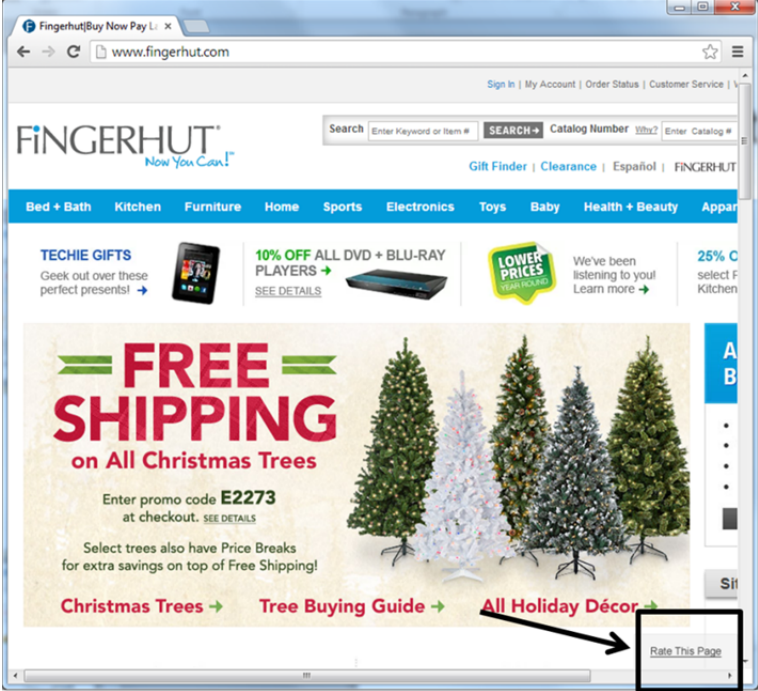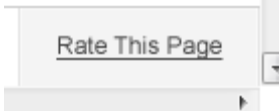| Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
1. One or more computer-readable non-transitory storage media embodying software operable when executed to:	Multiple web pages on Fingerhut's website[1] implement and/or include one or more computer-readable non-transitory storage media embodying software. For example, the home page for the Fingerhut website, which may be accessed and displayed on a web browser at a user's computer system, includes a "Feedback" icon powered by Qualtrics Labs (Qualtrics) feedback solutions that enable Qualtrics Comment Cards. The Qualtrics feedback solutions including Comment Cards allow for users that access Fingerhut.com to submit various types of page-specific feedback (such as ratings and comments) concerning the particular web page by selecting the "Feedback" icon, an example of which is identified below.[2] Fingerhut.com

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[1] These infringement contentions use the Fingerhut website only as an example and similarly apply to Qualtrics' feedback solutions, products, and services and associated comment cards (including, but not limited to, Qualtrics' Research Suite and Site Intercept solutions, products, and services) that are utilized on or in connection with websites of Qualtrics and/or Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.
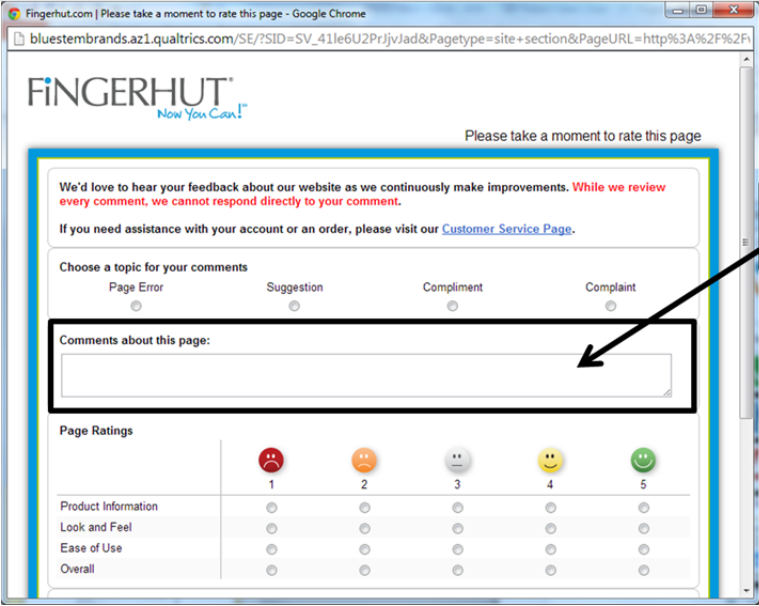
[2] The identification and illustration of particular portions of web pages are offered by example only and should not be limiting in any way. OpinionLab reserves the right to amend, and/or supplement these contentions as may be appropriate.

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
provide a user-selectable element viewable on each of a plurality of particular web pages of a website upon initial display of a particular web page and soliciting page-specific user feedback concerning the particular web page upon initial display of the particular web page,	Most, if not all, web pages on the Fingerhut website implementing Qualtrics feedback solutions including Comment Cards include a "user-selectable element" that is viewable on each of a plurality of particular web pages of the website (*e.g.*, such as the Fingerhut home page from fingerhut.com) and solicits page-specific user feedback concerning the particular web page upon initial display of the particular web page. For example, multiple web pages on the Fingerhut website (such as the Fingerhut home page) include a "Feedback" icon (*i.e.*, the "user-selectable element"), an example of which is identified below. When the user navigates to and accesses the Fingerhut.com home page (or other particular web page), the "Feedback" icon is viewable upon initial display of the web page. This icon solicits page-specific user feedback, such as subjective ratings and/or open-ended comments, concerning a particular web page from each user accessing the web page. This is ultimately accomplished via the mechanism explained further below by which the user provides and submits such page-specific user feedback concerning the particular web page. Indeed, users familiar with this feedback collection system know from experience that they must first select the icon to provide the page-specific user feedback, such as through subjective rating and/or open-ended comments, concerning the particular web page. The solicitation occurs automatically upon the user navigating to and accessing the Fingerhut.com home page (or other particular web page), and the user need not provide input.

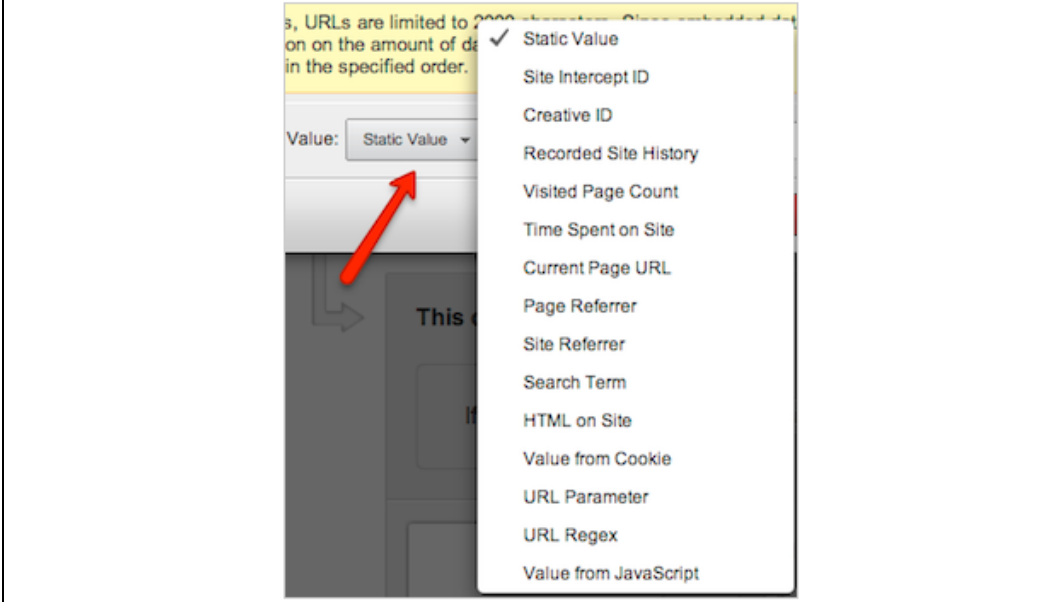| Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Fingerhut.com. A more detailed image of this "Feedback" icon is shown below, soliciting the customer to "Rate This Page." Fingerhut.com Feedback Icon Upon user selection of the "Feedback" icon, the Qualtrics Comment Card is displayed to the user. The Comment Card shown below allows the user to provide page-specific user feedback concerning the

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	particular web page. For instance, the "Page Ratings" section of the Comment Card allows the user to provide feedback in the form of one or more ratings based upon the user's perceived impressions of the particular web page as a whole. The "Overall" rating allows the user to provide a page-specific subjective rating of the particular web page as a whole, and each of the "Product Information," "Look and Feel," and "Ease of Use" ratings allows the user to rate at least one characteristic of the particular web page as a whole. Each of these numerical rating scales allows the user to rate the particular web page as a whole using a one to five (1-5) scale with at least one positive, neutral, and negative rating. Qualtrics Comment Card from Fingerhut.com. Further, the "Comments about this page" text box of the Comment Card shown below allows the user to provide open-ended comments concerning the particular web page without any limitation as to substance.

