

# Exhibit B-1

CLAIMS

308 A17

1. A method of disseminating to a participant an indication that an item accessible by the participant via a network is of current interest, comprising:

receiving in real time an indication that the item is of current interest;

5 processing the indication; and

informing the participant that the item is of current interest.

2. The method of claim 1 wherein processing the indication comprises determining an intensity value for the indication based on at least one attribute of the indication, the intensity value representing the weight that will be given to the indication.

10 3. The method of claim 2 wherein processing the indication further comprises calculating an intensity rank for the item based at least in part on the intensity value of the indication, the intensity rank indicating the level of current interest of the item relative to other items.

4. The method of claim 3, further comprising:

15 associating the item with a category of interest to which the item relates;

receiving from the participant a selection of one or more categories of interest to the participant;

identifying all items of current interest within the selected categories;

ranking the identified items of current interest; and

20 sending to the participant a list of items of current interest in rank order, the list including at least one of the identified items of current interest;

wherein the ranking of each item is based, at least in part, on the level of current interest of each item relative to other items as indicated at least in part by the intensity rank.

5 5. The method of claim 1, further comprising receiving a comment relating to the item.

6. The method of claim 1, further comprising receiving data identifying the source of the indication.

7. The method of claim 1, further comprising associating the item with a category of interest to which the item relates.

10 8. The method of claim 7, wherein the item is associated with a category of interest identified by the source of the indication of current interest.

9. The method of claim 1, wherein the item is one of a plurality of items of current interest, further comprising:

associating the item with a category of interest to which the item relates;

15 receiving from the participant a selection of one or more categories of interest to the participant; and

identifying all items of current interest within the selected categories.

10. The method of claim 9, further comprising:

ranking the identified items of current interest; and

20 sending to the participant a list of items of current interest in rank order, the list including at least one of the identified items of current interest.

11. The method of claim 10, wherein the ranking of each item is based, at least in part, on the extent to which the categories selected by the participant match the categories associated with the item.

12. The method of claim 9, further comprising receiving an indication of the participant's sensitivity with respect to each category of interest to the participant, whereby an indication of a relatively low level of sensitivity indicates the participant does not want to be informed that an item is of current interest unless one or more indications have been received that indicate a relatively high level of current interest with respect to an item in the corresponding category and an indication of a relatively high level of sensitivity indicates the participant wants to be informed that an item is of current interest even if only one indication indicating a relatively low level of current interest has been received with respect to an item in the corresponding category.

13. The method of claim 12, further comprising:  
ranking the identified items of current interest; and  
sending to the participant a ranked list including at least one of the identified items of current interest;  
wherein the ranking of each item is based, at least in part, on the sensitivity of the participant with respect to each category associated with the item.

14. The method of claim 1, wherein the item is identified by a Uniform Resource Locator (URL).

15. The method of claim 1, further comprising storing data relating to the indication in a database.

16. The method of claim 1, further comprising determining the weight to be given to the indication.

17. The method of claim 1, wherein the indication is received automatically if a participant accesses the item.

5 18. The method of claim 1, further comprising providing one or more participants with an interface to send an indication that an item is of current interest.

19. A system for disseminating to participants an indication that an item accessible by the participant via a network is of current interest, comprising:

10 a computer configured to receive in real time an indication that the item is of current interest; process the indication; and inform the participant that the item is of current interest; and

a database, associated with the computer, configured to store data relating to the item.

15 20. A computer program product for disseminating to a participant an indication that an item accessible by the participant via a network is of current interest, the computer program product being embodied in a computer readable medium and comprising computer instructions for:

receiving in real time an indication that the item is of current interest;  
processing the indication; and

20 informing the participant that the item is of current interest.

PR4



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,638	09/07/2000	Michael Naimark	INTIP206	1636

21912 7590 04/09/2003

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EXAMINER

PUNIT, PRAKASH C

ART UNIT	PAPER NUMBER
2175	24

DATE MAILED: 04/09/2003

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

pp4

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/656,638	NAIMARK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Prakash C Punit	2175	

-- 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) 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 the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- 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 \_\_\_\_\_.
- 2a)  This action is **FINAL**.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-20 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**


- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ 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).
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13)  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.

- 14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a)  The translation of the foreign language provisional application has been received.

- 15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or

  
**DOV POPOVICI**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**

**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-1449) Paper No(s) 2 & 3.
- 4)  Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

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

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Eichstaedt et al. (U.S. Patent No.6,385,619).

As to claim 1, Eichstaedt et al. teaches a method of disseminating (i.e. presenting to the users) to a participant an indication that an item accessible by the participant via a network is of current interest (see Abstract), comprising:



receiving in real time an indication that the item is of current interest (see Abstract; see column 1, lines 43-55; where “real time” is read on “non-static information”);

processing (i.e. analyzing and profile generating) the indication (see column 3, lines 20); and informing the participant that the item is of current interest (see Fig. 2, element 64; see column 1, lines 56-62; also see column 3, lines 18-20).

As to claim 2, Eichstaedt et al. teaches a method, wherein processing the indication comprises determining an intensity value (i.e. numerical value) for the indication based on at least one attribute of the indication (see column 3, lines 29-38), the intensity value (i.e. numerical value) representing the weight that will be given to the indication (see column 3, lines 49-54).

As to claim 3, Eichstaedt et al. teaches a method, wherein processing the indication further comprises calculating an intensity rank for the item based at least in part on the intensity value (i.e. numerical value) of the indication (see column 3, lines 28-64), the intensity rank indicating the level of current interest of the item relative to other items (see column 3, lines 49-53; where “intensity rank” is read on “weight”).

As to claim 4, Eichstaedt et al. teaches a method, further comprising:  
associating the item with a category of interest to which the item relates (see column 2, lines 42-48);

receiving from the participant a selection of one or more categories of interest to the participant (see column 2, lines 20-37);

identifying all items of current interest within the selected categories (see column 3, 39-50; also see column 4, lines 31-39);

ranking the identified items of current interest (see column 3, lines 49-54; also see column 4, lines 4-10); and

sending to the participant a list of items of current interest in rank order, the list including at least one of the identified items of current interest (see column 4, lines 30-39);

wherein the ranking of each item is based, at least in part, on the level of current interest of each item relative to other items as indicated at least in part by the intensity rank (see column 1, lines 46-55; where “intensity rank” is read on “interest score”).

As to claim 5, Eichstaedt et al. teaches a method, further comprising receiving a comment relating to the item (see column 3, lines 52-54; where “comment” is read on “user clicks on various parts of a document”).

As to claim 6, Eichstaedt et al. teaches a method, further comprising receiving data identifying the source of the indication (see column 3, lines 15-20; where access analyzer and profile generator analyze information about the user indicates that the source is identified and request is processed and sent back to the user).

As to claim 7, Eichstaedt et al. teaches a method, further comprising associating the item with a category of interest to which the item relates (see column 2, lines 42-65).

As to claim 8, Eichstaedt et al. teaches a method, wherein the item is associated with a category of interest identified by the source of the indication (i.e. user) of current interest (see column 3, lines 49-60).

As to claim 9, Eichstaedt et al. teaches a method, wherein the item is one of a plurality of items (i.e. specific documents) of current interest (see column 1, lines 52-55; also see column 3, lines 10-14), further comprising:

associating the item with a category of interest to which the item relates (see column 2, lines 42-65);

receiving (i.e. system generating profile) from the participant a selection of one or more categories of interest to the participant (see column 4, lines 31-43); and

identifying all items of current interest within the selected categories (see column 1, lines 39-42; also see column 2, lines 20-65).

As to claim 10, Eichstaedt et al. teaches a method, further comprising:

Ranking (i.e. weight) the identified items of current interest (see column 3, lines 49-54; also see column 4, lines 4-10); and

sending to the participant a list of items of current interest in rank order, the list including at least one of the identified items of current interest (see column 4, lines 30-39);

As to claim 11, Eichstaedt et al. teaches a method, wherein the ranking of each item (see column 3, lines 49-52) is based, at least in part, on the extent to which the categories selected by the participant match the categories associated with the item (see column 4, lines 4-28).

As to claim 12, Eichstaedt et al. teaches a method, further comprising receiving an indication of the participant's sensitivity with respect to each category of interest to the participant (see Abstract; see column 1, lines 35-55), whereby an indication of a relatively low level of sensitivity (i.e. low weight) indicates the participant does not want to be informed that an item is of current interest unless one or more indications have been received that indicate a relatively high level of current interest (i.e. high weight) with respect to an item in the corresponding category (see column 4, lines 31-55) and an indication of a relatively high level of sensitivity (i.e. high weight) indicates the participant wants to be informed that an item is of current interest even if only one indication indicating a relatively low level of current interest (i.e. low weight) has been received with respect to an item in the corresponding category (see column 4, lines 4-28; also see column 5, lines 2-29).

As to claim 13, Eichstaedt et al. teaches a method, further comprising:  
ranking the identified items of current interest (see column 3, lines 49-54; also see column 4, lines 4-10); and  
sending to the participant a ranked list including at least one of the identified items of current interest (see column 4, lines 30-39);

wherein the ranking of each item is based, at least in part, on the sensitivity of the participant with respect to each category associated with the item (see column 1, lines 46-55; where “intensity rank” is read on “interest score”).

As to claim 14, Eichstaedt et al. teaches a method, wherein the item is identified by a Uniform Resource Locator (URL) (see column 5, lines 58-60; where system works in an HTML and XML browser environment implies the topics can be identified by URL).

As to claim 15, Eichstaedt et al. teaches a method, further comprising storing data (i.e. database 60) relating to the indication in a database (see Fig. 2, element 60; see column 3, lines 8-15).

As to claim 16, Eichstaedt et al. teaches a method, further comprising determining the weight to be given to the indication (see column 3, lines 49-60).

As to claim 17, Eichstaedt et al. teaches a method, wherein the indication (i.e. content viewed by user) is received automatically if a participant accesses the item (see column 1, lines 41-44; also see column 2, lines 15-19).

As to claim 18, Eichstaedt et al. teaches a method, further comprising providing one or more participants with an interface (i.e. Browser Client 56) to send an indication that an item is of current interest (see Fig. 2; also see column 3, lines 7-10).

As to claim 19, Eichstaedt et al. teaches a system for disseminating (i.e. presenting to the users) to participants an indication that an item accessible by the participant via a network is of current interest (see Abstract), comprising:

a computer configured to receive in real time an indication that the item is of current interest (see Fig. 2; see column 3, lines 7-18; also see column 1, lines 52-55); process the indication (see column 3, lines 20; where “process” is read on “analyze and profile generation”); and inform the participant that the item is of current interest (see Fig. 2, element 64; see column 1, lines 56-62; also see column 3, lines 18-20); and

a database (60), associated with the computer, configured to store data relating to the item (see column 3, lines 7-15; where “data” is read on “documents”).

As to claim 20, Eichstaedt et al. teaches a computer program product for disseminating (i.e. presenting to the users) to a participant an indication that an item accessible by the participant via a network (i.e. web) is of current interest (see column 1, lines 35-55), the computer program product being embodied in a computer readable medium (see column 3, lines 7-11) and comprising computer instructions for:

receiving in real time an indication that the item is of current interest (see Abstract; see column 1, lines 43-55; where “real time” is read on “non-static information”);

processing (i.e. analyzing and profile generating) the indication (see column 3, lines 20); and informing the participant that the item is of current interest (see Fig. 2, element 64; see column 1, lines 56-62; also see column 3, lines 18-20).

### *Conclusion*

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

The following patents are cited to further show the state of art with respect method of alerting users to items of current interest in general:

U.S. Patent No. 6,385,619 to Eichstaedt et al. - teaches user interest profile generation

U.S. Patent No. 6,208,989 to Dockter et al. - teaches ranking based on weight

U.S. Patent No. 5,535,382 to Ogawa - teaches ranking of documents

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prakash Punit whose telephone number is (703) 305-5914. The examiner can normally be reached on Mondays – Fridays from 9:45 am to 6:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached on (703) 305-3830. The fax numbers of the group is (703) 746-7239.

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

Application/Control Number: 09/656,638  
Art Unit: 2175

Page 10

Prakash Punit  
Patent Examiner

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of  
NAIMARK, et al

Examiner: Prakash C. Punit

Art Unit: 2175

Serial No. 09/656,638

Docket No. INT1P206

Filed: September 7, 2000

July 2, 2003

RECEIVED

Title: ALERTING USERS TO ITEMS  
OF CURENT INTEREST

JUL 10 2003

Technology Center 2100

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on July 3, 2003.

Signed: Pat Tate  
Pat Tate

AMENDMENT A

Honorable Commissioner for Patents  
Washington, DC 20231

Dear Sir:

This is in response to the Office Action mailed April 9, 2003. The following amendments and remarks are respectfully submitted.

AMENDMENTS TO THE SPECIFICATION

Please replace the paragraph beginning on page 1, line 7, with the following rewritten paragraph:

-- This application is related to co-pending U.S. Patent Application No.

09/656,518, now U.S. Patent No. 6,556,989 \_\_\_\_\_ (Attorney Docket No. INT1P209)

entitled "Quantifying The Level Of Interest Of An Item Of Current Interest" filed concurrently

herewith, which is incorporated herein by reference for all purposes; and co-pending U.S. Patent

Application No. 09/658,346 \_\_\_\_\_ (Attorney Docket No. INT1P210) entitled

"Normalizing A Measure Of The Level Of Current Interest Of An Item Accessible Via A

Network" filed concurrently herewith, which is incorporated herein by reference for all purposes.

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This application claims priority to U.S. Provisional Patent No. 60/178,627 entitled "Alerting users To web Sites of Current Interest and Handling Large Increases In User Traffic" filed January 28, 2000 which is incorporated by reference for all purposes.  
herein

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**IN THE CLAIMS**

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

**Listing of Claims:**

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- SUB B17**
1. (Currently amended) A method of disseminating to a participant an indication that an item accessible by the participant via a network is of current interest, comprising:
    - receiving in real time from a source other than the participant an indication that the item is of current interest;
    - processing the indication; and
    - informing the participant that the item is of current interest.
  2. (Original) The method of claim 1 wherein processing the indication comprises determining an intensity value for the indication based on at least one attribute of the indication, the intensity value representing the weight that will be given to the indication.
  - A1** 3. (Original) The method of claim 2 wherein processing the indication further comprises calculating an intensity rank for the item based at least in part on the intensity value of the indication, the intensity rank indicating the level of current interest of the item relative to other items.
  4. (Original) The method of claim 3, further comprising:
    - associating the item with a category of interest to which the item relates;
    - receiving from the participant a selection of one or more categories of interest to the participant;
    - identifying all items of current interest within the selected categories;

ranking the identified items of current interest; and

sending to the participant a list of items of current interest in rank order, the list including at least one of the identified items of current interest;

wherein the ranking of each item is based, at least in part, on the level of current interest of each item relative to other items as indicated at least in part by the intensity rank.

5. (Original) The method of claim 1, further comprising receiving a comment relating to the item.

6. (Original) The method of claim 1, further comprising receiving data identifying the source of the indication.

7. (Original) The method of claim 1, further comprising associating the item with a category of interest to which the item relates.

8. (Original) The method of claim 7, wherein the item is associated with a category of interest identified by the source of the indication of current interest.

9. (Original) The method of claim 1, wherein the item is one of a plurality of items of current interest, further comprising:

associating the item with a category of interest to which the item relates;

receiving from the participant a selection of one or more categories of interest to the participant; and

identifying all items of current interest within the selected categories.

10. (Original) The method of claim 9, further comprising:

ranking the identified items of current interest; and

sending to the participant a list of items of current interest in rank order, the list including at least one of the identified items of current interest.

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11. (Original) The method of claim 10, wherein the ranking of each item is based, at least in part, on the extent to which the categories selected by the participant match the categories associated with the item.

12. (Original) The method of claim 9, further comprising receiving an indication of the participant's sensitivity with respect to each category of interest to the participant, whereby an indication of a relatively low level of sensitivity indicates the participant does not want to be informed that an item is of current interest unless one or more indications have been received that indicate a relatively high level of current interest with respect to an item in the corresponding category and an indication of a relatively high level of sensitivity indicates the participant wants to be informed that an item is of current interest even if only one indication indicating a relatively low level of current interest has been received with respect to an item in the corresponding category.

13. (Original) The method of claim 12, further comprising:

ranking the identified items of current interest; and

sending to the participant a ranked list including at least one of the identified items of current interest;

wherein the ranking of each item is based, at least in part, on the sensitivity of the participant with respect to each category associated with the item.

14. (Original) The method of claim 1, wherein the item is identified by a Uniform Resource Locator (URL).

15. (Original) The method of claim 1, further comprising storing data relating to the indication in a database.

16. (Original) The method of claim 1, further comprising determining the weight to be given to the indication.

17. (Original) The method of claim 1, wherein the indication is received automatically if a participant accesses the item.

18. (Original) The method of claim 1, further comprising providing one or more participants with an interface to send an indication that an item is of current interest.

19. (Currently amended) A system for disseminating to a participant ~~participants~~ an indication that an item accessible by the participant via a network is of current interest, comprising:

a computer configured to receive in real time from a source other than the participant an indication that the item is of current interest; process the indication; and inform the participant that the item is of current interest; and

a database, associated with the computer, configured to store data relating to the item.

AI 20. (Currently amended) A computer program product for disseminating to a participant an indication that an item accessible by the participant via a network is of current interest, the computer program product being embodied in a computer readable medium and comprising computer instructions for:

receiving in real time from a source other than the participant an indication that the item is of current interest;

processing the indication; and

informing the participant that the item is of current interest.

