusting the scores includes
27 multiplying each of the scores by a multiplier that is
28 less than one;
29 g) serving, by the computer system, at least some of
30 the items to a client device for rendering to a user,
31 wherein the serving is controlled, at least in part,
32 using the adjusted scores; and
33 h) updating, by the computer system, the multiplier
34 using performance information,
35 wherein the retrieved items are advertisements,
36 wherein the act of determining a score for each

37 of the retrieved items uses at least one of ad performance
 38 information and ad price information, and
 39 ~~[[The computer implemented method of claim 10]]~~ wherein the
 40 act of updating the multiplier is performed using the
 41 formula:

$$42 \quad \text{updated_multiplier} = \frac{N \cdot \text{initial_multiplier} + \text{observed_user_behavior}}{N + \text{naively_predicted_user_behavior}}$$

43 wherein N is a number.

1 Claim 16 (previously presented): The computer-implemented
 2 method of claim 15 wherein the user behavior is selection.

1 Claim 17 (previously presented): The computer-implemented
 2 method of claim 15 wherein the user behavior is conversion.

Claims 18 and 19 (canceled)

1 Claim 20 (currently amended): The computer-implemented
 2 method of claim ~~[[19]]~~ 27 wherein the act of adjusting the
 3 scores includes decreasing the scores.

Claims 21-23 (canceled)

1 Claim 24 (currently amended): The computer-implemented
 2 method of claim ~~[[22]]~~ 27 wherein the performance
 3 information includes ad selection information.

1 Claim 25 (currently amended): The computer-implemented
 2 method of claim ~~[[22]]~~ 27 wherein the performance
 3 information includes ad conversion information.

1 Claim 26 (currently amended): The computer-implemented
2 method of claim ~~[[22]]~~ 27 wherein the act of updating the
3 multiplier is performed using a function that causes the
4 updated multiplier to converge to observed user behavior
5 relevant to performance divided by predicted user behavior
6 relevant to performance.

1 Claim 27 (currently amended): A computer-implemented
2 method comprising:

- 3 a) accepting, by a computer system including at least
4 one computer, search query information including a
5 word;
6 b) determining, by the computer system, one or more
7 words related to the word included in the accepted
8 search query;
9 c) generating, by the computer system, an item
10 request including
11 i) the word included in the accepted search
12 query, and
13 ii) the one or more words determined to be
14 related to the word included in the accepted
15 search query;
16 d) retrieving, by the computer system, items using
17 the item request;
18 e) determining, by the computer system, a score for
19 each of the retrieved items;
20 f) adjusting, by the computer system, the scores of
21 any items retrieved solely on the basis of the one or
22 more words determined to be related to the word
23 included in the accepted search query relative to any
24 items retrieved on the basis of the word included in
25 the accepted search query to generate adjusted scores,

26 wherein the act of adjusting the scores includes
 27 multiplying each of the scores by a multiplier that is
 28 less than one;

29 g) serving, by the computer system, at least some of
 30 the items to a client device for rendering to a user,
 31 wherein the serving is controlled, at least in part,
 32 using the adjusted scores; and

33 h) updating, by the computer system, the multiplier
 34 using performance information,

35 wherein the retrieved items are advertisements,

36 wherein the act of determining a score for each
 37 of the retrieved items uses at least one of ad performance
 38 information and ad price information, and

39 ~~[[The computer implemented method of claim 22]]~~ wherein the
 40 act of updating the multiplier is performed using the
 41 formula:

$$42 \quad \text{updated_multiplier} = \frac{N \cdot \text{initial_multiplier} + \text{observed_user_behavior}}{N + \text{predicted_user_behavior}}$$

43 wherein N is a number.

1 Claim 28 (previously presented): The computer-implemented
 2 method of claim 27 wherein the user behavior is selection.

1 Claim 29 (previously presented): The computer-implemented
 2 method of claim 27 wherein the user behavior is conversion.

Claims 30-32 (canceled)

1 Claim 33 (currently amended): The computer-implemented
 2 method of claim ~~[[32]]~~ 40 wherein the act of adjusting the
 3 score component includes decreasing the score component.

Claims 34-36 (canceled)

1 Claim 37 (currently amended): The computer-implemented
2 method of claim ~~[[35]]~~ 40 wherein the performance
3 information includes ad selection information.

1 Claim 38 (currently amended): The computer-implemented
2 method of claim ~~[[35]]~~ 40 wherein the performance
3 information includes ad conversion information.

1 Claim 39 (currently amended): The computer-implemented
2 method of claim ~~[[35]]~~ 40 wherein the act of updating the
3 multiplier is performed using a function that causes the
4 updated multiplier to converge to observed user behavior
5 relevant to performance divided by predicted user behavior
6 relevant to performance.

1 Claim 40 (currently amended): A computer-implemented
2 method comprising:
3 a) accepting, by a computer system having at least
4 one computer, search query information including a
5 word;
6 b) determining, by the computer system, one or more
7 words related to the word included in the accepted
8 search query;
9 c) generating, by the computer system, an item
10 request including
11 i) the word included in the accepted search
12 query, and
13 ii) the one or more words determined to be
14 related to the word included in the accepted
15 search query;

16 d) retrieving, by the computer system, items using
 17 the item request;
 18 e) determining, by the computer system, a score for
 19 each of the retrieved items, wherein a score component
 20 is adjusted for any items retrieved on the basis of
 21 the one or more words determined to be related to the
 22 word included in the accepted search query relative to
 23 any items retrieved on the basis of the word included
 24 in the accepted search query, wherein the act of
 25 adjusting the score component includes multiplying the
 26 score component by a multiplier that is less than one;
 27 f) transmitting, by the computer system, at least
 28 some of the retrieved items towards a client device
 29 for rendering to a user; and
 30 g) updating, by the computer system, the multiplier
 31 using performance information,
 32 wherein the retrieved items are advertisements,
 33 wherein the score component is at least one of ad
 34 performance information and ad price information, and
 35 [[The computer-implemented method of claim 35]] wherein the
 36 act of updating the multiplier is performed using the
 37 formula:

$$38 \quad \text{updated_multiplier} = \frac{N \cdot \text{initial_multiplier} + \text{observed_user_behavior}}{N + \text{naively_predicted_user_behavior}}$$

39 wherein N is a number.