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Qualtrics Comment Card from Fingerhut.com. The associated text (*e.g.*, "Page Ratings," "Comments about this page," and "Please take a moment to rate this page") confirms that any entered subjective ratings or comments may concern the particular web page.

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Qualtrics Comment Card from Fingerhut.com. It is also clear that the Qualtrics feedback solutions including Comment Cards operate on a page-specific basis, even where the Comment Card does not explicitly confirm that any entered feedback concerns the particular web page, because, for example, in order to request a Comment Card, the system constructs the Comment Card's URL to include a "PageURL" component. As such, this component embedded within the URL is one method for later associating the particular web page with any feedback concerning that particular web page for analytics, reporting, or other purposes. For example, when fingerhut.com is the particular web page for feedback, the URL appears as: "PageURL=http%3A%2F%2Fwww.fingerhut.com%2F".[3] As can be seen from the source code of the Qualtrics Comment Card below, the particular web page,

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[3] The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_41le6U2PrJjvJad&Pagetype=site+section&PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4.

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	identified by the "Referer" label, is also embedded within the Qualtrics Comment Card itself. Qualtrics Comment Card from Fingerhut.com – Source Code Qualtrics' Customer Support pages on its website confirm that the particular web page is embedded and included with the Comment Card to be utilized with feedback concerning the particular web page: *Excerpted from* Qualtrics, "Embedded Data," *available at* http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Excerpted from Qualtrics, "Embedded Data," *available at* http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/ *See also* Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/ ("Add Embedded Data to the Intercept to track which page the visitor was on when they clicked the Feedback Link. For more information refer to the Embedded Data page."). In addition, this page-specificity of the feedback is apparent because it is provided in response to the user navigating to and accessing a particular web page and then subsequently selecting the "Feedback" icon to trigger the Comment Card concerning that particular web page. Moreover, independent of any user

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	knowledge of the page-specific nature of the feedback, the Qualtrics feedback solutions including Comment Cards system ultimately collects, analyzes, and reports all feedback as it concerns the particular web page regardless of whether the user explicitly identifies the feedback as concerning the particular web page. Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example: • "Receiving website feedback is easy with the Feedback Link. This allows you to know what your website visitors are thinking and improve their experience." Qualtrics, "Website Feedback," *available at* http://qualtrics.com/university/researchsuite/distributing/more-distribution-methods/website-feedback/. • "The Feedback Link collects visitor's opinions of your website. . . . Because a Feedback Link is passive, it may attract extreme viewpoints in the survey results – people who actively seek out a way to provide feedback because they either had an exceptionally positive or an exceptionally negative experience. . . . In general the Feedback Link is appropriate for collecting reactive website feedback." Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/. • "The Matrix Table allows you to ask many multiple choice questions that use the same answer choice scale. . . . **Likert:** Allows you to place a scale of choices across the top." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. • "Text Entry questions allow respondents to type in verbatim responses, such as comments and contact information." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. • "Businesses adopt the platform to gather insights and deliver content based specifically on customer feedback. This data informs the development of website functionality and usability enhancements." Qualtrics, "Qualtrics Site Intercept Adoption Skyrockets, Growing Nearly 200 Percent" (Aug. 22, 2013), *available at* http://qualtrics.com/press/press-releases/qualtrics-site-intercept-adoption-skyrockets-growing-nearly-200-percent/. • "Feedback: The web shouldn't be a one-way form of communication. Know what your visitors are thinking by providing them with a place to talk to you. You can even link to a Qualtrics survey. In fact, we recommend it." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/.

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	• "Feedback: Whether you use the built-in feedback creative or not, gathering accurate information for your visitors to improve their experience is crucial. It's hard to have direction without information, and Site Intercept makes it easy." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.
the user-selectable element appearing identically and behaving consistently on each of the plurality of particular web pages; and	The "Feedback" icon appears identically and behaves consistently on each of the plurality of particular web pages. For example, many of the web pages on the Fingerhut website include a "Feedback" icon (*i.e.*, the "user-selectable element"), an example of which is identified below. This icon is viewable when the user navigates to and accesses the Fingerhut home page (or other particular web page).

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	Fingerhut.com. A substantially similar icon appears identically and behaves consistently on most, if not all, Fingerhut web pages implementing the Qualtrics feedback solutions including Comment Cards, including the Fingerhut web page for "Kitchen."

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Fingerhut.com – "Kitchen" *See* Fingerhut, "Kitchen," *available at* http://www.fingerhut.com/section/Kitchen/10.uts. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the Qualtrics Comment Card software utilized with multiple web pages on the Fingerhut website performs substantially the same function in substantially the same way to yield substantially the same result as this element and therefore infringes under the doctrine of equivalents.

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.
receive the page-specific user feedback concerning the particular web page for reporting to an interested party,	The Qualtrics feedback solutions including Comment Cards software is operable to receive the page-specific user feedback concerning the particular web page. For example, upon the user accessing the particular web page and selecting the "Feedback" icon, the Qualtrics Comment Card shown below becomes viewable on the particular web page. Within the Comment Card, the user may provide page-specific feedback concerning the particular web page through subjective ratings and/or open-ended comments via either the "Page Ratings" or "Comments about this page" sections of the Comment Card. The user may then submit page-specific feedback to Qualtrics (as the feedback vendor for Fingerhut) by selecting the "Submit Feedback" button.