## REMARKS

Claims 1, 19, and 20 have been amended to clarify the subject matter regarded as the invention. Claims 1-20 remain pending.

The Examiner has rejected claims 1-20 under 35 U.S.C. §102(e) based on Eichstaedt.

The rejection is respectfully traversed. With respect to claim 1, Eichstaedt describes automatic generation of a user profile, based on monitoring and analyzing a user's access to hierarchical levels within a set of structured documents, and "pushing" webcast content to the user based on the profile so generated. Eichstaedt at col. 1, lines 34-63 and col. 3, lines 7-25. Eichstaedt teaches a way to learn from the choices a user makes in accessing hierarchical levels within a set of structured documents what the user's preferences and/or interests are, and then pushing content to that same user that the user's past choices indicate may be of interest to the user. By contrast, claim 1 as amended recites, "receiving in real time from a source other than the participant an indication that the item is of current interest" and "informing the participant that the item is of current interest". Therefore, claim 1 requires that the indication that the item is of current interest come from a source other than the participant who is informed that the item is of current interest, whereas Eichstaedt teaches learning from a user's own past actions what is of interest to that user. See, e.g., and without limitation, Application at p. 9, line 13 – p. 11, line 15; p. 13, lines 1-5; p. 24, lines 1-9; and Figure 1 (noting in particular the distinction between the alerting user 102 and the participant 104). As such, claim 1 is believed to be allowable over Eichstaedt.

Claims 2-18 depend from claim 1 and are believed to be allowable for the same reasons described above.

Claim 19 recites a system for practicing the method of claim 1 and has been amended in the same manner as claim 1. Therefore, claim 19 is believed to be allowable for the same reasons described above.

Claim 20 recites a computer program product for practicing the method of claim 1 and has been amended in the same manner as claim 1. Therefore, claim 20 is believed to be allowable for the same reasons described above.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,638	09/07/2000	Michael Naimark	INT1P206	1636

21912            7590            09/16/2003

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2175	7

DATE MAILED: 09/16/2003

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

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<b>Office Action Summary</b>	<b>Application No.</b> 09/656,638	<b>Applicant(s)</b> NAIMARK ET AL.	
	<b>Examiner</b> Charles L. Roncs	<b>Art Unit</b> 2175	

-- 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) 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 the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- 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 7-7-03.
- 2a)  This action is **FINAL**.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-20 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ 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).
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13)  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.
- 14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a)  The translation of the foreign language provisional application has been received.
- 15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)    4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5)  Notice of Informal Patent Application (PTO-152)
- 3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6)  Other:

## DETAILED ACTION

### *Amendment*

The amendment timely filed on July 7, 2003 has been entered.

### *Claim Rejections - 35 USC § 102*

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

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Eichstaedt et al. (U.S. Patent No.6,385,619).

As to claim 1, Eichstaedt et al. teaches a method of disseminating (i.e. presenting to the users) to a participant an indication that an item accessible by the participant via a network is of current interest (see Abstract), comprising:

receiving in real time from a source other than the participant an indication that the item is of current interest (see Abstract; see column 1, lines 43-55; where "real time" is read on "non-static information");

processing (i.e. analyzing and profile generating) the indication (see column 3, lines 20); and informing the participant that the item is of current interest (see Fig. 2, element 64; see column 1, lines 56-62; also see column 3, lines 18-20).

As to claim 2, Eichstaedt et al. teaches a method, wherein processing the indication comprises determining an intensity value (i.e. numerical value) for the indication based on at least one attribute of the indication (see column 3, lines 29-38), the intensity value (i.e. numerical value) representing the weight that will be given to the indication (see column 3, lines 49-54).

As to claim 3, Eichstaedt et al. teaches a method, wherein processing the indication further comprises calculating an intensity rank for the item based at least in part on the intensity value (i.e. numerical value) of the indication (see column 3, lines 28-64), the intensity rank indicating the level of current interest of the item relative to other items (see column 3, lines 49-53; where "intensity rank" is read on "weight").

As to claim 4, Eichstaedt et al. teaches a method, further comprising:

associating the item with a category of interest to which the item relates (see column 2, lines 42-48);

receiving from the participant a selection of one or more categories of interest to the participant (see column 2, lines 20-37);

identifying all items of current interest within the selected categories (see column 3, 39-50; also see column 4, lines 31-39);

ranking the identified items of current interest (see column 3, lines 49-54; also see column 4, lines 4-10); and

sending to the participant a list of items of current interest in rank order, the list including at least one of the identified items of current interest (see column 4, lines 30-39);

wherein the ranking of each item is based, at least in part, on the level of current interest of each item relative to other items as indicated at least in part by the intensity rank (see column 1, lines 46-55; where "intensity rank" is read on "interest score").

As to claim 5, Eichstaedt et al. teaches a method, further comprising receiving a comment relating to the item (see column 3, lines 52-54; where "comment" is read on "user clicks on various parts of a document").

As to claim 6, Eichstaedt et al. teaches a method, further comprising receiving data identifying the source of the indication (see column 3, lines 15-20; where access

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analyzer and profile generator analyze information about the user indicates that the source is identified and request is processed and sent back to the user).

As to claim 7, Eichstaedt et al. teaches a method, further comprising associating the item with a category of interest to which the item relates (see column 2, lines 42-65).

As to claim 8, Eichstaedt et al. teaches a method, wherein the item is associated with a category of interest identified by the source of the indication (i.e. user) of current interest (see column 3, lines 49-60).

As to claim 9, Eichstaedt et al. teaches a method, wherein the item is one of a plurality of items (i.e. specific documents) of current interest (see column 1, lines 52-55; also see column 3, lines 10-14), further comprising:

associating the item with a category of interest to which the item relates (see column 2, lines 42-65);

receiving (i.e. system generating profile) from the participant a selection of one or more categories of interest to the participant (see column 4, lines 31-43); and

identifying all items of current interest within the selected categories (see column 1, lines 39-42; also see column 2, lines 20-65).

As to claim 10, Eichstaedt et al. teaches a method, further comprising:

Ranking (i.e. weight) the identified items of current interest (see column 3, lines 49-54; also see column 4, lines 4-10); and

sending to the participant a list of items of current interest in rank order, the list including at least one of the identified items of current interest (see column 4, lines 30-39);

As to claim 11, Eichstaedt et al. teaches a method, wherein the ranking of each item (see column 3, lines 49-52) is based, at least in part, on the extent to which the categories selected by the participant match the categories associated with the item (see column 4, lines 4-28).

As to claim 12, Eichstaedt et al. teaches a method, further comprising receiving an indication of the participant's sensitivity with respect to each category of interest to the participant (see Abstract; see column 1, lines 35-55), whereby an indication of a relatively low level of sensitivity (i.e. low weight) indicates the participant does not want to be informed that an item is of current interest unless one or more indications have been received that indicate a relatively high level of current interest (i.e. high weight) with respect to an item in the corresponding category (see column 4, lines 31-55) and an indication of a relatively high level of sensitivity (i.e. high weight) indicates the participant wants to be informed that an item is of current interest even if only one indication indicating a relatively low level of current interest (i.e. low weight) has been

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received with respect to an item in the corresponding category (see column 4, lines 4-28; also see column 5, lines 2-29).

As to claim 13, Eichstaedt et al. teaches a method, further comprising:

ranking the identified items of current interest (see column 3, lines 49-54; also see column 4, lines 4-10); and

sending to the participant a ranked list including at least one of the identified items of current interest (see column 4, lines 30-39);

wherein the ranking of each item is based, at least in part, on the sensitivity of the participant with respect to each category associated with the item (see column 1, lines 46-55; where "intensity rank" is read on "interest score").

As to claim 14, Eichstaedt et al. teaches a method, wherein the item is identified by a Uniform Resource Locator (URL) (see column 5, lines 58-60; where system works in an HTML and XML browser environment implies the topics can be identified by URL).

As to claim 15, Eichstaedt et al. teaches a method, further comprising storing data (i.e. database 60) relating to the indication in a database (see Fig. 2, element 60; see column 3, lines 8-15).

As to claim 16, Eichstaedt et al. teaches a method, further comprising determining the weight to be given to the indication (see column 3, lines 49-60).



As to claim 17, Eichstaedt et al. teaches a method, wherein the indication (i.e. content viewed by user) is received automatically if a participant accesses the item (see column 1, lines 41-44; also see column 2, lines 15-19).

As to claim 18, Eichstaedt et al. teaches a method, further comprising providing one or more participants with an interface (i.e. Browser Client 56) to send an indication that an item is of current interest (see Fig. 2; also see column 3, lines 7-10).

As to claim 19, Eichstaedt et al. teaches a system for disseminating (i.e. presenting to the users) to participants an indication that an item accessible by the participant via a network is of current interest (see Abstract), comprising:

a computer configured to receive in real time an indication that the item is of current interest (see Fig. 2; see column 3, lines 7-18; also see column 1, lines 52-55); process the indication (see column 3, lines 20; where "process" is read on "analyze and profile generation"); and inform the participant that the item is of current interest (see Fig. 2, element 64; see column 1, lines 56-62; also see column 3, lines 18-20); and

a database (60), associated with the computer, configured to store data relating to the item (see column 3, lines 7-15; where "data" is read on "documents").

As to claim 20, Eichstaedt et al. teaches a computer program product for disseminating (i.e. presenting to the users) to a participant an indication that an item

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accessible by the participant via a network (i.e. web) is of current interest (see column 1, lines 35-55), the computer program product being embodied in a computer readable medium (see column 3, lines 7-11) and comprising computer instructions for:

receiving in real time from a source other than the participant an indication that the item is of current interest (see Abstract; see column 1, lines 43-55; where "real time" is read on "non-static information");

processing (i.e. analyzing and profile generating) the indication (see column 3, lines 20); and informing the participant that the item is of current interest (see Fig. 2, element 64; see column 1, lines 56-62; also see column 3, lines 18-20).

### ***Response to Arguments***

Applicant's arguments filed July 7, 2003 have been fully considered but they are not persuasive.

Applicant argues that Eichstaedt does not disclose receiving in real time from a source other than the participant an indication that the item is of current interest.

In response, Examiner maintains that Eichstaedt discloses such wherein analyzer and profile generator generates a profile used to provide customized information is deemed to be from the profile as the source not directly from the participant in one embodiment; See 3:8-25.

*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, 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 Charles L. Roncs whose telephone number is (703-306-3030). The examiner can normally be reached on Mondays – Fridays from Monday-Thursday 8am-4pm pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached on (703-305-3830). The fax numbers of the group is (703) 746-7239.

Application/Control Number: 09/656,638  
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Page 11

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



Charles L. Rones  
Primary Examiner  
Art Unit 2175



#9B  
12/11/03  
A.W.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of  
NAIMARK, et al

Examiner: Charles Rones

Art Unit: 2175

Serial No. 09/656,638

Docket No. INT1P206

Filed: September 7, 2000

November 24, 2003

Title: ALERTING USERS TO  
ITEMS OF CURRENT INTEREST

RECEIVED

DEC 04 2003

Technology Center 2100

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 24, 2003.

Signed:

Jennifer C. Gross

**AMENDMENT B**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1540

Dear Examiner Rones:

This is in response to the Office Action mailed September 16, 2003. The following amendments and remarks are respectfully submitted.

IN THE CLAIMS

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

Listing of Claims:

3X. (Currently amended) A method of disseminating to a participant an indication that an item accessible by the participant via a network is of current interest, comprising:

- receiving in real time from a source other than the participant an indication that the item is of current interest;
- processing the indication; ~~and~~
- determining an intensity value to be associated with the indication and an intensity weight value, and adjusting the intensity value based on a characteristic for the item provided by the source; and

informing the participant that the item is of current interest.

B1

4 2. (Currently amended) The method of claim <sup>3</sup> wherein processing the indication comprises determining ~~[[an]]the~~ intensity value for the indication based on at least one attribute of the indication, the intensity value representing the weight that will be given to the indication.

5 3. (Original) The method of claim <sup>4</sup> wherein processing the indication further comprises calculating an intensity rank for the item based at least in part on the intensity value of the indication, the intensity rank indicating the level of current interest of the item relative to other items.

6  
A. (Original) The method of claim 3, further comprising:

associating the item with a category of interest to which the item relates;

receiving from the participant a selection of one or more categories of interest to the participant;

identifying all items of current interest within the selected categories;

ranking the identified items of current interest; and

sending to the participant a list of items of current interest in rank order, the list including at least one of the identified items of current interest;

wherein the ranking of each item is based, at least in part, on the level of current interest of each item relative to other items as indicated at least in part by the intensity rank.

B1  
7  
5. (Original) The method of claim 3, further comprising receiving a comment relating to the item.

8  
6. (Original) The method of claim 3, further comprising receiving data identifying the source of the indication.

9  
7. (Original) The method of claim 3, further comprising associating the item with a category of interest to which the item relates.

10  
8. (Original) The method of claim 9, wherein the item is associated with a category of interest identified by the source of the indication of current interest.

11 3  
9. (Original) The method of claim 8, wherein the item is one of a plurality of items of current interest, further comprising:

associating the item with a category of interest to which the item relates;

receiving from the participant a selection of one or more categories of interest to the participant; and

identifying all items of current interest within the selected categories.

12 11  
10. (Original) The method of claim 9, further comprising:

ranking the identified items of current interest; and

sending to the participant a list of items of current interest in rank order, the list including at least one of the identified items of current interest.

B1 13 12  
11. (Original) The method of claim 10, wherein the ranking of each item is based, at least in part, on the extent to which the categories selected by the participant match the categories associated with the item.

14 11  
12. (Original) The method of claim 9, further comprising receiving an indication of the participant's sensitivity with respect to each category of interest to the participant, whereby an indication of a relatively low level of sensitivity indicates the participant does not want to be informed that an item is of current interest unless one or more indications have been received that indicate a relatively high level of current interest with respect to an item in the corresponding category and an indication of a relatively high level of sensitivity indicates the participant wants to be informed that an item is of current interest even if only one indication



indicating a relatively low level of current interest has been received with respect to an item in the corresponding category.

<sup>15</sup>  
~~13~~. (Original) The method of claim <sup>14</sup>~~12~~, further comprising:

ranking the identified items of current interest; and

sending to the participant a ranked list including at least one of the identified items of current interest;

wherein the ranking of each item is based, at least in part, on the sensitivity of the participant with respect to each category associated with the item.

<sup>14</sup>  
~~14~~. (Original) The method of claim <sup>3</sup>~~1~~, wherein the item is identified by a Uniform Resource Locator (URL).

<sup>17</sup>  
~~15~~. (Original) The method of claim <sup>3</sup>~~1~~, further comprising storing data relating to the indication in a database.

<sup>18</sup>  
~~16~~. (Original) The method of claim <sup>3</sup>~~1~~, further comprising determining the weight to be given to the indication.

<sup>19</sup>  
~~17~~. (Original) The method of claim <sup>3</sup>~~1~~, wherein the indication is received automatically if a participant accesses the item.

20

3

18. (Original) The method of claim 1, further comprising providing one or more participants with an interface to send an indication that an item is of current interest.

1

19. (Currently amended) A system for disseminating to a participant an indication that an item accessible by the participant via a network is of current interest, comprising:

a computer configured to receive in real time from a source other than the participant an indication that the item is of current interest; process the indication; determine an intensity value to be associated with the indication and an intensity weight value, and adjusting the intensity value based on a characteristic for the item provided by the source; and; and inform the participant that the item is of current interest; and

a database, associated with the computer, configured to store data relating to the item.

2

20. (Currently amended) A computer program product for disseminating to a participant an indication that an item accessible by the participant via a network is of current interest, the computer program product being embodied in a computer readable medium and comprising computer instructions for:

receiving in real time from a source other than the participant an indication that the item is of current interest;

processing the indication; ~~and~~

determining an intensity value to be associated with the indication and an intensity weight value, and adjusting the intensity value based on a characteristic for the item provided by the source; and

informing the participant that the item is of current interest.

B1

**INTERVIEW SUMMARY UNDER 37 CFR §1.133 AND MPEP §713.04**

A telephonic interview in the above-referenced case was conducted on November 18, 2003 between the Examiner and the Applicants' undersigned representative. The Final Office Action mailed on September 16, 2003 was discussed. Specifically, the rejections of claims 1-20 in light of Eichstaedt et al. (U.S. Patent No. 6,385,619) and the proposed amendments set forth herein were discussed with the intent to place the claims in better condition for allowance or appeal. The Applicants wish to thank the Examiner for his time and attention in this case.

## REMARKS

Claims 1, 19 and 20 have been amended to clarify the subject matter regarded as the invention. Claims 1-20 remain pending.


The Examiner has rejected claims 1-20 under 35 U.S.C. § 102(e) as being anticipated by Eichstaedt et al. (U.S. Patent No. 6,385,619).

The rejection is respectfully traversed. As amended, claim 1 recites "...determining an intensity value to be associated with the indication and an intensity weight value, and adjusting the intensity value based on a characteristic for the item provided by the source..." Eichstaedt et al. discloses ranking categories and generating profiles, but based on feedback from the user following interaction with an item. (Col. 3, lines 28-67). The weight of a category is based on the number of user clicks on a document or actions expressed by the user. (Col. 3, lines 52-54). Eichstaedt et al. does not disclose an intensity value adjusted based on a characteristic for an item provided by a source, as in the claimed invention. Thus, claim 1 is allowable for the reasons stated above.

