

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM, INC., AMAZON WEB SERVICES, INC., and
AMAZON.COM SERVICES LLC,

Petitioner,

v.

ALMONDNET, INC.,

Patent Owner.

Case: IPR2025-00545

U.S. Patent No. 8,494,904

**PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 8,494,904**

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EXHIBIT LIST (37 C.F.R. § 42.63(E))

EX No.	Description
1001	U.S. Patent No. 8,494,904 (“the ’904 patent”)
1002	Declaration of Henry Houh, Ph.D.
1003	Prosecution File History for the ’904 patent
1004	U.S. Patent No. 5,948,061 (“Merriman061”)
1005	U.S. Patent No. 6,415,322 (“Jaye”)
1006	U.S. Patent No. 6,073,241 (“Rosenberg”)
1007	U.S. Patent No. 8,566,154 (“Merriman154”)
1008	Zeff, R., et al., <i>Advertising on the Internet</i> , John Wiley & Sons, Inc., 1997 (“Zeff”)
1009	Mena, J., <i>Data Mining Your Website</i> , Digital Press, 1999 (“Mena”)
1010	Fielding, R., Gettys, J., Mogul, J., Frystyk, H., Masinter, L., Leach, P., and Berners-Lee, T., “Hypertext Transfer Protocol -- HTTP/1.1,” RFC 2616, June 1999 (available at: https://web.archive.org/web/20000815084854/http://www.w3.org/Protocols/rfc2616/rfc2616.txt , Internet Archive capture August 15, 2000) (“RFC 2616”)
1011	Berners-Lee, T. and Connolly, D., “Hypertext Markup Language - 2.0,” RFC 1866, November 1995 (available at: https://web.archive.org/web/20001118042500/https://www.ietf.org/rfc/rfc1866.txt , Internet Archive capture August 16, 2000) (“RFC 1866”)
1012	Claim Construction Order and Memorandum in Support Thereof, <i>AlmondNet, Inc. et al. v. Amazon.com, Inc., et al.</i> , 6:21-cv-00898 (W.D. Tex. June 19, 2023), Dkt. 113
1013	Complaint for Patent Infringement, <i>AlmondNet, Inc. et al. v. Amazon.com Inc. et al.</i> , 6:24-cv-00234 (W.D. Tex. May 3, 2024), Dkt. 1

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U.S. Patent No. 8,494,904

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1014	Final Written Decision, <i>Meta Platforms, Inv. V. AlmondNet, Inc.</i> , IPR2022-01436 (Paper 30)
1015	Story, L. and Helft, M., “Google Buys DoubleClick for \$3.1 Billion,” <i>New York Times</i> , Apr. 14, 2007, https://www.nytimes.com/2007/04/14/technology/14DoubleClick.html , accessed Nov. 26, 2024
1016	Kristol, D. and Montulli, L., “HTTP State Management Mechanism,” RFC 2109, February 1997 (available at: https://web.archive.org/web/20000914191404/https://www.rfc-editor.org/rfc/rfc2109.txt , Internet Archive capture September 14, 2000) (RFC 2109)
1017	Assignment Abstract of Title for Merriman154
1018	Curriculum Vitae of Henry Houh, Ph.D.
1019	U.S. Patent Publication No. 2002/0026351 (“Coleman”)
1020	Scheduling Order, <i>AlmondNet, Inc. et al. v. Amazon.com, Inc., et al.</i> , No. 6:24-cv-00234-RP (W.D. Tex. Feb. 26, 2025), Dkt. 45
1021	Exhibit B to Plaintiffs AlmondNet, Inc. and Datonics LLC’s Disclosure of Preliminary Infringement Contentions as to Defendants, <i>AlmondNet, Inc., et al. v. Amazon.com, Inc., et al.</i> , No. 6:24-cv-00234-RP (W.D. Tex.), served March 7, 2025

U.S. Patent No. 8,494,904 (the “’904 patent”) claims conventional technology related to collecting user profile information for targeted advertising by way of a URL redirect. *See, e.g.*, EX1001, 16:61-65. However, using URL redirections to receive profile information was well known in the prior art. *See* EX1002, ¶¶21-24, 48-121. This Petition demonstrates the ’904 patent claims are unpatentable under two separate grounds. EX1002, ¶¶1-287.

I. BACKGROUND

A. Targeted Advertising

Advertisers have long considered it desirable to “target advertisements to the appropriate potential customer base, rather than to broadcast advertisements in general” because targeted ads are often more effective than non-targeted ads. EX1004, 1:12-15; EX1002, ¶¶48-50. Before the Internet, magazine ads were targeted to expected readers and TV ads were targeted to expected viewers. *See id.* This type of targeting carried over to the Internet era –website ads were initially targeted to expected visitors to those sites. EX1008, 78; EX1002, ¶48. As the Internet grew, website publishers and advertisers quickly realized that conventional web technologies could be leveraged to target specific ads to specific viewers across many websites. EX1008, 45; EX1002, ¶¶49-53, 57-67.

B. Building and Using Profiles for Targeted Advertising

Targeted advertising is performed by matching ad criteria with information about the user to whom the ad will be shown. Information about a user is conventionally stored in a profile. EX1008, 95-96; EX1002, ¶57. One well-known way to collect profile information is by storing database records tracking a user's online activity. EX1008, 18, 50-51; EX1009, 267-268; EX1002, ¶¶57-62. An entity can use the profile to infer the user's interests by analyzing the content of web pages visited by the user. EX1008, 41; EX1002, ¶¶68-75.

1. Cookies

Web servers use cookies to track users' online activity. EX1002, ¶¶68-75. “*Cookies* are small text files created by servers on visiting browsers' hard disks that contain an identification code.” EX1009, 218-219; EX1002, ¶68. “A cookie is most often used as an identification tag.” EX1008, 41; EX1002, ¶68.

Typically, when a web server receives a request from a browser, the server checks to see whether the request includes a cookie. *See* EX1002, ¶69. If not, the web server automatically generates a unique identifier for the browser and includes an instruction in its response telling the browser to store a cookie containing the identifier on the user's computer. EX1005, 5:31-48; EX1008, 41; EX1009, 219, 223; EX1002, ¶69. The user's browser automatically includes the cookie in any subsequent requests to the same website. The web server uses the cookie to

recognize the browser; it can do this because separate requests from the same browser include the same cookie identifier. EX1005, 5:31-48; EX1009, 219; EX1002, ¶70; *see also* EX1016.

A web server can thus use cookies to identify requests coming from the same browser. EX1002, ¶71. Hence, cookies identify *browsers*, not people. EX1009, 219-220, 225; EX1008, 43; EX1002, ¶71. A cookie that identifies a browser also identifies the user computer on which the browser is located. EX1002, ¶71. A browser is often used by one person and a cookie that identifies a browser may be said to identify the person using the browser. *Id.*, ¶72. Cookies are thus conventionally said to identify a browser, computer, and user. *Id.*, ¶73.

Cookies are accordingly used to build profiles of people using web browsers. EX1002, ¶74. One way to use cookies to build user profiles is by storing database records of browser requests to a website, which effectively tracks the user's activities on the website. *Id.*, ¶74. In addition, if the user provides additional profile information while interacting with the website by, e.g., registering or responding to a survey, this information can also be stored in the profile. EX1009, 222-223; EX1008, 41; EX1002, ¶74.

However, servers in a second domain cannot read a cookie placed by a web server in a first domain. EX1008, 40; EX1009, 219-220; EX1002, ¶76. Since each web server can read only the cookies placed by servers in the same domain, different

web servers typically use different cookie identifiers for the same user. EX1002, ¶77. This situation led developers to create techniques allowing different web servers to recognize the same user. *Id.*

2. *Redirects*

One technique for recognizing the same internet user is a “redirect” that causes a user’s browser to pass an identifier between web servers. EX1002, ¶78. A redirect occurs when a web server instructs a web browser to obtain information from a different location. For example, a redirect occurs when a first web server sends a browser a page including code causing the browser to request additional content for the page from a second web server. *Id.*, ¶79.

The first web server can pass profile information to the second web server via the redirect, such as by encoding the profile information into the URL for the content that the first web server instructs the browser to request from the second web server. EX1002, ¶¶63-67, 79. When the browser requests the content from the second web server, the second web server decodes the profile information from the URL and associates it with the identified user. *Id.* In addition, the first and second web servers can use a cookie identifier value passed via redirect to establish a common cookie value for a user shared by both servers. EX1002, ¶¶80-81; *see also* EX1009, 24, 230, 242, 267, 269.

C. Cross-Site Profiles

The ability to recognize the same users at different websites through cookies and redirects allows online advertising companies to pool profile information about users acquired by different web servers and enables better ad targeting. EX1002, ¶¶77-82. Mena describes Engage Technologies (“Engage”), which built user profiles by collecting profile information describing users’ online behaviors from third party websites. According to Mena, Engage software allowed “visitor information to be captured and correlated across multiple websites and Internet domains.” EX1009, 269; EX1002, ¶62. The information is stored in a “proprietary database of millions of Internet user profiles, which include historic and multi-site views of anonymous, individual users’ interests, experiences and usage patterns.” EX1009, 268; EX1002, ¶62.

D. Ad Networks

An ad network acts as an intermediary between website publishers and advertisers by operating an ad server that handles advertising for multiple websites. EX1002, ¶¶54-56. The publishers can thus delegate ad sales to the ad network, and advertisers can buy advertising space from the ad network rather than deal with individual publishers. *Id.* An ad network can also leverage cross-site profiling enabled by cookies and redirects to provide targeted advertising across the

participating websites. EX1008, 28-29, 81, 103-110; EX1009, 320-322; EX1002, ¶¶77-82.

DoubleClick was one of the earliest and most successful ad networks. It “tracks user movements between various member websites run by clients on their advertising networks” and “serve[s] up a unique ad for each user, depending upon a user’s interests as expressed via their selections in the websites that are part of the DoubleClick network.” EX1009, 267; EX1002, ¶¶61, 63-67.

II. OVERVIEW OF THE ’904 PATENT

A. Alleged Invention

The ’904 patent is purportedly directed to “accumulating descriptive profile data” through “profile providers who contribute profile elements about an online visitor.” EX1001, Abstract. A website may use a profile to “make better profit from [a] visitation” by “know[ing] more about the visitor.” *Id.*, 2:38-40, 4:1-4. For example, a profile can be “used by an advertiser for generating targeted advertising.” *Id.*, 8:30-35; EX1002, ¶40.

The ’904 patent describes a website forwarding a “partial profile” of a visitor to a server. EX1001, 4:2-8. The server incorporates the received partial profile into an existing profile believed to be related to the same visitor based on having a matching “name, address, URL, [or] cookie.” *Id.*, 3:39-49, 9:40-52, 12:55-64; EX1002, ¶41.

The patent expressly defines “profile” as “[a] collection of attributes that describe a person or an organization or any other entity that can be described by a combination of data,” such as a person’s interests as reflected in his behavior. EX1001, 2:38-59. The profile attributes may also include “attributes that enable the identification of the entity described by the profile such as name, address, URL, [and] cookie” and “information learned about the entity described by the profile from a communication protocol such as the information learned about the visitor to a website from its http header.” *Id.*, 2:51-59. The patent does not distinguish between profiles and partial profiles, saying “all profiles are, by definition, partial.” EX1001, 7:53-54; EX1002, ¶42.

The ’904 patent describes the partial profile forwarding process as using no more than conventional cookies and redirects:

The web-site forwards particulars from the visitor’s credentials (a partial profile), as well as (optionally) a redirect to a portion of the visitor’s page to a server located in cyberspace (at a juncture in a data communications topology). By redirecting a portion of the visitor’s page to the server, the visitor’s browser reports to the server a cookie the server put on the visitor’s computer in the past, if any. This server interconnects the user’s transactions and the server[’s] own cookie (if used) with a computer having therein software for running the method of the present invention.

EX1001, 4:4-14, 12:10-20. The computer that receives the forwarded information “uses the forwarded visitor credentials with its server cookie (if any) to search the associated databank.” EX1001, 4:17-18; EX1002, ¶43.

B. Priority Date

The '904 patent claims priority through a chain of U.S. continuations to Israel Application No. 133,489, filed December 13, 1999 (the “effective filing date”). EX1001; EX1002, ¶39. This Petition shows the challenged claims were invalid as of the effective filing date.¹

III. IDENTIFICATION OF CHALLENGE

A. Statutory Grounds

Petitioner requests *inter partes* review and cancellation of the challenged claims on the following grounds:²

Ground	Claims	Statutory Basis	Prior Art
1	1, 3-6, 10-11, 13-16, 20-21, 23-26, 30	§103	Merriman061 and Jaye
2	1, 3-6, 9-11, 13-16, 19-21, 23-26, 29-30	§103	Rosenberg and Merriman154
3	7-8, 17-18, 27-28	§103	Merriman061, Jaye, and Coleman

¹ Petitioner reserves the right to challenge the '904 patent's effective filing date.

² Patent Owner disclaimed claims 2, 12, and 22 of the challenged patent. EX1001, 16.

Ground	Claims	Statutory Basis	Prior Art
4	7-8, 17-18, 27-28	§103	Rosenberg, Merriman154, and Coleman

Grounds 1-4 demonstrate that any differences between the claimed subject matter and the prior art are such that the subject matter, as a whole, would have been obvious to a person of ordinary skill in the art at the time of the effective filing date of the '904 patent (“POSITA”). *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007); *see also* EX1002, ¶¶25-29.

B. Prior Art³

1. Merriman061

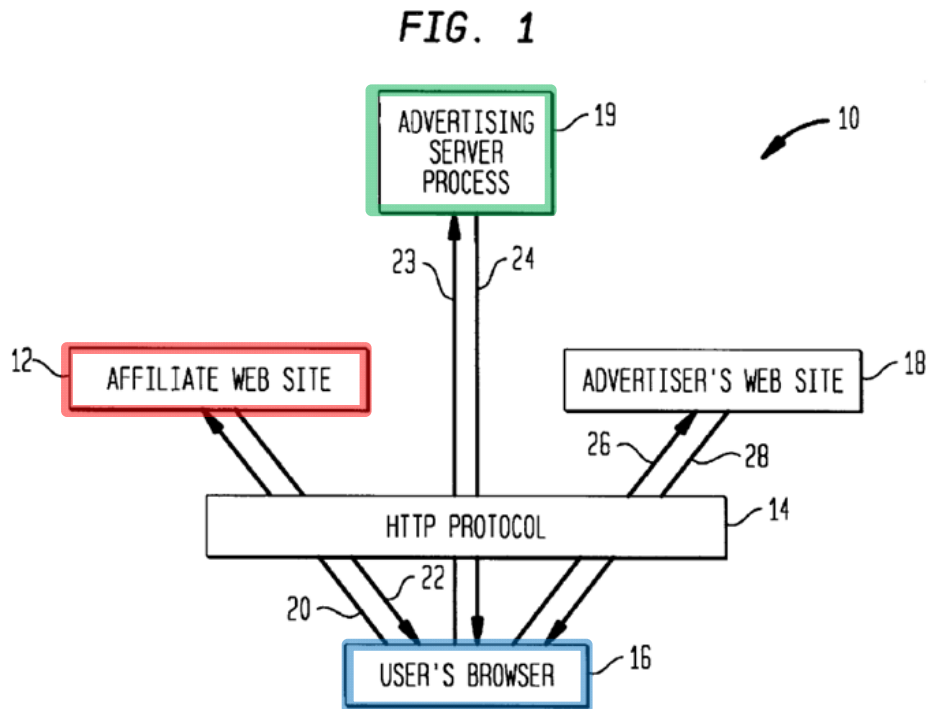
Merriman061 is prior art under §102(a) because it issued on September 7, 1999, before the effective filing date of the '904 patent. EX1004. Merriman061 is assigned on its face to “Double Click, Inc.,” the same “DoubleClick” discussed above. EX1004, 1; EX1002, ¶¶84-85.