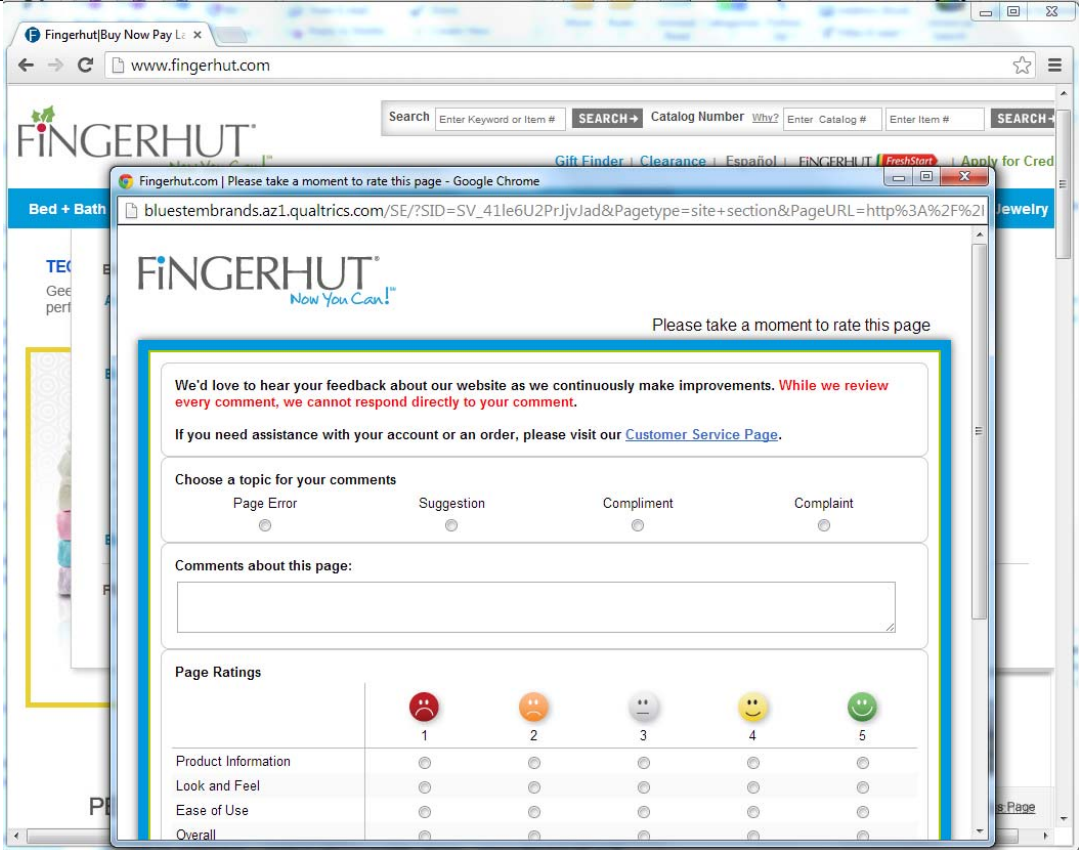| Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	Qualtrics Comment Card from Fingerhut.com. Qualtrics Comment Card from Fingerhut.com. The page-specific feedback concerning the particular web page may also be reported to an interested party. For example, Qualtrics describes a variety of reporting mechanisms to an interested party, such as a website owner like Fingerhut: "The View Reports section is designed to help you create quick, useful reports from your data. These reports are ideal for producing a standard report of your whole survey with basic filters and customization." *See* Qualtrics, "About Viewing Reports," *available at* http://qualtrics.com/university/researchsuite/reporting/view-reports/about-viewing-reports/. "Graphs For Every Need: * Display data with over 30 different graph types. * Format each graph's color, size, axis, & display settings. * Render graphs in Flash or export to Word, PowerPoint, or

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	PDF." *See* Qualtrics, "Analysis and Reporting," *available at* http://qualtrics.com/research-suite/survey-analysis-reporting/. • "Filter Data: * Filter survey results by date range, subgroup, or completion status. * Track how a specific group responded to a survey. * Create subgroups using question responses or embedded data." *See* Qualtrics, "Analysis and Reporting," *available at* http://qualtrics.com/research-suite/survey-analysis-reporting/. • "Drill Downs: * See a side-by-side comparison of demographic groups. * View answers to every question grouped by a specific element. * Drill down by survey questions, scoring categories, or embedded data." *See* Qualtrics, "Analysis and Reporting," *available at* http://qualtrics.com/research-suite/survey-analysis-reporting/. • "Custom Reports: * Track the data you care about. * Customize reports to your company's needs. * Share password-protected survey results with anyone. Qualtrics can create custom reports especially for you. It is the best way to track what is happening while your surveys are deployed. These interactive reports are customized to your company's needs, updated as new data streams in and can be accessed by anyone with a password – even if they don't have a Qualtrics account." *See* Qualtrics, "Enterprise Feedback Management," *available at* http://qualtrics.com/research-suite/enterprise-feedback-management/. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.
the page-specific user feedback concerning the	The page-specific user feedback concerning the particular web page may be provided by a user while the user remained at the particular web page.

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
particular webpages having been provided by a user while the user remained at the particular web page, and	For example, upon the user accessing the particular web page and selecting the "Feedback" icon, the Qualtrics Comment Card shown below becomes viewable on the particular web page. Within the Comment Card, the user may provide page-specific feedback concerning the particular web page through subjective ratings and/or open-ended comments via either the "Page Ratings" or "Comments about this page" sections of the Comment Card. The user may then submit page-specific feedback to Qualtrics (as the feedback vendor for Fingerhut) by selecting the "Submit Feedback" button. In addition, as shown below, the user may remain at and need not navigate away from Fingerhut.com in order to provide the page-specific feedback through the Qualtrics Comment Card.

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Fingerhut.com Home Page with Qualtrics Comment Card OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element.

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.
the page-specific user feedback comprising one or more page-specific subjective ratings of the particular web page and one or more associated page-specific open-ended comments concerning the particular web page,	The page-specific user feedback comprises (1) one or more page-specific subjective ratings of the particular web page and (2) one or more associated page-specific open-ended comments concerning the particular web page. For example, upon the user accessing the particular web page and selecting the "Feedback" icon, the Qualtrics Comment Card shown below becomes viewable on the particular web page. The Comment Card allows the user to provide page-specific user feedback, through subjective ratings and open-ended comments, concerning the particular web page. For instance, the "Page Ratings" section of the Comment Card allows the user to provide feedback in the form of one or more ratings based upon the user's perceived impressions of the particular web page as a whole. The "Overall" rating allows the user to provide a page-specific subjective rating of the particular web page as a whole, and each of the "Product Information," "Look and Feel," and "Ease of Use" ratings allows the user to rate at least one characteristic of the particular web page as a whole. Each of these numerical rating scales allows the user to rate the particular web page as a whole using a one to five (1-5) scale with at least one positive, neutral, and negative rating.

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Qualtrics Comment Card from Fingerhut.com. Further, the "Comments about this page" text box of the Comment Card shown below allows the user to provide open-ended comments concerning the particular web page without any limitation as to substance.

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Qualtrics Comment Card from Fingerhut.com. The associated text (*e.g.*, "Page Ratings," "Comments about this page," and "Please take a moment to rate this page") confirms that any entered subjective ratings or comments may concern the particular web page.

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Qualtrics Comment Card from Fingerhut.com. It is also clear that the Qualtrics feedback solutions including Comment Cards operate on a page-specific basis, even where the Comment Card does not explicitly confirm that any entered feedback concerns the particular web page, because, for example, in order to request a Comment Card, the system constructs the Comment Card's URL to include a "PageURL" component. As such, this component embedded within the URL is one method for later associating the particular web page with any feedback concerning that particular web page for analytics, reporting, or other purposes. For example, when fingerhut.com is the particular web page for feedback, the URL appears as: "PageURL=http%3A%2F%2Fwww.fingerhut.com%2F".[4]

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[4] The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_41le6U2PrJjvJad&Pagetype=site+section&
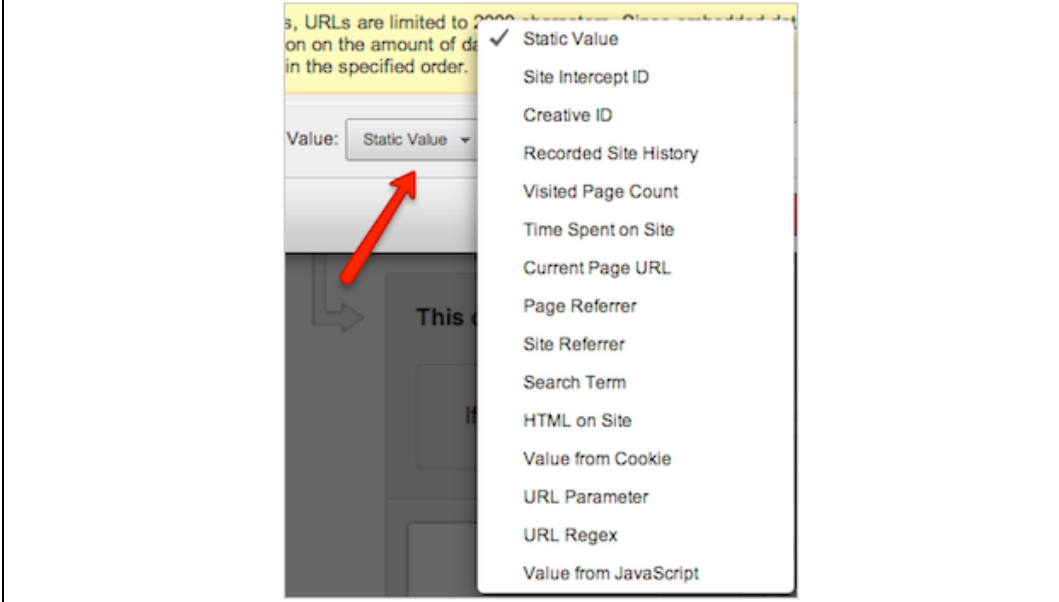PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4.