Claims 2-18 depend from claim 1 and are believed to be allowable for the same reasons described above. As claims 19 and 20 were amended similarly to claim 1, Applicants submit that these claims are also allowable for the same reasons as claim 1.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,



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Registration No. 51,893  
V 408-973-2596  
F 408-973-2595

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/011,577	03/17/2011	Subutai Ahmad	20192.0002.RX000	1771
27572	7590	05/06/2011	EXAMINER	
HARNES, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			ART UNIT	PAPER NUMBER

DATE MAILED: 05/06/2011

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THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS  
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HOUSTON, TX 77002

Date:

**MAILED**

**MAY 05 2011**

CENTRAL REEXAMINATION UNIT

**EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. : 90011577  
PATENT NO. : 6263507  
ART UNIT : 3992

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified ex parte reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the ex parte reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

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<b>Order Granting / Denying Request For Ex Parte Reexamination</b>	<b>Control No.</b> 90/011,577	<b>Patent Under Reexamination</b> AHMAD ET AL. 6,263,507	
	<b>Examiner</b> MAJID A. BANANKHAH	<b>Art Unit</b> 3992	

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

The request for *ex parte* reexamination filed 17 March 2011 has been considered and a determination has been made. An identification of the claims, the references relied upon, and the rationale supporting the determination are attached.

Attachments: a)  PTO-892,      b)  PTO/SB/08,      c)  Other: \_\_\_\_\_

1.  The request for *ex parte* reexamination is GRANTED.

**RESPONSE TIMES ARE SET AS FOLLOWS:**

For Patent Owner's Statement (Optional): **TWO MONTHS** from the mailing date of this communication (37 CFR 1.530 (b)). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

For Requester's Reply (optional): **TWO MONTHS** from the **date of service** of any timely filed Patent Owner's Statement (37 CFR 1.535). **NO EXTENSION OF THIS TIME PERIOD IS PERMITTED.** If Patent Owner does not file a timely statement under 37 CFR 1.530(b), then no reply by requester is permitted.

2.  The request for *ex parte* reexamination is DENIED.

This decision is not appealable (35 U.S.C. 303(c)). Requester may seek review by petition to the Commissioner under 37 CFR 1.181 within **ONE MONTH** from the mailing date of this communication (37 CFR 1.515(c)). **EXTENSION OF TIME TO FILE SUCH A PETITION UNDER 37 CFR 1.181 ARE AVAILABLE ONLY BY PETITION TO SUSPEND OR WAIVE THE REGULATIONS UNDER 37 CFR 1.183.**

In due course, a refund under 37 CFR 1.26 ( c ) will be made to requester:

- a)  by Treasury check or,
- b)  by credit to Deposit Account No. \_\_\_\_\_, or
- c)  by credit to a credit card account, unless otherwise notified (35 U.S.C. 303(c)).

cc:Requester ( if third party requester )



Art Unit: 3992

**Decision on Request for *Ex Parte* Reexamination**

1. In the request for reexamination filed March 17, 2011, reexamination of U.S. Patent No. 6,263,507 ("subject patent", hereinafter '507 patent) with respect to claims 20-24, 27, 28, 31, 34, 37-40, 43, 63-67, 70, 71, 74, 77, 80-83, and 86 was requested under 35 U.S.C. §§ 302-307 and C.F.R. § 1.510. A substantial new question of patentability ("SNQ") is raised by the request for reexamination and prior art cited therein for the reasons set forth *below*. Accordingly, the request for reexamination is **GRANTED**.

***The References Cited that Presents SNQ***

2. The following documents were submitted by Requester as the basis for this Request for Reexamination.
- a. "Network Plus", Walter Bender et al., January 12-13, 1988 ("Bender").
  - b. "Cluster-Based Text Categorization: A Comparison of Category Search Strategies", Makoto Iwayama, July 9-13, 1995 ("Iwayama").
  - c. "The Fishwrap Personalized News System", Pascal R. Chesnais et al., June 1995 ("Chesnais").
  - d. "Classifying News Stories using Memory Based Reasoning", Brij Masand, June 1992 ("Masand").
  - e. "WebWatcher: Machine Learning and Hypertext", Thorsten Joachims et al., May 29, 1995 ("Joachims").
  - f. JP Publication No. H07-114572 to Yuasa ("Yuasa").
  - g. "Wire Service Transmission Guidelines Number 84-2", Special Report / American Newspaper Publishers Association, ANPA June 14, 1984 ("WTS Guidelines").
  - h. "The Associated Press Stylebook and Libel Manual", The Associated Press, 1994 ("AP Stylebook").

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The *above* references are not of record in the prosecution history of the Ahmed '507 patent and are not cumulative to the art of record in the original file.

3. Since requester did not request reexamination of claims 1-19, 25-26, 29-30, 32-33, 35-36, 41-42, 44-62, 68-69, 72-73, 75-76, 78-79, 84-85 and 87-129 and did not assert the existence of a substantial new question of patentability (SNQ) for such claims (see 35 U.S.C. § 302); see also 37 CFR 1.510b and 1.515), such claims will **not** be reexamined. This matter was squarely addressed in *Sony Computer Entertainment America Inc., et al. v. Jon W. Dudas*, Civil Action No. 1:05CV1447 (E.D.Va. May 22, 2006), Slip Copy, 2006 WL 1472462. The District Court upheld the Office's discretion to not reexamine claims in a reexamination proceeding other than those claims for which reexamination had specifically been requested. The Court stated:

"To be sure, a party may seek, and the PTO may grant, ...review of each and every claim of a patent. Moreover, while the PTO in its discretion may review claims for which ... review was not requested, nothing in the statute compels it to do so. To ensure that the PTO considers a claim for ... review, ...requires that the party seeking reexamination demonstrate why the PTO should reexamine each and every claim for which it seeks review. Here, it is undisputed that **Sony** did not seek review of every claim under the '213 and '333 patents. Accordingly, **Sony** cannot now claim that the PTO wrongly failed to reexamine claims for which **Sony** never requested review, and its argument that AIPA compels a contrary result is unpersuasive."

#### ***Brief Prosecution History of the Ahmad '507 Patent***

4. U.S. Patent Application Serial No. 08/761,030 was filed on Dec. 5, 1996, now U.S. Patent. No. 6,263,507 (hereinafter '507 patent). The '507 patent is currently assigned to Interval Licensing LLC, of Seattle Washington.

The '030 application was originally filed with 62 total claims, of which 12 claims were independent. The Patentee added dependent application claims 63-67 by preliminary amendment filed Sept. 21, 1998.

**Examiner's Note:** For brevity Examiner address herein those portions of the prosecution history that are relevant to the claims for which reexamination is requested, but do not address aspect of the prosecution history unrelated to the claims for which reexamination is requested.

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First Office Action

On May 18, 2000, Examiner issued an Office Action and in that, the Examiner indicated that application claims 35 and 59 (among others), which issued as claims 20 and 63, respectively were allowable. There was no further examination of what ultimately issued as claims 20 and 63. Nor was there any further examination of dependent claims 68-103, which were added just after issuance of a Final Office Action and ultimately issued as claims 21-38 and 64-81.

Regarding "the most relevant art of record" with respect to claims 35 and 59, the Examiner stated reasons for allowance as follows:

"The following is a statement of reasons for the indication of allowable subject matter: the prior art, alone or in combination, with respect to claims ...35 and 59, and ... fails to teach or fairly suggest a system for acquiring and reviewing a body of information as set forth in claim 1, particularly in which data representing segments of the body of information are acquired and stored, and subsequently compared according to predetermined criteria following the display of a first segment, such that if segments are related then a second segment is displayed. As for the most relevant art of record, the Cobbley et al (5,614,940) reference discloses a system in which broadcast information is stored in a cache and indexed for retrieval by requesting end users, The system fails to disclose or suggest to comparison of segments for the subsequent display of related segments by respective 'display means'. The Hidary et al. (5,774,664) reference discloses a system in which video programming and retrieved Internet information segments are displayed in synchronization. The reference likewise fails to disclose or suggest the comparison of acquired segments of information. Rather the retrieval of web page information occurs automatically in response to their receipt via a particular television program, or in response to a particular time." *Id.* [underlining provided]

As seen from the *above*, regarding "the most relevant art of record" which respect to claims 35 and 59, the Examiner's statement of reasons for allowance were that Cobbley "fails to disclose or suggest to [*sic*] comparison of segments for the subsequent display of related segments by respective 'display means'." (Paper No. 10, at pg. 5).

Application claims 36 (issued claim 39) - 41 and 60 (issued claim 82) were rejected under 35 U.S.C. § 102(e) as anticipated by Herz et al U.S. 6,020,883.

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Response to First Office Action

On Sept. 18, 2000, the Patentee filed a response to the first Office Action, and in that response with respect to application claim 36 (issued claim 39) and application claim 60 (issued claim 82) and their dependent claims, the Patent Owner attempted to distinguish Herz on the basis of "subject matter" comparison, arguing that Herz does not teach "determining a degree of similarity between the subject matter content of an uncategorized segment and the subject matter content of each of one or more previously categorized segments." *Id.* at p. 9 (emphasis in original); *see also id.* at p. 11 ("Herz et al. do not teach that the result of a comparison of the customer profile and a content profile is a categorization of the content profile according to subject matter"). The patentee also attempted to distinguish Herz by arguing that Herz did "not teach that a customer profile is compared to a video program." *Id.* Thus, the patentees attempted to distinguish application claims 36 and 60 over Herz by arguing that Herz did not teach subject matter comparison or comparison to an uncategorized video segment. *Id.* at p. 9-12 (arguing with respect to claim 36); *id.* at p. 12 ("Claim 60, which recites limitations similar to those of Claim 36, is allowable as well.")

Final Office Action

A final Office Action was mailed on December 19, 2000 and in that, the earlier statement of reasons for allowance was supplemented to address the claims that previously had been rejected based on Herz. In particular, regarding application claims 36-41, and 60, the Examiner stated:

"the [applied] prior art, alone or in combination, does no [sic] teach or fairly suggest the categorizing according to subject matter an uncategorized body of information in which a degree of similarity is determined between subject matter content of each previously categorized segment and an uncategorized segment." *Id.*, pg. 5. [underlining provided]

Response to Final Office Action

On Feb. 20, 2001, the Patentee in response to the final Office Action cancelled the non-allowed claims, i.e., the application claims 18-33, and 66. Additionally, Patentee added new claims 68-148, which were stated to be "similar in content" to other, previously allowed claims of different type. (For example, application claims 68-85 were

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method claims that were indicated to be similar in content to previously allowed system claims; application claims 86-103 were computer readable medium claims that were indicated to be similar in content to previously allowed system claims; etc.) Of those new claims, application claims 68-71, 74, 75, 78, 81, 84, 85, 86-89, 92, 93, 96, 99, 102, 103, 104, and 107 are germane to the present Request for reexamination as issued claims 21-24, 27, 28, 31, 34, 37, 38, 64-67, 70, 71, 74, 77, 80, 81, 83, and 86.

Notice of Allowance

Subsequently, Examiner issued a Notice of Allowance on Mar. 4, 2001 in response to the Patentee's response to the final Office Action. The Notice of Allowance referred back to the statement of reasons for allowance set forth previously in the final Office Action.

Based on the forgoing, a particularly relevant characteristic upon which the Patentee relied in distinguishing issued claims 20 and 63 from the prior art of record and the Examiner indicated in his reasons for allowance was a system for acquiring and reviewing a body of information as set forth in claim 1, particularly in which data representing segments of the body of information are acquired and stored, and subsequently compared according to predetermined criteria following the display of a first segment, such that if segments are related then a second segment is displayed.

Additionally, a particularly relevant characteristic upon which the Patentee relied in distinguishing issued claims 39 and 82 from the prior art of record and the Examiner indicated in his reasons for allowance was the categorizing according to subject matter an uncategorized body of information in which a degree of similarity is determined between subject matter content of each previously categorized segment and an uncategorized segment.

***Requester's Proposed SNQs***

5. The requester at page 30 through page 43 of his request suggests that Bender, Chesnais and Joachims, alone or in combination with other references indicated *above* (See 2), raises a SNQ with respect to independent claims 20-24, 27, 28, 31, 34, 37, 38, 63-67, 70, 71, 74, 77, 80, and 81 of the '507 patent. The Examiner **agrees**.

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For example with respect to issued independent claims 20 and 63, Bender discloses the concept of using a computer-based system ("the news editor has been replaced by the personal computer") to display supplementary content along with primary telecast content, while the telecast content is shown. Bender at p. 82. Bender's comparison and display system provided "a more detailed examination of the same news articles which are summarily presented during a traditional one half hour television news show." *See* Bender, p. 81. This is facilitated by accessing "[a] variety of both local and remote databases." *Id.* By way of example, Bender in Figure 1 shows an original broadcast with a map in the background (top, center); a revised version of the broadcast with a different map locally inserted into the audiovisual document (lower, left); and a revised version of the broadcast with text that is related to the broadcast story inserted into the audiovisual document (lower right).

In another example illustrated in Figure 2, Bender shows a broadcast (bottom right) is presented along with the text of related news wire stories (left), along with pertinent still images from the broadcast (upper right).

With respect to implementation, Bender explains that a processor scans the closed captioning data that is normally transmitted with the broadcast information to determine the subject of the story being broadcast. Bender at p. 81. Additionally, "[s]elected frames drawn from the telecast and stored in local memory [can be] presented as well." (*See* Bender, pp. 81 and 83 (video stills)). Prior to the broadcast, news articles will have been collected (i.e., stored) and analyzed to develop keyword lists based on frequency. Bender, p. 82. As the broadcast occurs, the keyword lists corresponding to the newswire stories are compared to the closed captioning data corresponding to the broadcast stories to determine whether the newswire stories are related to the broadcast stories. *Id.* If the number of keywords common to both the broadcast story and a text or trial story exceeds a predetermined threshold, the two are deemed to be related such that the textual newswire story can be displayed along with the broadcast television story. *See* Bender, p. 82. Thus, as required by independent claims 20 and 63, the system compares data representing one segment of information (e.g., closed caption data for the news broadcast) to data representing a different segment of information (e.g., keyword data

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from newswire stories) to determine whether the segments are related, i.e., "match," and then displays the related segments together in real time. This is illustrated, for example, in Figure 3 (Bender, p. 86).

Bender teaches a system that compares different segments of information, and subsequently displays related segments of information based on that comparison. "[The system] matches stories during the broadcast [and] annotates the television news with articles drawn from a local copy of wire service news material selected and presented along with the video in real time". Bender at pp. 81-83 and 86. This comparison and display of related segments can be seen in Figure 2 of Bender.

Thus Bender discloses the critical feature that was indicated by the Examiner was missing in the prior art of record that is: "[...] comparison of segments for subsequent display of related segments by respective 'display means'".

Since Bender alone discloses or suggests the critical features that were considered distinguishing at least independent claims 20 and 63 from the prior art of record during original prosecution of the Ahmed '507 invention, a reasonable examiner would consider evaluation of the Bender important in determining the patentability of at least independent claims 20 and 63 of the Ahmed '507 patent. Accordingly, Bender alone raises a substantial new question of patentability as to claims 20 and 63, which question has not been decided in a previous examination of the Ahmed '507 patent.

6. The requester at page 45 through page 50 of his request suggests that Masand, Iwayama and Yuasa, alone or in combination with other references indicated *above* (See 2), raises a SNQ with respect to claims 39, 40, 43, 82, 83, and 86 of the '507 patent. The Examiner **agrees**.

For example with respect to independent claims 39 and 82, Masand discloses a technique for automatically categorizing a newly acquired news story by comparing it to previously categorized stories, and assigning categories to the newly acquired story based on the categories of the previously categorized stories determined to be most similar to the newly acquired story. *See* p. 59. Specifically, Masand disclosed a technique for comparing newly acquired stories to the Dow Jones Press Release News Wire's database

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of previously categorized stories. Documents were categorized using about 350 distinct codes, grouped into six categories (Industry, Market Sector, Product, Subject, Government Agency, and Region).

Masand teaches the use of Memory Based Reasoning (MBR) to classify (i.e., categorize) new, unseen news stories. *See* Abstract. MBR solves a new task (i.e., classifying a new story) by looking up examples of tasks (i.e., previously coded stories) similar to the new task and using the similarity between the new story and the previously coded stories to assign a code (i.e., category) to the new story. *See* Masand, p. 61. The MBR algorithm uses text from a new story, including single words and capitalized word pairs, to construct a relevance-feedback database query. *Id.* The query was run against the Dow Jones Press Release News Wire's database of previously coded stories using a text retrieval system called SEEKER.

The query returns a weighted list of previously coded documents that are near matches to the new document. *Id.* Codes are then assigned to the new document by combining the codes assigned to the k-nearest matches by score. *Id.* The best codes are chosen by implementing a score threshold. *Id.*

Masand teaches acquiring an uncategorized segment of information (stories originating from diverse sources such as newspapers, magazines, newswires, and press releases, p. 59), and determining a degree of similarity between the uncategorized segment and previously categorized segments by formulating a relevance feedback query to a database of previously categorized segments of information (p. 61, section 7). The results of the relevance feedback query are weighted by summing similarity scores (*Id.*). A list of relevant related information to the new, uncategorized information is provided as shown in Fig. 4.

Thus Masand discloses the critical feature that was indicated by the Examiner was missing in the prior art of record that is: “the categorizing according to subject matter an uncategorized body of information in which a degree of similarity is determined between subject matter content of each previously categorized segment and an uncategorized segment”.



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Since Masand alone discloses or suggests the critical features that were considered distinguishing at least independent claims 39 and 82 from the prior art of record during original prosecution of the Ahmed '507 invention, a reasonable examiner would consider evaluation of the Masand important in determining the patentability of at least independent claims 39 and 82 of the Ahmed '507 patent. Accordingly, Masand alone raises a substantial new question of patentability as to claims 39 and 82, which question has not been decided in a previous examination of the Ahmed '507 patent.