1 Claim 41 (previously presented): The computer-implemented
 2 method of claim 40 wherein the user behavior is selection.

1 Claim 42 (previously presented): The computer-implemented
 2 method of claim 40 wherein the user behavior is conversion.

Claims 43-55 (canceled)

1 Claim 56 (currently amended): The apparatus of claim
2 [[54]] 59 wherein the performance information includes ad
3 selection information.

1 Claim 57 (currently amended): The apparatus of claim
2 [[54]] 59 wherein the performance information includes ad
3 conversion information.

1 Claim 58 (currently amended): The apparatus of claim
2 [[54]] 59 wherein the act of updating the multiplier uses a
3 function that causes the updated multiplier to converge to
4 observed user behavior relevant to performance divided by
5 predicted user behavior relevant to performance.

1 Claim 59 (previously presented): Apparatus comprising:
2 a) an input for accepting search query information
3 including a word;
4 b) at least one processor; and
5 c) at least one storage device storing machine
6 executable instructions which, when executed by the at
7 least one processor, perform a method including,
8 1) determining one or more words related to the
9 word included in the accepted search query,
10 2) generating an item request including
11 i) the word included in the accepted search
12 query, and
13 ii) the one or more words determined to be
14 related to the word included in the accepted
15 search query,
16 3) retrieving items using the item request,

17 4) determining a score for each of the retrieved
 18 items,
 19 5) adjusting the scores of any items retrieved on
 20 the basis of the one or more words determined to
 21 be related to the word included in the accepted
 22 search query relative to any items retrieved on
 23 the basis of the word included in the accepted
 24 search query to generate adjusted scores wherein
 25 the act of adjusting uses a multiplier,
 26 6) serving at least some of the items to a client
 27 device for rendering to a user, wherein the
 28 serving is controlled, at least in part, using
 29 the adjusted scores, and
 30 7) updating the multiplier using performance
 31 information,

32 wherein the retrieved items are advertisements,
 33 wherein the means for determining a score for
 34 each of the retrieved items use at least one of ad
 35 performance information and ad price information, and
 36 ~~[[The apparatus of claim 54]]~~ wherein the act of updating
 37 the multiplier uses the formula:

$$38 \quad \text{updated_multiplier} = \frac{N \cdot \text{initial_multiplier} + \text{observed_user_behavior}}{N + \text{naively_predicted_user_behavior}}$$

39 wherein N is a number.

1 Claim 60 (original): The apparatus of claim 59 wherein the
 2 user behavior is selection.

1 Claim 61 (original): The apparatus of claim 59 wherein the
 2 user behavior is conversion.

 Claims 62-65 (canceled)

1 Claim 66 (currently amended): The apparatus of claim [[64]]
2 69 wherein the performance information includes ad
3 selection information.

1 Claim 67 (currently amended): The apparatus of claim [[64]]
2 69 wherein the performance information includes ad
3 conversion information.

1 Claim 68 (currently amended): The apparatus of claim
2 [[64]] 69 wherein the act of updating the multiplier uses a
3 function that causes the updated multiplier to converge to
4 observed user behavior relevant to performance divided by
5 predicted user behavior relevant to performance.

1 Claim 69 (currently amended): Apparatus comprising:
2 a) an input for accepting search query information
3 including a word;
4 b) at least one processor; and
5 c) at least one storage device storing machine
6 executable instructions which, when executed by the at
7 least one processor, perform a method including,
8 1) determining one or more words related to the
9 word included in the accepted search query,
10 2) generating an item request including
11 i) the word included in the accepted search
12 query, and
13 ii) the one or more words determined to be
14 related to the word included in the accepted
15 search query,
16 3) retrieving items using the item request,

17 4) determining a score for each of the retrieved
 18 items,
 19 5) adjusting the scores of any items retrieved
 20 solely on the basis of the one or more words
 21 determined to be related to the word included in
 22 the accepted search query relative to any items
 23 retrieved on the basis of the word included in
 24 the accepted search query to generate adjusted
 25 scores, wherein the act of adjusting uses a
 26 multiplier,
 27 6) serving at least some of the items to a client
 28 device for rendering to a user, wherein the
 29 serving is controlled, at least in part, using
 30 the adjusted scores, and
 31 7) updating the multiplier using performance
 32 information,
 33 wherein the retrieved items are advertisements,
 34 wherein the means for determining a score for
 35 each of the retrieved items uses at least one of ad
 36 performance information and ad price information, and
 37 [[The apparatus of claim 64]] wherein the act of updating
 38 the multiplier uses the formula:

39
$$\text{updated_multiplier} = \frac{N \cdot \text{initial_multiplier} + \text{observed_user_behavior}}{N + \text{predicted_user_behavior}}$$

40 wherein N is a number.

1 Claim 70 (original): The apparatus of claim 69 wherein the
 2 user behavior is selection.

1 Claim 71 (original): The apparatus of claim 69 wherein the
 2 user behavior is conversion.

Claims 72-76 (canceled)

1 Claim 77 (currently amended): The apparatus of claim
2 ~~[[75]]~~ 80 wherein the performance information includes ad
3 selection information.

1 Claim 78 (currently amended): The apparatus of claim
2 ~~[[75]]~~ 80 wherein the performance information includes ad
3 conversion information.

1 Claim 79 (currently amended): The apparatus of claim
2 ~~[[75]]~~ 80 wherein the act of updating the multiplier uses a
3 function that causes the updated multiplier to converge to
4 observed user behavior relevant to performance divided by
5 predicted user behavior relevant to performance.