Merriman061 relates to “targeting the delivery of advertisements over a network such as the Internet.” EX1004, Abstract. Merriman061 discloses a system including “an advertising server” that, responsive to a user “accessing the page of a

³ Pre-AIA 35 U.S.C. §102 applies to the '904 patent.

site,” selects an “appropriate one of the advertisement[s] based upon profiling of users and networks.” *Id.*; EX1002, ¶86.

Merriman061 illustrates the various entities involved in its operation in Figure 1.



EX1004, Fig. 1.⁴ These entities include a user browser 16, “at least one affiliate web site⁵ 12,” an “advertisement (ad) server web site 19” (shown as an “advertising

⁴ All annotations and emphases are added unless otherwise noted.

⁵ The “affiliate web site” is unaffiliated with the entity operating the ad server under Patent Owner’s construction of this term as explained below.

server process” in the figure), and an individual advertiser’s website 18. *Id.*, 2:59-62; EX1002, ¶87.

The affiliates are “one or more entities that generally for a fee contract with the entity providing the advertisement server [to] permit third party advertisements to be displayed on their web sites.” EX1004, 2:62-65. When the user’s browser requests a web page from the affiliate website, the website provides the browser “all of the information available” for the page “except for one or more advertising objects.” *Id.*, 3:30-34. Rather than send an ad directly, “the affiliate’s web server sends back a link” to a location on the ad server. *Id.*, 3:35-38; EX1002, ¶¶88-90.

The user’s browser then transmits a request for an ad using the link to the ad server and includes user profile information with the request. EX1004, 3:44-52. In response, the ad server selects the appropriate ad and sends it to the user’s browser, which displays the ad with the web page content received from the affiliate web server. EX1004, 3:59-63; EX1002, ¶91.

To select which ad to display to the user, the ad server “first attempts to identify the user” for example by reading an identification number in the cookie received with the request. EX1004, 5:10-20. Once the ad server identifies the user, “the ad server obtains from a database all of the information known about the user.” EX1004, 5:50-59, 8:54-56. The ad server compares the targeting criteria of available

ads to the information about the user and selects an ad to return to the user. EX1004, 5:64-6:59; EX1002, ¶¶92-93.

2. *Jaye*

Jaye is prior art under §102(e) because it was filed on February 26, 1999, before the effective filing date of the '904 patent, and issued July 2, 2002. EX1005. *Jaye* is assigned on its face to “Engage, Inc.,” the same “Engage” discussed earlier. EX1005; EX1002, ¶¶94-95.

Jaye describes a “distributed identification scheme” in which local servers provide local profiles to an enterprise server. EX1005, 2:12-14. The enterprise server compiles “a global user profile from local user profiles generated by the local servers.” *Id.* The enterprise server may share the global user profiles with advertisers. EX1005, 1:17-20, 2:6-10; EX1002, ¶¶96-97.

Jaye discloses several redirection techniques by which a local server operating a website sends profile information to the enterprise server. EX1005, 6:32-56; EX1002, ¶¶98-106. These techniques operate by causing “the local server [to] force[] a transfer to the enterprise server,” which *Jaye* illustrates in Figure 2:

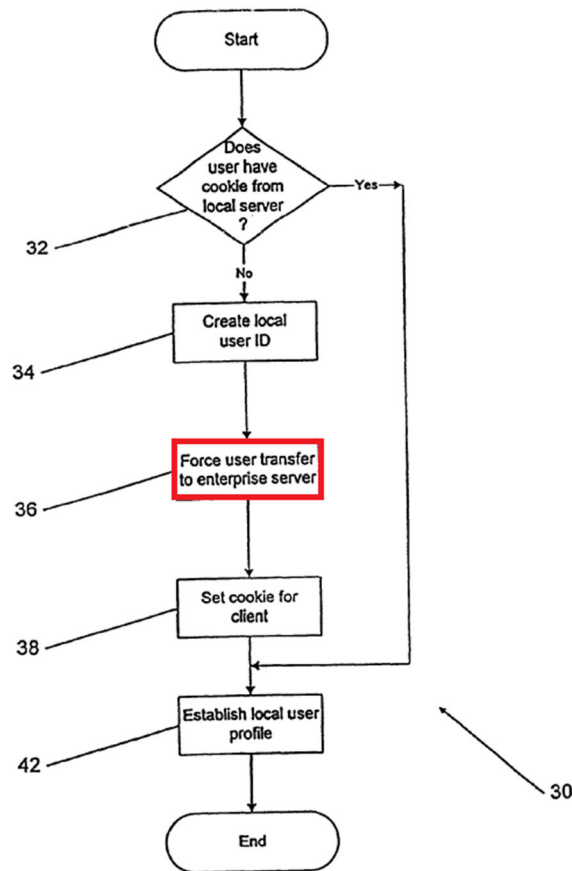


FIG. 2

EX1005, 6:32-34. In one technique, which Jaye calls “conventional,” “the local server...insert[s] a special URL into the HTML page requested by the client” which “points to the enterprise server 16 and calls for insertion of a graphics image hav[ing] zero width and height.” *Id.*, 6:36-40. “The special URL may also contain additional information...[which] may be appended to the end of the URL in the form of `http://enterprise_server_id/go?local_server_sid&client_information.`” *Id.*, 2:40-46. This technique thus redirects the browser from the local server to the enterprise

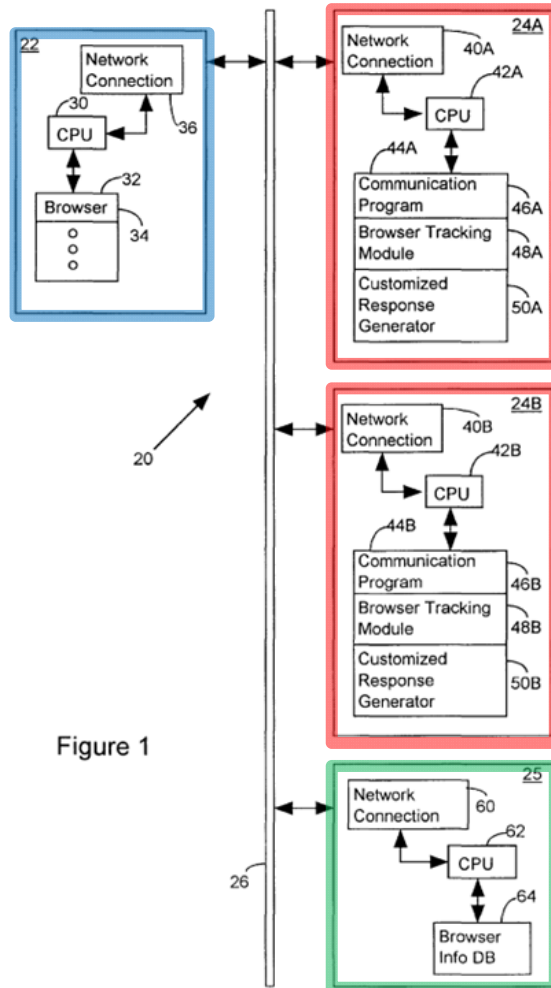
server to pass the profile information appended to the end of the URL. EX1002, ¶¶102-103.

3. Rosenberg

Rosenberg is prior art under §102(e) because it was filed on August 29, 1996, before the effective filing date of the '904 patent, and issued on June 6, 2000. EX1006; EX1002, ¶107.

Rosenberg describes a technique in which a group of servers observe a common protocol to track web browsers “across distinct domains.” EX1006, 1:7-11, 3:11-30, 4:52-64, 7:47-58, 7:62-8:11; EX1002, ¶¶108-109. A database server collects profile information contributed by other servers, and the collected profile information can be accessed by “each server” in the group. EX1006, 5:12-14, 7:47-58. Thus, any server in the group can access the profile information to provide tailored content to users. *Id.*, 3:4-8, 7:10-13; EX1002, ¶109.

Rosenberg illustrates the various entities involved in its technique:



EX1006, Fig. 1. Shown are “at least one client computer 22,” “at least one server computer 24[A and B],” and a “server computer 25 that is used as a database server.”

Id., 4:2-6, 4:19-21; EX1002, ¶110.

In operation, a client browser operating on the client computer requests a web page from a first server. EX1006, 5:1-9. The first server determines whether it “has set a cookie for this browser” and, if not, generates a unique identification value for the browser. *Id.* The first server provides the unique identification value to the

database server, and the database server creates a new database entry for the browser identified by the unique value. *Id.*, 2:15-17, 5:9-16, 7:66-67; EX1002, ¶111.

The first server also sets a cookie containing the identifier in the client browser and redirects the browser to the other cooperating servers to convey the identifier. EX1006, 5:17-24, 8:12-9:24; EX1002, ¶112. The other cooperating servers use the identifier in their respective cookies for that browser. EX1006, 5:28-54; EX1002, ¶¶112-114. Thus, the cooperating servers and the database server use the same identifier for the client browser, which allows the browser to be tracked across multiple server domains. EX1006, 5:55-6:58; 7:46-61; EX1002, ¶¶112-114.

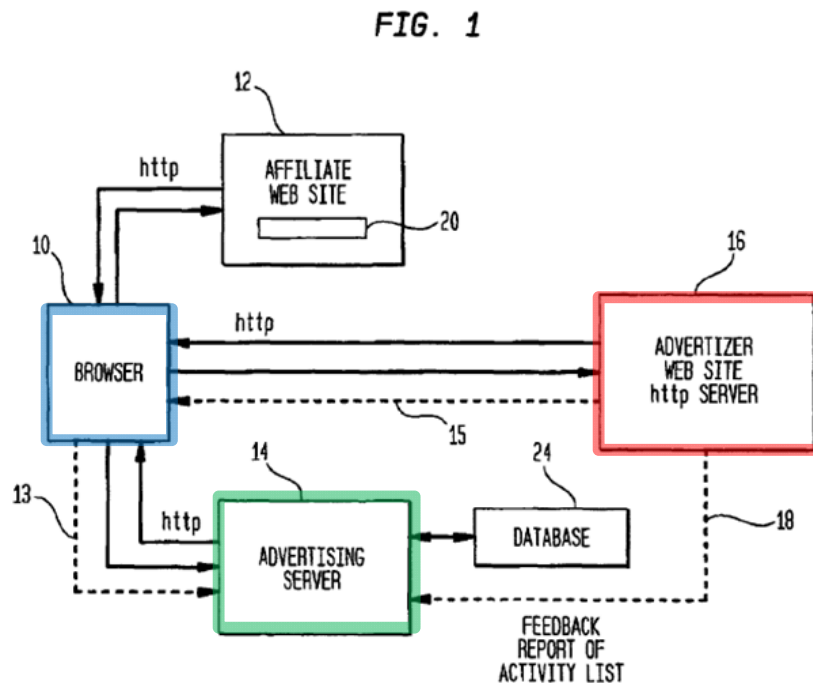
4. *Merriman154*

Merriman154 is prior art under §102(e) because it was filed on February 26, 2002 as a continuation of an application filed July 27, 1999, and issued on October 22, 2013. *Merriman154* also claims priority as a continuation-in-part of an application filed on June 15, 1998 and claims the benefit of provisional applications filed in 1998 and 1997.⁶ *Merriman154* is assigned on its face to Google Inc. and was initially assigned by its inventors to “DoubleClick Inc.,” the same “DoubleClick” discussed above. EX1007, 1; EX1017, 2; EX1002, ¶¶115-117.

⁶ Petitioner reserves the right to argue *Merriman154* is entitled to a priority date earlier than July 27, 1999.

Merriman154 describes “re-targeting,” a type of targeted advertising in which “a new follow up (re-targeted) advertisement from a specific advertiser who targeted that viewer previously, is selected for that viewer based on the viewer’s own past behavior at that specific advertiser’s web site.” EX1007, 3:30-34; EX1002, ¶118.

Merriman154 illustrates the various entities involved in its targeted advertising system in Figure 1:



EX1007, Fig. 1. Merriman154’s system includes a **user browser 10**, and “at least one affiliate web site 12,” who is “a publisher or other content provider having advertising space 20 to fill,” an “**advertising server 14**,” and “**advertiser web sites 16**.” *Id.*, 4:27-39, 5:9-11. When a user uses the **browser** to access the **advertiser website**, the user’s activities at that site are communicated back to the **advertising**

server via a feedback path using “spotlight tags,” which are redirect messages from the advertiser website to the advertising server that “provide[] real time reporting of user activities while the user is in the advertising [*sic*, advertiser] web site 16.” EX1007, 4:39-43, 4:54-5:2, 5:38-49; EX1002, ¶¶119-121.

5. *Coleman*

Coleman is prior art under §102(e) because it was filed on June 30, 1999, and published on February 28, 2002. EX1019; EX1002, ¶266.

Coleman discloses presenting advertisements to “targeted potential purchasers” based on user profile information. EX1019, Abstract, [0002], [0022], [0063], [0117]; EX1002, ¶267. Coleman further discloses verifying received profile information “by comparing it to information in... other databases.” EX1019, [0049], [0056], [0073]-[0075]; EX1002, ¶268. The profile is “updated to reflect information from which verification... was successful and information from which verification... was not successful.” EX1019, [0074]-[0075]; EX1002, ¶268.

IV. LEVEL OF ORDINARY SKILL IN THE ART

A POSITA would have experience in online advertising and computer science. A POSITA’s education could include a bachelor’s degree in business or economics, with an emphasis on the use of technology in marketing or advertising, or have similar knowledge gained through actual work experience. Such a person could also hold a bachelor’s degree in computer science or equivalent industry

experience, and work with a team that includes software engineers. A person could also have qualified with more formal education and less technical experience, or vice versa. EX1002, ¶¶3-18, 30-34.