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	As can be seen from the source code of the Qualtrics Comment Card below, the particular web page, identified by the "Referer" label, is also embedded within the Qualtrics Comment Card itself. ``` <FORM id="Page" NAME="Page" METHOD="POST" ENCTYPE="multipart/form-data" > <INPUT id='SurveyID' TYPE='HIDDEN' NAME='SurveyID' VALUE='SV_41le6U2PrJjvJad'> <INPUT id='SessionID' TYPE='HIDDEN' NAME='SessionID' VALUE='DummySessionID'> <INPUT id='PageDisplayTime' TYPE='HIDDEN' NAME='PageDisplayTime' VALUE='2013-11-01 11:58:39'> <INPUT TYPE='HIDDEN' NAME='TransactionID' VALUE='0'> <INPUT TYPE='HIDDEN' NAME='Referer' VALUE='http://www.fingerhut.com/'> ``` Qualtrics Comment Card from Fingerhut.com – Source Code Qualtrics' Customer Support pages on its website confirm that the particular web page is embedded and included with the Comment Card to be utilized with feedback concerning the particular web page: **Using other built-in Embedded Data fields** In addition to creating your own Embedded Data variables or pulling them in from other sources, you also have access to some built-in variables that are recorded for every response. These elements can be added to the Survey Flow using the steps described in the Creating an Embedded Data Element section. The following built-in Embedded Data fields can be added for your survey: . . . **Referer** This element shows the page the respondent was on when they clicked the survey link. For emailed surveys you will see a URL for the email provider in most cases. If the survey is linked to with an automatic redirect, such as a URL redirect at the end of another survey, no value is recorded. *Excerpted from* Qualtrics, "Embedded Data," *available at* http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	But what if you want dynamic Embedded Data, such as a field storing which page the visitor was viewing when they saw the Creative? For scenarios like this, simply click **Static Value** to open a menu of additional Embedded Data value options. ✓ Static Value Site Intercept ID Creative ID Recorded Site History Visited Page Count Time Spent on Site Current Page URL Page Referrer Site Referrer Search Term HTML on Site Value from Cookie URL Parameter URL Regex Value from JavaScript *Excerpted from* Qualtrics, "Embedded Data," *available at* http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/ *See also* Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/ ("Add Embedded Data to the Intercept to track which page the visitor was on when they clicked the Feedback Link. For more information refer to the Embedded Data page."). In addition, this page-specificity of the feedback is apparent because it is provided in response to the user navigating to and accessing a particular web page and then subsequently selecting the "Feedback" icon to trigger the Comment Card concerning that particular web page. Moreover, independent of any user

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	knowledge of the page-specific nature of the feedback, the Qualtrics feedback solutions including Comment Cards system ultimately collects, analyzes, and reports all feedback as it concerns the particular web page regardless of whether the user explicitly identifies the feedback as concerning the particular web page. Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example: • "Receiving website feedback is easy with the Feedback Link. This allows you to know what your website visitors are thinking and improve their experience." Qualtrics, "Website Feedback," *available at* http://qualtrics.com/university/researchsuite/distributing/more-distribution-methods/website-feedback/. • "The Feedback Link collects visitor's opinions of your website. . . . Because a Feedback Link is passive, it may attract extreme viewpoints in the survey results – people who actively seek out a way to provide feedback because they either had an exceptionally positive or an exceptionally negative experience. . . . In general the Feedback Link is appropriate for collecting reactive website feedback." Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/. • "The Matrix Table allows you to ask many multiple choice questions that use the same answer choice scale. . . . **Likert:** Allows you to place a scale of choices across the top." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. • "Text Entry questions allow respondents to type in verbatim responses, such as comments and contact information." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. • "Businesses adopt the platform to gather insights and deliver content based specifically on customer feedback. This data informs the development of website functionality and usability enhancements." Qualtrics, "Qualtrics Site Intercept Adoption Skyrockets, Growing Nearly 200 Percent" (Aug. 22, 2013), *available at* http://qualtrics.com/press/press-releases/qualtrics-site-intercept-adoption-skyrockets-growing-nearly-200-percent/. • "Feedback: The web shouldn't be a one-way form of communication. Know what your visitors are thinking by providing them with a place to talk to you. You can even link to a Qualtrics survey. In fact, we recommend it." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/.

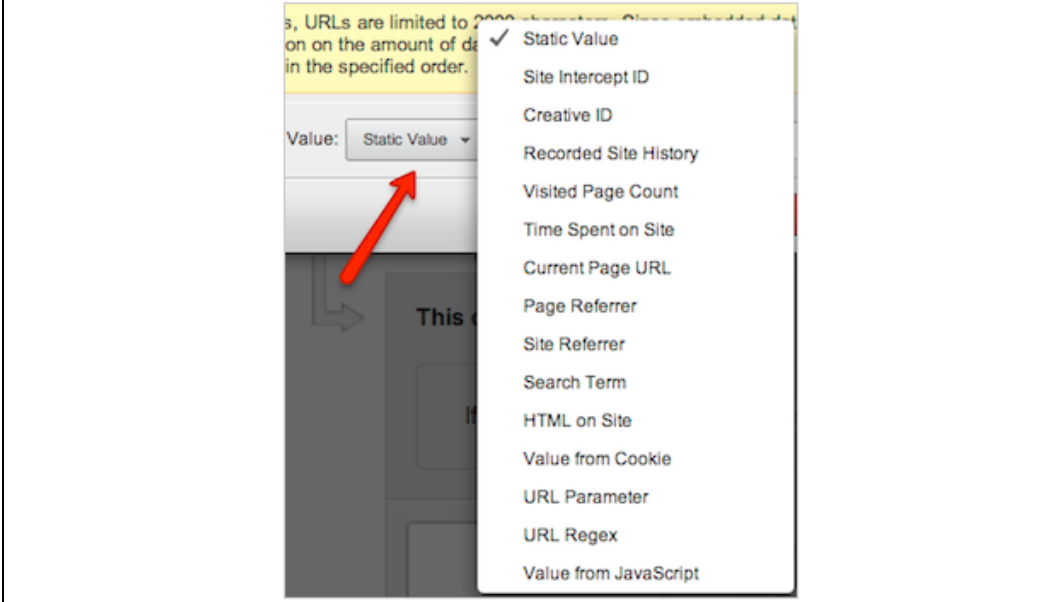| Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	• "Feedback: Whether you use the built-in feedback creative or not, gathering accurate information for your visitors to improve their experience is crucial. It's hard to have direction without information, and Site Intercept makes it easy." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.
the page-specific user feedback allowing the interested party to access page-specific subjective ratings and associated page-specific open-ended comments across the plurality of particular web pages to identify one or more particular web pages for which the page-specific user feedback is notable relative to page-specific user feedback for other	The page-specific user feedback allows the interested party (such as Fingerhut) to access page-specific subjective ratings and associated page-specific open-ended comments across the plurality of particular web pages to identify one or more particular web pages for which the page-specific user feedback is notable relative to page-specific user feedback for other particular web pages. For example, the website owner may access the page-specific feedback, including the subjective user ratings and associated open-ended comments, as it concerns any of the particular web pages via a reporting mechanism that reports the feedback on a page-specific basis, among other approaches. Through the reporting mechanism, the website owner may identify particular web pages for which the page-specific user feedback is notable relative to other particular web pages from that same website. For instance, Qualtrics describes a variety of page-specific reporting mechanisms to a website owner such as Fingerhut: • "The View Reports section is designed to help you create quick, useful reports from your data. These reports are ideal for producing a standard report of your whole survey with basic filters and customization." *See* Qualtrics, "About Viewing Reports," *available at*