1 Claim 80 (currently amended): Apparatus comprising:
2 a) an input for accepting search query information
3 including a word;
4 b) at least one processor; and
5 c) at least one storage device storing machine
6 executable instructions which, when executed by the at
7 least one processor, perform a method including,
8 1) determining one or more words related to the
9 word included in the accepted search query,
10 2) generating an item request including
11 i) the word included in the accepted search
12 query, and
13 ii) the one or more words determined to be
14 related to the word included in the accepted
15 search query,
16 3) retrieving items using the item request,

17 4) determining a score for each of the retrieved
 18 items, wherein a score component is adjusted for
 19 any items retrieved on the basis of the one or
 20 more words determined to be related to the word
 21 included in the accepted search query relative to
 22 any items retrieved on the basis of the word
 23 included in the accepted search query, wherein
 24 the score component is adjusted using a
 25 multiplier,
 26 5) transmitting at least some of the retrieved
 27 items towards a client device for rendering to a
 28 user, and
 29 6) updating the multiplier using performance
 30 information,
 31 wherein the retrieved items are advertisements,
 32 wherein the score component is at least one of ad
 33 performance information and ad price information, and
 34 [[The apparatus of claim 75]] wherein the act of updating
 35 the multiplier uses the formula:

$$36 \quad \text{updated_multiplier} = \frac{N \cdot \text{initial_multiplier} + \text{observed_user_behavior}}{N + \text{naively_predicted_user_behavior}}$$

37 wherein N is a number.

1 Claim 81 (original): The apparatus of claim 80 wherein the
 2 user behavior is selection.

1 Claim 82 (original): The apparatus of claim 80 wherein the
 2 user behavior is conversion.

Claims 83 and 84 (canceled)

1 Claim 85 (currently amended): The method of claim [[7]] 15
2 wherein the act of retrieving ads using the ad request
3 retrieves ads relevant to any one of the words of the
4 generated ad request.

Claim 86 (canceled)

REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicant respectfully submits that the pending claims comply with 35 U.S.C. § 112 and are not rendered obvious under 35 U.S.C. § 103. Accordingly, it is believed that this application is in condition for allowance. **If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicant respectfully requests that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.**

The applicant will now address each of the issues raised in the outstanding Office Action.

Objections

Claims 15-17, 27-29, 40-42, 59-61, 69-71 and 80-82 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 15 has been rewritten in independent form to include the limitations of base claim 7 and intervening claims 9 and 10. Claims 16 and 17 depend from claim 15.

Claim 27 has been rewritten in independent form to include the limitations of base claim 19 and intervening claims 21 and 22. Claims 28 and 29 depend from claim 27.

Claim 40 has been rewritten in independent form to include the limitations of base claim 32 and intervening claims 34 and 35. Claims 41 and 42 depend from claim 40.

Claim 59 has been rewritten in independent form to include the limitations of base claim 53 and intervening claim 54. Claims 60 and 61 depend from claim 59.

Claim 69 has been rewritten in independent form to include the limitations of base claim 63 and intervening claim 64. Claims 70 and 71 depend from claim 69.

Finally, claim 80 has been rewritten in independent form to include the limitations of base claim 74 and intervening claim 75. Claims 81 and 82 depend from claim 80.

Thus, the foregoing claims are now in condition for allowance.

Rejections under 35 U.S.C. § 112

Claims 7-10, 12-17, 19-22, 24-29, 32-35, 37-42, 53, 54, 56-61, 63, 64, 66-71, 74, 75, 77-81 and 85 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following.

First, since claims 7, 9, 10, 19, 21, 22, 32, 34, 35, 53, 54, 63, 64, 74 and 75 have been canceled, this ground of rejection is moot with respect to these claims.

As noted above, claims 15, 27, 40, 59, 69 and 80 have been rewritten in independent form to include the limitations of base claims 7, 19, 32, 53, 63, and 74, respectively (and intervening claims). The term

"automatically" which was the basis for this ground of rejection has been removed. During a brief telephone discussion on August 19, 2009, Examiner Nguyen indicated that such amendments would overcome this rejection and place this application into condition for allowance. The remaining dependent claims are similarly allowable.

Rejections under 35 U.S.C. § 103

Claims 7-10, 12, 13, 19-22, 24, 25, 32-35, 37, 38, 53, 54, 56, 57, 63, 64, 66, 67, 74, 75, 77, 78 and 85 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0078928 ("the Dorosario publication") in view of U.S. Patent No. 6,453,315 ("the Weissman patent"), U.S. Patent No. 6,907,566 ("the McElfresh patent") and U.S. Patent Application Publication No. 2003/0182274 ("the Oh publication"). The applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following.

First, since claims 7, 9, 10, 19, 21, 22, 32, 34, 35, 53, 54, 63, 64, 74 and 75 have been canceled, this ground of rejection is moot with respect to these claims.

As noted above, claims 15, 27, 40, 59, 69 and 80 (which were found to include allowable subject matter but objected to as depending from a rejected base claim) have been rewritten in independent form to include the limitations of base claims 7, 19, 32, 53, 63, and 74, respectively (and intervening claims). Thus, these claims are now in condition for allowance.

Since claims 8, 12, 13, 20, 24, 25, 33, 37, 38, 56, 57, 66, 67, 77, 78 and 85, as amended, depend from one of

the foregoing allowable claims, these claims are also in condition for allowance.

Claims 14, 26, 39, 58, 68 and 79 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Dorosario and Oh publications and the Weissman and McElfresh patents and further in view of U.S. Patent Application Publication No. 2002/0059094 ("the Hosea publication"). The applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Since claims 14, 26, 39, 58, 68 and 79, as amended, depend from allowable claims 15, 27, 40, 59, 69 and 80, respectively, these claims are similarly allowable.

Since the foregoing amendments merely cancel claims, rewrite "objected to" claims in independent form, and remove the objectionable term "automatically", they should be entered as they place this application into condition for allowance without raising any new issues. During a brief telephone discussion on August 19, 2009, Examiner Nguyen confirmed that such amendments would be entered.

Conclusion

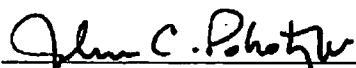
In view of the foregoing amendments and remarks, the applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, the applicant requests that the Examiner pass this application to issue.

Any arguments made in this amendment pertain **only** to the specific aspects of the invention **claimed**. Any claim amendments or cancellations, and any arguments, are made **without prejudice to, or disclaimer of**, the applicant's right to seek patent protection of any unclaimed (e.g., narrower, broader, different) subject matter, such as by way of a continuation or divisional patent application for example.