V. CLAIM CONSTRUCTION

Claims subject to *inter partes* review are “construed using the same claim construction standard that would be used to construe the claim in a civil action under 35 U.S.C. §282(b), including construing the claim in accordance with the ordinary and customary meaning of such claim as understood by one of ordinary skill in the art and the prosecution history pertaining to the patent.” 37 C.F.R. §42.100(b). Further, “[a]ny prior claim construction determination concerning a term of the claim in a civil action...that is timely made of record in the *inter partes* review proceeding will be considered.” *Id.*

For the purposes of this Petition, Petitioner applies plain-and-ordinary meaning to all terms.⁷ EX1002, ¶¶35-38. This is consistent with the Court’s Claim Construction Order in *AlmondNet, Inc. et al. v. Amazon.com, Inc., et al.*, 6:21-cv-00898 (W.D. Tex.) (“AlmondNet I”), which applied plain-and-ordinary meaning to terms recited in parent U.S. Patent No. 8,244,582 (“the ’582 Patent”) that are also recited in the ’904 patent. *See* EX1012; EX1002, ¶36; *see also* EX1014 (PTAB

⁷ Petitioner reserves the right to offer different claim constructions in other forums.

applied “ordinary and customary meaning” to claim terms in IPR of the ’582 Patent). These terms are: “unaffiliated third parties” / “unaffiliated third party” (EX1012, 18-24); “partial profile” (EX1012, 25-28); “available” (EX1012, 28-31); “automatically with the computer system” / “automatically” (EX1012, 31-33); “URL redirection” (EX1012, 33-37); and “indicia of instructions” (EX1012, 37-42).

In *AlmondNet I*, Patent Owner proposed that “unaffiliated third parties”/“unaffiliated third party” means “a party not having common ownership with the party or parties that control said programmed computer system.” EX1012, 18-22. Patent Owner also proposed that “URL redirection” means “obtaining certain information for at least a portion of an accessed page / site from a different location.” EX1012, 33-36; EX1002, ¶37. This Petition adopts Patent Owner’s proposed constructions as consistent with the plain-and-ordinary meanings of these terms. *See id.*; *see also* EX1012, 22-24, 36-37; EX1002, ¶37.

VI. GROUND 1: MERRIMAN061 AND JAYE

A. Motivation to Combine Merriman061 and Jaye

A POSITA would have been motivated to combine Merriman061 and Jaye. EX1004, 1:8-11; EX1005, 14:22-25; EX1002, ¶122. Both references relate to targeted advertising on the Internet. EX1002, ¶122. Merriman061 explains that “it is considered highly desirable to target advertisements to the appropriate potential customer base.” EX1004, 1:13-14, 1:52-53; EX1002, ¶123. Merriman061

accordingly discloses techniques for gathering profile information about users and using it to target ads to the users. *See, e.g.*, EX1004, Abstract, 1:64-2:3, 2:6-30, 4:44-5:7, 5:50-59, 7:46-8:30, 8:39-46; EX1002, ¶123. Jaye, in turn, recognizes the importance of collecting profile information for targeted advertising. *See, e.g.*, EX1005, Abstract, 1:18-38, 2:6-10, 14:22-25; EX1002, ¶123. Jaye specifically discloses techniques for combining profile information from multiple local websites visited by users into more comprehensive global profiles that may be shared with “interested outside parties, such as advertisers.” EX1005, 2:6-8, 2:15-3:40, 5:5-19, 6:1-7:45, 8:40-10:41; EX1002, ¶123. A POSITA in possession of Merriman061 therefore would have been motivated to incorporate Jaye’s techniques for collecting and combining profile information to enhance and improve Merriman061’s ad targeting by providing more information about the users to whom the ads are targeted. EX1002, ¶123. Additional motivations to combine the references are provided below.

B. Claim 1

[1.pre] “An automated method of collecting profiles of Internet-using entities, the method comprising:”

To the extent the preamble is limiting, Merriman061 discloses it. EX1002, ¶¶126-134. Merriman061 describes an advertising network that implements a method for “targeting the delivery of advertisements over a network.” EX1004,

Abstract, 1:8-11, 2:6-7, 14:2-3. Merriman061's method targets ads by collecting profiles of users who are Internet-using entities. EX1002, ¶126.

Specifically, “[w]hen a user using a browser accesses or ‘visits’ a web site of an affiliate, an advertisement provided by the advertisement server 19 will be superimposed on the display of the affiliate’s web page displayed by the user’s browser.” EX1004, 2:65-3:1; EX1002, ¶127. Such users are “Internet-using entities” because the users use a browser to visit a website on the Internet. EX1004, 4:12-15; EX1002, ¶127. Merriman061 collects information about the users and stores it as profiles in a database. EX1004, 3:41-52, 4:44-51, 8:51-56; EX1002, ¶¶128-129. Merriman061’s method is performed automatically when a user visits a website and is thus “automated.” EX1004, 3:41-52, 4:25-28, 5:13-28, 6:17-19, 7:45-8:30; EX1002, ¶130.

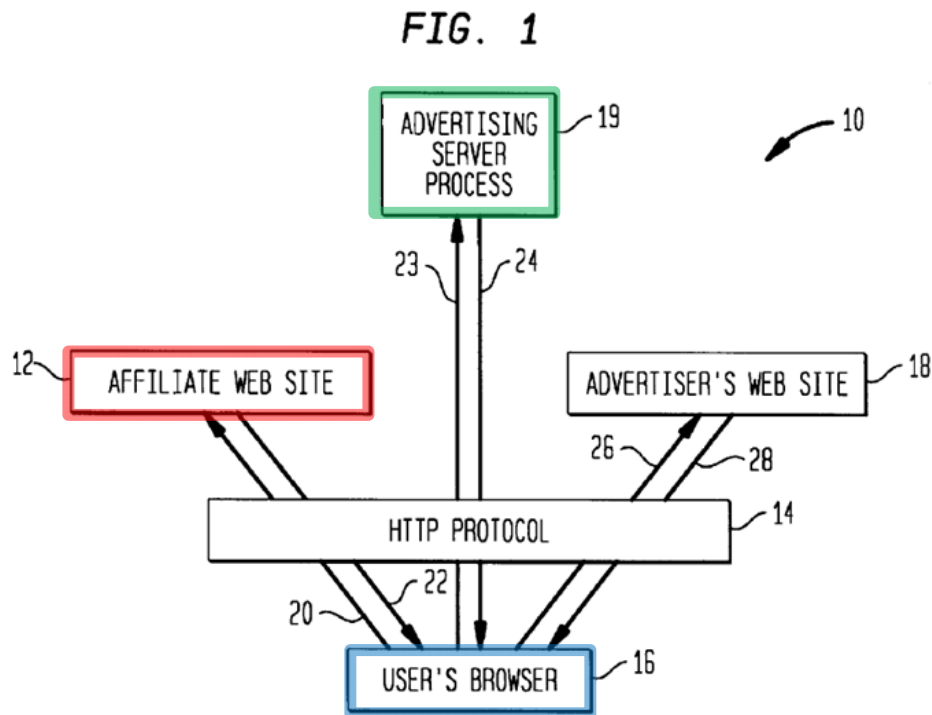
[1.a(i)] “(a) electronically receiving at a programmed computer system coupled to a global computer network, from at least one server controlled by one of a plurality of unaffiliated third parties, an electronically URL-redirectioned partial profile of an entity that uses a user computer coupled to the global computer network to access a website, which partial profile [...] contains at least one profile attribute related to the entity...”

Merriman061 in combination with Jaye discloses this limitation. EX1002, ¶¶135-158.

Figure 1 of Merriman061 teaches the basic structure, including the “programmed computer system coupled to a global computer network,” “at least one server controlled by one of a plurality of unaffiliated third parties,” and “entity that

uses a user computer coupled to the global computer network to access a website.”

EX1002, ¶136.



EX1004, Fig. 1.

The “**advertising server process**” is a “programmed computer system coupled to a global computer network” because it is “an advertisement (ad) server web site” that comprises a programmed computer coupled to the Internet. EX1004, 2:60-61, 3:15-18, 4:15-24; 9:8-16; EX1002, ¶137.

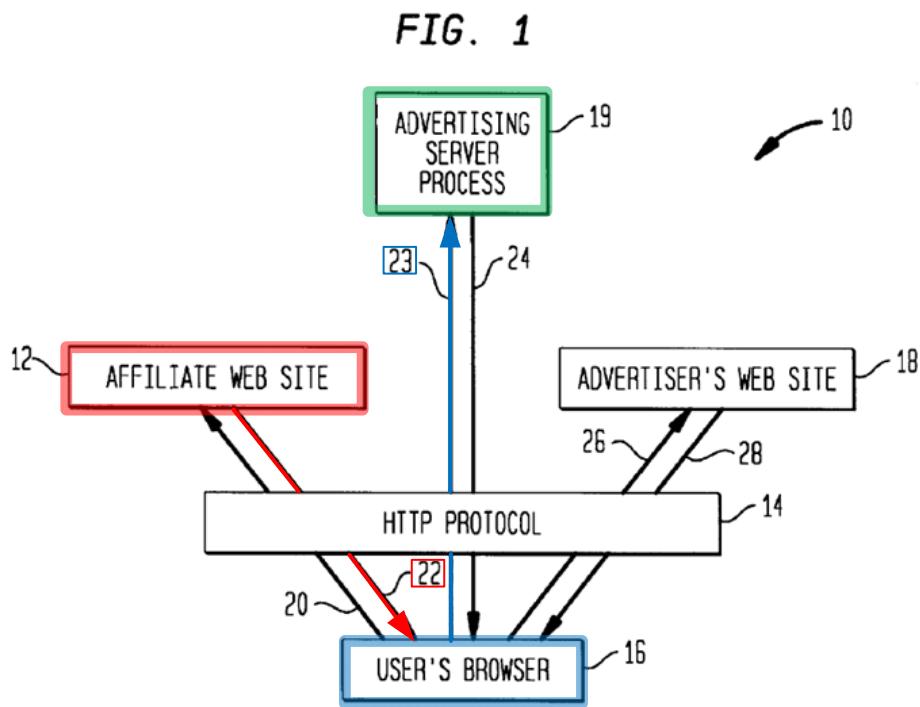
The “**affiliate web site**” is “at least one server controlled by one of a plurality of unaffiliated third parties.” EX1002, ¶138. The web site is provided by a web server. EX1004, 3:28-35, 4:16-17. The server providing the website is controlled by a publisher that is one of a plurality of publishers. EX1008, 26; EX1002, ¶139.

Despite Merriman061's terminology, the publisher controlling the web server providing the "affiliate website" is an unaffiliated third party as that term is used in the challenged claim. *See* EX1002, ¶¶140-142. Patent Owner asserted that the plain-and-ordinary meaning of "unaffiliated third party" is "a party not having common ownership with the party or parties that control said programmed computer system." EX1012, 18-24; EX1002, ¶¶37, 142. In Merriman061, "affiliate" refers to an entity that "for a fee contract[s] with the entity providing the advertisement server" to "permit third party advertisements to be displayed on their web sites." EX1004, 2:59-3:4; EX1002, ¶141. A POSITA would have understood that Merriman061's "affiliate website" does not share common ownership with the entity controlling the ad server. EX1002, ¶¶141-142; EX1008, 39. The server providing Merriman061's affiliate website is thus "at least one server controlled by one of a plurality of unaffiliated third parties." EX1002, ¶142.

The "user's browser" represents "an entity that uses a user computer coupled to the global computer network to access a website." EX1002, ¶143. Merriman061 describes "a user browsing on the Internet" who "accesses an affiliate's web site." EX1004, 3:6-7. The "user operates a web browser...on a computer or PDA or other Internet capable device." EX1004, 3:24-29; EX1002, ¶143.

Merriman061 discloses the ad server "electronically receiving...an electronically URL-redirected partial profile of an entity..., which partial

profile...contains at least one profile attribute related to the entity.” EX1002, ¶¶144-151. When a user’s browser requests a web page from the affiliate web site 12, the web site “transmits one or more messages back 22 containing the information to be displayed by the user’s browser” except for “one or more advertising objects” which “do not reside on the affiliate’s web server.” EX1004, 3:5-15, 3:24-38; EX1002, ¶145.



EX1004, Fig. 1. The messages include “a link including an IP address for a node running an advertiser server process 19.” EX1004, 3:35-38. The link “may be a hypertext markup language (HTML) tag, referring to, for example, an inline image such as a banner.” *Id.*, 3:38-41; EX1002, ¶145. “The user’s browser 16 then transmits a message 23 using the received IP address to access such an object

indicated by the HTML tag from [the advertisement server 19](#).” EX1004, 3:41-44; EX1002, ¶148.

This link causes an electronic URL redirection. EX1002, ¶146; *see also* EX1011, 9, 34-35. The plain-and-ordinary meaning of “URL redirection” is “obtaining certain information for at least a portion of an accessed page / site from a different location.” EX1012, 33-37; EX1002, ¶146. This meaning is consistent with the '904 patent, which refers to “redirecting a portion of the visitor’s page to [a] server.” EX1001, 4:4-11, 12:17-20; EX1002, ¶146. In Merriman061, the affiliate website sends an [electronic message 22](#) containing a link instructing the user’s browser to [transmit a request 23](#) for an image from the ad server; i.e., the affiliate website redirects the user’s browser to the ad server. EX1002, ¶146.

The redirection causes the ad server to receive a message including user profile information including “a cookie if the browser 16 is cookie enabled and stores cookie information” and “a substring key indicating the page in which the advertisement to be provided from the server is to be embedded” (which is likewise the page being visited by the user). EX1004, 3:35-52; EX1002, ¶¶147-148. This information constitutes a partial profile of the user. EX1002, ¶¶147-149; *see also* EX1001, 2:38-59, 7:53-54. Merriman061 thus discloses the ad server “electronically receiving...an electronically URL-redirectioned partial profile of an

entity..., which partial profile...contains at least one profile attribute related to the entity” via messages 22 and 23. EX1002, ¶¶147-149.