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
particular web pages;	http://qualtrics.com/university/researchsuite/reporting/view-reports/about-viewing-reports/. • "Graphs For Every Need: * Display data with over 30 different graph types. * Format each graph's color, size, axis, & display settings. * Render graphs in Flash or export to Word, PowerPoint, or PDF." *See* Qualtrics, "Analysis and Reporting," *available at* http://qualtrics.com/research-suite/survey-analysis-reporting/. • "Filter Data: * Filter survey results by date range, subgroup, or completion status. * Track how a specific group responded to a survey. * Create subgroups using question responses or embedded data." *See* Qualtrics, "Analysis and Reporting," *available at* http://qualtrics.com/research-suite/survey-analysis-reporting/. • "Drill Downs: * See a side-by-side comparison of demographic groups. * View answers to every question grouped by a specific element. * Drill down by survey questions, scoring categories, or embedded data." *See* Qualtrics, "Analysis and Reporting," *available at* http://qualtrics.com/research-suite/survey-analysis-reporting/. • "Custom Reports: * Track the data you care about. * Customize reports to your company's needs. * Share password-protected survey results with anyone. Qualtrics can create custom reports especially for you. It is the best way to track what is happening while your surveys are deployed. These interactive reports are customized to your company's needs, updated as new data streams in and can be accessed by anyone with a password – even if they don't have a Qualtrics account." *See* Qualtrics, "Enterprise Feedback Management," *available at* http://qualtrics.com/research-suite/enterprise-feedback-management/. The associated text on the Fingerhut Comment Card itself (*e.g.*, "Page Ratings," "Comments about this page," and "Please take a moment to rate this page") confirms that any entered subjective ratings or comments may concern the particular web page.

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Qualtrics Comment Card from Fingerhut.com. It is also clear that the Qualtrics feedback solutions including Comment Cards operate on a page-specific basis, even where the Comment Card does not explicitly confirm that any entered feedback concerns the particular web page, because, for example, in order to request a Comment Card, the system constructs the Comment Card's URL to include a "PageURL" component. As such, this component embedded within the URL is one method for later associating the particular web page with any feedback, whether subjective user ratings or open-ended comments, concerning that particular web page for analytics, reporting, or other purposes. For example, when fingerhut.com is the particular web page for feedback, the URL appears as: "PageURL=http%3A%2F%2Fwww.fingerhut.com%2F".[5]

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[5] The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_41le6U2PrJjvJad&Pagetype=site+section& PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4.

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	As can be seen from the source code of the Qualtrics Comment Card below, the particular web page, identified by the "Referer" component is also embedded within the Qualtrics Comment Card itself.

```
<FORM id="Page" NAME="Page" METHOD="POST" ENCTYPE="multipart/form-data" >
            <INPUT id='SurveyID' TYPE='HIDDEN' NAME='SurveyID' VALUE='SV_41le6U2PrJjvJad'>
                    <INPUT id='SessionID' TYPE='HIDDEN' NAME='SessionID' VALUE='DummySessionID'>
            <INPUT id='PageDisplayTime' TYPE='HIDDEN' NAME='PageDisplayTime' VALUE='2013-11-01 11:58:39'>

    <INPUT TYPE='HIDDEN' NAME='TransactionID' VALUE='0'>

                            <INPUT TYPE='HIDDEN' NAME='Referer' VALUE='http://www.fingerhut.com/'>
```

Qualtrics Comment Card from Fingerhut.com – Source Code

Qualtrics' Customer Support pages on its website confirm that the particular web page is embedded and included with the Comment Card to be utilized with feedback concerning the particular web page:

Using other built-in Embedded Data fields

In addition to creating your own Embedded Data variables or pulling them in from other sources, you also have access to some built-in variables that are recorded for every response. These elements can be added to the Survey Flow using the steps described in the Creating an Embedded Data Element section.

The following built-in Embedded Data fields can be added for your survey:

. . .

Referer   This element shows the page the respondent was on when they clicked the survey link. For emailed surveys you will see a URL for the email provider in most cases. If the survey is linked to with an automatic redirect, such as a URL redirect at the end of another survey, no value is recorded.

Excerpted from Qualtrics, "Embedded Data," *available at*
http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	  Excerpted from Qualtrics, "Embedded Data," *available at* http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/ *See also* Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/ ("Add Embedded Data to the Intercept to track which page the visitor was on when they clicked the Feedback Link. For more information refer to the Embedded Data page."). In addition, this page-specificity of the feedback is apparent because it is provided in response to the user navigating to and accessing a particular web page and then subsequently selecting the "Feedback" icon to trigger the Comment Card concerning that particular web page. Moreover, independent of any user

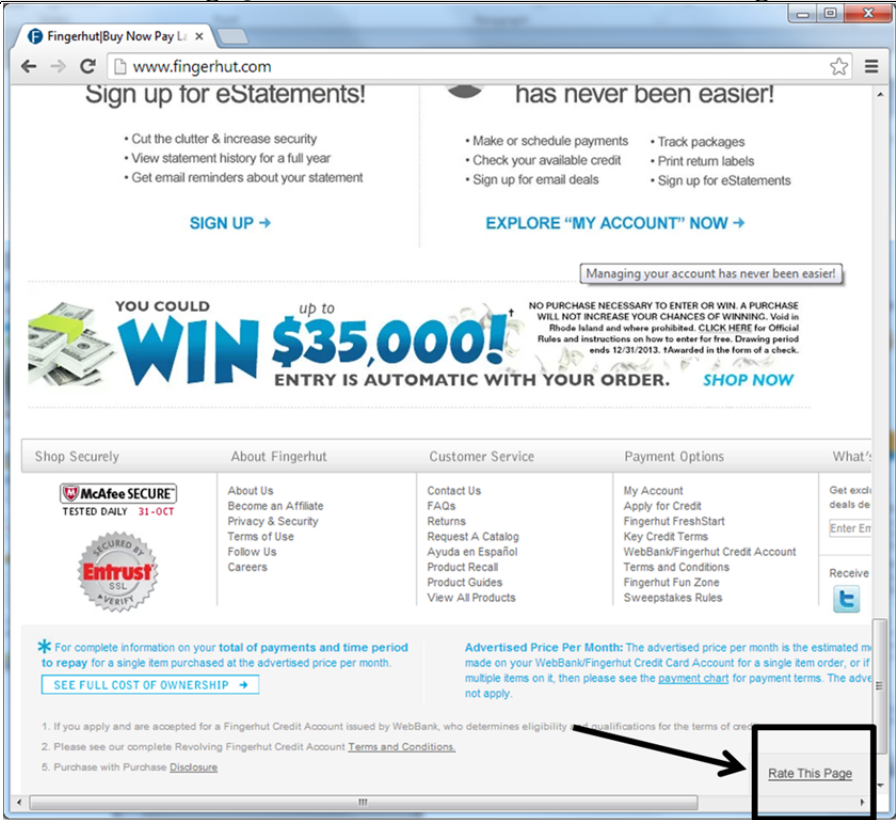| Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	knowledge of the page-specific nature of the feedback, the Qualtrics feedback solutions including Comment Cards system ultimately collects, analyzes, and reports all feedback as it concerns the particular web page regardless of whether the user explicitly identifies the feedback as concerning the particular web page. Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example: • "Receiving website feedback is easy with the Feedback Link. This allows you to know what your website visitors are thinking and improve their experience." Qualtrics, "Website Feedback," *available at* http://qualtrics.com/university/researchsuite/distributing/more-distribution-methods/website-feedback/. • "The Feedback Link collects visitor's opinions of your website. . . . Because a Feedback Link is passive, it may attract extreme viewpoints in the survey results – people who actively seek out a way to provide feedback because they either had an exceptionally positive or an exceptionally negative experience. . . . In general the Feedback Link is appropriate for collecting reactive website feedback." Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/. • "The Matrix Table allows you to ask many multiple choice questions that use the same answer choice scale. . . . **Likert:** Allows you to place a scale of choices across the top." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. • "Text Entry questions allow respondents to type in verbatim responses, such as comments and contact information." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. • "Businesses adopt the platform to gather insights and deliver content based specifically on customer feedback. This data informs the development of website functionality and usability enhancements." Qualtrics, "Qualtrics Site Intercept Adoption Skyrockets, Growing Nearly 200 Percent" (Aug. 22, 2013), *available at* http://qualtrics.com/press/press-releases/qualtrics-site-intercept-adoption-skyrockets-growing-nearly-200-percent/. • "Feedback: The web shouldn't be a one-way form of communication. Know what your visitors are thinking by providing them with a place to talk to you. You can even link to a Qualtrics survey. In fact, we recommend it." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/.