Since the applicant's remarks, amendments, and/or filings with respect to the Examiner's objections and/or rejections are sufficient to overcome these objections and/or rejections, the applicant's silence as to assertions by the Examiner in the Office Action and/or to certain facts or conclusions that may be implied by objections and/or rejections in the Office Action (such as, for example, whether a reference constitutes prior art, whether references have been properly combined or modified, whether dependent claims are separately patentable, etc.) is not a concession by the applicant that such assertions and/or implications are accurate, and that all requirements for an objection and/or a rejection have been met. Thus, the applicant reserves the right to analyze and dispute any such assertions and implications in the future.

Respectfully submitted,

August 19, 2009



John C. Pokotylo, Attorney
Reg. No. 36,242
Tel.: (732) 936-1400

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The Law Offices of
STRAUB & POKOTYLO

788 Shrewsbury Ave.
Tinton Falls, NJ 07724

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Internet site: www.sp-ip.com

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- 2) Fee transmittal (1 pg.);
- 3) Request for a Two (2) Month
Extension of Time (2 pgs.); and
- 4) Amendment (21 pgs.).

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

Appl. No.: 10/674,888

Applicant: Jeremy BEM

Filed: September 30, 2003

Title: INCREASING A NUMBER OF RELEVANT ADVERTISEMENTS USING A RELAXED
MATCH

TC/A.U.: 1796

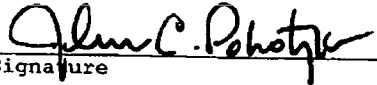
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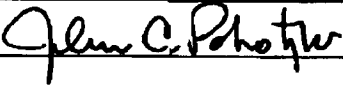
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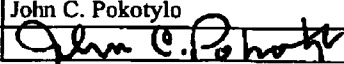
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<h1>TRANSMITTAL FORM</h1> <p><i>(to be used for all correspondence after initial filing)</i></p>	Application Number	10/674,888
	Filing Date	September 30, 2003
	First Named Inventor	Jeremy BEM
	Group Art Unit	1796
	Examiner Name	Tri V. Nguyen
Total Number of Pages in This Submission	Attorney Docket Number	Google-57 (GP-151-00-US)

ENCLOSURES <i>(check all that apply)</i>		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Postcard Receipt <input type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i>
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FEE TRANSMITTAL for FY 2008 <small>Effective 09/30/2007. Patent fees are subject to annual revision.</small>		Complete if Known	
		Application Number	10/674,888
		Filing Date	September 30, 2003
		First Named Inventor	Jeremy BEM
		Examiner Name	Tri V. Nguyen
		Art Unit	1796
		Attorney Docket No.	Google-57 (GP-151-00-US)
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
TOTAL AMOUNT OF PAYMENT		(\$) 490.00	

METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)																																																																																																																																																																															
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: 50-1049 Deposit Account Name: Straub & Pokotylo The Commissioner is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge any underpayment of fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) due in connection with the filing submitted herewith <input checked="" type="checkbox"/> Charge fee(s) indicated below, except for the filing fee in the to the above-identified deposit account.		3. ADDITIONAL FEES <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td></td><td></td><td>1051</td><td>130</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td></td><td></td><td>1052</td><td>50</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td></td><td></td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td></td><td></td><td>1812</td><td>2,520</td><td>For filing a request for ex parte reexamination</td><td></td></tr> <tr><td></td><td></td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td></td><td></td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td></td><td></td><td>1251</td><td>130</td><td>Extension for reply within first month</td><td></td></tr> <tr><td></td><td></td><td>1252</td><td>480</td><td>Extension for reply within second month</td><td>490.00</td></tr> <tr><td></td><td></td><td>1253</td><td>1,110</td><td>Extension for reply within third month</td><td></td></tr> <tr><td></td><td></td><td>1254</td><td>1,730</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td></td><td></td><td>1255</td><td>2,350</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td></td><td></td><td>1401</td><td>540</td><td>Notice of Appeal</td><td></td></tr> <tr><td></td><td></td><td>1402</td><td>540</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td></td><td></td><td>1403</td><td>1,080</td><td>Request for oral hearing</td><td></td></tr> <tr><td></td><td></td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td></td><td></td><td>1452</td><td>540</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td></td><td></td><td>1453</td><td>1,620</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td></td><td></td><td>1501</td><td>1,510</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td></td><td></td><td>1502</td><td>860</td><td>Design issue fee</td><td></td></tr> <tr><td></td><td></td><td>1503</td><td>1,190</td><td>Plant issue fee</td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td>Petitions to the Commissioner - check fee sheet</td><td></td></tr> <tr><td></td><td></td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(c)</td><td></td></tr> <tr><td></td><td></td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td></td><td></td><td>8021</td><td>40</td><td>Recording each patent as signment per property (times number of properties)</td><td></td></tr> <tr><td></td><td></td><td>1809</td><td>810</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td></td><td></td><td>1810</td><td>810</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td></td><td></td><td>1801</td><td>810</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td></td><td></td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> </tbody> </table>		Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid			1051	130	Surcharge - late filing fee or oath				1052	50	Surcharge - late provisional filing fee or cover sheet				1053	130	Non-English specification				1812	2,520	For filing a request for ex parte reexamination				1804	920*	Requesting publication of SIR prior to Examiner action				1805	1,840*	Requesting publication of SIR after Examiner action				1251	130	Extension for reply within first month				1252	480	Extension for reply within second month	490.00			1253	1,110	Extension for reply within third month				1254	1,730	Extension for reply within fourth month				1255	2,350	Extension for reply within fifth month				1401	540	Notice of Appeal				1402	540	Filing a brief in support of an appeal				1403	1,080	Request for oral hearing				1451	1,510	Petition to institute a public use proceeding				1452	540	Petition to revive - unavoidable				1453	1,620	Petition to revive - unintentional				1501	1,510	Utility issue fee (or reissue)				1502	860	Design issue fee				1503	1,190	Plant issue fee						Petitions to the Commissioner - check fee sheet				1807	50	Processing fee under 37 CFR 1.17(c)				1806	180	Submission of Information Disclosure Stmt				8021	40	Recording each patent as signment per property (times number of properties)				1809	810	Filing a submission after final rejection (37 CFR 1.129(a))				1810	810	For each additional invention to be examined (37 CFR 1.129(b))				1801	810	Request for Continued Examination (RCE)				1802	900	Request for expedited examination of a design application	
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		1804	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																													
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		1251	130	Extension for reply within first month																																																																																																																																																																													
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		1401	540	Notice of Appeal																																																																																																																																																																													
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		1451	1,510	Petition to institute a public use proceeding																																																																																																																																																																													
		1452	540	Petition to revive - unavoidable																																																																																																																																																																													
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		1809	810	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																																																																																																													
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		1801	810	Request for Continued Examination (RCE)																																																																																																																																																																													
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SUBMITTED BY		<small>(Complete if applicable)</small>	
Name (Print/Type)	John C. Pokotylo	Registration No. (Attorney/Agent)	36,242
Signature		Telephone	(732) 936-1400
		Date	August 19, 2009

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-21138.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231.