### *Conclusion*

7. See MPEP §§ 2249 and 2251 regarding the patent owner's option to file a statement following a reexamination order and the third-party requester's option to reply to said statement.

Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that ex parte reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extensions of time in ex parte reexamination proceedings are provided for in 37 CFR 1.550(c).

The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 6,263,507 throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

Any paper filed with the Office, i.e., any submission made, by either the patent owner or the third party requester must be served on every other party in the reexamination proceeding in the manner provided by § 1.248. The document must reflect service or the document may be refused consideration by the Office. See 37 CFR 1.550(f).

The patent owner is notified that any proposed amendment to the specification and/or claims in this reexamination proceeding MUST (a) comply with 37 CFR 1.530(d)-(j), 37 CFR 1.52(a) and (b), and (b) contain any fees required by 37 CFR 1.20(c).

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**Contact Information**

All correspondence relating to this *ex parte* reexamination proceeding should be directed as follows:

By EFS: Registered users may submit via the electronic filing system EFS-Web at <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

By Mail: Mail Stop "Ex Parte Reexam"  
Central Reexamination Unit  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

By FAX: (571) 273-9900  
Central Reexamination Unit

By hand: Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Reexamination Legal Advisor or Examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

Signed: Majid Banankhah  
Majid A. Banankhah  
Primary Examiner  
Central Reexamination Unit  
(571)272-3770

Conferee:

Ovidio Escalante  
Ovidio Escalante, Primary Examiner  
Art Unit: 3992

Eric Keasel  
Eric Keasel, SPE  
Art Unit: 3992



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

Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>		
				Application Number		
				Filing Date	March 17, 2011	
				First Named Inventor	Ahmad Subutai	
				Art Unit	3992	
				Examiner Name		
Sheet	2	of	2	Attorney Docket Number		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
MB		WALTER BENDER et al, "Network Plus," Jan. 12-13, 1998	
M.S.		MAKOTO IWAYAMA, "Cluster-Based Text Categorization: A COMPARISON of Category Search Strategies," July 9-13, 1995	
MB		PASCAL R. CHESNAIS et al, "The Fishwrap Personalized News System" June 1995	
MB		BRIJ MASAND, "Classifying News Stories Using Memory Based Reasoning," June 1992	
MB		THORSTEN JOACHIMS et al. "WebWatcher Machine Learning and Hypertext," May 29, 1995	
MB		"Wire Service Transmission Guidelines Number 84-2", Special Report / American Newspaper Publishers Association, ANPA June 14, 1984	
MB		"The Associated Press Stylebook and Libel Manual," The Associated Press, 1994	

Examiner Signature	<i>Majid Banarwali</i>	Date Considered	5/5/11
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\*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.  
<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.  
 This collection of information is required by 37 CFR 1.98. 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 2 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, 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.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
95/001,577	03/16/2011	Paul A. FREIBERGER	2607.335REX1	1540
21912	7590	05/19/2011	EXAMINER	
VAN PELT, YI & JAMES LLP 10050 N. FOOTHILL BLVD #200 CUPERTINO, CA 95014			HUGHES, DEANDRA M	
			ART UNIT	PAPER NUMBER
			3992	
			MAIL DATE	DELIVERY MODE
			05/19/2011	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.



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THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS  
STERNE, KESSLER, GOLDSTEIN & FOX PLLC  
1100 NEW YORK AVENUE, NW  
WASHINGTON, DC 20005

Date:

**MAILED**

**MAY 19 2011**

CENTRAL REEXAMINATION UNIT

**Transmittal of Communication to Third Party Requester  
Inter Partes Reexamination**

REEXAMINATION CONTROL NO. : 95001577  
PATENT NO. : 6778314  
TECHNOLOGY CENTER : 3999  
ART UNIT : 3992

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified Reexamination proceeding. 37 CFR 1.903.

Prior to the filing of a Notice of Appeal, each time the patent owner responds to this communication, the third party requester of the inter partes reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it cannot be extended. See also 37 CFR 1.947.

If an ex parte reexamination has been merged with the inter partes reexamination, no responsive submission by any ex parte third party requester is permitted.

All correspondence relating to this inter partes reexamination proceeding should be directed to the Central Reexamination Unit at the mail, FAX, or hand-carry addresses given at the end of the communication enclosed with this transmittal.

PTOL-2070(Rev.07-04)

IL\_DEFTS0008732

<b>Transmittal of Communication to Third Party Requester Inter Partes Reexamination</b>	Control No.	Patent Under Reexamination	
	95/001,577	FREIBERGER ET AL.	
	Examiner	Art Unit	
	Deandra M. Hughes	3992	

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

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above-identified reexamination proceeding. 37 CFR 1.903.

Prior to the filing of a Notice of Appeal, each time the patent owner responds to this communication, the third party requester of the *inter partes* reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it cannot be extended. See also 37 CFR 1.947.

If an *ex parte* reexamination has been merged with the *inter partes* reexamination, no responsive submission by any *ex parte* third party requester is permitted.

**All correspondence** relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of the communication enclosed with this transmittal.



<b>ORDER GRANTING/DENYING REQUEST FOR INTER PARTES REEXAMINATION</b>	Control No.	Patent Under Reexamination	
	95/001,577	FREIBERGER ET AL.	
	Examiner	Art Unit	
	Deandra M. Hughes	3992	

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

The request for *inter partes* reexamination has been considered. Identification of the claims, the references relied on, and the rationale supporting the determination are attached.

Attachment(s):     PTO-892             PTO/SB/08             Other: \_\_\_\_\_

1.  The request for *inter partes* reexamination is GRANTED.

An Office action is attached with this order.

An Office action will follow in due course.

2.  The request for *inter partes* reexamination is DENIED.

This decision is not appealable. 35 U.S.C. 312(c). Requester may seek review of a denial by petition to the Director of the USPTO within ONE MONTH from the mailing date hereof. 37 CFR 1.927. EXTENSIONS OF TIME ONLY UNDER 37 CFR 1.183. In due course, a refund under 37 CFR 1.26(c) will be made to requester.

**All correspondence** relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Order.

**ORDER GRANTING REQUEST FOR *INTER PARTES* REEXAMINATION**

1. Substantial new questions of patentability ("SNQ") affecting claims 1-15 of USP 6,778,314 ("**314 patent**") have been proposed by the third party requester ("3PR") in the *inter partes* reexamination request filed Mar. 16, 2011 ("Request").

***References Cited Proceeding***

2. USP 5,748,190 to Kjorsvik filed Sep. 5, 1995. ("**Kjorsvik**")
3. USP 5,913,040 to Rakavy filed Aug. 22, 1995. ("**Rakavy**")
4. Salm, Walter. "Buying a Real Computer Monitor". Popular Electronics. October 1984. pp. 102-103, 132, and 134. ("**Salm**")

***Prosecution History***

5. The prosecution history of the application (09/528,803) which became the '**314 patent**' is presented below.

- On Mar. 20, 2000, claims 1-102 were presented for examination.
- On May 20, 2002, applicant elected the invention of claims 68-82 in response to a restriction requirement.
- On Jul. 30, 2002, claims 68-82 were rejected.
  - Claims 68-71 and 74-82 were rejected as being anticipated by Gayraud. (USP 5,436,637)
  - Claims 68-82 were rejected as being anticipated by **Rakavy**.
- On Jan. 6, 2003, applicant amended independent claims 68, 70, 72, 74, 77, and 80.
- On Feb. 14, 2003, claims 68-82 were finally rejected.
  - Claims 68, 70, 72, 74, 76-77, 79-80, and 82 were rejected as being anticipated by Farber.
  - Claims 69, 71, 73, 75, 78, and 81 were rejected as being obvious over Farber.

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- On May 16, 2003, applicant filed an RCE with amendments to independent claims 68, 70, 72, 74, 77, and 80.
- On Jun. 25, 2003, claims 68-82 were rejected as being anticipated by Farber.
- On Nov. 17, 2003, applicant amended independent claims 68, 70, 72, 74, 77, and 80.
- On Jan. 12, 2004, claims 68-82 were allowed. As reasons for allowance, the Examiner stated the following:

The prior art of record fails to teach or suggest engaging the peripheral attention of a person in the vicinity of a display device by at least wherein each associated content provider is located in a different physical location than at least one other content provider and each content provider provides its content data to the content display system independently of each other content provider and without the content data being aggregated at a common physical location remote from the content display system prior to being provided to the content display system.

6. Based on the prosecution history of the application (09/528,803), the Examiner considers a teaching as to the following to form a the basis of an SNQ as to the '314 **patent**:

*A system or method for engaging the peripheral attention of a person in the vicinity of a display device wherein*

- *each associated content provider is located in a different physical location than at least one other content provider and*
- *each content provider provides its content data to the content display system independently of each other content provider and*
- *without the content data being aggregated at a common physical location remote from the content display system prior to being provided to the content display system.*

**Decision**

7. The Request indicates that 3PR considers:

- (1) Claims 1, 3, 5, 7, 9-10, 12-13, and 15 are anticipated by **Kjorsvik**.
- (2) Claims 2, 4, 6, 8, 11, and 14 are obvious over **Kjorsvik** in view of **Salm**.
- (3) Claims 1, 3, 5, 7, 9-10, 12-13, and 15 are anticipated by **Rakavy**.
- (4) Claims 2, 4, 6, 8, 11, and 14 are obvious over **Rakavy** in view of **Salm**.
- (5) Claims 1, 3, 5, 7, 9-10, 12-13, and 15 are obvious over **Rakavy** in view of **Kjorsvik**.

**KJORSVIK: Proposed SNQs (1)-(2)**

8. It is agreed that the consideration of **Kjorsvik**, alone or in combination, raises a SNQ as to claims 1-15 of the '314 patent. **Kjorsvik** discloses:

"...presentations may be obtained or provided to external systems and/or other outside sources over external communication lines. This enables the one administration module for the system to obtain or provide presentations directly from or to external sources, so as to eliminate the need for composing them within the system." (col. 4:19-25)

**Kjorsvik** was not before the Examiner during the prosecution of the '314 patent and there is a substantial likelihood that a reasonable examiner would consider this teaching of **Kjorsvik** important in deciding whether claims 1-15 of the '314 patent are patentable. Accordingly, **Kjorsvik** raises a SNQ as to claims 1-15, which question has not been decided in a previous examination of the '314 patent.

For these reasons, the claims will be reexamined over SNQs (1)-(2).

**RAKAVY: Proposed SNQs (3)-(5)**

9. It is agreed that the consideration of **Rakavy**, alone or in combination, raises a SNQ as to **claims 1-15** of the '**314 patent**.

**Rakavy** was before the Examiner during the prosecution of the '**314 patent** (09/528,803) and **claims 68-82** (now **claims 1-15**) were rejected as being anticipated by **Rakavy**. **Claims 68-82** were amended with the following limitation that removed the rejections.

wherein the one or more sets of content data are selected from a plurality of sets of content data, each set being provided by an associated content provider, and wherein for each set the respective content provider may provide scheduling instructions tailored to the set of content data to control the duration, sequencing, and/or timing of the display of the set of content data.

3PR argues **Rakavy** is presented in a new light because **Rakavy** allegedly discloses this claim limitation at figure 5, col. 7:12-29, col. 10:66-11:30, and col. 12:19-40, which are portions of **Rakavy** not expressly discussed in the claim rejections. (Request, pg. 42, 2<sup>nd</sup>

¶) This argument, however, is not persuasive because these cited portions do not provide the teaching that forms the basis of an SNQ as to the '**314 patent** as set forth above.

Nonetheless, 3PR addresses the claim limitation which forms the basis of an SNQ in the Request at page 100, 1<sup>st</sup> box. It is agreed that the following disclosure of **Rakavy** that has not been considered in the prosecution of 09/528,803 provides a teaching which forms the basis of an SNQ as to the '**314 patent**.

"The Advertisement Feeder 250, is responsible for adding new Advertisements 50 to the User Preference and Advertisement

Art Unit: 3992

Database 230. Advertisements 50 preferably are provided from the Internet through the Internet Feeder 270, however, the Advertisements Feeder 250 is not dependent on the type of advertisement source and may receive Advertisements 50 from other sources, such as commercial on-line services, via other feeder mechanisms and other types of polite agents, as shown by references 271 and 272, respectively, in FIG. 4." (col.12:20-25)

There is a substantial likelihood that a reasonable examiner would consider these teachings of **Rakavy** important in deciding whether **claims 1-15** of the '**314 patent** are patentable. As such, **Rakavy** raises a SNQ as to **claims 1-15**, which question has not been decided in a previous examination of the '**314 patent**.

For these reasons, the claims will be reexamined over SNQs (3)-(5).

#### **Conclusion**

10. For the reasons set forth above, **claims 1-15** of the '**314 patent** will be reexamined.

11. All correspondence relating to this ex parte reexamination proceeding should be directed:

By Mail to: Mail Stop Ex Parte Reexam  
Attn: Central Reexamination Unit  
Commissioner for Patents  
United States Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

By FAX to: (571) 273-9900  
Central Reexamination Unit

By hand: Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Registered users of EFS-Web may alternatively submit such correspondence via

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the electronic filing system EFS-Web, at:

<https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>.

EFS-Web offers the benefit of quick submission to the particular area of the Office that needs to act on the correspondence. Also, EFS-Web submissions are "soft scanned" (i.e., electronically uploaded) directly into the official file for the reexamination proceeding, which offers parties the opportunity to review the content of their submissions after the "soft scanning" process is complete.

Any inquiry concerning this communication or earlier communications from the examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

Signed:

/Deandra M. Hughes/  
Primary Examiner, AU3992

Conferees:



MARK J. REINHART  
CRU SPE-AU 3992

Receipt date: 03/16/2011

Equivalent of Form PTO/SB/08A (04-07)  
 Approved for use through 09/30/2007. OMB 0651-0031  
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Substitute for form I449/PTO		<b>Complete if Known</b> 95/001,577	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>		Control Number	(to be assigned) <del>(Reexamination of U.S. Patent No. 6,788,314; Issued: September 7, 2004)</del>
		Filing Date	<del>(herewith)</del> Mar. 16, 2011
		Inventors	FREIBERGER <i>et al.</i>
		Art Unit	(to be assigned) 3992
		Examiner Name	(to be assigned) Deandra Hughes
Sheet	1	of	1
		Attorney Docket Number	2607.335REX1

U.S. PATENT DOCUMENTS					
Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Document Number	Publication Date MM/DD/YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	US1	5,748,190	05/05/1998	Kjorsvik	
	US2	5,913,040	06/15/1999	Rakavy <i>et al.</i>	
	US3				
	US4				
	US5				
	US6				
	US7				
	US8				
	US9				
	US10				
	US11				
	US12				
	US13				
	US14				
	US15				
	US16				
	US17				
	US18				
	US19				
	US20				

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM/DD/YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)			
	FP1				
	FP2				
	FP3				
	FP4				
	FP5				
	FP6				
	FP7				
	FP8				
	FP9				

1335990\_1.DOC

Examiner Signature	Date Considered
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\*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. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.18 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. 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 2 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, 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 (1-800-786-9199) and select option 2.*

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /D.H./



Receipt date: 03/16/2011

Equivalent of Form PTO/SB/08B (09-06)  
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Substitute for form 1449/PTO		<b>Complete if Known</b> 95/001,577	
<b>FIRST SUPPLEMENTAL          INFORMATION DISCLOSURE          STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>		Control Number	(to be assigned) <del>(Reexamination of U.S. Patent No. 6,788,314; Issued: September 7, 2004)</del>
		Filing Date	<del>(herewith)</del> Mar. 16, 2011
		Inventors	FREIBERGER <i>et al.</i>
		Art Unit	(to be assigned) 3992
		Examiner Name	(to be assigned) Deandra Hughes
Sheet	1	of	1
		Attorney Docket Number	2607.335REX1

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	NPL1	Salm, "Buying a Real computer Monitor," Popular Electronics, October 1984, pp. 102, 103, 132, and 134.	
	NPL2		
	NPL3		
	NPL4		
	NPL5		
	NPL6		
	NPL7		
	NPL8		
	NPL9		
	NPL10		

1335992\_1.DOC

Examiner Signature	/Deandra Hughes/ (05/18/2011)	Date Considered	
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\*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.  
<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.  
 This collection of information is required by 37 CFR 1.98. 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 2 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, 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.

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THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS  
STERNE, KESSLER, GOLDSTEIN & FOX PLLC  
1100 NEW YORK AVENUE, NW  
WASHINGTON, DC 20005

Date:

**MAILED**

**MAY 19 2011**

**CENTRAL REEXAMINATION UNIT**

**Transmittal of Communication to Third Party Requester  
Inter Partes Reexamination**

REEXAMINATION CONTROL NO. : 95001577  
PATENT NO. : 6778314  
TECHNOLOGY CENTER : 3999  
ART UNIT : 3992

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified Reexamination proceeding. 37 CFR 1.903.

Prior to the filing of a Notice of Appeal, each time the patent owner responds to this communication, the third party requester of the inter partes reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it cannot be extended. See also 37 CFR 1.947.

If an ex parte reexamination has been merged with the inter partes reexamination, no responsive submission by any ex parte third party requester is permitted.

All correspondence relating to this inter partes reexamination proceeding should be directed to the Central Reexamination Unit at the mail, FAX, or hand-carry addresses given at the end of the communication enclosed with this transmittal.