Merriman061 does not explain precisely how the partial profile is received “from at least one server controlled by one of a plurality of unaffiliated third parties.” EX1002, ¶150. Jaye discloses that when a client requests a web page from a “local server,” the local server redirects the client to an “enterprise” (also called a “global”) server using a “special URL.” See EX1005, 2:31-40, 6:32-46; EX1009, 268-69; EX1002, ¶¶151-154. Jaye illustrates this process in Figure 2:

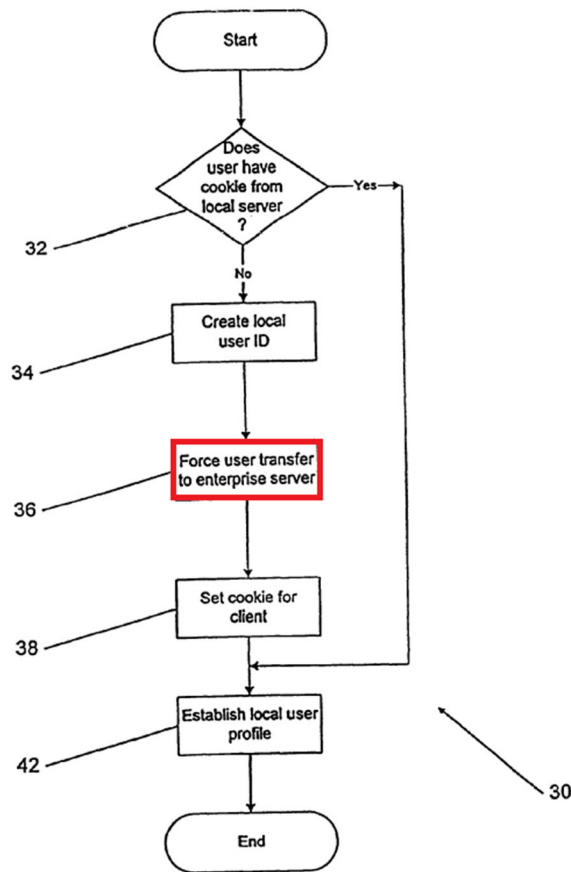
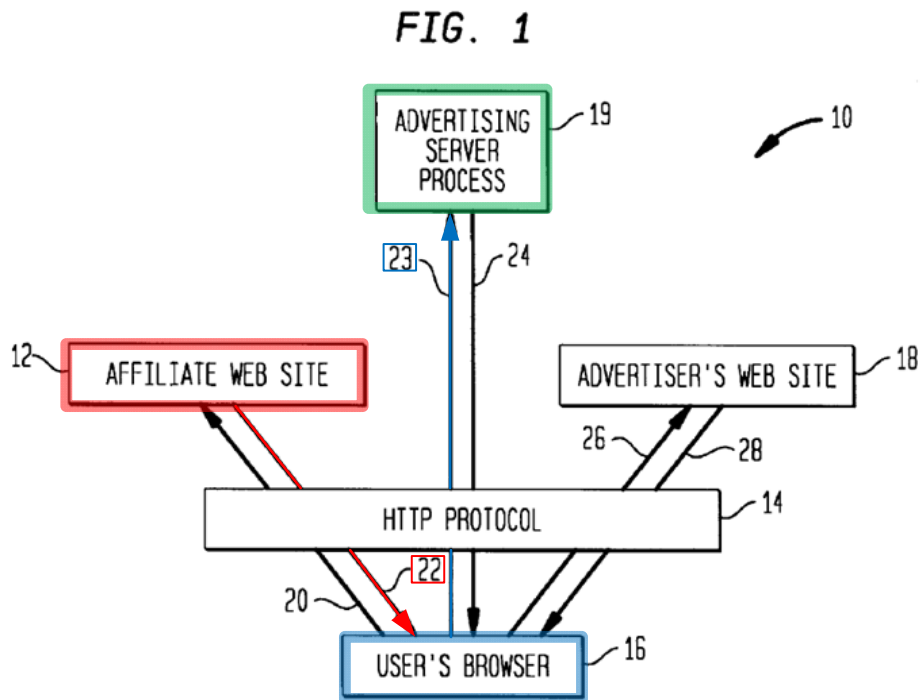


FIG. 2

EX1005, Fig. 2.

The special URL contains information appended at the end conveying profile information from the local server to the enterprise server. EX1005, 6:32-43. For example, the local server may use the URL “http://enterprise_server_id/go?local_server_id&client_information.” *Id.*, 6:40-46. Here, “local_server_id” is the identifier of the local server visited by the user and “client_information” is additional information about the user, such as the local identifier of the user. EX1005, 6:40-43; EX1002, ¶¶153-154.

In the Merriman061-Jaye combination, Merriman061’s affiliate website uses Jaye’s special URL to append profile information (i.e., a partial profile) to the URL that redirects the user’s browser to the ad server in messages 22 and 23. EX1004, 3:35-38; EX1005, 6:32-43; EX1002, ¶155.



EX1004, Fig. 1. The appended profile information includes information identifying the web page being visited by the user as taught by Merriman061 and the information taught in Jaye. The ad server thus receives the electronically URL-redIRECTED partial profile of the user from the affiliate website because the affiliate's website causes the user's browser to provide profile information about the user to the ad server. EX1004, 3:24-52; EX1005, 6:34-58; EX1002, ¶155.

A POSITA would have been motivated to make this combination and found this modification obvious because it would efficiently convey additional profile information to Merriman061's ad server in real time, enable more precise targeting, and increase advertising revenue. EX1004, 1:52-53; EX1005, 1:18-25; EX1008, 16, 28, 43, 105; EX1002, ¶¶50, 156-157. Including Merriman061's "substring key" for

the page containing the ad with Jaye's local server and user IDs in the redirection URL conveniently identifies the website, web page, and user who visited that site and page. EX1004, 3:35-52; EX1005, 6:40-46. Jaye confirms this information is useful for targeted advertising and Merriman061 discloses the ad server stores this type of profile information in a database:

FIG. 3A

USER ID	IP ADDRESS	DOMAIN TYPE	TIME ZONE	LOCATION	SIC	ADS SEEN	ADS CLICKED ON	PAGES ADS SEEN ON
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EX1004, Fig. 3A, 4:43-55; EX1005, 1:28-38; EX1002, ¶156.

This modification is a combination of prior art elements disclosed in Merriman061 and Jaye according to known methods to yield predictable results. EX1002, ¶157. Merriman061 teaches that the affiliate website redirects the user's browser to the ad server using an HTML tag with a URL. *Id.*; EX1004, 2:19-23, 3:44-52. Jaye discloses that the profile information may be appended to a redirection URL using the string “?local_server_id&client_information,” for example. EX1005, 6:40-46. A POSITA would have been motivated to make this combination because it provides a simple way to enhance user profile information, provide that information in real time to improve targeted advertisements, and increase ad revenue for the ad network and website publishers. EX1002, ¶¶50, 157-158. A POSITA would have had a reasonable expectation of success because using

a URL in this way is conventional. EX1005, 4:7-20, 6:26-38, 7:49-57; EX1002, ¶157; *see also* EX1008, 41; EX1009, 218-219.

[1.a(ii)] “... which partial profile is available to one of the third parties ...”

In the combination, the partial profile is “available” to the affiliate website because the website necessarily has access to the partial profile to append the profile information to the URL as taught in both Merriman061 and Jaye. EX1004, 3:44-52; EX1005, 6:22-31, 6:43-46; EX1002, ¶¶159-160. In addition, Jaye teaches that the substring key identifying the web page visited by the user is available to the affiliate website. EX1005, 7:7-19, EX1002, ¶159. The local user ID is also available to the affiliate website because it can read this value from a cookie provided by the user’s browser. *Id.*, 5:31-67, EX1002, ¶159. Profile information including a local ID of a user and the pages at a website visited by the user is also captured and stored by conventional website logging tools and thus available to the third party via the website log. EX1002, ¶¶160-162.

[1.a(iii)] “... which partial profile is received along with an identification of the one of the third parties that contributed the partial profile,”

In the combination, the partial profile is “received along with an identification of the one of the third parties that contributed the partial profile.” The `local_server_id` in Jaye’s special URL identifies the affiliate website contributing the other profile information, including the user ID and the substring key. EX1005, 6:40-46, 7:49-51; EX1002, ¶¶163-164. It also would have been obvious to receive

the identification of the contributing server using the conventional HTTP “Referer” [sic] field. EX1002, ¶165.

[1.a(iv)] “and automatically with the computer system storing the received partial profile;”

The combination discloses automatically storing the received partial profile. EX1002, ¶¶166-167. Merriman061’s ad server maintains a “database structure” that stores profile information for “each user identified by the system:”

FIG. 3A

USER ID	IP ADDRESS	DOMAIN TYPE	TIME ZONE	LOCATION	SIC	ADS SEEN	ADS CLICKED ON	PAGES ADS SEEN ON
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EX1004, Fig. 3A, 4:43-51. A POSITA would have understood that the ad server automatically stores received profile information in the database because this is an obvious way to implement a computerized system. EX1004, 5:10-63; EX1002, ¶166.

Combined with *Jaye*, Merriman061’s ad server receives profile information appended at the end of the redirect URL. A POSITA would have found it obvious that the ad server stores this profile information in the database given that Merriman061 discloses storing profile information in a database and *Jaye* explicitly discloses storing the profile information appended to the URL in a database. EX1004, 4:43-51; EX1005, 8:23-26; EX1002, ¶167. Doing so would allow the ad server to combine profile data received from the affiliate websites on a per-user basis

to build more robust user profiles. EX1004, 8:51-56; EX1005, 2:21-24, 3:3-9, 8:35-43. This is a combination of known elements disclosed in Merriman061 and Jaye according to known methods to yield the predictable result of storing additional information in a database. A POSITA would have reasonably expected the combination to be successful because using a database to store information in this way is conventional. EX1005, 8:16-28; EX1002, ¶167.

[1.b] “(b) automatically with the computer system electronically adding the received partial profile to a maintained profile believed to be related to the same entity;”

Merriman061 in combination with Jaye discloses this limitation. EX1002, ¶¶168-171. As discussed above for limitation [1.a(iv)], Merriman061 in combination with Jaye discloses that the ad server automatically stores the received partial profile in a database. In addition, the ad server obviously performs the automatic storage electronically because it is done by a computer. EX1004, 5:10-63; EX1002, ¶168.

A POSITA would have combined the references so that the ad server adds “the received partial profile to a maintained profile believed to be related to the same entity.” Merriman061’s database stores for “each user identified by the system,” “all of the information known about the user.” EX1004, 4:43-55, 5:50-60. This stored information corresponds to a “maintained profile.” EX1002, ¶169.

As it receives additional partial profiles for a user, Merriman061's ad server adds the partial profile information to the maintained profile believed to be related to the same user, i.e., to the database record having the "USER ID" field value that matches the user's identification number received via the redirection. EX1004, 2:11-15, 2:26-30, 4:43-55, 5:10-20; EX1005, 6:32-58; EX1002, ¶¶170-171.

FIG. 3A

USER ID	IP ADDRESS	DOMAIN TYPE	TIME ZONE	LOCATION	SIC	ADS SEEN	ADS CLICKED ON	PAGES ADS SEEN ON
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EX1004, Fig. 3A.

[1.c] “(c) automatically with the computer system generating and storing an electronic record of which of the plurality of unaffiliated third parties contributed to the maintained profile particular profile attributes;”

Merriman061 combined with Jaye discloses this limitation. EX1002, ¶¶172-173. In the combination, Merriman061's modified ad server adds the received partial profile to the user's database record as discussed for limitation [1.b]. EX1002, ¶172. The ad server adds the partial profile by automatically generating and storing an electronic database record to hold the profile information, such as by modifying an existing database record or creating new database records. *Id.*; EX1009, 48-50.

In combination the stored record includes the local server ID, which identifies both the website visited by the user and the website that redirected the user's browser to the ad server. EX1005, 7:49-53, 8:25-26. The local server ID thus identifies

“which of the plurality of unaffiliated third parties contributed to the maintained profile particular profile attributes” – the third party that operates the website identified by the local server ID is the one that contributed particular profile attributes including the user ID and the substring key indicating the page in which the advertisement to be provided from the ad server is to be embedded. EX1002, ¶173.

[1.d] “(d) wherein the maintained profile, including the added partial profile, comprises data used in targeting third-party advertisements to the user computer over the global computer network.”

Merriman061 discloses this limitation. EX1002, ¶¶174-175. Merriman061 discloses using the profile data in the database, which stores the maintained profile including the added partial profile, to target advertisements to the user computer over the Internet. EX1004, 2:18-36, 3:52-62, 4:50-55, 5:50-6:59; EX1002, ¶174. Merriman061 further discloses that the ads are “third-party advertisements;” the affiliate websites “contract with the entity providing the advertisement server [to] permit third party advertisements to be displayed on their web sites.” EX1004, 2:62-65; EX1002, ¶175.

C. Claim 3: “The method of claim 1 wherein the computer system electronically adding the received partial profile to a maintained profile believed to be related to the same entity comprises the computer system adding the received partial profile to a maintained profile believed related to the same entity on account of the received partial profile and the maintained profile being related to the same user computer.”

Merriman061 in combination with Jaye discloses claim 3. EX1002, ¶176. The combination electronically adds the received partial profile to a maintained profile believed to be related to the same entity by matching the user’s identification number received via the redirection with the USER ID field in the database as discussed for limitation [1.b]. Jaye teaches that the local server (the affiliate website in combination) generates a user’s local ID by creating a unique ID identifying the user’s computer, and then storing a cookie containing this ID on the user’s computer. EX1005, 5:49-67, 6:26-31; EX1008, 43; EX1009, 219, 225. The local server uses the cookie ID to recognize visits from the same user computer and appends this ID to the URL that redirects the visitor to the enterprise server. EX1005, 5:56-63, 6:40-43. Accordingly, in the combination the ad server adds the received partial profile to a maintained profile on account of the received partial profile and the maintained profile being related to the same user computer having the same cookie ID. EX1002, ¶176. A POSITA would have found it obvious for the combination to operate in this manner because using a cookie to identify a same user computer is conventional. *Id.*

D. Claim 4: “The method of claim 3 wherein the computer system determines that the received partial profile and the maintained profile are related to the same user computer by automatically reading a cookie on the user computer.”

Merriman061 in combination with Jaye discloses claim 4. EX1002, ¶¶177-179. The combination determines that the received partial profile and the maintained profile are related to the same user computer by matching identifiers as discussed for limitation [1.b] and claim 3.

In the combination, the ad server electronically receives a partial profile of the user when it receives message 23, based on the link redirecting the user’s browser to the ad server. EX1004, 3:35-44; EX1005, 6:32-46. Merriman061 additionally discloses that message 23 includes “a cookie if the browser 16 is cookie enabled and stores cookie information.” EX1004, 3:44-52. Merriman061 uses this cookie to identify the user, and user computer, for whom a profile is maintained. EX1004, 5:10-32. A POSITA would have understood that the ad server receives the cookie by automatically reading the cookie on the user computer. EX1002, ¶178; EX1009, 219-221. It would have been obvious to a POSITA to use the user’s identifier in the cookie to identify the maintained profile in the database believed to be related to the same user computer. EX1002, ¶178. This is taught in Merriman061. EX1004, 5:18-20, 7:15-31.

If the user identifier in the ad server cookie is different than the local user ID appended to the URL by the affiliate website, a POSITA would have found it

obvious to use the cookie ID to identify the maintained profile in the database. EX1002, ¶179. Jaye discloses that a database may link different identifiers assigned by local servers (affiliate websites in combination) to a global identifier stored in a cookie ID for the same maintained profile. EX1005, 2:21-24, 3:6-9, 8:10-28. Doing so advantageously allows the ad server to create a global profile consolidating profile information received from different affiliate websites. EX1005, 6:1-11, 8:40-9:40. A POSITA would have been motivated to use different local and global identifiers, for example, to maintain user privacy when sharing profile information with the affiliate websites, advertisers, or other interested parties as taught by Jaye. EX1005, 2:1-14, 2:26-31, 6:3-11. EX1002, ¶179.

E. Claim 5: “The method of claim 1 further comprising automatically with the computer system electronically maintaining an electronic record of which unaffiliated third party contributed, to the maintained profile, the profile attributes used in targeting the advertisements.”