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	• "Feedback: Whether you use the built-in feedback creative or not, gathering accurate information for your visitors to improve their experience is crucial. It's hard to have direction without information, and Site Intercept makes it easy." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.
wherein the user-selectable element is viewable within a browser window upon initial display of the particular web page and remains viewable within the browser window, at least prior to the user selection, regardless of user scrolling.	The "Feedback" icon (*i.e.*, the "user-selectable element") remains viewable within a browser window, at least prior to the user selection, regardless of user scrolling. For example, when the user first navigates to Fingerhut.com, as can be seen below, the "Feedback" icon appears in the bottom, right-hand corner of the web browser window. In addition, as shown by the vertical scroll bar on the browser window, the particular web page (*e.g.*, Fingerhut.com) is not entirely viewable to the user.

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	Fingerhut.com. As such, when the user scrolls to the bottom of the web page that was previously not viewable, the "Feedback" icon remains viewable in the bottom, right-hand corner of the web browser window.

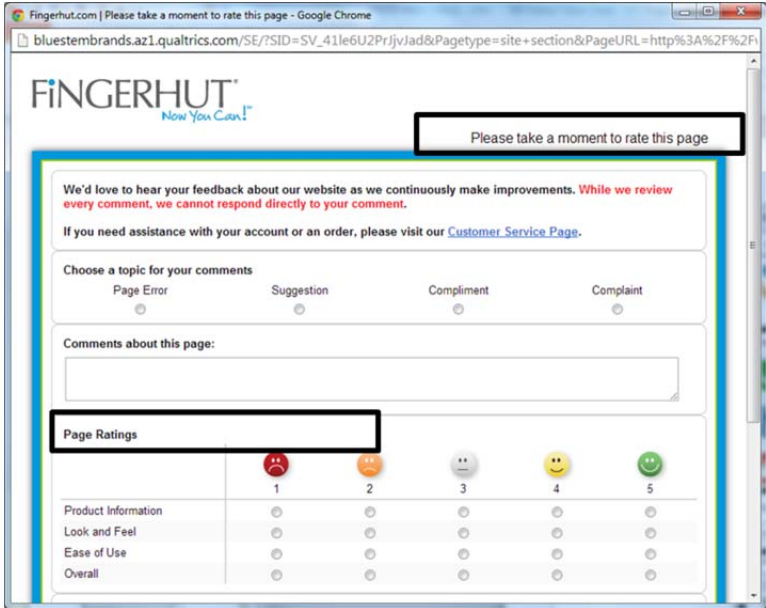| Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Fingerhut.com – bottom portion of the web page. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element.

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.

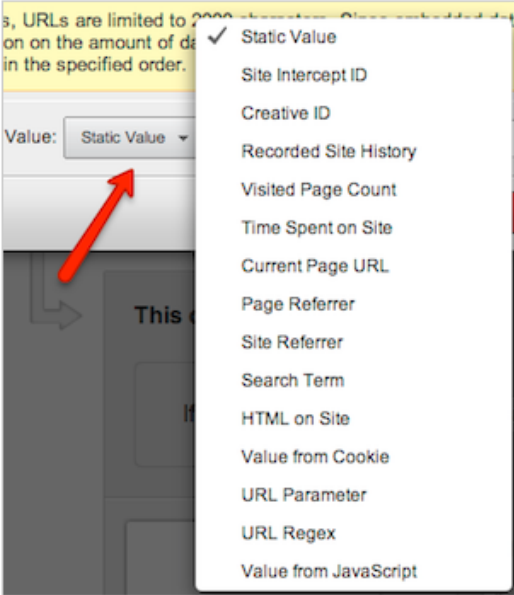| Claim 2 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
2. The media of claim 1, wherein the software associated with the user-selectable element is incorporated into software of each of the plurality of particular web pages.	The Qualtrics feedback solutions including Comment Cards software that is associated with the user-selectable element and allows users to provide page-specific feedback is incorporated into the software of each of the plurality of particular web pages. For example, the Qualtrics feedback solutions including Comment Cards software is incorporated into and included within the HTML code of each particular web page (*e.g.*, such as the Fingerhut home page, fingerhut.com). As shown by the Customer Support pages on Qualtrics.com, certain HTML source code and/or JavaScript libraries provided by Qualtrics are hosted by Fingerhut and do not require separate software downloads by the user. Pursuant to Qualtrics instructions, Fingerhut incorporated the Qualtrics software into the HTML source code of many of the Fingerhut web pages (such as the Fingerhut home page) thereby enabling page-specific feedback concerning the particular web page through the Qualtrics Comment Cards. For instance, the Customer Support on Qualtrics' website describes various options for how a potential customer should implement the "Feedback" icon and supporting software within the target company website. *See, e.g.*: • Feedback Link. *See* Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/ • Slider. *See* Qualtrics, "Slider," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/slider/ • Site Intercept. *See* Qualtrics, "Implementing Site Intercept," *available at* http://wordpressstaging.qualtrics.com/university/site-intercept/basics/getting-started/implementing-site-intercept/ ("For the easiest implementation, we recommend placing the code in a global header or footer, so it loads on all pages of the website. With this implementation, you are free to run Intercepts on any page.")

Claim 2 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	• Anonymous Survey Links. *See* Qualtrics, "Anonymous Survey Links," *available* at http://qualtrics.com/university/researchsuite/distributing/basic-distribution/anonymous-survey-link/ • In-Page Pop-Ups. *See* Qualtrics, "In-Page Pop-Up," *available at* http://qualtrics.com/university/researchsuite/distributing/more-distribution-methods/in-page-pop-up/ • Website Feedback via Feedback Link. *See* Qualtrics, "Website Feedback," *available at* http://qualtrics.com/university/researchsuite/distributing/more-distribution-methods/website-feedback/ Further, the associated software, with corresponding JavaScript libraries, allows the user to provide the page-specific feedback concerning the particular web page through the Qualtrics Comment Card and submit the feedback to the Qualtrics server. *See* Qualtrics Comment Card from Fingerhut.com –Source Code *available at* http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_41le6U2PrJjvJad&Pagetype=site+section&PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4. Accordingly, the user need not download any additional software onto the user's computer system outside of any HTML and JavaScript employed within the typical display of and interaction with the particular web page. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.

Claim 5 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
5. The media of claim 1, wherein each page-specific subjective rating comprises one of: a page-specific subjective rating of the particular web page as a whole; and a specific page-specific subjective rating of at least one characteristic of the particular web page as a whole.	Each page-specific subjective rating comprise one of (1) a page-specific subjective rating of the particular web page as a whole and (2) a specific page-specific subjective rating of at least one characteristic of the particular web page as a whole. For example, the Comment Card shown below allows the user to provide page-specific user feedback concerning the particular web page. For instance, the "Page Ratings" section of the Comment Card allows the user to provide feedback in the form of one or more ratings based upon the user's perceived impressions of the particular web page as a whole. The "Overall" rating allows the user to provide a page-specific subjective rating of the particular web page as a whole, and each of the "Product Information," "Look and Feel," and "Ease of Use" ratings allows the user to rate at least one characteristic of the particular web page as a whole. Each of these numerical rating scales allows the user to rate the particular web page as a whole using a one to five (1-5) scale with at least one positive, neutral, and negative rating.