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

**RECEIVED
CENTRAL FAX CENTER
AUG 19 2009**

Attorney Docket No.: **Google-57 (GP-151-00-US)**

Applicant: **Jeremy BEM**

Serial No.: **10/674,888**

Confirmation No.: **9229**

Filing Date: **September 30, 2003**

Title: **INCREASING A NUMBER OF RELEVANT ADVERTISEMENTS USING
A RELAXED MATCH**

Examiner: **Tri V. Nguyen**

Group Art Unit: **1796**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR A TWO (2) MONTH EXTENSION OF TIME

In response to the final Office Action mailed on March 19, 2009, which set a time for response to expire on June 19, 2009, please extend that period two (2) months to expire on August 19, 2009. The Patent Office is authorized to charge the fee of \$490.00 and any fee due to the deposit account of Straub & Pokotylo, deposit account number 50-1049.

08/20/2009 HNGUYEN 00000029 501049 10674888

01 FC:1252 490.00 DA

August 19, 2009

Respectfully submitted,

John C. Pokotylo

John C. Pokotylo, Attorney
Reg. No. 36,242
Customer No. 26479
(732) 936-1400

STRAUB & POKOTYLO
788 Shrewsbury Ave.
Tinton Falls, NJ 07724

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (and any accompanying paper(s)) is being facsimile transmitted to the United States Patent Office on the date shown below.

John C. Pokotylo

Type or print name of person signing certification

John C. Pokotylo
Signature

August 19, 2009
Date

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 10/674,888	Filing Date 09/30/2003	<input type="checkbox"/> To be Mailed
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APPLICATION AS FILED – PART I			OTHER THAN SMALL ENTITY			
	(Column 1)	(Column 2)	SMALL ENTITY <input type="checkbox"/>	OR		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	RATE (\$)	FEE (\$)
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A		N/A	
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A		N/A	
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$ =		X \$ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =		X \$ =	
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).					
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))						

* If the difference in column 1 is less than zero, enter "0" in column 2.

APPLICATION AS AMENDED – PART II					OTHER THAN SMALL ENTITY			
	(Column 1)	(Column 2)	(Column 3)		SMALL ENTITY	OR		
AMENDMENT	08/19/2009	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 40	Minus	** 83	=	0	OR	X \$2=
	Independent (37 CFR 1.16(h))	* 6	Minus	*** 11	=	0	OR	X \$220=
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))								
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE
								0

	(Column 1)	(Column 2)	(Column 3)		SMALL ENTITY	OR		
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=		OR	X \$ =
	Independent (37 CFR 1.16(h))	*	Minus	***	=		OR	X \$ =
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))								
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
 /CORALIA BETANCOURT/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



NOTICE OF ALLOWANCE AND FEE(S) DUE

82402 7590 08/27/2009
Straub & Pokotylo
788 Shrewsbury Avenue
Tinton Falls, NJ 07724

EXAMINER: NGUYEN, TRI V
ART UNIT: 1796
PAPER NUMBER:
DATE MAILED: 08/27/2009

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
10/674,888 09/30/2003 Jeremy Bem GOOGLE-57 9229
TITLE OF INVENTION: INCREASING A NUMBER OF RELEVANT ADVERTISEMENTS USING A RELAXED MATCH (GP-151-00-US)

Table with 7 columns: APPLN. TYPE, SMALL ENTITY, ISSUE FEE DUE, PUBLICATION FEE DUE, PREV. PAID ISSUE FEE, TOTAL FEE(S) DUE, DATE DUE
nonprovisional NO \$1510 \$300 \$0 \$1810 11/27/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Stop ISSUE FEE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

82402 7590 08/27/2009

Straub & Pokotylo
 788 Shrewsbury Avenue
 Tinton Falls, NJ 07724

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/674,888 09/30/2003 Jeremy Bem GOOGLE-57
 (GP-151-00-US) 9229

TITLE OF INVENTION: INCREASING A NUMBER OF RELEVANT ADVERTISEMENTS USING A RELAXED MATCH

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional NO \$1510 \$300 \$0 \$1810 11/27/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
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NGUYEN, TRI V 1796 705-014000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.563).

- Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : Individual Corporation or other private group entity Government

4a. The following fee(s) are submitted:

- Issue Fee
- Publication Fee (No small entity discount permitted)
- Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- A check is enclosed.
- Payment by credit card. Form PTO-2038 is attached.
- The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
 Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Row 1: 10/674,888, 09/30/2003, Jeremy Bem, GOOGLE-57 (GP-151-00-US), 9229
Row 2: 82402, 7590, 08/27/2009, EXAMINER NGUYEN, TRI V
Row 3: ART UNIT 1796, PAPER NUMBER
Additional text: Straub & Pokotylo, 788 Shrewsbury Avenue, Tinton Falls, NJ 07724; DATE MAILED: 08/27/2009

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 362 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 362 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Examiner-Initiated Interview Summary	Application No. 10/674,888	Applicant(s) BEM, JEREMY	
	Examiner TRI V. NGUYEN	Art Unit 1796	

All Participants:

(1) TRI V. NGUYEN.

(2) John Pokotylo (App Rep).

Status of Application: _____

(3) _____.

(4) _____.

Date of Interview: 25 August 2009

Time: 3pm

Type of Interview:

- Telephonic
 Video Conference
 Personal (Copy given to: Applicant Applicant's representative)

Exhibit Shown or Demonstrated: Yes No

If Yes, provide a brief description: .