Merriman061 in combination with Jaye discloses claim 5. EX1002, ¶¶180-183. In the combination, the partial profile is added to the maintained profile, and all of the profile attributes of the maintained profile, including those of the added partial profile, may be used in targeting advertisements. *Id.*, ¶181; EX1004, 5:50-6:11. As the combination of Merriman061 and Jaye discloses “automatically... generating and storing an electronic record of which of the plurality of unaffiliated third parties contributed to the maintained profile particular profile attributes” as discussed above for limitation [1.c], the combination also maintains a record of

which unaffiliated third party contributed to the maintained profile the profile attributes used in targeting the advertisements. EX1002, ¶181.

If Patent Owner argues that claim 5 requires a maintaining a record of which unaffiliated third party contributed, to the maintained profile, the profile attributes *that were actually used* to target the advertisements, then claim 5 is also obvious in view of Merriman061 and Jaye. Jaye specifically discloses that an interested party may be limited to using only a portion of a maintained profile for advertising purposes. EX1005, 14:22-25. For example, an advertiser may be interested in, or subscribe to receive, “information about the users favorite sports and favorite teams” from a “web site dedicated to providing sports information.” EX1005, 10:15-21, 12:66-13:3; EX1008, 16, 84. Merriman061, in turn, discloses a reporting process that “uses standard database techniques for generating any desired reports,” including “reports showing the number of viewings and click throughs of various advertisements.” EX1004, 8:33-38; EX1002, ¶182.

In view of these disclosures, a POSITA would have found it obvious for Merriman061’s ad server to automatically maintain electronic records of which unaffiliated third party contributed, to the maintained profile, the profile attributes that were actually used to target the advertisements. For example, it would have been obvious for the ad server to maintain records indicating that a particular advertiser subscribed to receive profile attributes related to sports information from

a particular affiliate website, and records indicating how the advertiser used those profile attributes for ad targeting. A POSITA would have been motivated to maintain these records for reporting and financial reasons, e.g., to charge subscription and ad targeting fees to advertisers and to compensate the party that provided the profile information. EX1008, 59; EX1002, ¶183.

F. Claim 6: “The method of claim 1 further comprising automatically with the computer system electronically determining whether the received partial profile contains any profile attributes about the entity that were not previously contained in a maintained profile.”

Merriman061 in combination with Jaye discloses claim 6. EX1002, ¶¶184-185. When receiving a partial profile, a POSITA would have recognized and found obvious that the ad server would determine which attributes of the partial profile are not already in the maintained profile. *Id.*, ¶185. For example, upon receiving a redirected partial profile including a local user ID, a POSITA would have found it obvious for the ad server to determine whether the user’s maintained profile for that ID already contained any of the received attributes to avoid storing redundant information. *Id.*, ¶185; EX1009, 241.

G. Claim 10: “The method of claim 1 further comprising automatically with the computer system electronically reading a cookie previously stored on the entity’s computer, as a result of the URL redirection.”

Merriman061 combined with Jaye discloses claim 10. EX1002, ¶186. As discussed for claim 4, the ad server electronically receives an electronically URL-redacted partial profile of the user when it receives message 23, based on the link

redirecting the user's browser to the ad server. EX1004, 3:35-44; EX1005, 6:32-46. Merriman061 discloses that message 23 includes "a cookie if the browser 16 is cookie enabled and stores cookie information." EX1004, 3:44-52. Thus, message 23 includes a cookie if the cookie was previously stored on the user's computer by the browser. EX1004, 3:35-52, 5:10-30; EX1009, 218-219. As explained above for claim 4, the ad server reads the cookie (EX1002, ¶178), and it does so automatically and electronically because it is a computerized process (EX1002, ¶186).

H. Claim 11

Claim 11 is unpatentable for similar reasons as claim 1. EX1002, ¶¶187-188. The preamble of claim 11 recites "[a] computer system programmed and connected to perform a method of collecting profiles of Internet-using entities, the method comprising..." The claimed "computer system" is met by Merriman061's ad server in the same way the ad server meets the claimed "programmed computer system" of claim 1. *See* EX1004, 4:21, 9:8-16. Merriman061's ad server is "connected" to other entities via a network. EX1004, 2:15-16; EX1002, ¶188. The remaining elements of claim 11 are substantively identical to those of claim 1.

I. Claims 13-16 and 20

Claims 13-16 and 20 are substantively identical to claims 3-6 and 10, and are unpatentable for the same reasons. EX1002, ¶189.

J. Claim 21

Claim 21 is unpatentable for similar reasons as claim 1. EX1002, ¶190. The preamble of claim 21 recites “[a] tangible, non-transitory data storage medium comprising indicia of instructions for a processor to perform a method of collecting profiles of Internet-using entities, the method comprising...” Merriman061 teaches this medium because the ad server’s processes are implemented on a “computer platform,” which a POSITA would have understood to include a data storage medium comprising indicia of instructions and a processor for executing the stored computer instructions. *Id.*; EX1004, 9:8-16. Jaye confirms this understanding by disclosing “a computer program residing on a computer-readable medium includes instructions for” causing the enterprise server 15 to perform certain method steps. EX1005, 3:33-39; EX1002, ¶190. The remaining elements of claim 21 are substantively identical to those of claim 1.

K. Claims 23-26 and 30

Claims 23-26 and 30 are substantively identical to claims 3-6 and 10, and are unpatentable for the same reasons. EX1002, ¶191.

VII. GROUND 2: ROSENBERG AND MERRIMAN154

A. Motivation to Combine Rosenberg and Merriman154

A POSITA would have been motivated to combine Rosenberg and Merriman154. EX1002, ¶¶124-125. Both references relate to targeted advertising

on the Internet. EX1006, 3:4-8; EX1007, 4:3-4; EX1002, ¶124. Rosenberg specifically discloses a technique that “allows a web browser to be passively tracked so that content preferences and interests associated with the individual using the web browser can be identified.” EX1006, 3:25-37, 4:52-5:54, 7:47-61, 7:62-9:24; EX1002, ¶125. Rosenberg’s technique involves web servers sending profile information to a database server. EX1006, 4:52-5:62, 7:46-9:24; EX1002, ¶125. Merriman154 discloses techniques by which web servers send profile information to a database in real time, for purposes of determining preferences and interests associated with users, and a specific type of targeted advertising called “re-targeting.” EX1007, 3:20-46, 4:3-10, 4:26-5:8, 5:33-54; EX1002, ¶125. A POSITA in possession of Rosenberg would have been motivated to incorporate Merriman154’s techniques for collecting profile information and using the information for targeted advertising to enhance and improve Rosenberg’s profile collection and to improve Rosenberg’s ad targeting by providing real time profile information and enabling re-targeting. EX1002, ¶125.

B. Claim 1

[1.pre] “An automated method of collecting profiles of Internet-using entities, the method comprising:”

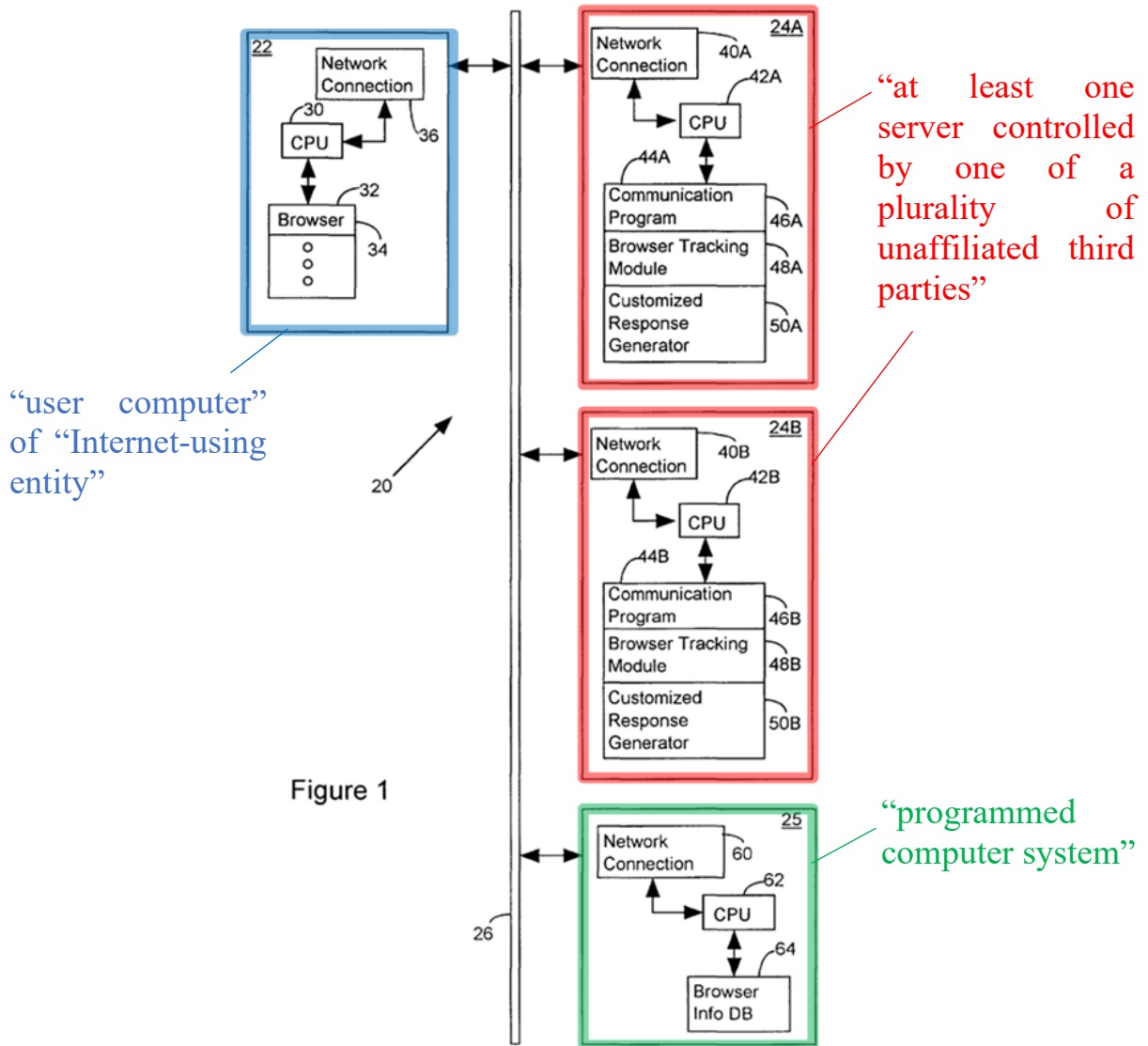
To the extent the preamble is limiting, Rosenberg discloses it. EX1002, ¶¶192. Rosenberg teaches collecting information (“profiles”) about users (“Internet-using entities”) as they use their browsers to access various websites on the Internet.

EX1006, Abstract, 3:25-37, 7:47-58. The collected information is stored in a data structure and includes, for an identified user, information about which websites the user visited, when the user visited the websites, and the types of content the user requested from those websites. *Id.*, 3:25-37, 5:55-7:40, Figs. 3, 7. Rosenberg’s method is “automated” because it is performed automatically by programmed computers. *Id.*, 4:2-5:54; EX1002, ¶192.

[1.a(i)] “(a) electronically receiving at a programmed computer system coupled to a global computer network, from at least one server controlled by one of a plurality of unaffiliated third parties, an electronically URL-redIRECTED partial profile of an entity that uses a user computer coupled to the global computer network to access a website, which partial profile [...] contains at least one profile attribute related to the entity...”

Rosenberg combined with Merriman154 discloses this limitation. EX1002, ¶¶193-224.

Rosenberg discloses the basic structure in Figure 1:



EX1006, Fig. 1. The figure illustrates three server computers, labelled 24A, 24B, and 25, which "include[]" standard server computer components, including...a memory" storing "a set of computer programs to implement the processing associated with the invention." EX1006, 4:25-30; EX1002, ¶¶194-195.

One of the server computers, labelled "25," is "a database server" which performs a "database function" and Rosenberg sometimes refers to as a "database."

EX1006, 4:20-21, 4:65-67; EX1002, ¶¶195-196. The database function is provided by a dedicated database server or one of the other server computers. EX1006, 4:21-24. The server computers, including the database server, are coupled to the Internet, a “global computer network.” *Id.*, 3:66-4:21. Rosenberg’s database server is thus the claimed “programmed computer system coupled to a global computer network.” EX1002, ¶196.

The other server computers, labelled 24A and 24B, each correspond to the claimed “at least one server controlled by one of a plurality of unaffiliated third parties.” EX1002, ¶¶197-198. These are web servers providing websites. *Id.*; EX1006, 3:10-24, 4:1-2, 4:25-37, 4:57-59, 5:1-6, 6:59-67. Rosenberg discloses that web servers “are typically operated by large information providers, such as commercial organizations, governmental units, and universities.” EX1006, 1:14-23; EX1002, ¶198.

Given that the web servers are operated by diverse parties, it would have been obvious to a POSITA that the parties controlling the web servers do not have common ownership with the party controlling the database server and are thus unaffiliated third parties according to the plain-and-ordinary meaning of this term. EX1002, ¶¶198-202; EX1006, 2:25-30, 3:4-24, 4:52-59; *see also* EX1008, 26; EX1012, 18-24. While Rosenberg describes the web servers as “cooperating servers” and “related server computers,” the terms “cooperating” and “related”

simply reflect that the servers cooperatively “observe a common protocol” to share profile information, and do not indicate any common ownership between the parties. EX1006, 4:52-57; EX1002, ¶200.

Rosenberg further discloses a client computer 22 which is a “user computer” and a user who is an “entity that uses a user computer coupled to the global computer network to access a website.” EX1002, ¶203; EX1006, 3:25-37, 4:7-15, 5:1-5. The user may use the client computer to request pages associated with different types of information from the website, such as “news” or “product information.” EX1006, 6:2-4.

Rosenberg combined with Merriman154 discloses the database server “electronically receiving...an electronically URL-redirection partial profile of an entity..., which partial profile...contains at least one profile attribute related to the entity” from a third-party web server. EX1002, ¶¶204-224. Rosenberg discloses using electronic URL-redirection to exchange partial profiles among servers. *Id.*, ¶¶205-214. When a browser on the client computer requests a page from a first web server, the first web server generates a unique identifier for the browser and sets a cookie containing the identifier in the browser. EX1006, 2:16-21, 5:1-21, 7:62-66; EX1002, ¶205. The first web server also instructs the browser to convey the identifier, which is a partial profile containing at least one profile attribute related to the user, to the other web servers via one of several electronic URL redirection

techniques. EX1006, 5:17-54, 8:12-9:24; EX1002, ¶¶205-208; *see also* EX1001, 2:51-59, 7:53-54. The techniques share the same general form: “http://B/B-correlate?i’, where i’ is an encoding of the identifier” and “B/B-correlate” is a URL referencing a location on the second web server to which the user’s browser is redirected to obtain information. EX1006, 8:15-18; EX1002, ¶206.