Claim 5 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	Qualtrics Comment Card from Fingerhut.com. The associated text (*e.g.*, "Page Ratings" and "Please take a moment to rate this page") identifies that any entered subjective ratings may concern the particular web page. Qualtrics Comment Card from Fingerhut.com. It is also clear that the Qualtrics feedback solutions including Comment Cards operate on a page-specific basis, even where the Comment Card does not explicitly confirm that any entered feedback concerns the particular web page, because, for example, in order to request a Comment Card, the system constructs the Comment Card's URL to include a "PageURL" component. As such, this component embedded within the URL is one method for later associating the particular web page with any feedback concerning that particular web page for analytics, reporting, or other purposes. For example, when fingerhut.com is the

Claim 5 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	particular web page for feedback, the URL appears as: "PageURL=http%3A%2F%2Fwww.fingerhut.com%2F".[6] As can be seen from the source code of the Qualtrics Comment Card below, the particular web page, identified by the "Referer" label, is also embedded within the Qualtrics Comment Card itself. Qualtrics Comment Card from Fingerhut.com – Source Code Qualtrics' Customer Support pages on its website confirm that the particular web page is embedded and included with the Comment Card to be utilized with feedback concerning the particular web page: *Excerpted from* Qualtrics, "Embedded Data," *available at*

Claim 5 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/ *Excerpted from* Qualtrics, "Embedded Data," *available at* http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/ *See also* Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/ ("Add Embedded Data to the Intercept to track which page the visitor was on when they clicked the Feedback Link. For more information refer to the Embedded Data page."). In addition, this page-specificity of the feedback is apparent because it is provided in response to the user

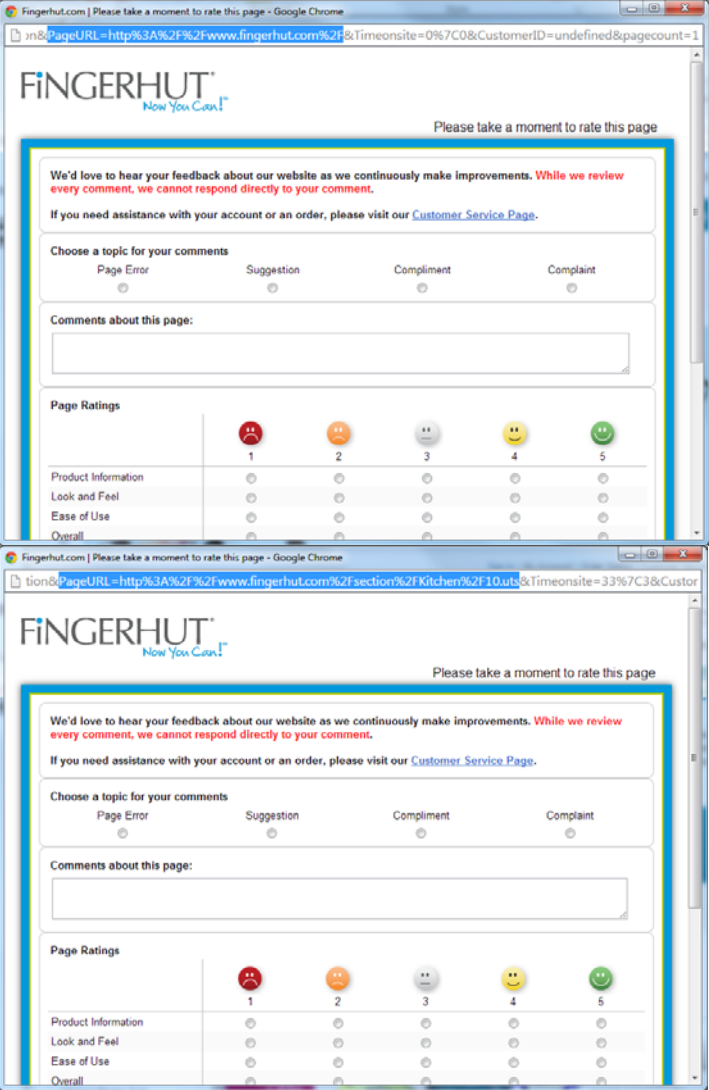| Claim 5 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	navigating to and accessing a particular web page and then subsequently selecting the "Feedback" icon to trigger the Comment Card concerning that particular web page. Moreover, independent of any user knowledge of the page-specific nature of the feedback, the Qualtrics feedback solutions including Comment Cards system ultimately collects, analyzes, and reports all feedback as it concerns the particular web page regardless of whether the user explicitly identifies the feedback as concerning the particular web page. Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example: • "Receiving website feedback is easy with the Feedback Link. This allows you to know what your website visitors are thinking and improve their experience." Qualtrics, "Website Feedback," *available at* http://qualtrics.com/university/researchsuite/distributing/more-distribution-methods/website-feedback/. • "The Feedback Link collects visitor's opinions of your website. . . . Because a Feedback Link is passive, it may attract extreme viewpoints in the survey results – people who actively seek out a way to provide feedback because they either had an exceptionally positive or an exceptionally negative experience. . . . In general the Feedback Link is appropriate for collecting reactive website feedback." Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/. • "The Matrix Table allows you to ask many multiple choice questions that use the same answer choice scale. . . . **Likert:** Allows you to place a scale of choices across the top." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. • "Text Entry questions allow respondents to type in verbatim responses, such as comments and contact information." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. • "Businesses adopt the platform to gather insights and deliver content based specifically on customer feedback. This data informs the development of website functionality and usability enhancements." Qualtrics, "Qualtrics Site Intercept Adoption Skyrockets, Growing Nearly 200 Percent" (Aug. 22, 2013), *available at* http://qualtrics.com/press/press-releases/qualtrics-site-intercept-adoption-skyrockets-growing-nearly-200-percent/. • "Feedback: The web shouldn't be a one-way form of communication. Know what your visitors are

Claim 5 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	thinking by providing them with a place to talk to you. You can even link to a Qualtrics survey. In fact, we recommend it." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/. • "Feedback: Whether you use the built-in feedback creative or not, gathering accurate information for your visitors to improve their experience is crucial. It's hard to have direction without information, and Site Intercept makes it easy." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Move.com (move.com), which are substantially similar implementations.

Claim 8 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
8. The media of claim 1, wherein the plurality of particular web pages comprises substantially all web pages of the web-site.	On information and belief, substantially all web pages on the Fingerhut website utilize Qualtrics feedback solutions including Comment Cards and provide a user-selectable element to solicit page-specific user feedback. For example, the web pages on Fingerhut.com include a "Feedback" icon, an example of which is identified below. This icon is viewable automatically upon the user navigating to the Fingerhut.com home page. As such, the user need not provide any input in order to view the icon upon accessing the web page.

Claim 8 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Fingerhut.com. A substantially similar icon appears on most, if not all, Fingerhut web pages implementing the Qualtrics feedback solutions including Comment Cards, including the Fingerhut web page for "Kitchen."

Claim 8 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Fingerhut.com – "Kitchen" *See* Fingerhut, "Kitchen," *available at* http://www.fingerhut.com/section/Kitchen/10.uts. Upon selection of the "Feedback" icon, regardless of the particular web page, a Qualtrics Comment Card is launched allowing for the user to provide page-specific feedback, such as subjective ratings and open-ended comments, concerning the particular web page.

Claim 8 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Fingerhut.com and "Kitchen" Comment Cards

Claim 8 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
10. One or more computer-readable non-transitory storage media embodying software operable when executed to:	Multiple web pages on Fingerhut's website implement and/or include one or more computer-readable non-transitory storage media embodying software. For example, the home page for the Fingerhut website, which may be accessed and displayed on a web browser at a user's computer system, includes a "Feedback" icon powered by Qualtrics feedback solutions that enables Qualtrics Comment Cards. The Qualtrics feedback solutions including Comment Cards allow for users that access Fingerhut.com to submit various types of page-specific feedback (such as ratings and comments) concerning the particular web page by selecting the "Feedback" icon, an example of which is identified below.