Part I.

Rejection(s) discussed:

all applied

Claims discussed:

all applied

Prior art documents discussed:

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

An authorization for an Examiner's Amendment was granted by Applicant's Representative to amend the specification to update the status of the copending application 10/375,900 now US patent 7136875.

Part III.

- It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
 It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

/T. V. N./
Examiner, Art Unit 1796

(Applicant/Applicant's Representative Signature – if appropriate)

Notice of Allowability	Application No.	Applicant(s)	
	10/674,888	BEM, JEREMY	
	Examiner	Art Unit	
	TRI V. NGUYEN	1796	

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

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 08/19/09.
2. The allowed claim(s) is/are 8, 12-17, 20, 24-29, 33, 37-42, 56-61, 66-71, 77-82 and 85.
3. 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 the:
 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)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>08/25/09</u>. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|---|--|

/Eric W. Stamber/
 Supervisory Patent Examiner, Art Unit 3622

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Pokotylo on 08/25/09.

2. The application has been amended as follows:

2.1 In the specification, page 8, line 6, after "2003" add --, now US Patent 7,136,875, --;

2.2 In the specification, page 9, line 13, after "10/375,900" add --, now US Patent 7,136,875, --.

STATEMENT OF REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance:

The most pertinent prior art known to the Examiner is listed on the attached forms PTO-892 and 1449. As shown by Dorosario et al., Weissman et al., McElfresh et al., Oh and Hosea et al., the close prior arts of record, methods for matching advertisements to search queries via relational schematics and scores are well-known. However, none of the prior art of record including Dorosario et al., Weissman et al., McElfresh et al., Oh and Hosea et al. provides sufficient suggestion or motivation to arrive at a method with the specific attributes for the score and multiplier variables, especially in the formula wherein the act of updating the multiplier is performed using the formula:

Art Unit: 1796

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

wherein N is a number and the various parameters

as required in the present claims. Accordingly, the claimed invention, as a whole, would not have been obvious to one of ordinary skill in the marketing art. None of the prior art of record teaches, discloses or suggests a method of presenting advertisements in response to a search queries via matching with the specific formula in the manner as those recited the present claims.

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

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, Vasu Jagannathan can be reached on (571) 272-1119 and Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private

Application/Control Number: 10/674,888

Page 4

Art Unit: 1796

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


/T. V. N./

Examiner, Art Unit 1796

August 26, 2009

/Eric W. Stamber/

Supervisory Patent Examiner, Art Unit 3622

Index of Claims 	Application/Control No. 10674888	Applicant(s)/Patent Under Reexamination BEM, JEREMY
	Examiner TRI V NGUYEN	Art Unit 1796

✓	Rejected
=	Allowed


-	Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE							
Final	Original	03/15/2009	08/25/2009						
	1	-	-						
	2	-	-						
	3	-	-						
	4	-	-						
	5	-	-						
	6	-	-						
	7	✓	-						
2	8	✓	=						
	9	✓	-						
	10	✓	-						
	11	-	-						
3	12	✓	=						
4	13	✓	=						
5	14	✓	=						
1	15	O	=						
6	16	O	=						
7	17	O	=						
	18	-	-						
	19	✓	-						
10	20	✓	=						
	21	✓	-						
	22	✓	-						
	23	-	-						
11	24	✓	=						
12	25	✓	=						
13	26	✓	=						
9	27	O	=						
14	28	O	=						
15	29	O	=						
	30	-	-						
	31	-	-						
	32	✓	-						
17	33	✓	=						
	34	✓	-						
	35	✓	-						
	36	-	-						

Index of Claims 	Application/Control No. 10674888	Applicant(s)/Patent Under Reexamination BEM, JEREMY
	Examiner TRI V NGUYEN	Art Unit 1796

✓	Rejected
=	Allowed


-	Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE							
Final	Original	03/15/2009	08/25/2009						
18	37	✓	=						
19	38	✓	=						
20	39	✓	=						
16	40	○	=						
21	41	○	=						
22	42	○	=						
	43	-	-						
	44	-	-						
	45	-	-						
	46	-	-						
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23	59	○	=						
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	63	✓	-						
	64	✓	-						
	65	-	-						
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31	67	✓	=						
32	68	✓	=						
29	69	○	=						
33	70	○	=						
34	71	○	=						
	72	-	-						

Index of Claims 	Application/Control No. 10674888	Applicant(s)/Patent Under Reexamination BEM, JEREMY
	Examiner TRI V NGUYEN	Art Unit 1796

✓	Rejected
=	Allowed


-	Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE							
Final	Original	03/15/2009	08/25/2009						
	73	-	-						
	74	✓	-						
	75	✓	-						
	76	-	-						
36	77	✓	=						
37	78	✓	=						
38	79	✓	=						
35	80	O	=						
39	81	O	=						
40	82	O	=						
	83	-	-						
	84	-	-						
8	85	✓	=						
	86	-	-						


Search Notes 	Application/Control No. 10674888	Applicant(s)/Patent Under Reexamination BEM, JEREMY
	Examiner TRI V NGUYEN	Art Unit 1796

SEARCHED			
Class	Subclass	Date	Examiner
705	14	8/25/2009	nvt
707	3	8/25/2009	nvt

SEARCH NOTES			
Search Notes		Date	Examiner
EAST updated		8/25/2009	nvt
Google scholar & Patents		8/25/2009	nvt
EAST - interference search		8/25/2009	nvt

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner
705	14	8/25/2009	nvt
707	3	8/25/2009	nvt

--	--

Issue Classification 	Application/Control No. 10674888	Applicant(s)/Patent Under Reexamination BEM, JEREMY
	Examiner TRI V NGUYEN	Art Unit 1796

ORIGINAL						INTERNATIONAL CLASSIFICATION														
CLASS		SUBCLASS				CLAIMED					NON-CLAIMED									
705		14				G	0	6	Q	30 / 00 (2006.01.01)										
CROSS REFERENCE(S)																				
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)																			
707	3																			