These techniques are electronic URL redirections according to the plain-and-ordinary meaning of the term because they instruct the browser to obtain information for at least a portion of an accessed page / site, such as an image, from a different location. EX1002, ¶208; EX1006, 9:8-17; *see also* EX1012, 33-37; EX1001, 4:4-11, 12:17-20; EX1013, 71-75. The other web servers receive the conveyed identifier and set their own cookies containing the identifier in the user’s browser, so the web servers all use the same identifier for the user. EX1006, 5:40-54; EX1002, ¶206.

The first web server also shares the identifier with the database server. EX1006, 2:15-17, 5:1-38, 7:66-67; EX1002, ¶¶209, 214. Rosenberg does not explicitly disclose how this is done. But it is implicit and would have been obvious that the first web server may share the identifier with the database server using any of Rosenberg’s disclosed URL redirection techniques because the database server may be one of the web servers. EX1006, 4:21-24, 4:52-63; EX1002, ¶¶209, 214. Using redirection allows the database server to set a cookie containing the identifier

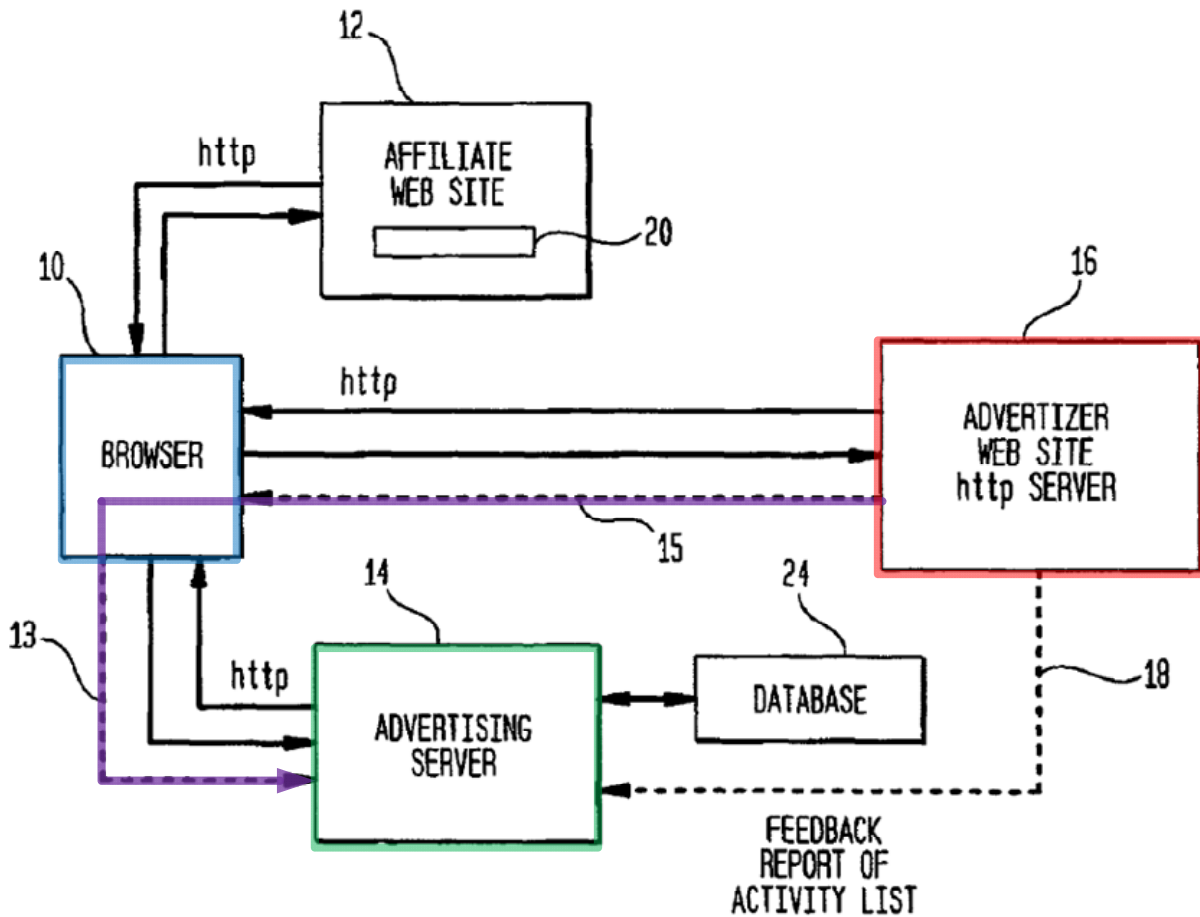
in the user's browser, so that it can recognize the user in subsequent interactions. EX1002, ¶209; EX1006, 5:40-54.

The database server subsequently receives and stores a user's web browsing activity from a visited web server. EX1006, 3:24-33, 5:57-62, 7:1-9, 7:19-28; EX1002, ¶¶210-211. This activity is a partial profile containing at least one profile attribute related to the user. EX1002, ¶¶212-213; EX1001, 2:38-59, 7:53-54. The database server correlates the received partial profile with the user using the shared identifier. EX1006, 7:46-61; EX1002, ¶211.

While Rosenberg does not explicitly disclose that the database server receives a user's web browsing activity via electronic URL-redirection, a POSITA would have found it obvious to modify Rosenberg based on the teaching of Merriman154 to cause the database server to receive partial profiles including web browsing activity from the web servers via electronic URL-redirection. EX1002, ¶215.

Merriman154 discloses a targeted advertising system including a [user browser](#), and "at least one affiliate web site 12," who is "a publisher or other content provider having advertising space 20 to fill," an "[advertising server 14](#)," and "[advertiser web sites 16](#)." EX1007, 4:27-39, 5:9-13; EX1002, ¶216.

FIG. 1



EX1007, Fig. 1. When a user browses the **advertiser website**, the website server communicates “individual activities of the user at [the] **advertiser site 16**...to the **advertising server 14** using by **spotlight tags**.” *Id.*, 4:51-54; EX1002, ¶216. The **ad server** stores the reported activities in a database. EX1007, 5:48-50; EX1002, ¶216.

The ad server receives an electronically URL-redirectioned partial profile of a user due to the spotlight tags. EX1002, ¶217. A spotlight tag is “a minimal graphic (e.g., a one pixel image) containing a redirect message back to the advertising

server...placed on web pages by the advertiser.” EX1007, 4:54-57. Spotlight tags contain embedded information “such as information identifying the specific advertiser web page” containing the tag. EX1007, 4:51-5:2, 5:43-51; EX1002, ¶230. The spotlight tag causes the user’s browser to make a request for an image to the ad server. EX1002, ¶¶216-218. This request is a “redirection” because it instructs the browser to obtain the image from a different location, i.e., the ad server instead of the website server. *Id.*; EX1012, 33-37; EX1001, 4:4-11, 12:17-20. The redirection conveys a partial profile of the user. For example, the redirection conveys in real-time that the user visited the specific advertiser web page containing the spotlight tag. EX1007, 5:46-49; EX1002, ¶218.

Given the disclosures in Rosenberg and Merriman154, a POSITA would have found it obvious to modify Rosenberg to pass profile information from a web server to the database server via electronic URL-redirection using a spotlight tag. EX1002, ¶219. Rosenberg teaches that the database server receives partial profile information about website activity from web servers and that servers can use URL redirection to exchange information. *Id.*; EX1006, 5:59-62, 7:1-9. Merriman154 teaches that user website activity information may be transferred between servers by using URL redirection. EX1007, 4:44-5:8; EX1002, ¶219. Rosenberg’s image tags for exchanging cookie identifiers operate on the same principle as Merriman154’s spotlight tags because both use an embedded image link that redirect a user’s

browser to another server to pass information to that server. EX1006, 9:8-17; EX1007, 4:51-66; EX1002, ¶219.

Therefore, it would have been obvious to modify Rosenberg to use spotlight tags to pass website activity information because it is a simple substitution of one known technique for another and a combination of prior art elements according to known methods. EX1002, ¶220. A POSITA would have predicted the result of the modification, and have reasonably expected the result to be successful, given Merriman154 teaches how it can be accomplished and because the technology underlying spotlight tags, URL redirection, is already present in Rosenberg. *Id.*, ¶¶220-221.

A POSITA would have been motivated to make this combination so Rosenberg's database server can receive partial profile information about the user from the web servers "in real time." EX1002, ¶222; EX1007, 4:51-54. This allows the database server to quickly update the user's profile, ensuring that any activities making use of profile information, such as selecting personalized content and targeted advertising, are based on the most current profile information. EX1002, ¶¶50, 222; *see also* EX1006, 1:37-42, 6:59-67, 7:10-17.

Rosenberg combined with Merriman154 discloses the database server receiving the electronically URL-redirectioned partial profile of the user "from" a web server because the web server causes the user's browser to provide the profile

information to the database server. EX1002, ¶¶223-224; EX1006, 3:14-19, 5:9-11, 5:21-39, 7:62-9:24; EX1007, 4:41-43, 4:62-5:2, 5:46-49; EX1013, 71-75.

[1.a(ii)] “... which partial profile is available to one of the third parties”

Rosenberg discloses that the partial profile is “available to one of the third parties,” e.g., a publisher controlling one of a plurality of web servers that provide partial profiles to the database server. EX1002, ¶¶225-226. The profiles maintained by the database server, which includes received partial profiles, are available to any of the web servers for use in “prepar[ing] customized responses to browser inquiries.” EX1006, 4:39-44. Indeed, a primary purpose of Rosenberg’s system is to provide the various web servers with shared access to the cumulative profile information stored by the database server. EX1006, 3:28-30, 4:52-63, 6:59-67, 7:46-58; EX1002, ¶¶225-226.

Furthermore, when the user requests a page from a web server, the web server determines whether a cookie has been set for the user, which contains the unique identifier for the user’s browser that is shared among the web servers and database server. EX1006, 6:59-67, Fig. 6. This cookie identifier is a partial profile available to the web server and, by extension to the third party publisher operating the web server. EX1002, ¶227. The partial profile is also available to the web server that conveys the partial profile of the user to the database server because the web server

encodes the partial profile into the redirect link as discussed for limitation [1.a(i)].

Id.

[1.a(iii)] “... which partial profile is received along with an identification of the one of the third parties that contributed the partial profile,”

Rosenberg combined with Merriman154 discloses that the partial profile “is received along with an identification of the one of the third parties that contributed the partial profile.” EX1002, ¶¶228-232. In Rosenberg, a web server contributes the partial profile it collects to the database server. EX1006, 5:55-62. And the partial profile identifies the web server and, by extension, the third party publisher controlling the web server, that collected and contributed it. EX1002, ¶228. Rosenberg shows this in Figure 3, which illustrates the data structure in which the database server stores the partial profile:

Cookie ID #	Last Visit to Server_A	Content Requested			Last Visit to Server_B	Content Requested		
		News	Product Info	Feature Story		News	Product Info	Feature Story
123	4-9-96;18:25	2	5	0	7-4-96;16:23	1	7	3

Figure 3

EX1006, Fig. 3, 5:66-6:5. Figure 3 shows that the partial profile identifies the specific websites visited and the types of content requested by a user from the respective websites. The database server thus receives an identification of the web

server that contributed the partial profile because the identification of that web server is stored in the database. EX1002, ¶¶228-229.

In the combination with Merriman154, Rosenberg is modified to receive the partial profiles from the web servers via electronic URL-redirection using spotlight tags. EX1002, ¶230. Merriman154 specifically discloses that a spotlight tag may include embedded “information such as information identifying the specific advertiser web page” being visited by the user. *Id.*; EX1007, 4:54-61. The “information identifying the specific advertiser web page” also identifies the web server on which the web page is hosted, and by extension identifies the third-party publisher that operates the web server contributing the partial profile. EX1007, 5:46-49. The spotlight tag thus includes both the partial profile and the identity of the third party that contributed the partial profile. EX1002, ¶230.

Further, a POSITA would have found it obvious for the partial profile to be received “along with an identification of the one of the third parties that contributed the partial profile” because this information is automatically provided by the HTTP “Referer” [*sic*] field, which identifies the web server that redirects the user’s browser to the database server. EX1002, ¶¶231-232; EX1006, 1:26-31, 2:36-46, 9:8-16; EX1007, 5:9-21; EX1009, 213; EX1010, 140.

[1.a(iv)] “and automatically with the computer system storing the received partial profile;”

Rosenberg, alone and combined with Merriman154, further discloses the database server automatically storing the received partial profile. EX1002, ¶233. Rosenberg discloses that the database server stores the received partial profile in a database to form a maintained profile for the user. *Id.*; EX1006, 3:28-35, 4:52-63, 5:55-6:9, 7:1-58. A POSITA would have understood the database server stores the partial profile automatically because this is an obvious way to implement a computerized system. EX1002, ¶233. In the combination, Rosenberg automatically stores the partial profiles received via Merriman154’s spotlight tags, which “provide[] real time reporting of user activities.” A POSITA would have found it obvious that the collection and storage of user information would be automated in the combination, in order to achieve the “real time” capability. *Id.*; EX1007, 4:62-5:3.

[1.b] “(b) automatically with the computer system electronically adding the received partial profile to a maintained profile believed to be related to the same entity;”

Rosenberg combined with Merriman154 discloses this limitation. EX1002, ¶¶234-239. Rosenberg discloses that the database server stores a maintained profile for a user in a data structure:

Cookie ID #	Last Visit to Server_A	Content Requested			Last Visit to Server_B	Content Requested		
		News	Product Info	Feature Story		News	Product Info	Feature Story
123	4-9-96;18:25	2	5	0	7-4-96;16:23	1	7	3

Figure 3

EX1006, Fig. 3; 5:55-6:9. Each maintained profile includes a “Cookie ID #” which is the unique identification number for a given user shared among the cooperating servers. EX1006, 5:16-65. The maintained profile also includes attributes describing interactions between the user and particular web servers, and other information such as “a user name, a password, and demographic information.” EX1006, 5:55-62, 7:1-9, 7:19-29; EX1002, ¶234.

Rosenberg discloses that the database server adds a newly-received partial profile for a user to the user’s maintained profile in the data structure. EX1006, 3:25-35, 4:40-45, 5:55-62, 7:22-29; EX1002, ¶235. Rosenberg’s database server adds the partial profile to a maintained profile “believed” to be related to the same user by adding the partial profile to the maintained profile having a “Cookie ID #” matching a cookie identifier received with the partial profile. EX1006, Abstract, 5:8-54, 5:63-65, 7:46-55; EX1002, ¶236. Such additions are reflected in Rosenberg’s Figure 3 data structure which shows visits to different websites for the same Cookie ID #. EX1006, Fig. 3, 5:63-6:9; EX1002, ¶¶235-236. Rosenberg’s

database server “automatically” and “electronically” adds the received partial profile to a maintained profile because these operations are performed using a computer. EX1006, 4:16-64, 7:46-61; EX1002, ¶237.