PTOL-2070(Rev.07-04)

IL\_DEFTS0008743



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Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
95/001,577	03/16/2011	Paul A. FREIBERGER	2607.335REX1	1540

21912 7590 05/19/2011  
VAN PELT, YI & JAMES LLP  
10050 N. FOOTHILL BLVD #200  
CUPERTINO, CA 95014

EXAMINER

HUGHES, DEANDRA M

ART UNIT PAPER NUMBER

3992

MAIL DATE DELIVERY MODE

05/19/2011

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 IN INTER PARTES  
REEXAMINATION**

Control No.	Patent Under Reexamination	
95/001,577	FREIBERGER ET AL.	
Examiner	Art Unit	
Deandra M. Hughes	3992	

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

Responsive to the communication(s) filed by:

Patent Owner on \_\_\_\_\_

Third Party(ies) on 16 March 2011

**RESPONSE TIMES ARE SET TO EXPIRE AS FOLLOWS:**

*For Patent Owner's Response:*

2 MONTH(S) from the mailing date of this action. 37 CFR 1.945. EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.956.

*For Third Party Requester's Comments on the Patent Owner Response:*

30 DAYS from the date of service of any patent owner's response. 37 CFR 1.947. NO EXTENSIONS OF TIME ARE PERMITTED. 35 U.S.C. 314(b)(2).

**All correspondence** relating to this inter partes reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

This action is not an Action Closing Prosecution under 37 CFR 1.949, nor is it a Right of Appeal Notice under 37 CFR 1.953.

**PART I. THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

1.  Notice of References Cited by Examiner, PTO-892
2.  Information Disclosure Citation, PTO/SB/08
3.  \_\_\_\_\_

**PART II. SUMMARY OF ACTION:**

- 1a.  Claims 1-15 are subject to reexamination.
- 1b.  Claims \_\_\_\_\_ are not subject to reexamination.
2.  Claims \_\_\_\_\_ have been canceled.
3.  Claims \_\_\_\_\_ are confirmed. [Unamended patent claims]
4.  Claims \_\_\_\_\_ are patentable. [Amended or new claims]
5.  Claims 1-15 are rejected.
6.  Claims \_\_\_\_\_ are objected to.
7.  The drawings filed on \_\_\_\_\_  are acceptable  are not acceptable.
8.  The drawing correction request filed on \_\_\_\_\_ is:  approved.  disapproved.
9.  Acknowledgment is made of the claim for priority under 35 U.S.C. 119 (a)-(d). The certified copy has:  
 been received.  not been received.  been filed in Application/Control No 95001577.
10.  Other \_\_\_\_\_

<b>INTER PARTES REEXAMINATION COMMUNICATION</b>	Control No.	Patent Under Reexamination	
	95/001,577	FREIBERGER ET AL.	
	Examiner	Art Unit	
	Deandra M. Hughes	3992	

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

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET TO EXPIRE  
 2 MONTH(S)  THIRTY DAYS FROM THE MAILING DATE OF THIS LETTER. EXTENSIONS  
OF TIME FOR PATENT OWNER ARE GOVERNED BY 37 CFR 1.956.

Each time the patent owner responds to this Office action, the third party requester of the *inter partes* reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it cannot be extended. See also 37 CFR 1.947.

**All correspondence** relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

**INTER PARTES REEXAMINATION NON-FINAL ACTION**

1. This is the first non-final action in the inter partes reexamination of **claims 1-15** of USP 6,778,314 ("**314 patent**").

***References Cited Proceeding***

2. USP 5,748,190 to Kjorsvik filed Sep. 5, 1995. ("**Kjorsvik**")
3. USP 5,913,040 to Rakavy filed Aug. 22, 1995. ("**Rakavy**")
4. Salm, Walter. "Buying a Real Computer Monitor". Popular Electronics. October 1984. pp. 102-103, 132, and 134. ("**Salm**")

***Proposed Rejections***

5. Third party requester ("3PR") has proposed the following rejections.
  - (A) **Claims 1, 3, 5, 7, 9-10, 12-13, and 15** are anticipated by **Kjorsvik**.
  - (B) **Claims 2, 4, 6, 8, 11, and 14** are obvious over **Kjorsvik** in view of **Salm**.
  - (C) **Claims 1, 3, 5, 7, 9-10, 12-13, and 15** are anticipated by **Rakavy**.
  - (D) **Claims 2, 4, 6, 8, 11, and 14** are obvious over **Rakavy** in view of **Salm**.
  - (E) **Claims 1, 3, 5, 7, 9-10, 12-13, and 15** are obvious over **Rakavy** in view of **Kjorsvik**.

**SUMMARY OF THIS ACTION**

- 6. None of the proposed rejections (A)-(E) were adopted.  
Reasons for Not Adopting Proposed Rejections over **Kjorsvik** ..... pgs. 34-35  
Reasons for Not Adopting Proposed Rejections over **Rakavy** ..... pgs. 36-39
  
- 7. **Claims 1-15** are rejected over the following Examiner Initiated Rejections, which are grouped according to the respective independent claims.
  - Group (1): **Claims 1-2** ..... pgs. 4-8
  - Group (2): **Claims 3-4** ..... pgs. 9-13
  - Group (3): **Claims 5-6** ..... pgs. 14-18
  - Group (4): **Claims 7-9** ..... pgs. 19-23
  - Group (5): **Claims 10-12** ..... pgs. 24-28
  - Group (6): **Claims 13-15** ..... pgs. 29-33

**GROUP (1): CLAIMS 1-2**

8. As to these claims, 3PR has proposed the following rejections:
- (A) **Claim 1** is anticipated by **Kjorsvik**.
  - (B) **Claim 2** is obvious over **Kjorsvik** in view of **Salm**.
  - (C) **Claim 1** is anticipated by **Rakavy**.
  - (D) **Claim 2** is obvious over **Rakavy** in view of **Salm**.
  - (E) **Claim 1** is obvious over **Rakavy** in view of **Kjorsvik**.
9. None of these rejections are adopted for the reasons set forth on pages 34-39.
10. **Claims 1-2** are rejected over the following Examiner initiated rejections.
- **Claim 1** is obvious over **Kjorsvik**.
  - **Claim 2** is obvious over **Kjorsvik** in view of **Salm**.



## EXAMINER INITIATED REJECTIONS OF CLAIMS 1-2

11. **Claim 1** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kjorsvik**.

As to **claim 1**, **Kjorsvik** discloses a method for engaging the peripheral attention of a person in the vicinity of a display device, comprising the steps of:

*(The presentations are initiated for each PC in the network following a selected amount of time during which each PC has been in an 'on' state but has not been in use. col. 2:15-17. These presentations in effect replace the conventional screen saver, but in addition, provide information in visual form which is intended to be beneficial to the user of the PC. col. 2:17-20)*

- providing one or more sets of content data (*presentations; col. 4:19-25*)
  - to a content display system (*computer*)
  - associated with the display device (*monitor*) and
  - located entirely in the same physical location as the display device  
*(the monitor is located in the same physical location as the computer);*
- providing to the content display system (*computer*) a set of instructions (*files; col. 3:49*) for
  - enabling the content display system (*computer*) to selectively display images (*presentation slides*) generated from a set of content data (*presentation*);
  - in an unobtrusive manner that does not distract a user of the display device (*monitor*) from a primary interaction with the display device (*monitor*),

*(The presentations are initiated for each PC in the network following a selected amount of time during which the PC has been in an 'on' state but has not been in use. col. 2:13-16)*

- auditing (*via the messenger modules*) the display of sets of content data (*presentations*) by the content display system (*computer*); wherein

*(The messenger modules #22 communicate with the system database #24 on the network server #18 and provide a certain amount of local control over the presentation at is associated personal computer. figure 2 and col. 2:45-48)*

- the one or more sets of content data (*presentations*) are selected from a plurality of sets of content data,

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(Administration module #26 and database #24 on server #18 are responsible for selecting particular slide presentations for the individual PCs in the network and scheduling those presentations in a particular sequence. col.2:62-67)

- each set being provided by an associated content provider (other network servers), wherein

(Administration module #26 also has the capability of communicating with external sources, including other network servers with databases having presentation information, as well as other outside sources of data and images. col. 2:58-62)

- each associated content provider (other network server) is located in a different physical location than at least one other content provider (another network server) and each content provider (network server) provides its content data (presentation) to the content display system (computer) independently of each other content provider and

(Presentations may be obtained from external systems or other outside sources over external communication lines. This enables the one administration module for the system to obtain presentations directly from external sources, so as to eliminate the need for composing them within the system. col.4:20-25)

First, **Kjorsvik** does not disclose the limitation “without the content data being aggregated at a common physical location remote from the content display system prior to being provided to the content display system” because **Kjorsvik** discloses the presentations being stored in a system database located on a network server prior to being provided to the individual network PCs for display on the computer screens. (col. 2:10-15) As such, **Kjorsvik** discloses the content data (presentations) are aggregated at a common physical location (system database on the network server) prior to being provided to the content display system (individual network PC).

**Kjorsvik** teaches, however, that administration module #26 may communicate directly with external sources, which include other network servers with databases having presentation information. (col.2:58-62) In addition, **Kjorsvik** teaches obtaining

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presentations directly from external systems eliminates the need to compose the presentation within the system. (col.4:20-25) Consequently, it would have been obvious to one of ordinary skill in the art (e.g. a network engineer) to modify the system of **Kjorsvik** to select presentations directly from external sources, such as other network servers, for the advantage of eliminating the need to compose the presentation within the system. As such, selecting the presentation directly from an external network server database eliminates the need to aggregate the presentation at the network server prior to being provided to the individual PC because the presentation would be coming directly from the external network server.

Second, **Kjorsvik** does not disclose "*for each set the respective content provider may provide scheduling instructions tailored to the set of content data to control at least one of the duration, sequencing, and timing of the display of said image or images generated from the set of content data*" because **Kjorsvik** discloses the duration, sequencing, and timing of the content data (presentations) is controlled by either the administration module #26 (col. 3:41-43, col.4:17-18) or the user of the individual PC. (col. 5:24-32)

**Kjorsvik** teaches, however, that obtaining presentations directly from external systems eliminates the need to compose the presentations within the system. (col.4:20-25) Since the device of **Kjorsvik** may obtain presentations that have been composed on external systems, it would be obvious to one of ordinary skill in the art (e.g. a network engineer) to modify the system of **Kjorsvik** to permit the device to obtain scheduling instructions from these external systems to control any one of the duration, sequencing,

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or timing of the provided presentation for the advantage of permitting the content provider the added flexibility of staging its provided presentation on the individual user's computer.

12. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kjorsvik** in view of **Salm**.

**Claim 2** is dependent upon **claim 1**. As such, the claim rejection above addressing each limitation of **claim 1** is incorporated here. **Kjorsvik** does not disclose the display device comprises a television. **Salm** teaches, however, the family TV set as a computer monitor. (*entire article*) Consequently, it would have been obvious to one of ordinary skill in the art (e.g., a network engineer) to modify the individual PCs of **Kjorsvik** with TV sets as display devices for the advantage of the use of cheap and readily available display devices.

**GROUP (2): CLAIMS 3-4**

13. As to these claims, 3PR has proposed the following rejections:
- (A) **Claim 3** is anticipated by **Kjorsvik**.
  - (B) **Claim 4** is obvious over **Kjorsvik** in view of **Salm**.
  - (C) **Claim 3** is anticipated by **Rakavy**.
  - (D) **Claim 4** is obvious over **Rakavy** in view of **Salm**.
  - (E) **Claim 3** is obvious over **Rakavy** in view of **Kjorsvik**.
14. None of these rejections are adopted for the reasons set forth on pages 34-39.
15. **Claims 3-4** are rejected over the following Examiner initiated rejections.
- **Claim 3** is obvious over **Kjorsvik**.
  - **Claim 4** is obvious over **Kjorsvik** in view of **Salm**.

**EXAMINER INITIATED REJECTIONS OF CLAIMS 3-4**

16. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kjorsvik**.

**Kjorsvik** discloses a computer readable medium encoded with one or more computer programs for enabling engagement of the peripheral attention of a person in the vicinity of a display device, comprising:

*(The presentations are initiated for each PC in the network following a selected amount of time during which each PC has been in an 'on' state but has not been in use. col. 2:15-17. These presentations in effect replace the conventional screen saver, but in addition, provide information in visual form which is intended to be beneficial to the user of the PC. col. 2:17-20)*

- instructions for providing one or more sets of content data (*presentations; col. 4:19-25*)
- to a content display system (*computer*)
  - associated with the display device (*monitor*) and
  - located entirely in the same physical location as the display device;
 

*(the monitor is located in the same physical location as the computer);*
- instructions for providing to the content display system (*computer*) a set of instructions (*files; col.3:49*) for
  - enabling the content display system (*computer*) to selectively display in an unobtrusive manner that does not distract a user of the display device (*monitor*) from a primary interaction with the display device (*monitor*) images (*presentation slides*) generated from a set of content data (*presentation*); and
 

*(The presentations are initiated for each PC in the network following a selected amount of time during which the PC has been in an 'on' state but has not been in use. col. 2:13-16)*
- instructions for auditing (*via the messenger modules*) the display of sets of content data (*presentations*) by the content display system (*computer*); wherein
 

*(The messenger modules #22 communicate with the system database #24 on the network server #18 and provide a certain amount of local control over the presentation at is associated personal computer. figure 2 and col. 2:45-48)*
- the one or more sets of content data (*presentations*) are selected from a plurality of sets of content data,

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(Administration module #26 and database #24 on server #18 are responsible for selecting particular slide presentations for the individual PCs in the network and scheduling those presentations in a particular sequence. col.2:62-67)

- each set being provided by an associated content provider (other network servers), wherein

(Administration module #26 also has the capability of communicating with external sources, including other network servers with databases having presentation information, as well as other outside sources of data and images. col. 2:58-62)

- each associated content provider (other network server) is located in a different physical location than at least one other content provider (another network server) and each content provider (other network server) provides its content data (presentation) to the content display system (computer) independently of each other content provider and

(Presentations may be obtained from external systems or other outside sources over external communication lines. This enables the one administration module for the system to obtain presentations directly from external sources, so as to eliminate the need for composing them within the system. col.4:20-25)

First, **Kjorsvik** does not disclose the limitation “without the content data being aggregated at a common physical location remote from the content display system prior to being provided to the content display system” because **Kjorsvik** discloses the presentations being stored in a system database located on a network server prior to being provided to the individual network PCs for display on the computer screens. (col. 2:10-15) As such, **Kjorsvik** discloses the content data (presentations) are aggregated at a common physical location (system database on the network server) prior to being provided to the content display system (individual network PC).

**Kjorsvik** teaches, however, that administration module #26 may communicate directly with external sources, which include other network servers with databases having presentation information. (col.2:58-62) In addition, **Kjorsvik** teaches obtaining presentations directly from external systems eliminates the need to compose the

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presentation within the system. (col.4:20-25) Consequently, it would have been obvious to one of ordinary skill in the art (e.g. a network engineer) to modify the system of **Kjorsvik** to select presentations directly from external sources, such as other network servers, for the advantage of eliminating the need to compose the presentation within the system. As such, selecting the presentation directly from an external network server database eliminates the need to aggregate the presentation at the network server prior to being provided to the individual PC because the presentation would be coming directly from the external network server.

Second, **Kjorsvik** does not disclose “for each set the respective content provider may provide scheduling instructions tailored to the set of content data to control at least one of the duration, sequencing, and timing of the display of said image or images generated from the set of content data” because **Kjorsvik** discloses the duration, sequencing, and timing of the content data (presentations) is controlled by either the administration module #26 (col. 3:41-43, col.4:17-18) or the user of the individual PC. (col. 5:24-32)

**Kjorsvik** teaches, however, that obtaining presentations directly from external systems eliminates the need to compose the presentations within the system. (col.4:20-25) Since the device of **Kjorsvik** may obtain presentations that have been composed on external systems, it would be obvious to one of ordinary skill in the art (e.g. a network engineer) to modify the system of **Kjorsvik** to permit the device to obtain scheduling instructions from these external systems to control any one of the duration, sequencing, or timing of the provided presentation for the advantage of permitting the content



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provider the added flexibility of staging its provided presentation on the individual user's computer.

17. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kjorsvik** in view of **Salm**.

**Claim 4** is dependent upon **claim 3**. As such, the claim rejection above addressing each limitation of **claim 3** is incorporated here. **Kjorsvik** does not disclose the display device comprises a television. **Salm** teaches, however, the family TV set as a computer monitor. (*entire article*) Consequently, it would have been obvious to one of ordinary skill in the art (e.g., a network engineer) to modify the individual PCs of **Kjorsvik** with televisions as display devices for the advantage cheap and readily available display devices.

**GROUP (3): CLAIMS 5-6**

18. As to these claims, 3PR has proposed the following rejections:
- (A) **Claim 5** is anticipated by **Kjorsvik**.
  - (B) **Claim 6** is obvious over **Kjorsvik** in view of **Salm**.
  - (C) **Claim 5** is anticipated by **Rakavy**.
  - (D) **Claim 6** is obvious over **Rakavy** in view of **Salm**.
  - (E) **Claim 5** is obvious over **Rakavy** in view of **Kjorsvik**.
19. None of these rejections are adopted for the reasons set forth on pages 34-39.
20. **Claims 5-6** are rejected over the following Examiner initiated rejections.
- **Claim 5** is obvious over **Kjorsvik**.
  - **Claim 6** is obvious over **Kjorsvik** in view of **Salm**.

**EXAMINER INITIATED REJECTIONS OF CLAIMS 5-6**

21. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kjorsvik**.