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant <input type="checkbox"/> CPA <input type="checkbox"/> T.D. <input type="checkbox"/> R.1.47															
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
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	2		18		34		50	30	66	40	82				
	3		19		35		51	31	67		83				
	4	10	20		36		52	32	68		84				
	5		21	18	37		53	29	69	8	85				
	6		22	19	38		54	33	70		86				
	7		23	20	39		55	34	71						
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	9	12	25	21	41	25	57		73						
	10	13	26	22	42	26	58		74						
	11	9	27		43	23	59		75						
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4	13	15	29		45	28	61	36	77						
5	14		30		46		62	37	78						
1	15		31		47		63	38	79						
6	16		32		48		64	35	80						

/TRI V NGUYEN/ Examiner.Art Unit 1796 (Assistant Examiner)	08/25/09 (Date)	Total Claims Allowed: 40	
/Eric W Stamber/ Supervisory Patent Examiner.Art Unit 3622 (Primary Examiner)	08/26/2009 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 16


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

BIB DATA SHEET
CONFIRMATION NO. 9229

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.		
10/674,888	09/30/2003	705	1796	Google-57 (GP-151-00-US)		
APPLICANTS Jeremy Bem, Berkeley, CA;						
** CONTINUING DATA *****						
** FOREIGN APPLICATIONS *****						
** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 12/22/2003						
Foreign Priority claimed 35 USC 119(a-d) conditions met Verified and Acknowledged	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No /TRI V NGUYEN/ Examiner's Signature	<input type="checkbox"/> Met after Allowance Initials	STATE OR COUNTRY CA	SHEETS DRAWINGS 12	TOTAL CLAIMS 83	INDEPENDENT CLAIMS 11
ADDRESS Straub & Pokotylo 788 Shrewsbury Avenue Tinton Falls, NJ 07724 UNITED STATES						
TITLE Increasing a number of relevant advertisements using a relaxed match						
FILING FEE RECEIVED 2722	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit			

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	4220	((target\$3 custom\$5 personal\$5) near3 (ad advertis\$5)) and (search near3 (engine quer\$3))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/08/25 23:16
L2	237	((ad advertis\$6) same (scor\$4 rank\$4 weight\$5) same (related near3 (term\$3 word keyword item entr\$3)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/08/25 23:17
L3	105	1 and 2	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/08/25 23:17
L4	8	3 and (@pd<"20030930" or @ad<"20030930" or @prad<"20030930" or @rlad<"20030930")	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/08/25 23:17

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L5	72	((((target\$3 custom\$5 personal\$5) near3 (ad advertis\$5)) and (search near3 (engine quer\$3))).clm.	USPAT; UPAD	OR	ON	2009/08/25 23:17
L6	66	((((ad advertis\$6) and (scor\$4 rank\$4 weight\$5) and (related near3 (term\$3 word keyword item entr\$3)))).clm.	USPAT; UPAD	OR	ON	2009/08/25 23:18
L7	0	5 and 6	USPAT; UPAD	OR	ON	2009/08/25 23:18

8/ 25/ 2009 11:19:11 PM

C:\ Documents and Settings\ nguyen89\ My Documents\ EAST\ Workspaces\ 2007\ nvt EAST Bem 10674888 b.wsp

AUG 19 2009

OK TO ENTER: /TN/ (08/25/2009)

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Attorney Docket No.: **Google-57 (GP-151-00-US)**

Appl. No.: **10/674,888**

Confirmation No.: **9229**

Applicant: **Jeremy BEM**

Filed: **September 30, 2003**

Title: **INCREASING A NUMBER OF RELEVANT ADVERTISEMENTS USING A
RELAXED MATCH**

TC/A.U.: **1796**

Examiner: **Tri V. Nguyen**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

In response to the final Office Action mailed on March 19, 2009 (Paper No. 20090315), which set a period for response to expire on June 19, 2009, that period being extended two (2) months to expire on August 19, 2009, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

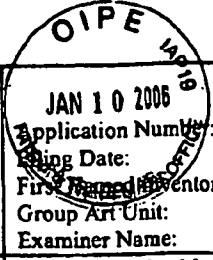
Remarks/Arguments begin on page 16 of this paper.

(modified PTO/SB/08A)

U.S. Department of Commerce
Patent and Trademark Office

Complete if Known

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(use as many sheets as necessary)



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

U.S. PATENT DOCUMENTS

Examiner initials*	Cite No. ¹	U.S. Patent Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines where relevant Passages or Figures appear
NVT	AA	US 2003/0078928	04-24-2003	DOROSARIO et al.	

Examiner initials*	Cite No. ¹	Foreign Patent Document Office ³ Number ⁴	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁵
NVT	AB	WO 01/044992	06-21-2000	YELLOWBRIX, INC.	06/21/2001	

CE 9/10/09

Examiner Signature: *[Signature]* Date Considered: 3/23/06

*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.

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.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Stop ISSUE FEE Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

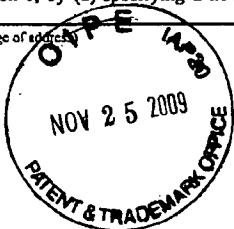
CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

82402 7590 08/27/2009

Straub & Pokotylo 788 Shrewsbury Avenue Tinton Falls, NJ 07724

11/27/2009 CCHAUZ 00000004 501049 10674888



Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Form with fields for Depositor's name (John C. Pokotylo), Signature (John C. Pokotylo), and Date (November 25, 2009)

01 FC:1501 1510.00 DA
02 FC:1504 300.00 DA
03 FC:8001 3.00 DA

Table with columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.

TITLE OF INVENTION: INCREASING A NUMBER OF RELEVANT ADVERTISEMENTS USING A RELAXED MATCH

Table with columns: APPLN. TYPE, SMALL ENTITY, ISSUE FEE DUE, PUBLICATION FEE DUE, PREV. PAID ISSUE FEE, TOTAL FEE(S) DUE, DATE DUE

Table with columns: EXAMINER, ART UNIT, CLASS-SUBCLASS

Form sections 1 and 2: Change of correspondence address or indication of "Fee Address" and For printing on the patent front page, list

Form section 3: ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual, Corporation or other private group entity, Government

Form sections 4a and 4b: The following fee(s) are submitted and Payment of Fee(s)

Form section 5: Change in Entity Status

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Form fields for Authorized Signature, Date, Typed or printed name, Registration No.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



FACSIMILE COVER SHEET

The Law Offices of
STRAUB & POKOTYLO

788 Shrewsbury Ave.
Tinton Falls, NJ 07724

Telephone: 732-936-1400
Facsimile: 732-936-1401
Internet site: www.sp-ip.com

To: U.S. Patent and Trademark Office

Facsimile No.: (571) 273-2885

From: John C. Pokotylo, Esq.