Combined with Merriman154, Rosenberg’s database server adds a partial profile received from a web server via electronic URL-redirection to a user’s maintained profile in the data structure in the same manner. EX1002, ¶238. The database reads the ID from the user’s browser cookie received with the URL-redirection, as taught in both Rosenberg and Merriman154, and adds the received partial profile to the maintained profile having the matching “Cookie ID #” value. EX1006, 2:14-62, 7:46-61; EX1007, 5:56-57; EX1002, ¶238.

A POSITA would have been motivated to make this combination because it allows Rosenberg’s database server to update a user’s maintained profile in real-time and enables better targeted advertising. A POSITA would have reasonably expected this combination to be successful because the database server uses the same technique taught in Rosenberg to add the partial profiles to the maintained profiles, and because Merriman154 discloses how to add partial profiles received using spotlight tags to maintained profiles in a database. EX1007, 4:67-5:3, 5:43-51, 5:56-63; EX1002, ¶239. Any additional modifications required for the combination would have been obvious for the reasons provided for limitation [1.a]. EX1002, ¶239.

[1.c] “(c) automatically with the computer system generating and storing an electronic record of which of the plurality of unaffiliated third parties contributed to the maintained profile particular profile attributes;”

Rosenberg discloses this limitation. EX1002, ¶¶240-242. The database server stores an electronic record of which web server contributed particular profile attributes:

Cookie ID #	Last Visit to Server_A	Content Requested			Last Visit to Server_B	Content Requested		
		News	Product Info	Feature Story		News	Product Info	Feature Story
123	4-9-96;18:25	2	5	0	7-4-96;16:23	1	7	3

Figure 3

EX1006, Fig. 3. Here, the data structure records which web servers a user visited, when the user last visited those servers (shown by the annotation), and the types of content the user requested from those servers. EX1006, 5:55-6:22; EX1002, ¶241. Since a web server contributes the partial profile it collects, the data structure stores an electronic record of which web server contributes particular profile attributes to the maintained profile. EX1002, ¶241. For example, the data structure stores a record indicating that Server_A contributed a profile attribute indicating that the user with Cookie ID # 123 last visited Server_A on April 9, 1996. *Id.* Further, the database server automatically generates and stores such electronic records in the data

structure as it receives the profile attributes. EX1006, 4:52-64, 5:55-62, 9:15-17; EX1002, ¶242.

[1.d] “(d) wherein the maintained profile, including the added partial profile, comprises data used in targeting third-party advertisements to the user computer over the global computer network.”

Rosenberg alone and combined with Merriman154 discloses this limitation. EX1002, ¶¶243-247. First, Rosenberg discloses that the web servers include a “customized response generator” that uses data of the maintained profile, including the added partial profile, to “prepare customized responses to browser inquiries.” EX1006, 4:39-44; EX1002, ¶243. While Rosenberg does not explicitly say that the customized response contains “target[ed]...advertisements,” this would have been obvious because Rosenberg’s system collects and maintains user profile information to allow “advertisers to tailor their content to users.” EX1006, 1:35-42, 3:4-8; EX1002, ¶244. It also would have been obvious that the advertisements are “third-party” because website publishers generate revenue by displaying third-party ads. EX1006, 1:32-35, EX1008, 26-31, 111; EX1002, ¶¶83, 245.

Second, it would have been obvious to modify Rosenberg to use data of the maintained profile for targeting third-party advertisements as taught by Merriman154. EX1002, ¶246. Merriman154 discloses “identifying the user and matching an advertisement to the user, based on various criteria,” such as the user’s “past behavior.” *Id.*; EX1007, 5:28-32. A POSITA would have been motivated to

combine Rosenberg and Merriman154 in this way to beneficially provide targeted advertising using the user's past behavior indicated by the maintained profiles, and for the other reasons described for limitation [1.a(i)]. EX1002, ¶247.

C. Claim 3: “The method of claim 1 wherein the computer system electronically adding the received partial profile to a maintained profile believed to be related to the same entity comprises the computer system adding the received partial profile to a maintained profile believed related to the same entity on account of the received partial profile and the maintained profile being related to the same user computer.”

Rosenberg combined with Merriman154 discloses claim 3. EX1002, ¶¶248-249. In the combination, the database server adds a received partial profile to a maintained profile by matching a cookie identifier received with the partial profile to the “Cookie ID #” field in the maintained profile. EX1006, 5:8-54, 5:63-65, 7:46-55; EX1002, ¶248. The cookie identifier received with the partial profile is stored and sent to the database server by a browser executing on a user computer. EX1002, ¶248. EX1006, 7:47-51, 2:6-3:3, 4:7-15, 5:1-20, 7:29-40; EX1007, 5:55-59; *see also* EX1008, 43; EX1009, 219, 225. Accordingly, the database server adds the received partial profile to the maintained profile related to the same cookie identifier, i.e., related to the same user computer. EX1002, ¶249.

D. Claim 4: “The method of claim 3 wherein the computer system determines that the received partial profile and the maintained profile are related to the same user computer by automatically reading a cookie on the user computer.”

Rosenberg combined with Merriman¹⁵⁴ discloses claim 4. EX1002, ¶250. Per claim 3, the database server in the combination uses a cookie to determine that the received partial profile and the maintained profile are related to the same user computer. The database server automatically reads this cookie from the user computer when receiving the partial profile. *Id.*; EX1006, 7:47-51, 2:6-3:3, 4:7-15, 5:1-20, 7:29-40; EX1007, 5:55-59; *see also* EX1008, 43; EX1009, 219, 225.

E. Claim 5: “The method of claim 1 further comprising automatically with the computer system electronically maintaining an electronic record of which unaffiliated third party contributed, to the maintained profile, the profile attributes used in targeting the advertisements.”

Rosenberg combined with Merriman¹⁵⁴ discloses claim 5. EX1002, ¶¶251-254. In the combination, the partial profile is added to the maintained profile, and all of the profile attributes of the maintained profile, including those of the added partial profile, may be used in targeting advertisements. EX1002, ¶¶251-252; EX1006, 1:35-37, 3:4-8; EX1007, 5:28-32. Since the combination discloses “automatically... generating and storing an electronic record of which of the plurality of unaffiliated third parties contributed to the maintained profile particular profile attributes” as discussed for limitation [1.c], it also maintains a record of which

unaffiliated third party contributed to the maintained profile the profile attributes used in targeting the advertisements. EX1002, ¶252.

Claim 5 is likewise obvious in view of the combination if it requires maintaining a record of which unaffiliated third party contributed the profile attributes *that were actually used* to target the advertisements. Merriman154 discloses re-targeted ads in which an advertiser targets an ad to a user based on the user's "own past behavior at that specific advertiser's web site." EX1007, 3:20-4:10, 5:60-6:16; EX1002, ¶253. The profile attributes that were actually used to target re-targeted ads are therefore contributed by the advertiser's web site, and the database server maintains a record indicating the advertiser website contributed these profile attributes as discussed for limitation [1.c]. *Id.*

It would have been obvious to use re-targeted ads in the combination of Rosenberg and Merriman154. The combination operates as described for claim 1, except that Rosenberg's web servers use re-targeted ads as the "customized responses to browser inquiries." EX1006, 4:39-44; EX1002, ¶254. A POSITA would have found it obvious, and would have been motivated, to use re-targeted ads because "it is considered highly desirable to target advertisements to the appropriate potential customer base" and re-targeted ads achieve this targeting. EX1007, 1:27-28. EX1002, ¶254.

F. Claim 6: “The method of claim 1 further comprising automatically with the computer system electronically determining whether the received partial profile contains any profile attributes about the entity that were not previously contained in a maintained profile.”

Rosenberg combined with Merriman¹⁵⁴ discloses claim 6. EX1002, ¶¶255-258. Rosenberg discloses that the database server includes a data structure maintaining a profile indicating the websites a user visited. *Id.*, ¶255; EX1006, Fig. 3, 5:55-6:22. When the database server receives a partial profile from a web server, the database server would obviously check whether the user’s maintained profile includes an entry for that web server and, if not, make a new entry for it, so the database server can store the received partial profile in the maintained profile. EX1002, ¶¶256-258.

G. Claim 9: “The method of claim 1 further comprising automatically with the computer system selecting profile attributes from the maintained profile based on the source thereof.”

Rosenberg combined with Merriman¹⁵⁴ discloses claim 9. EX1002, ¶259. It would have been obvious to use re-targeted advertising in the combination as discussed for claim 5. EX1002, ¶¶253-254. Re-targeted advertising selects an ad for a user based on the user’s “past behavior” at a “specific [] web site.” EX1007, 3:29-34; EX1002, ¶259. Since the database server receives profile attributes about visits to a website from that site, when the database server selects profile attributes indicating the user’s past behavior at a “specific web site” for purposes of re-targeted

advertising, the database server is automatically selecting profile attributes of the maintained profile based on the source thereof. EX1002, ¶259.

H. Claim 10: “The method of claim 1 further comprising automatically with the computer system electronically reading a cookie previously stored on the entity’s computer, as a result of the URL redirection.”

Rosenberg combined with Merriman¹⁵⁴ discloses claim 10. EX1002, ¶260. Rosenberg renders obvious that a web server may provide a user’s cookie identifier to the database server via URL redirection in the same manner it provides the cookie identifier to other servers. EX1006, 4:16-25, 4:52-63. This allows the database server to store a cookie having the identifier in the browser on the user’s computer. EX1006, 5:16-49; EX1002, ¶260.

In combination, the database server receives a partial profile from a web server via electronic URL-redirection using a spotlight tag. EX1007, 4:54-61, 5:46-49; EX1002, ¶260. The browser automatically reports the previously-stored cookie as part of the redirection, and the database server automatically electronically reads it. EX1006, 2:5-3:3, 5:21-54; EX1007, 5:56-59; EX1002, ¶260; *see also* EX1008, 40-41; EX1009, 218-219, 223, 267.

I. Claim 11

Claim 11 is unpatentable for similar reasons as claim 1. EX1002, ¶261. The preamble of claim 11 recites “[a] computer system programmed and connected to perform a method of collecting profiles of Internet-using entities, the method

comprising...” The claimed “computer system” is met by Rosenberg’s database server, which is programmed computer connected to other computers via a network and performs a method. EX1002, ¶261; EX1006, 3:66-4:63. The remaining elements of claim 11 are substantively identical to those of claim 1.

J. Claims 13-16, 19, and 20

Claims 13-16, 19 and 20 are substantively identical to claims 3-6, 9, and 10, and are unpatentable for the same reasons. EX1002, ¶262.

K. Claim 21

Claim 21 is unpatentable for similar reasons as claim 1. EX1002, ¶263. The preamble of claim 21 recites “[a] tangible, non-transitory data storage medium comprising indicia of instructions for a processor to perform a method of collecting profiles of Internet-using entities, the method comprising...” Rosenberg teaches this medium because the database server’s processes are implemented using “standard server computer components,” including “a network connection circuit 60, a CPU 62, and a memory 64 including a browser, information database program 64, among other programs” that execute stored instructions which include a data storage medium comprising indicia of instructions and a processor for executing the stored computer instructions. EX1002, ¶263; EX1006, 4:25-26, 4:47-51. The remaining elements of claim 21 are substantively identical to those of claim 1.

L. Claims 23-26, 29, and 30

Claims 23-26, 29 and 30 are substantively identical to claims 3-6, 9, and 10, and are unpatentable for the same reasons. EX1002, ¶264.

VIII. GROUNDS 3-4: MERRIMAN061 AND JAYE OR ROSENBERG AND MERRIMAN154, AND COLEMAN

A. Motivation to Combine Merriman061, Jaye, and Coleman, or Rosenberg, Merriman154 and Coleman

A POSITA would have been motivated to combine Merriman061 and Jaye (“Merriman061-Jaye”), or Rosenberg and Merriman154 (“Rosenberg-Merriman154”) (collectively, the “primary combinations”), with Coleman. EX1002, ¶265, ¶¶269-270. Coleman, being related to Internet-based targeted advertisements, is analogous to these references and the ’904 patent. EX1019, [0002], [0006], [0022], [0045], [0049], [0066]; EX1002, ¶269. Merriman061-Jaye, Rosenberg-Merriman154, and Coleman all disclose maintained profiles that include demographic information. *See, e.g.*, EX1004, 4:44-55, 5:50-60; EX1005, 10:36-39; 13:19-29; EX1006, 1:37-41; 3:28-36, 7:19-29; EX1019, [0049], [0070], [0107]; EX1002, ¶270, ¶¶275-276. Coleman further discloses verifying profile information using “outside sources,” to increase the value of the information. EX1019, [0049], [0056], [0073]-[0075]; EX1002, ¶268, ¶270. A POSITA in possession of the primary combinations would have been motivated to incorporate Coleman’s techniques for verifying and updating demographic information, to increase the

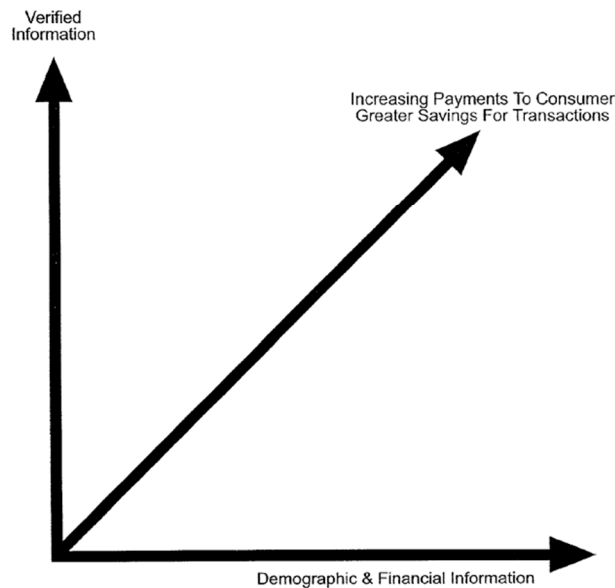
value of the profile information of the primary combinations and improve ad targeting. EX1002, ¶270, ¶¶277-282.

B. Claim 7: “The method of claim 1 further maintaining with the computer system a credibility rating associated with at least one of the profile attributes of the maintained profile.”

Claim 7 depends from claim 1 is rendered obvious by either primary combination combined with Coleman. EX1002, ¶¶271-282.

Coleman relates to targeting advertisements using “personal profile information,” including demographic information. *See, e.g.*, EX1019, [0002], [0045], [0049]; EX1002, ¶272. Because verified information is more valuable to advertisers, Coleman discloses verifying received profile information using “outside sources,” e.g., “other databases.” EX1019, [0049], [0056], [0073]-[0075] FIG. 2 (reproduced below, y-axis indicating increasing value as “verification” increases); EX1002, ¶¶272-273.

Fig. 2



Following verification, the maintained profile is “updated to reflect information from which verification with secondary sources was successful and information from which verification... was not successful.” EX1019, [0074]; EX1002, ¶273.