**Kjorsvik** discloses a computer readable medium encoded with one or more computer programs for enabling engagement of the peripheral attention of a person in the vicinity of a display device, comprising:

*(The presentations are initiated for each PC in the network following a selected amount of time during which each PC has been in an 'on' state but has not been in use. col. 2:15-17. These presentations in effect replace the conventional screen saver, but in addition, provide information in visual form which is intended to be beneficial to the user of the PC. col. 2:17-20)*

- instructions for acquiring a set of content data (*presentations; col. 4:19-25*)
- from a content providing system (*database #24 on network server; col.2:63-65*);
- instructions for detecting an idle period of predetermined duration; and

*(Since the system of **Kjorsvik** initiates presentations for the PC during which the PC has been in an 'on' state but not in use, the system must necessarily provide instructions for detecting an idle period of predetermined duration in order to initiate the presentation. As such, this claim limitation is inherent in the device of **Kjorsvik**. see col. 2:15-17)*

- instructions for selectively displaying on the display device (*monitor*) after detection of the idle period (*col. 2:15-17*) and in an unobtrusive manner that does not distract a user of the display device from a primary interaction with the display device (*monitor*)

*(Each user in the system, i.e. each network PC, will have its own unique schedule of presentations, including a particular sequence of different presentations and a specific time of nonuse required before a presentation begins. This scheduling of presentations is established through the administration module and stored in the system database #24. col. 4:9-16. These presentations in effect replace the conventional screen saver, but in addition, provide information in visual form which is intended to be beneficial to the user of the PC. col. 2:17-20)*

- wherein the set of content data (*presentations*) is selected from a plurality of sets of content data,

*(Administration module #26 and database #24 on server #18 are responsible for selecting particular slide presentations for the individual PCs in the network and scheduling those presentations in a particular sequence. col.2:62-67)*

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- each set being provided by an associated content provider (other network servers), wherein

(Administration module #26 also has the capability of communicating with external sources, including other network servers with databases having presentation information, as well as other outside sources of data and images. col. 2:58-62)

- each associated content provider (other network server) is located in a different physical location than at least one other content provider (another network server) and each content provider (other network server) provides its content data (presentation) to a content display system (computer) associated with the and located entirely in the same physical location as the display device (monitor) independently of each other content provider and

(Presentations may be obtained from external systems or other outside sources over external communication lines. This enables the one administration module for the system to obtain presentations directly from external sources, so as to eliminate the need for composing them within the system. col.4:20-25)

First, **Kjorsvik** does not disclose the limitation "without the content data being aggregated at a common physical location remote from the content display system prior to being provided to the content display system" because **Kjorsvik** discloses the presentations being stored in a system database located on a network server prior to being provided to the individual network PCs for display on the computer screens. (col. 2:10-15) As such, **Kjorsvik** discloses the content data (presentations) are aggregated at a common physical location (system database on the network server) prior to being provided to the content display system (individual network PC).

**Kjorsvik** teaches, however, that administration module #26 may communicate directly with external sources, which include other network servers with databases having presentation information. (col.2:58-62) In addition, **Kjorsvik** teaches obtaining presentations directly from external systems eliminates the need to compose the

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presentation within the system. (col.4:20-25) Consequently, it would have been obvious to one of ordinary skill in the art (e.g. a network engineer) to modify the system of **Kjorsvik** to select presentations directly from external sources, such as other network servers, for the advantage of eliminating the need to compose the presentation within the system. As such, selecting the presentation directly from an external network server database eliminates the need to aggregate the presentation at the network server prior to being provided to the individual PC because the presentation would be coming directly from the external network server.

Second, **Kjorsvik** does not disclose “for each set the respective content provider may provide scheduling instructions tailored to the set of content data to control at least one of the duration, sequencing, and timing of the display of said image or images generated from the set of content data” because **Kjorsvik** discloses the duration, sequencing, and timing of the content data (presentations) is controlled by either the administration module #26 (col. 3:41-43, col.4:17-18) or the user of the individual PC. (col. 5:24-32)

**Kjorsvik** teaches, however, that obtaining presentations directly from external systems eliminates the need to compose the presentations within the system. (col.4:20-25) Since the device of **Kjorsvik** may obtain presentations that have been composed on external systems, it would be obvious to one of ordinary skill in the art (e.g. a network engineer) to modify the system of **Kjorsvik** to permit the device to obtain scheduling instructions from these external systems to control any one of the duration, sequencing, or timing of the provided presentation for the advantage of permitting the content

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provider the added flexibility of staging its provided presentation on the individual user's computer.

22. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kjorsvik** in view of **Salm**.

**Claim 6** is dependent upon **claim 5**. As such, the claim rejection above addressing each limitation of **claim 5** is incorporated here. **Kjorsvik** does not disclose the display device comprises a television. **Salm** teaches, however, the family TV set as a computer monitor. (*entire article*) Consequently, it would have been obvious to one of ordinary skill in the art (e.g., a network engineer) to modify the individual PCs of **Kjorsvik** with televisions as display devices for the advantage cheap and readily available display devices.

**GROUP (4): CLAIMS 7-9**

23. As to these claims, 3PR has proposed the following rejections:
- (A) **Claims 7 and 9** are anticipated by **Kjorsvik**.
  - (B) **Claim 8** is obvious over **Kjorsvik** in view of **Salm**.
  - (C) **Claims 7 and 9 are** is anticipated by **Rakavy**.
  - (D) **Claim 8** is obvious over **Rakavy** in view of **Salm**.
  - (E) **Claims 7 and 9** are obvious over **Rakavy** in view of **Kjorsvik**.
24. None of these rejections are adopted for the reasons set forth on pages.34-39.
25. **Claims 7-9** are rejected over the following Examiner initiated rejections.
- **Claims 7 and 9** are obvious over **Kjorsvik**.
  - **Claim 8** is obvious over **Kjorsvik** in view of **Salm**.

**EXAMINER INITIATED REJECTIONS OF CLAIMS 7-9**

26. **Claims 7 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kjorsvik**.

As to **claim 7**, **Kjorsvik** discloses a content display system for engaging the peripheral attention of a person in the vicinity of a display device (*monitor*) located in the same physical location as the content display system (*computer*), comprising:

*(The presentations are initiated for each PC in the network following a selected amount of time during which each PC has been in an 'on' state but has not been in use. col. 2:15-17. These presentations in effect replace the conventional screen saver, but in addition, provide information in visual form which is intended to be beneficial to the user of the PC. col. 2:17-20. The monitor of the computer is located in the same physical location)*

- data acquisition apparatus (*administration module #26*) that enables acquisition of a set of content data (*presentations*);

*(Presentations may be obtained from external systems or other outside sources over external communication lines. This enables the administration module for the system to obtain presentations directly from external sources, so as to eliminate the need for composing them within the system. col.4:20-25)*

- display apparatus (*messenger module*) that effects selective display on the display device (*monitor*), in an unobtrusive manner that does not distract a user of the display device from a primary interaction with the display device (*monitor*);

*(The messenger module is responsible for the control of the presentation. Each slide is show for a preselected period of time and then if the PC is still not being used, the next slide in the presentation sequence is shown, again under the control the messenger module. col.5:13-17)*

- user input apparatus (*designated key on the keyboard*) that enables selection by a user of one or more control options during the selective display of the image or images generated from the set of content data; and

*(By pressing a designated key on the PC keyboard (or the correct mouse button), when a presentation is in progress, a control menu will appear on the user's screen over the current slide. This menu gives the user various possibilities by which to control the presentation. It is possible, for example, to reverse the presentation slide by slide, or the presentation may be fast-forwarded, slide by slide. col.5:25-33)*

- a system control device (*eject button*) that controls aspects of the operation of the system in accordance with a selected control option;



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(By pushing an eject button or other designated key, the user will also be able to go to another selected presentation among the several available to it through the administration module. The newly selected presentation will remain the "current" presentation until the broadcast schedule previously established in the administration module for that PC indicates that another presentation is due. col.5:33-38)

- wherein the set of content data (presentations) is selected from a plurality of sets of content data, each set being provided by an associated content provider (other network),

(Administration module #26 and database #24 on server #18 are responsible for selecting particular slide presentations for the individual PCs in the network and scheduling those presentations in a particular sequence. col.2:62-67)

- wherein each associated content provider (other network server) is located in a different physical location than at least one other content provider (another network server) and each content provider (other network server) provides its content data (presentation) to the content display system (computer) independently of each other content provider and

(Presentations may be obtained from external systems or other outside sources over external communication lines. This enables the one administration module for the system to obtain presentations directly from external sources, so as to eliminate the need for composing them within the system. col.4:20-25)

First, **Kjorsvik** does not disclose the limitation "without the content data being aggregated at a common physical location remote from the content display system prior to being provided to the content display system" because **Kjorsvik** discloses the presentations being stored in a system database located on a network server prior to being provided to the individual network PCs for display on the computer screens. (col. 2:10-15) As such, **Kjorsvik** discloses the content data (presentations) are aggregated at a common physical location (system database on the network server) prior to being provided to the content display system (individual network PC).

**Kjorsvik** teaches, however, that administration module #26 may communicate directly with external sources, which include other network servers with databases

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having presentation information. (col.2:58-62) In addition, **Kjorsvik** teaches obtaining presentations directly from external systems eliminates the need to compose the presentation within the system. (col.4:20-25) Consequently, it would have been obvious to one of ordinary skill in the art (e.g. a network engineer) to modify the system of **Kjorsvik** to select presentations directly from external sources, such as other network servers, for the advantage of eliminating the need to compose the presentation within the system. As such, selecting the presentation directly from an external network server database eliminates the need to aggregate the presentation at the network server prior to being provided to the individual PC because the presentation would be coming directly from the external network server.

Second, **Kjorsvik** does not disclose "*for each set the respective content provider may provide scheduling instructions tailored to the set of content data to control at least one of the duration, sequencing, and timing of the display of said image or images generated from the set of content data*" because **Kjorsvik** discloses the duration, sequencing, and timing of the content data (presentations) is controlled by either the administration module #26 (col. 3:41-43, col.4:17-18) or the user of the individual PC. (col. 5:24-32)

**Kjorsvik** teaches, however, that obtaining presentations directly from external systems eliminates the need to compose the presentations within the system. (col.4:20-25) Since the device of **Kjorsvik** may obtain presentations that have been composed on external systems, it would be obvious to one of ordinary skill in the art (e.g. a network engineer) to modify the system of **Kjorsvik** to permit the device to obtain scheduling

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instructions from these external systems to control any one of the duration, sequencing, or timing of the provided presentation for the advantage of permitting the content provider the added flexibility of staging its provided presentation on the individual user's computer.

As to **claim 9**, **Kjorsvik** discloses a link control option (control menu; col. 5:27) enables the user to establish a link with an information location and the system control device (eject button) establishes the link with the information location in response to selection of the link control option (selecting an option on the control menu to go to another presentation).

(By pushing the eject button or other designated key on the PC keyboard, or correct mouse button, when a presentation is in progress, a control menu will appear on the user's screen over the current slide. This menu gives the user various possibilities by which to control the presentation. col. 5:25-32)

27. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kjorsvik** in view of **Salm**.

**Claim 8** is dependent upon **claim 7**. As such, the claim rejection above addressing each limitation of **claim 7** is incorporated here. **Kjorsvik** does not disclose the display device comprises a television. **Salm** teaches, however, the family TV set as a computer monitor. (entire article) Consequently, it would have been obvious to one of ordinary skill in the art (e.g., a network engineer) to modify the individual PCs of **Kjorsvik** with televisions as display devices for the advantage cheap and readily available display devices.

**GROUP (5): CLAIMS 10-12**

28. As to these claims, 3PR has proposed the following rejections:
- (A) Claims 10 and 12 are anticipated by **Kjorsvik**.
  - (B) Claim 11 is obvious over **Kjorsvik** in view of **Salm**.
  - (C) Claims 10 and 12 are is anticipated by **Rakavy**.
  - (D) Claim 11 is obvious over **Rakavy** in view of **Salm**.
  - (E) Claims 10 and 12 are obvious over **Rakavy** in view of **Kjorsvik**.
29. None of these rejections are adopted for the reasons set forth on pages 34-39.
30. Claims 10-12 are rejected over the following Examiner initiated rejections.
- Claims 10 and 12 are obvious over **Kjorsvik**.
  - Claim 11 is obvious over **Kjorsvik** in view of **Salm**.

**EXAMINER INITIATED REJECTIONS OF CLAIMS 10-12**

31. **Claims 10 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kjorsvik**.

**Kjorsvik** discloses a method for engaging the peripheral attention of a person in the vicinity of a display device, comprising the steps of:

*(The presentations are initiated for each PC in the network following a selected amount of time during which each PC has been in an 'on' state but has not been in use. col. 2:15-17. These presentations in effect replace the conventional screen saver, but in addition, provide information in visual form which is intended to be beneficial to the user of the PC. col. 2:17-20)*

- acquiring a set of content data (*presentations; col. 4:19-25*)
- from a content providing system (*database #24 on network server; col.2:63-65*);
- selectively displaying on the display device, in an unobtrusive manner that does not distract a user of the display device from a primary interaction with the display device;

*(Each user in the system, i.e. each network PC, will have its own unique schedule of presentations, including a particular sequence of different presentations and a specific time of nonuse required before a presentation begins. This scheduling of presentations is established through the administration module and stored in the system database #24. col. 4:9-16. These presentations in effect replace the conventional screen saver, but in addition, provide information in visual form which is intended to be beneficial to the user of the PC. col. 2:17-20)*

- enabling selection by a user (*pressing a designated key*) of one or more control options (*on control menu*) during the selective display of the images (*presentation slides*) generated from the set of content data (*presentation*); and controlling aspects of the operation of the system in accordance with a selected control option;

*(By pressing a designated key on the PC keyboard or the correct mouse button, when a presentation is in progress, a control menu will appear on the user's screen over the current slide. This menu gives the user various possibilities by which to control the presentation. It is possible, for example, to reverse the presentation slide by slide, or the presentation may be fast-forwarded, slide by slide. col.5:25-33)*

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- wherein the set of content data (*presentation*) is selected from a plurality of sets of content data, each set being provided by an associated content provider (*other network server*),
- wherein each associated content provider (*other network server*) is located in a different physical location than at least one other content provider (*another network server*) and each content provider (*other network server*) provides its content data (*presentation*) to a content display system (*computer*) associated with the and located entirely in the same physical location as the display device (*monitor*) independently of each other content provider and

(Presentations may be obtained from external systems or other outside sources over external communication lines. This enables the one administration module for the system to obtain presentations directly from external sources, so as to eliminate the need for composing them within the system. col.4:20-25)

First, **Kjorsvik** does not disclose the limitation “without the content data being aggregated at a common physical location remote from the content display system prior to being provided to the content display system” because **Kjorsvik** discloses the presentations being stored in a system database located on a network server prior to being provided to the individual network PCs for display on the computer screens. (col. 2:10-15) As such, **Kjorsvik** discloses the content data (*presentations*) are aggregated at a common physical location (*system database on the network server*) prior to being provided to the content display system (*individual network PC*).

**Kjorsvik** teaches, however, that administration module #26 may communicate directly with external sources, which include other network servers with databases having presentation information. (col.2:58-62) In addition, **Kjorsvik** teaches obtaining presentations directly from external systems eliminates the need to compose the presentation within the system. (col.4:20-25) Consequently, it would have been obvious to one of ordinary skill in the art (e.g. a network engineer) to modify the system of

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**Kjorsvik** to select presentations directly from external sources, such as other network servers, for the advantage of eliminating the need to compose the presentation within the system. As such, selecting the presentation directly from an external network server database eliminates the need to aggregate the presentation at the network server prior to being provided to the individual PC because the presentation would be coming directly from the external network server.

Second, **Kjorsvik** does not disclose “for each set the respective content provider may provide scheduling instructions tailored to the set of content data to control at least one of the duration, sequencing, and timing of the display of said image or images generated from the set of content data” because **Kjorsvik** discloses the duration, sequencing, and timing of the content data (presentations) is controlled by either the administration module #26 (col. 3:41-43, col.4:17-18) or the user of the individual PC. (col. 5:24-32)

**Kjorsvik** teaches, however, that obtaining presentations directly from external systems eliminates the need to compose the presentations within the system. (col.4:20-25) Since the device of **Kjorsvik** may obtain presentations that have been composed on external systems, it would be obvious to one of ordinary skill in the art (e.g. a network engineer) to modify the system of **Kjorsvik** to permit the device to obtain scheduling instructions from these external systems to control any one of the duration, sequencing, or timing of the provided presentation for the advantage of permitting the content provider the added flexibility of staging its provided presentation on the individual user’s computer.

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As to **claim 12**, **Kjorsvik** discloses a link control option (control menu; col. 5:27) enables the user to establish a link with an information location and the system control device (eject button) establishes the link with the information location in response to selection of the link control option (selecting an option on the control menu to go to another presentation).

(By pushing the eject button or other designated key on the PC keyboard, or correct mouse button, when a presentation is in progress, a control menu will appear on the user's screen over the current slide. This menu gives the user various possibilities by which to control the presentation. col. 5:25-32)

32. **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kjorsvik** in view of **Salm**.

**Claim 11** is dependent upon **claim 10**. As such, the claim rejection above addressing each limitation of **claim 10** is incorporated here. **Kjorsvik** does not disclose the display device comprises a television. **Salm** teaches, however, the family TV set as a computer monitor. (entire article) Consequently, it would have been obvious to one of ordinary skill in the art (e.g., a network engineer) to modify the individual PCs of **Kjorsvik** with televisions as display devices for the advantage cheap and readily available display devices.