Date: November 25, 2009

Number of Pages Including Cover: 3

MESSAGE: FORMAL SUBMISSION OF:
1) Transmittal (1 pg.); and
2) Issue fee form PTOL-85B (1 pg.).

Attorney Docket No.: Google-57 (GP-151-00-US)
Appl. No.: 10/674,888
Applicant: Jeremy BEM
Filed: September 30, 2003
Title: INCREASING A NUMBER OF RELEVANT ADVERTISEMENTS USING A RELAXED
MATCH
TC/A.U.: 1796
Examiner: Tri V. Nguyen

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (and any accompanying paper(s))
is being facsimile transmitted to the United States Patents and
Trademark Office on the date shown below.

John C. Pokotylo
Type or print name of person signing certification

Signature

November 25, 2009
Date



Please type a plus sign (+) inside this box →

Modified PTO/SB/21 (08-00)
 Approved for use through 10/31/2002. OMB 0851-0031
 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h2>TRANSMITTAL FORM</h2> <p><i>(to be used for all correspondence after initial filing)</i></p>	Application Number	10/674,888
	Filing Date	September 30, 2003
	First Named Inventor	Jeremy BEM
	Group Art Unit	1796
	Examiner Name	Tri V. Nguyen
Total Number of Pages in This Submission	Attorney Docket Number	Google-57 (GP-151-00-US)

ENCLOSURES <i>(check all that apply)</i>		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Postcard Receipt <input type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	John C. Pokotylo (Reg. No. 36,242)
Signature	
Date	November 25, 2009

CERTIFICATE OF FACSIMILE	
I hereby certify that this correspondence is being facsimile transmitted to the United States Patents and Trademark Office on this date: November 25, 2009	
Typed or printed name	John C. Pokotylo
Signature	
Date	November 25, 2009

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, P. O. Box 1450, Alexandria, VA 22313-1450.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,888	01/12/2010	7647242	GOOGLE-57 (GP-151-00-US)	9229

82402 7590 12/23/2009
Straub & Pokotylo
788 Shrewsbury Avenue
Tinton Falls, NJ 07724

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment is 362 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Jeremy Bem, Berkeley, CA:

MAY 17 2010

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (02-10)

Approved for use through 07/31/2010. OMB 0651-0020

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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**REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF WYETH***

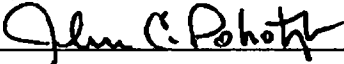
Attorney Docket Number: Google-57 (GP-151-00-US)	
Application Number: 10/674,888	Filing Date (or 371(b) or (f) Date): September 30, 2003
Patent Number: 7,647,242	Issue Date: January 12, 2010
First Named Inventor: Jeremy BEM	
Title: INCREASING A NUMBER OF RELEVANT ADVERTISEMENTS USING A RELAXED MATCH	

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-WYETH INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

*Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature: 	Date: May 17, 2010
Name (Print/Typed): John C. Pokotylo	Registration Number: 36,242
<i>Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below.*</i>	
<input checked="" type="checkbox"/> Total of <u>1</u> forms are submitted.	

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

MAY 17 2010

FACSIMILE COVER SHEET

The Law Offices of
STRAUB & POKOTYLO

788 Shrewsbury Ave.
Tinton Falls, NJ 07724

Telephone: 732-936-1400
Facsimile: 732-936-1401
Internet site: www.sp-ip.com

To: U.S. Patent and Trademark Office

Facsimile No.: (571) 273-8300

From: John C. Pokotylo, Esq.

Date: May 17, 2010

Number of Pages Including Cover: 2

MESSAGE: FORMAL SUBMISSION OF:

- 1) Request for Recalculation of Patent Term Adjustment In View of Wyeth (1 pg.)

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

Appl. No.: 10/674,888

Applicant: Jeremy BEM

Filed: September 30, 2003

Title: INCREASING A NUMBER OF RELEVANT ADVERTISEMENTS USING A RELAXED MATCH

TC/A.U.: 1796

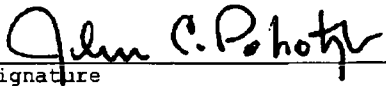
Examiner: Tri V. Nguyen

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (and any accompanying paper(s)) is being facsimile transmitted to the United States Patents and Trademark Office on the date shown below.

John C. Pokotylo

Type or print name of person signing certification


Signature

May 17, 2010
Date



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Straub & Pokotylo
788 Shrewsbury Avenue
Tinton Falls, NJ 07724

Mail Date: 05/24/2010

Applicant : Jeremy Bem : DECISION ON REQUEST FOR
Patent Number : 7647242 : RECALCULATION of PATENT
Issue Date : 01/12/2010 : TERM ADJUSTMENT IN VIEW
Application No : 10/674,888 : OF WYETH AND NOTICE OF INTENT TO
Filed : 09/30/2003 : ISSUE CERTIFICATE OF CORRECTION

The Request for Recalculation is GRANTED to the extent indicated.

The patent term adjustment has been determined to be 583 days. The USPTO will sua sponte issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has one month or thirty (30) days, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,647,242 B2
APPLICATION NO. : 10/674888
DATED : January 12, 2010
INVENTOR(S) : Jeremy Bem

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

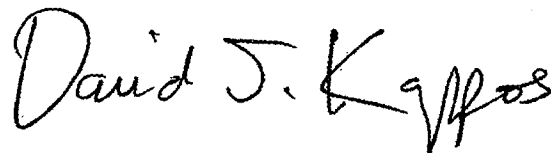
On the Title Page:

The first or sole Notice should read --

Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 583 days.

Signed and Sealed this

Twenty-eighth Day of December, 2010

A handwritten signature in black ink that reads "David J. Kappos". The signature is written in a cursive style with a large, looped "D" and a long, sweeping "K".

David J. Kappos
Director of the United States Patent and Trademark Office