A POSITA would have recognized that Coleman’s “profile information” corresponds to the claimed “profile attributes” of a “maintained profile,” and that the verification information added to the profile is a “credibility score” associated with the profile attributes, indicating an extent that the profile attributes were verified. EX1019, [0006], [0049]; EX1002, ¶274. Coleman is consistent with the ’904 patent’s disclosure of “search[ing] one or more external databases” and

assigning attributes that exist “both in the [profile] databank and in the other databases” “a higher [credibility] rating.” EX1001, 16:14-16:26; EX1002, ¶274.

Like Coleman, both primary combinations disclose that maintained profiles may include demographic attributes used for targeted advertising. EX1002, ¶¶275-276. A POSITA would have found it obvious to combine either primary combination with Coleman, so that when demographic attributes are gathered and added to the maintained profile, they are verified with “outside sources,” e.g., “other databases,” as taught by Coleman. EX1019, [0056], [0074]; EX1002, ¶¶275-277. The maintained profile is then updated with verification information associated with the attribute, indicating whether verification was successful. EX1019, [0074]; EX1002, ¶277. A POSITA would have found it obvious to do this by adding a numerical value or “score” related to the attribute that was or was not verified. *See* EX1019, [0049], [0074]; EX1002, ¶277.

For example, for each primary combination combined with Coleman, the database structure storing the maintained profile is updated, based on the teaching of Coleman, to include additional fields that store verification information (green in modified FIG. 3A of Merriman061 and FIG. 7 of Rosenberg below) associated with demographic information attributes (highlighted in red) of the maintained profile. EX1002, ¶¶278-279.

FIG. 3A

USER ID	IP ADDRESS	DOMAIN TYPE	TIME ZONE	LOCATION	SIC	ADS SEEN	ADS CLICKED ON	PAGES ADS SEEN ON	Demo. Info	Demo. Info Verif.
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EX1004, FIG. 3A (modified).

ID#1	ID#2	Last Visit to Server_A	Content Request	Last Visit to Server_B	Content Request	Name	Pass-word	Demo Info	Demo. Info Verif.

Figure 7

EX1006, FIG. 7 (modified). A POSITA would have found these modifications obvious, as the combinations involve only routine database operations known to and readily implemented by a POSITA. EX1002, ¶¶278-279.

A POSITA would have been motivated to make these combinations to improve the effectiveness of targeted advertisements. EX1002, ¶¶280-281. A POSITA would have been aware that information, e.g., demographic information, for targeted advertising is more valuable to advertisers if it is more credible because it was verified. *Id.*; see also EX1019, [0049]; EX1005, 13:24-31; EX1006, 1:37-42. This is because the goal of targeted advertisements is to reach the advertiser's target audience, and being able to target advertisements based on information verified as credible enables advertisers to more reliably determine which users to target. EX1019, [0049], EX1002, ¶¶280-281. This in turn enables the party collecting and

maintaining the profiles to charge advertisers a higher price when selling profile information or ad placements targeted using the profile information. EX1002, ¶281; EX1008, 105.

The modification merely combines known elements (the primary combination systems that collect profiles, and Coleman’s verification of profile information) according to known methods (modifying a data structure to store verification information) to yield predictable results (profile attributes associated with verification information). EX1002, ¶282. A POSITA would have reasonably expected the combination to be successful because looking up information from a database and adding additional fields to a data structure to store additional information was conventional. *Id.*

C. Claim 8: “The method of claim 7 wherein the credibility rating is reflected in a price for the at least one profile attribute.”

Either primary combination in combination with Coleman renders obvious claim 8. EX1002, ¶¶283-285. Because the value of profile information increases as verifiability increases, a POSITA would have understood that, in the proposed combinations, the score associated with a profile attribute is indicative of the attribute’s value. EX1019, [0049]; EX1002, ¶283. A POSITA would have understood that the attribute’s value may be reflected in a price an advertiser is willing to pay for it. EX1002, ¶284. For example, because ads targeted using more credible information may achieve a “greater response,” a POSITA would have

known that publishers can “charge a higher CPM” for such ad placements. *See* EX1008, 43, 105; EX1002, ¶284. Thus, a POSITA would have found it obvious that in either proposed combination, the credibility rating associated a profile attribute affects the attribute’s value and would be reflected in a price for the attribute. EX1002, ¶¶283-285. Furthermore, because verification may incur additional costs, a POSITA would have found it obvious for profiles having verified attributes (and thus more credible) to sell at a higher price. EX1019, [0074], EX1002, ¶285. For this additional reason, a POSITA would have found it obvious based on these combinations with Coleman, the credibility rating associated with the at least one profile attribute would be reflected in its price. EX1002, ¶¶283-285.

D. Claims 17-18 and 28-29

Claims 17-18 and 28-29 are substantively identical to claims 7-8 and are unpatentable for the same reasons. EX1002, ¶286.

IX. CONCLUSION

For these reasons, Petitioner requests *inter partes* review and cancellation of the challenged claims.

X. DISCRETIONARY ANALYSIS

Fintiv. The Board should not discretionarily deny institution under §314(a). Neither discovery nor claim construction has begun in the parallel litigation, trial is not scheduled to begin before November 30, 2026, and the Court and parties have

made only minimal investment in the parallel litigation. EX1020. Plus, this Petition's merits are compelling.

Advanced Bionics. The Board should not deny institution under §325(d). The Merriman references and Rosenberg were not before the Examiner during prosecution. EX1001, 1-2. Applicant cited Jaye and non-patent publications mentioning Engage and DoubleClick on an IDS along with 60 other references. EX1003, 171-175. Even so, there is no indication the Examiner understood the relevance of these references or considered their disclosures in the combinations established in this Petition. EX1003. Therefore, the same or substantially the same art or arguments were not previously presented to the Office, and the Board should not decline institution based on §325(d).

XI. STANDING

Petitioner certifies pursuant to Rule 42.104(a) that Petitioner is not barred or estopped from requesting this *inter partes* review and the '904 patent is IPR eligible.

XII. MANDATORY NOTICES AND FEES

A. Real Party-in-Interest

Petitioner is the real party-in-interest. No other party directed, controlled, or funded this IPR proceeding.

B. Related Matters

Patent Owner asserts the '904 patent against Petitioner in *AlmondNet, Inc. and Datonics LLC v. Amazon.com, Inc., et al.*, No. 6:24-cv-00234 (W.D. Texas, May 3, 2024) (the “parallel litigation”).

Petitioner is aware of the following additional related matters involving the '904 patent and/or related patents:

Case Caption	Forum	Patents
AlmondNet Inc. et al. v. Meta Platforms Inc., Case No. 4:22-cv-08911	NDCA	7,822,639 8,244,582 8,244,586 8,671,139 8,677,398 9,830,615
AlmondNet Inc. et al. v. Oath Holdings Inc. et al., Case No. 1:19-cv-00247	DDE	7,822,639 8,244,582 7,979,307 8,244,574 8,677,398 8,775,249 8,959,146 8,671,139 8,244,586 8,494,904 9,508,089

Petition for *Inter Partes* Review
U.S. Patent No. 8,494,904

Case Caption	Forum	Patents
AlmondNet Inc. et al. v. Viant Technology LLC, Case No. 1:23-cv-00174	DDE	8,775,249 7,979,307 11,564,015 7,861,260
AlmondNet Inc. et al. v. Beeswax.io Corp. et al., Case No. 1:23-cv-00220	DDE	8,775,249 7,979,307 11,564,015 7,861,260
AlmondNet, Inc. v. LiveIntent Inc., Case No. 1:24-cv-00831	DDE	8,959,146 8,494,904 8,677,398 10,984,445
AlmondNet, Inc. v. Lotame Solutions Inc., Case No. 1:24-cv-00376	DDE	8,494,904 8,677,398 8,775,249 10,984,445 8,589,210
AlmondNet, Inc. v. Oath Holdings Inc. and Yahoo Inc., Case No. 1:16-cv-00247	DDE	7,822,639 7,979,307 8,244,574 8,244,582 8,244,586 8,494,904 8,671,139 8,677,398 8,775,249

Petition for *Inter Partes* Review
U.S. Patent No. 8,494,904

Case Caption	Forum	Patents
		8,959,146 9,508,089
AlmondNet Inc. et al. v. LinkedIn Corp., Case No. 1:23-cv-01373	DDE	7,822,639 7,979,307 8,244,582 8,244,586 8,671,139 8,677,398 8,775,249 8,959,146 10,715,878
AlmondNet, Inc. v. Yahoo! Inc., Case No. 1:16-cv-01557	EDNY	7,822,639 7,979,307 8,244,574 8,244,582 8,244,586 8,494,904 8,671,139 8,677,398 8,775,249 8,959,146 9,508,089
AlmondNet Inc. v. Roku Inc., Case No. 6:21-cv-00876	WDTX	8,244,582 8,566,164 10,715,878 8,677,398

Case Caption	Forum	Patents
		8,959,146 8,671,139 10,321,198 8,595,069
AlmondNet Inc. et al. v. Facebook Inc., Case No. 6:21-cv-00896	WDTX	7,822,639 8,244,582 7,979,307 8,677,398 8,775,249 8,959,146 8,671,139 8,244,586 9,830,615 9,508,089
AlmondNet Inc. et al. v. Microsoft Corp et al., Case No. 6:21-cv-00897	WDTX	7,822,639 8,244,582 7,979,307 8,677,398 8,775,249 8,959,146 8,671,139 8,244,586 9,508,089 9,830,615
AlmondNet Inc. et al. v. Amazon Web Services Inc. et al., Case No. 6:21-cv-00898 (“AlmondNet I”)	WDTX	7,822,639 8,244,582

Petition for *Inter Partes* Review
U.S. Patent No. 8,494,904

Case Caption	Forum	Patents
		7,979,307 8,677,398 8,775,249 8,959,146 8,671,139 8,244,586 9,508,089 9,830,615
AlmondNet Inc. et al. v. Samsung Electronics America Inc. et al., Case No. 6:21-cv-00891	WDTX	8,244,582 7,979,307 8,566,164 10,715,878 8,677,398 8,959,146 8,671,139 10,321,198 8,200,822
AlmondNet Inc. et al. v. Amazon Web Services Inc. et al., Case No. 6:22-cv-01204	WDTX	7,979,307 10,715,878 8,775,249 7,747,745 8,959,146 7,861,260 8,204,783
AlmondNet Inc. et al. v. Meta Platforms Inc., Case No. 6:22-cv-01205	WDTX	7,979,307 10,715,878

Petition for *Inter Partes* Review
U.S. Patent No. 8,494,904

Case Caption	Forum	Patents
		8,775,249 8,959,146 7,747,745 7,861,260 8,204,783
AlmondNet Inc. et al. v. Microsoft Corp. et al., Case No. 6:22-cv-01206	WDTX	7,979,307 10,715,878 8,775,249 8,959,146 7,861,260
AlmondNet Inc. & Intent IQ LLC v. Oracle Corp., Case No. 6:24-cv-00303	WDTX	8,244,582 8,677,398
CBM2017-00051	PTAB	8,494,904
CBM2017-00049	PTAB	7,979,307
CBM2017-00050	PTAB	8,775,249
CBM2017-00052	PTAB	8,244,582
IPR2022-01260	PTAB	8,244,582
IPR2022-01455	PTAB	8,244,582
IPR2022-01436	PTAB	8,244,582
IPR2024-00413	PTAB	7,979,307
IPR2024-00414	PTAB	7,979,307
IPR2024-00415	PTAB	7,979,307
IPR2024-00416	PTAB	8,775,249

Case Caption	Forum	Patents
IPR2024-00417	PTAB	8,775,249
IPR2024-00418	PTAB	8,775,249
IPR2025-00126	PTAB	8,775,249
AlmondNet Inc. v. Meta Platforms Inc., Case No. 24-1834	Fed. Cir.	8,244,582

C. Lead and Backup Counsel

Pursuant to 37 C.F.R. §42.8(b)(3) and 42.10(a), Petitioner designates J. David Hadden, Reg. No. 40,629 as lead counsel and Brian M. Hoffman, Reg. No. 39,713, Saina Shamilov, Reg. No. 48,266, Kevin X. McGann, Reg. No. 48,793, Eric Y. Zhou, Reg. No. 68,842, and Jessica W. Lin, Reg. No. 69,920, as back-up counsel, each of Fenwick & West LLP.

D. Service Information

Petitioner consents to service by electronic mail at:

AlmondNet-IPR@fenwick.com.

Petitioner's counsel may also be served by mail or hand delivery at Fenwick & West LLP, 801 California St, Mountain View, CA 94041. Petitioner's counsel may be reached by telephone at (650) 988-8500.

Petition for *Inter Partes* Review
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E. Fees

The Office is authorized to charge fees for this Petition to Deposit Account
19-2555.

Dated: March 10, 2025

Respectfully submitted,

FENWICK & WEST LLP

/J. David Hadden/

J. David Hadden

Reg. No. 40,629

Attorneys for Petitioner

Amazon.com, Inc., Amazon Web Services,
Inc., and Amazon.com Services LLC

CERTIFICATION OF WORD COUNT

The undersigned certifies pursuant to 37 C.F.R. §42.24 that the foregoing Petition for *Inter Partes* Review, excluding any table of contents, mandatory notices under 37 C.F.R. § 42.8, certificates of service or word count, or appendix of exhibits, contains 13915 words according to the word-processing program used to prepare this document (Microsoft Word).

Dated: March 10, 2025

FENWICK & WEST LLP

/J. David Hadden/

J. David Hadden

Reg. No. 40,629

Attorneys for Petitioner

Amazon.com, Inc., Amazon Web Services,
Inc., and Amazon.com Services LLC

**CERTIFICATE OF SERVICE ON PATENT OWNER
UNDER 37 C.F.R. § 42.105**

I hereby certify, pursuant to 37 C.F.R. Sections 42.6 and 42.105, that a complete copy of the attached **PETITION FOR INTER PARTES REVIEW OF U.S. PATENT NO. 8,494,904**, including all exhibits (**Nos. 1001-1021**), is being served via Federal Express on March 10, 2025, upon Patent Owner by serving the correspondence address of record with the USPTO as follows:

Louis J. Hoffman, P.C.
Louis Hoffman
David Alavi
7689 East Paradise Lane, Suite 2
Scottsdale, AZ 85260

Additionally, the foregoing was also served via Federal Express upon counsel of record for Patent Owner in the litigation pending before the U.S. District Court for the Western District of Texas entitled *AlmondNet, Inc. and Datonics LLC v. Amazon.com, Inc., et al.*, No. 6:24-cv-002348 (W.D. Tex.) as follows:

Daniel B. Kolko
James Milkey
James S. Tsuei
Jason M. Wietholter
Marc A. Fenster
Reza Mirzaie
Russ August & Kabat
12424 Wilshire Blvd., 12th Floor
Los Angeles, CA 90025

Petition for *Inter Partes* Review
U.S. Patent No. 8,494,904

Dated: March 10, 2025

FENWICK & WEST LLP

/J. David Hadden/

J. David Hadden

Reg. No. 40,629

Attorneys for Petitioner

Amazon.com, Inc., Amazon Web Services,
Inc., and Amazon.com Services LLC