**GROUP (6): CLAIMS 13-15**

33. As to these claims, 3PR has proposed the following rejections:
- (A) **Claims 13 and 15** are anticipated by **Kjorsvik**.
  - (B) **Claim 14** is obvious over **Kjorsvik** in view of **Salm**.
  - (C) **Claims 13 and 15 are** is anticipated by **Rakavy**.
  - (D) **Claim 14** is obvious over **Rakavy** in view of **Salm**.
  - (E) **Claims 13 and 15** are obvious over **Rakavy** in view of **Kjorsvik**.
34. None of these rejections are adopted for the reasons set forth on pages 34-39.
35. **Claims 13-15** are rejected over the following Examiner initiated rejections.
- **Claims 13 and 15** are obvious over **Kjorsvik**.
  - **Claim 14** is obvious over **Kjorsvik** in view of **Salm**.

**EXAMINER INITIATED REJECTIONS OF CLAIMS 13-15**

36. **Claims 13 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kjorsvik**.

**Kjorsvik** discloses a computer readable medium encoded with one or more computer programs for enabling engagement of the peripheral attention of a person in the vicinity of a display device, comprising:

*(The presentations are initiated for each PC in the network following a selected amount of time during which each PC has been in an 'on' state but has not been in use. col. 2:15-17. These presentations in effect replace the conventional screen saver, but in addition, provide information in visual form which is intended to be beneficial to the user of the PC. col. 2:17-20)*

- instructions for acquiring a set of content data (*presentations; col. 4:19-25*)
- from a content providing system (*database #24 on network server; col.2:63-65*);
- instructions for selectively displaying on the display device (*monitor*), in an unobtrusive manner that does not distract a user of the display device (*monitor*) from a primary interaction with the display device (*monitor*);

*(Each user in the system, i.e. each network PC, will have its own unique schedule of presentations, including a particular sequence of different presentations and a specific time of nonuse required before a presentation begins. This scheduling of presentations is established through the administration module and stored in the system database #24. col. 4:9-16. These presentations in effect replace the conventional screen saver, but in addition, provide information in visual form which is intended to be beneficial to the user of the PC. col. 2:17-20)*

- instructions for enabling selection by a user (*pressing a designated key*) of one or more control options (*on control menu*) during the selective display of the images (*presentation slides*) generated from the set of content data (*presentation*); and instructions for controlling aspects of the operation of the system in accordance with a selected control option;

*(By pressing a designated key on the PC keyboard or the correct mouse button, when a presentation is in progress, a control menu will appear on the user's screen over the current slide. This menu gives the user various possibilities by which to control the presentation. It is possible, for example, to reverse the presentation slide by slide, or the presentation may be fast-forwarded, slide by slide. col.5:25-33)*

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- wherein the set of content data (*presentation*) is selected from a plurality of sets of content data (*presentations*), each set being provided by an associated content provider (*other network server*),
- wherein each associated content provider (*other network server*) is located in a different physical location than at least one other content provider (*another network server*) and each content provider (*network server*) provides its content data (*presentation*) to a content display system (*computer*) associated with the and located entirely in the same physical location as the display device (*monitor*) independently of each other content provider and

*(Presentations may be obtained from external systems or other outside sources over external communication lines. This enables the one administration module for the system to obtain presentations directly from external sources, so as to eliminate the need for composing them within the system. col.4:20-25)*

First, **Kjorsvik** does not disclose the limitation “*without the content data being aggregated at a common physical location remote from the content display system prior to being provided to the content display system*” because **Kjorsvik** discloses the presentations being stored in a system database located on a network server prior to being provided to the individual network PCs for display on the computer screens. (*col. 2:10-15*) As such, **Kjorsvik** discloses the content data (*presentations*) are aggregated at a common physical location (*system database on the network server*) prior to being provided to the content display system (*individual network PC*).

**Kjorsvik** teaches, however, that administration module #26 may communicate directly with external sources, which include other network servers with databases having presentation information. (*col.2:58-62*) In addition, **Kjorsvik** teaches obtaining presentations directly from external systems eliminates the need to compose the presentation within the system. (*col.4:20-25*) Consequently, it would have been obvious to one of ordinary skill in the art (e.g. a network engineer) to modify the system of

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**Kjorsvik** to select presentations directly from external sources, such as other network servers, for the advantage of eliminating the need to compose the presentation within the system. As such, selecting the presentation directly from an external network server database eliminates the need to aggregate the presentation at the network server prior to being provided to the individual PC because the presentation would be coming directly from the external network server.

Second, **Kjorsvik** does not disclose "*for each set the respective content provider may provide scheduling instructions tailored to the set of content data to control at least one of the duration, sequencing, and timing of the display of said image or images generated from the set of content data*" because **Kjorsvik** discloses the duration, sequencing, and timing of the content data (*presentations*) is controlled by either the administration module #26 (*col. 3:41-43, col.4:17-18*) or the user of the individual PC. (*col. 5:24-32*)

**Kjorsvik** teaches, however, that obtaining presentations directly from external systems eliminates the need to compose the presentations within the system. (*col.4:20-25*) Since the device of **Kjorsvik** may obtain presentations that have been composed on external systems, it would be obvious to one of ordinary skill in the art (e.g. a network engineer) to modify the system of **Kjorsvik** to permit the device to obtain scheduling instructions from these external systems to control any one of the duration, sequencing, or timing of the provided presentation for the advantage of permitting the content provider the added flexibility of staging its provided presentation on the individual user's computer.

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As to **claim 15**, **Kjorsvik** discloses a link control option (*control menu; col. 5:27*) enables the user to establish a link with an information location and the system control device (*eject button*) establishes the link with the information location in response to selection of the link control option (*selecting an option on the control menu to go to another presentation*).

*(By pushing the eject button or other designated key on the PC keyboard, or correct mouse button, when a presentation is in progress, a control menu will appear on the user's screen over the current slide. This menu gives the user various possibilities by which to control the presentation. col. 5:25-32)*

37. **Claim 14** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kjorsvik** in view of **Salm**.

**Claim 14** is dependent upon **claim 13**. As such, the claim rejection above addressing each limitation of **claim 13** is incorporated here. **Kjorsvik** does not disclose the display device comprises a television. **Salm** teaches, however, the family TV set as a computer monitor. (*entire article*) Consequently, it would have been obvious to one of ordinary skill in the art (e.g., a network engineer) to modify the individual PCs of **Kjorsvik** with televisions as display devices for the advantage cheap and readily available display devices.

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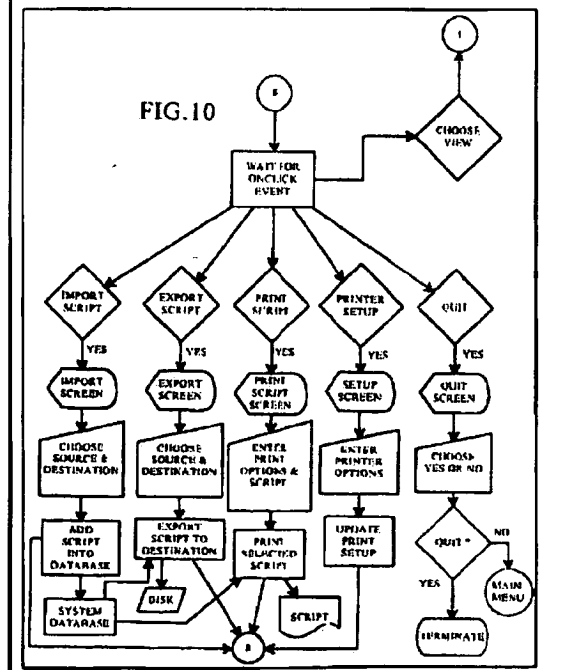
### REASONS FOR NOT ADOPTING PROPOSED REJECTIONS (1)-(2) OVER KJORSVIK

38. First, **Kjorsvik** does not disclose the limitation "without the content data being aggregated at a common physical location remote from the content display system prior to being provided to the content display system". 3PR, however, argues this limitation is anticipated at col. 2:58-62, col. 4:19-24, and col. 4:57-60. (Request, pgs. 59-60, 64-65, 69-70, 75-76, 83, and 91)

"Administration module 26 also has the capability of communicating with external sources, including other network servers with databases having presentation information, as well as other outside sources of data and images." (Kjorsvik, 2:58-62)

"Lastly, presentations may be obtained or provided to external systems and/or other outside sources over external communication lines. This enables the one administration module for the system to obtain or provide presentations directly from or to external sources, so as to eliminate the need for composing them within the system." (Kjorsvik, 4:19-24)

"In FIG. 10, control is provided over the importing and exporting of presentations (scripts) and over the options available for printing the text and the visual information." (Kjorsvik, 4:57-60)



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**Kjorsvik** discloses the presentations being stored in a system database located on a network server prior to being provided to the individual network PCs for display on the computer screens. (col. 2:10-15) As such, **Kjorsvik** discloses the content data (presentations) are aggregated at a common physical location (system database on the network server) prior to being provided to the content display system (individual network PC). Consequently, **Kjorsvik** does not anticipate this limitation at col. 2:58-62, col. 4:19-24, and col. 4:57-60. Further, 3PR does not rely on a secondary reference to teach this limitation because 3PR alleges this limitation is anticipated by **Kjorsvik**. For at least these reasons, proposed rejections (1)-(2) are not adopted.

Second, **Kjorsvik** does not disclose "for each set the respective content provider may provide scheduling instructions tailored to the set of content data to control at least one of the duration, sequencing, and timing of the display of said image or images generated from the set of content data". 3PR, however, argues this limitation is anticipated at col. 3:30-43, col. 5:14-17, and col. 3:58-65. (Request, pgs. 60-61, 65-66, 71, 76, 84, and 92).

**Kjorsvik** discloses the duration, sequencing, and timing of the content data (presentations) is controlled by either the administration module (col. 3:41-43, col.4:17-18) or the user of the individual PC. (col. 5:24-32) **Kjorsvik**, however, does not disclose the duration, sequencing, and timing of the content data (presentations) is provided by a content provider (other network server with a database of presentations). For least this reason, proposed rejections (1)-(2) are not adopted.

**REASONS FOR NOT ADOPTING  
PROPOSED REJECTIONS (3)-(5) OVER RAKAVY**

39. First, **Rakavy** does not disclose the limitation "without the content data being aggregated at a common physical location remote from the content display system prior to being provided to the content display system". 3PR, however, argues this limitation is anticipated at col. 5:54-57, col. 5:33-35, and col. 12:6-15, which are reproduced below.

*(Request, pgs. 99-101, 103, 106-107, 101, 115, and 120)*

"In an alternate embodiment of the present invention, the selected advertisement may be stored on any one of the plurality of advertising system servers connected to the Network 700." (Rakavy, 5:54-57)

"The main roles of the Advertising System Server 600 are to store Advertisements 50, transfer the Advertisements 50 to the Local Computer 500, and collect user feedback." (Rakavy, 5:33-35)

"The Advertisement Feeder 250, is responsible for adding new Advertisements 50 to the User Preference and Advertisement Database 230. Advertisements 50 preferably are provided from the Internet through the Internet Feeder 270, however, the Advertisements Feeder 250 is not dependent on the type of advertisement source and may receive Advertisements 50 from other sources, such as commercial on-line services, via other feeder mechanisms and other types of polite agents." (Rakavy, 12:6-15)

**Rakavy** discloses the advertisement feeder #250 is responsible for adding new advertisements to the advertisement database #230. (col. 12:5-8). **Rakavy** also discloses the advertisement display manager #210 selects and displays advertisements



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#50 from the user preference and advertisements database #230. (col. 10:43-45) As such, **Rakavy** discloses the content data (advertisements) are aggregated at a common physical location (advertisement database #230) prior to being provided to the content display system (local computer). Consequently, **Rakavy** does not anticipate this limitation at col. 5:54-57, col. 5:33-35, and col. 12:6-15.

In addition, **Rakavy** does not make this claim limitation obvious because figure 4 discloses the only input to the Advertisements Display Manager #210 is the Interad Database #230. As such, it would NOT be obvious to one of ordinary skill in the art to modify the system of **Rakavy** so that the content data (advertisements) are NOT aggregated at a common physical location (database #230) because figure 4 discloses other software modules are dependent upon the database #230 and such a modification would impact the operation of the dependent software modules. Further, 3PR does not rely on a secondary reference to teach this limitation because 3PR alleges this limitation is anticipated by **Rakavy**. For at least these reasons, proposed rejections (3)-(5) are not adopted.

Second, proposed rejection (5) is not adopted because it does not set forth a prima facie case of obviousness as required by *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). The factual inquiries set forth in *Graham v. John Deere Co* that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

However, 3PR does not ascertain the differences between **Rakavy** and the claims at issue. (*Request, pg. 125*) For the reader's convenience, 3PR's statement on this proposed rejection is set forth below

***E. U.S. Patent No. 5,913,040 to Rakavy and U.S. Patent No. 5,748,190 to Kjorsvik***

Claims 1, 3, 5, 7, 9, 10, 12, 13, and 15 are unpatentable under 35 U.S.C. § 103 as being obvious over the combination of Rakavy and Kjorsvik as discussed below. As described above, Rakavy and Kjorsvik individually disclose all of the limitations of claims 1, 3, 5, 7, 9, 10, 12, 13, and 15. However, to the extent the Examiner determines that Rakavy is missing a limitation, Kjorsvik provides the missing feature. Additionally, to the extent the Examiner determines that Kjorsvik is missing a limitation, Rakavy provides the missing feature.

A person of ordinary skill in the art would have been motivated to combine Rakavy and Kjorsvik because both are related to the display of content to a user during idle periods. Furthermore, a person of ordinary skill in the art could have combined the elements taught by Rakavy and Kjorsvik by known methods and would have recognized that the results of the combination were predictable.

In addition, 3PR alleges **Rakavy** anticipates each and every limitation of claims 1, 3, 5, 7, 9, 10, 12-13, and 15 while simultaneously arguing that these claims are also obvious over **Rakavy** in view of **Kjorsvik**. (*Request, pgs. 98-122*) Since this proposed rejection does not set forth the differences between **Rakavy** and the claims at issue as

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required by *Graham v. John Deere Co.* to establish a prima facie case of obviousness,  
proposed rejection (5) is not adopted.

**Conclusion**

40. All correspondence relating to this *inter partes* reexamination proceeding should be directed:

By Mail to: Mail Stop *Inter Partes* Reexam  
Attn: Central Reexamination Unit  
Commissioner for Patents  
United States Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

By FAX to: (571) 273-9900  
Central Reexamination Unit

By hand: Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Registered users of EFS-Web may alternatively submit such correspondence via the electronic filing system EFS-Web, at:

<https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>.

EFS-Web offers the benefit of quick submission to the particular area of the Office that needs to act on the correspondence. Also, EFS-Web submissions are "soft scanned" (i.e., electronically uploaded) directly into the official file for the reexamination proceeding, which offers parties the opportunity to review the content of their submissions after the "soft scanning" process is complete.

Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 314(c) requires that *inter partes* reexamination proceedings "will be conducted with special dispatch"

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(37 CFR 1.937). Patent Owner extensions of time in *inter partes* reexamination proceedings are provided for in 37 CFR 1.956. Extensions of time are not available for third party requester comments, because a comment period of 30 days from service of patent owner's response is set by statute. 35 U.S.C. 314(b)(3).

The patent owner is reminded of the continuing responsibility under 37 CFR 1.985(a) to apprise the Office of any litigation activity, or other concurrent proceeding, involving USP 7,400,274 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding.

See MPEP §2686 and 2686.04.

Any inquiry concerning this communication or earlier communications from the examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

Signed:

/Deandra M. Hughes/  
Primary Examiner, AU 3992

Conferees:



MARK J. REINHART  
CRU SPE-AU 3992

1-31-00

ATTORNEY DOCKET NO. INT1P206+

IN THE U.S. PATENT AND TRADEMARK OFFICE  
Provisional Application Cover Sheet

A/PROU

JCS44 U.S. PTO  
01/28/00

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

Sir:

This is a request for filing a PROVISIONAL APPLICATION under 37 CFR 1.53 (b)(2).

INVENTOR(s)/APPLICANT(s)		
Last Name	First Name, MI	Residence (City and Either State or Foreign Country)
Naimark	Michael	
Bergman	Aviv	
Weil	Emily	
Moresco	Ignazio	

JCS44 U.S. PTO  
60/178627  
01/28/00

TITLE OF THE INVENTION

ALERTING USERS TO WEB SITES OF CURRENT INTEREST AND HANDLING LARGE INCREASES IN USER TRAFFIC

CORRESPONDENCE ADDRESS

Customer No. 21912  
RITTER, VAN PELT & YI LLP  
4906 El Camino Real, Suite 205  
Los Altos, CA 94022

ENCLOSED APPLICATION PARTS (check all that apply)


- Specification *Number of Pages 2*  Small Entity Statement
- Drawing(s) *Number of Pages 2*
- Power of Attorney
- Additional inventors are being named on separately numbered sheets attached hereto.

METHOD OF PAYMENT

A check in the amount of \$ 150.00 to cover the filing fee is enclosed.

At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account No. 50-0685 (Order No. INT1P206+).

Respectfully submitted,

  
\_\_\_\_\_  
Lee Van Pelt  
Attorney for Applicant(s)  
Reg. No. 38352

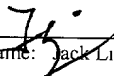
Express Mail Label No EL422310950US

Date of Deposit January 28, 2000

I hereby certify that this is being deposited with the United States Postal Service 'Express Mail Post Office to Addressee' service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: January 28, 2000

Telephone No.: 650-903-3500

By   
Typed Name: Jack Limper

Small Entity statement.

# Alerting Users to Web Sites of Current Interest and Handling Large Increases in User Traffic

by Inventors

Michael Naimark  
Aviv Bergman  
Emily Weil  
Ignazio Moresco

## SUMMARY

Web cameras and web video are undergoing explosive growth, due in part to broader bandwidth, better compression technologies, and cheaper cameras. One can liken the Web to “million channel television.” However, most of the cameras show nothing of interest to most of the watchers most of the time. While dozens of webcam portals and directories exist, none are capable of propagating an alert that “something interesting is happening *now*,” to the right people. To solve this problem, a real time meta-data infrastructure allowing people who see interesting occurrences to alert other interested parties is disclosed. The system is referred to as “Hot Now.” People who receive an alert may further propagate the alert to broader and broader audiences, causing a swarm of users to visit the hot site. A method of preventing server overload when such “mass swarming” occurs is also disclosed, as well as a strategy for caching and archiving the selected video segments. In addition, other examples of “Hot Now” applications in addition to webcams are suggested.

## 1. Background

### 1.1. Webcams and Web Video

The first “webcam” appeared in 1991 (actually before the World Wide Web) in the Trojan Coffee Room at the University of Cambridge, for members of the Computer Lab to see how much coffee was left in the coffee pot. By 1996, approximately 100 live web cameras existed. By July 1999, web cameras were being bought worldwide at a rate of over 1,000 per day. Therefore, the current number of webcams may exceed 100,000.

This should come as no surprise to anyone monitoring trends in web and video technology. As modems get faster and broadband technologies such as cable modems and DSL come into use, as video compression allows higher-quality video to be efficiently sent and received, and as camera costs decline, one can easily conclude that web cameras will continue to proliferate. It may appear overly dramatic today to consider the Web as containing “million channel television,” but such claims will likely be realized in the not-too-distant future.

A similar revolution is already in progress in the field of video production. Over the past decade, the means for logging, editing, mixing, and adding special effects to video has quietly moved from expensive post-production facilities to the desktop. For the cost of a day's use of such facilities, home videographers can now own a video camera, computer, and video editing software. What has occurred with word processing and spreadsheets has now occurred with motion picture production.

Given the proliferation of live webcams and tools for video production, the bottleneck now is distribution and access-- finding the content the user is looking for and making sense of the data.

## 1.2 Liveness, Freshness, and the Shared Viewing Experience

A simple solution to distribution is having web video downloaded by a user requesting a particular selection from a website. This is a good and obvious approach for pre-composed video. But an additional element exists for live and near-live ("fresh") video from webcams, and for pre-composed video webcast to anyone interested: a shared common viewing experience.

In many instances, there is value in such a common experience. For example, gossip about last night's favorite television show around the workplace water cooler, the popularity of live televised sporting events, and the "did-you-see-that?" discussions around rare webcam events. The recent explosion of real time "chat" or "instant messaging" on the Web further suggests a strong desire for live real time shared experiences.

There also is value in near-liveness or "freshness." Consider the difference between seeing a live webcam image of a rhinoceros at an African watering hole as it happens versus finding a stock video of a rhino. Now consider coming home from work and making a Web query "show me 'sightings' that happened today at the African watering hole?" Such "freshness" is close to liveness, and both freshness and liveness have value distinctively different from "canned" video. Freshness value is driven primarily by the cost of caching compared to its demand. It is expected that freshness has a significant positive value for at least 24 hours.

## 1.3 Web Video Portals, Directories, and Rings

Not far behind the proliferation of webcams and web video is the proliferation of web services to help people find particular topics. These webcam directories or "portals" essentially mimic non-video portals by consisting of hierarchically organized keyword searches (e.g., *finches: birds: animals: general interest*). Keywords are determined for video by humans since computer vision is not currently able to automatically recognize the contents of an arbitrary video image. Today, dozens of such webcam directories exist, some including more than 10,000 entries. Such services are valuable in a limited way. They can help users find the African watering hole, but cannot help users determine when an animal is present.





motion detection can be used to send someone to investigate the African watering hole if a motion threshold is exceeded. Further propagation of the alert depends on humans deciding whether or not to press the Hot Now button.

## 2.2 Propagation Rather than Polling

The disclosed method of propagation is superior to polling. Polling is one-shot and generally static, while propagation is multi-step and dynamic. Propagation builds on what already exists, from a single alert which may alert 100 people who may then each alert another 100 people, and so on. As more people propagate an alert, more people are alerted. As such, propagation can produce exponential changes occurring in short periods of time, classic positive feedback behavior.

It is equally important to understand that propagation can have a negative value as well as a positive one. By *not* pressing the Hot Now button, an alert will *decrease* in strength due to decay. Propagation both positively propagates something interesting and negatively propagates (filters) something that is not interesting or is no longer interesting. Such propagation is therefore a closed-loop self regulating system.

In some embodiments, a “not Hot Now” button is also provided. Also, a scaled Hot Now button, e.g., from -10 to +10, further amplifying the alert may be provided. In general, a tradeoff exists between complexity and motivation, and user behavior is kept as simple as practical.

## 2.3 Factors and Specifications

### 2.3.1 Hot Now Input

The Hot Now interface consists of an alert button and a text field. The alert button and text field can be integrated directly into the content of a web page, much like a banner ad, or incorporated into a small floating browser window.

When an alert is triggered, two values are transmitted to the server: the URL being watched and the alerter ID. A user can also opt to send a text comment.

Each client application may monitor the frequency of alerts. Abusers of its functionality can have their alert access restricted; productive users can have their alert access increased.

### 2.3.2 Hot Now Propagation

A user receives an alert if she is interested in a) the alerter’s interest or b) the URL’s content category. Interest may be expressed by setting filter variables. The filtering interface is described below.

Interest groups and URL categories are hierarchical. For example, the “Bird Watching” interest group is a subset of the “Animal Lovers” group. When enough “Bird Watching” members trigger a Hot Now, the alert passes up the hierarchy to members of the “Animal Lovers” group.

As more members trigger the Hot Now, the system can detect overlapping of clicker interests. For example, when a sports enthusiast/animal lover and a sports enthusiast/news buff both hit the Hot Now for the same URL, the system primarily alerts sports enthusiasts.

### 2.3.3 Settings For Filtering Output

Users control the influx of alert calls by selecting the following:

- **Interest Group Bias:** increases a client’s sensitivity to alerts triggered by members of specific interest groups (e.g., birds, animals, weather, natural disasters, car crashes, sex).
- **Clicker Biases:** heightens sensitivity to alerts from specific members of the community (e.g., registered club members, democrats, women).
- **URL Biases:** favors alerts associated with particular URLs or URL categories (cameras located in South America, cameras set up by National Geographic).
- **Heat Threshold** has two components: “heat sensitivity” determines the number of alerts required to announce an event to the user; “cooling” determines the duration after which an event will no longer be announced to the user.

The “heat sensitivity” variable lets a user favor particular stages of a “Hot Now” event. At one extreme, “heat sensitivity” senses URLs that have received only a single alert. At the other extreme, “heat sensitivity” senses only the hottest URLs, i.e. URLs that have received many alerts. This setting can be thought of as ranging from “I’m so interested in this that I want to be alerted first (even if I have to deal with false alarms)” to “don’t bother me unless many people already find this hot.”

The “cooling” variable is used to calculate relative heat of URLs. The variable is segmented into intervals of time. An alert during the most recent “cooling” interval has a greater heat value than an alert during the least recent interval.

- **Hot Now display:** controls the number of URLs displayed.
- **Comment Flag:** controls the display of user comments accompanying alerts.

Other filters are set automatically:

- After a user visits a hot site, she or he temporarily becomes less sensitive to alerts from that site.
- An event’s first alert is “hotter” than subsequent alerts to the same event.

Either the server or the client can filter alerts. In one embodiment, the server updates each user's settings in a database of user profiles and transmits a pre-customized Hot Now list to the client. In another embodiment, the client customizes raw data received from the server; and settings are updated on the client and saved to the server at the end of each session.

### 2.3.4 Hot Now Output Display

Alerts can be displayed, depending on bandwidth, in the following formats:

- Lists of URLs
- Thumbnails of a web page
- A single URL's "heat" display
- Animations
- Other visualizations

It is also possible for an alert to trigger external devices using different modalities than a standard computer, such as a pager, telephone, or lights flashing.

### 2.3.5 An Example Hot Now Architecture Specification

In one embodiment, URL and alerter interest groups are the same, based on a standard list of topics (which may or may not be hierarchical). Each user selects a series of interest groups and sets a sensitivity threshold for each selected group.

Preferably, interest group filtering is implemented on the server and sensitivity filtering is implemented on the client.

#### Alert Messages Sent To the Server

Data: [URL, AlerterID, Comment]

The comment variable is optional and may either be an open text field or a pull down window with pre-assigned comments such as topics.

#### Alert Message Sent from the Server to Users

Data: [List of Inferred Interest Groups, URL, Comment]

Each alert is propagated to members of a hot event's inferred interest groups. The inferred interest groups include members of the URL's interest group and overlapping alerter interest groups.

## The Inferred Interest Group Process

If there is no overlap of interest groups, the server sends alert messages to all members of each alerter's interest group. If there is overlap, the server sends alert messages to those within the intersection of interest groups.

### Repeat for every alert

If a region of interest overlap is not reaffirmed by an incoming alert, it loses importance. Overlapping regions may shift over time.

## Server Processing

For each alert received, the server performs the following:

- Looks up the alerter's UserID for her Interest group selections
- Looks up URL Interest groupings
- Performs inferred interest group algorithm
- Searches for UserID's in inferred interest groups and transmits a message

## Sensitivity Filtering on the Client

A user's sensitivity selections are saved on the client in the following table:

[Interest Group, Sensitivity Threshold, Timespan]

Timespan is the length of time during which a URL's alerts are counted. A URL is displayed if its sum of alerts reaches its threshold before its timespan has expired. At the end of each timespan, the URL's count is set to zero. Timespan is initially a default value that can be reset by the user.

A dynamic table keeps track of the count for each hot URL:

[URL, Interest Groups List, Counter Time List [T1, T2, T3...]]

A URL is displayed once its lowest interest group threshold is reached.

## Credible Alerters

The system can recognize a first alerter and can keep track of responses to her initial alert. An alerter gains credibility when her alert attracts many responses. A credible alerter's alert is propagated with greater magnitude than a non-credible alerter. A credible alerter's alert is sent more than once to all her interest groups (regardless of inferred interest groupings).

The credit system creates leaders. Leaders create other leaders. A credible alerter might respond to the call of a non-credible first alerter. If she sends a credible alert, enough users will probably respond so that the first alerter will become credible.

Credibility within the community shifts and decays over time.

### 3. Overload Protection (“Bitsurge”)

The Hot Now meta-data infrastructure may potentially crash webcam servers at the moment when the most interesting video is occurring, due to massive herding/flocking/swarming by alerted users. To solve this problem, an overload protection service referred to as “Bitsurge” is implemented.

Bitsurge monitors alerted servers for overload. If an overload is imminent, the overloading web page is copied to a larger Bitsurge server and traffic is automatically rerouted to the Bitsurge server in a manner that is transparent to alerted users. The Bitsurge server becomes the invisible intermediary.

When a web producer registers her site into the Hot Now network, she downloads a Bitsurge application and installs it onto her server. As users flock to her site, Bitsurge sends the site’s data to the Hot Now server. Each client request for the site is then redirected from the original server to the Hot Now server.

Bitsurge caching persists during the span of a Hot Now event. By keeping track of alert frequency for each site, the Hot Now system can detect a site’s Hot Now event before the site’s original server is overloaded. As soon as a site receives many alerts, the system assumes that a flock is on its way.

Alternatively, a Hot Now event can be determined beyond the Hot Now network, by a hit counter running on the site’s server. When a site is hit by many users, the Bitsurge application detects that a Hot Now event is occurring – and redirects data to the Hot Now server.

Bitsurge has applications independent of a Hot Now alert. Any server that may experience overload may benefit from such a service, particularly when the overload is occasional or unpredictable.

### 4. Caching and Archiving

As mentioned earlier, near-live or fresh content has value similar (and in some cases greater) than live alerts. For people to see what *was* hot *that* day (or some other short period of time), real time caching of Hot Now alerts is used.

What to cache and when to cache alerted videos is partly market-driven and partly context-driven. Alerted events that are known to have short durations (e.g., celebrity

sightings in public places) require recording to begin almost as soon as the first alert occurs, while events that have longer durations have looser constraints (e.g., if a rhino stays an average of 10 minutes at the watering hole).

Caching for freshness is, by definition, temporary. If the goal is to provide a commercial service, at some point the value of the material drops below the cost of caching it, as its freshness turns “stale.” Hence, a fresh cache may be regularly flushed.

A symbiotic relationship exists between cache flushing and archiving. The goal of archiving is to save “the best” from a sample far too large to archive in its entirety, and flushing the cached material to an archive on a regular basis benefits all parties. The webcam operator may have a minute of his or her material found through the Hot Now alert infrastructure, made available while its fresh (for fame or fortune), and then made part of the permanent collection of an archive. The Hot Now system benefits by finding and caching what’s Hot Now. And the archive gets the best of the best, as determined by a “people’s choice.”

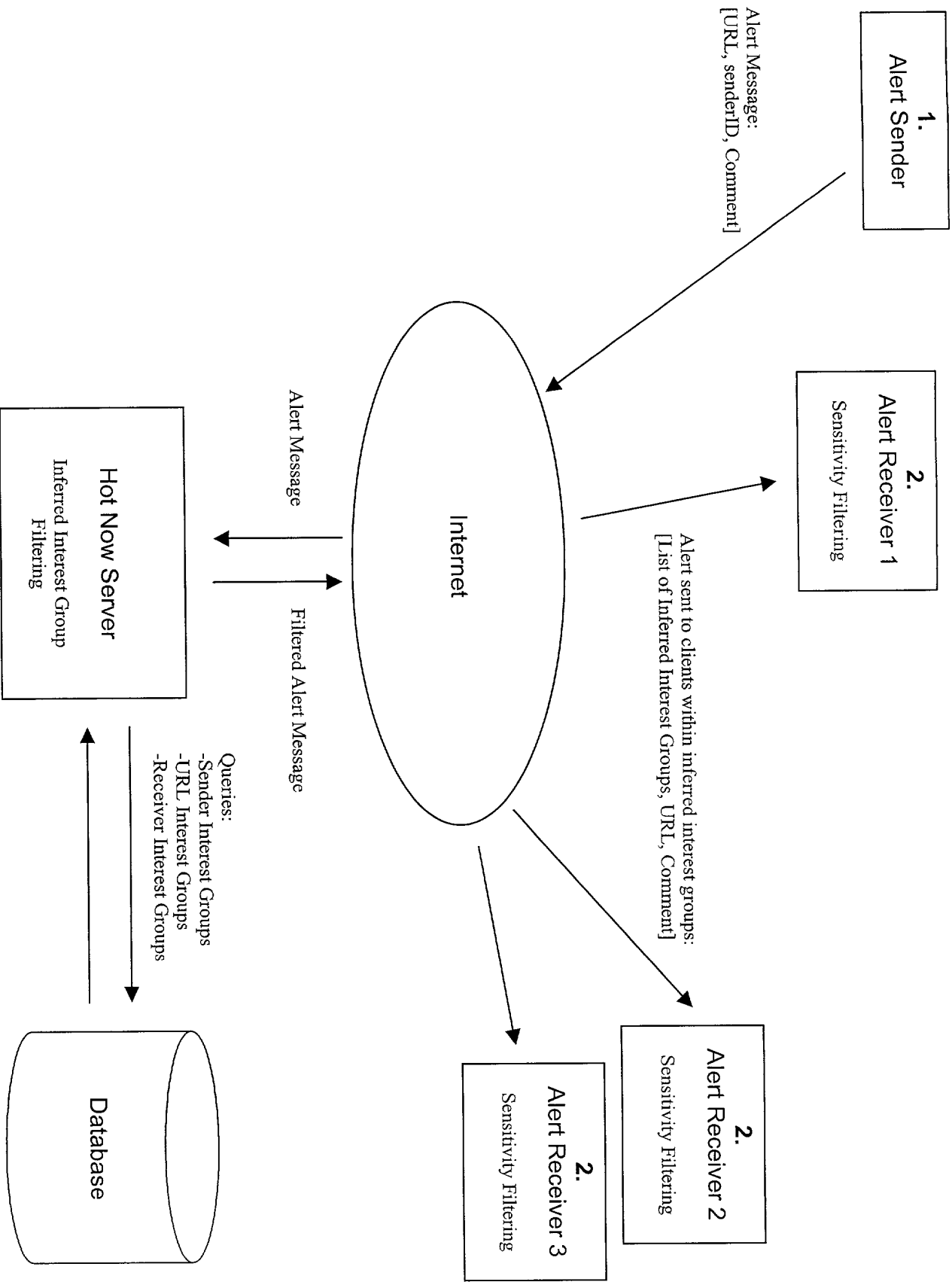
## 5. Other Applications

The Hot Now “bit swarm” system, as well as the “Bitsurge” overload protection, has applications beyond webcams and web video. It has value for any networked phenomena that changes quickly.

One class of applications also involve the Web. For example, the system may be used to provide and alert when someone finds anything on the Web that is timely and worthy of alerting others who have expressed interest, such as auctions.

Another class of applications are non-Web networks. For example, a broadband television environment with several hundred channels and a simple Hot Now infrastructure may be used to help users select channels. For example, a Hot Now button on a remote control with 4 categories to select (e.g. nudity, funny moments, news flashes, and sports climaxes) and only 1 hierarchical level (top level is general interest) may be implemented. Hot Now alerts are propagated when the Hot Now button on the remote is activated during a program. Given how many people already are “channel surfers,” the value of such a system is clear.

Figure 1: Hot Now Application Client/Server Diagram



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**Figure 2. Hot Now Application Server Side Flow Chart – BitSurge Protection**