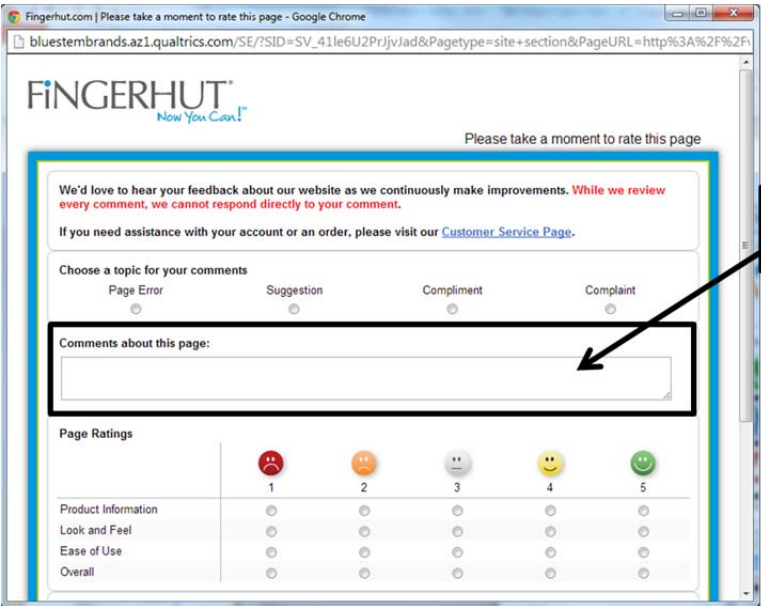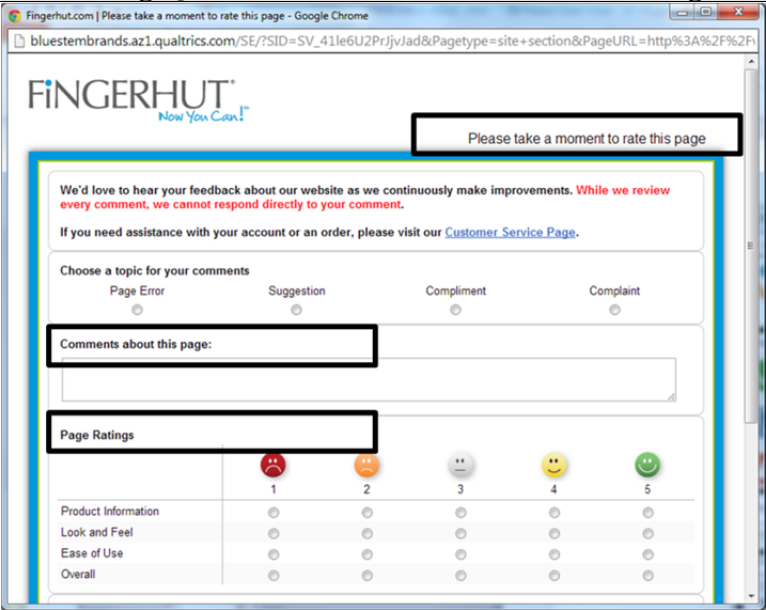| Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	  Fingerhut.com
provide a first element viewable on each of a plurality of particular web pages of a website upon initial display of a particular web page and soliciting page-specific user feedback concerning the particular web page upon initial display of the particular web page,	Most, if not all, web pages on the Fingerhut website implementing Qualtrics feedback solutions including Comment Cards include a "first element" that is viewable on each of a plurality of particular web pages of the website (*e.g.*, such as the Fingerhut home page from fingerhut.com) and solicits page-specific user feedback concerning the particular web page upon initial display of the particular web page. For example, multiple web pages on the Fingerhut website (such as the Fingerhut home page) include a "Feedback" icon (*i.e.*, the "first element"), an example of which is identified below. When the user navigates to and accesses the Fingerhut.com home page (or other particular web page), the "Feedback" icon is viewable upon initial display of the web page. This icon solicits page-specific user feedback, such as subjective ratings and/or open-ended comments, concerning a particular web page from each user accessing the web page. This is ultimately accomplished via the mechanism explained further below by which the user provides and submits such page-specific user feedback concerning the particular web page. Indeed, users familiar with this feedback collection system know from experience that they must first select the icon to provide the page-specific user feedback, such as through subjective rating and/or open-

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	ended comments, concerning the particular web page. The solicitation occurs automatically upon the user navigating to and accessing the Fingerhut.com home page (or other particular web page), and the user need not provide input. Fingerhut.com. A more detailed image of this "Feedback" icon is shown below, soliciting the customer to "Rate This Page."

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	Fingerhut.com Feedback Icon Upon user selection of the "Feedback" icon, the Qualtrics Comment Card is displayed to the user. The Comment Card shown below allows the user to provide page-specific user feedback concerning the particular web page. For instance, the "Page Ratings" section of the Comment Card allows the user to provide feedback in the form of one or more ratings based upon the user's perceived impressions of the particular web page as a whole. The "Overall" rating allows the user to provide a page-specific subjective rating of the particular web page as a whole, and each of the "Product Information," "Look and Feel," and "Ease of Use" ratings allows the user to rate at least one characteristic of the particular web page as a whole. Each of these numerical rating scales allows the user to rate the particular web page as a whole using a one to five (1-5) scale with at least one positive, neutral, and negative rating. Qualtrics Comment Card from Fingerhut.com. Further, the "Comments about this page" text box of the Comment Card shown below allows the user to

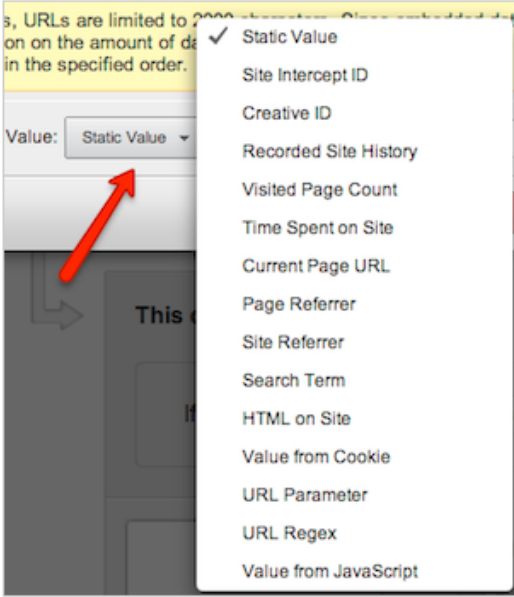| Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	provide open-ended comments concerning the particular web page without any limitation as to substance. Qualtrics Comment Card from Fingerhut.com. The associated text (*e.g.*, "Page Ratings," "Comments about this page," and "Please take a moment to rate this page") confirms that any entered subjective ratings or comments may concern the particular web page.

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	  Qualtrics Comment Card from Fingerhut.com. It is also clear that the Qualtrics feedback solutions including Comment Cards operate on a page-specific basis, even where the Comment Card does not explicitly confirm that any entered feedback concerns the particular web page, because, for example, in order to request a Comment Card, the system constructs the Comment Card's URL to include a "PageURL" component. As such, this component embedded within the URL is one method for later associating the particular web page with any feedback concerning that particular web page for analytics, reporting, or other purposes. For example, when fingerhut.com is the particular web page for feedback, the URL appears as: "PageURL=http%3A%2F%2Fwww.fingerhut.com%2F".[7] As can be seen from the source code of the Qualtrics Comment Card below, the particular web page,

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[7] The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_41le6U2PrJjvJad&Pagetype=site+section& PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4.

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	identified by the "Referer" label, is also embedded within the Qualtrics Comment Card itself.

```
<FORM id="Page" NAME="Page" METHOD="POST" ENCTYPE="multipart/form-data" >
        <INPUT id='SurveyID' TYPE='HIDDEN' NAME='SurveyID' VALUE='SV_41le6U2PrJjvJad'>
            <INPUT id='SessionID' TYPE='HIDDEN' NAME='SessionID' VALUE='DummySessionID'>
        <INPUT id='PageDisplayTime' TYPE='HIDDEN' NAME='PageDisplayTime' VALUE='2013-11-01 11:58:39'>

    <INPUT TYPE='HIDDEN' NAME='TransactionID' VALUE='0'>

                            <INPUT TYPE='HIDDEN' NAME='Referer' VALUE='http://www.fingerhut.com/'>
```

Qualtrics Comment Card from Fingerhut.com – Source Code

Qualtrics' Customer Support pages on its website confirm that the particular web page is embedded and included with the Comment Card to be utilized with feedback concerning the particular web page:

Using other built-in Embedded Data fields

In addition to creating your own Embedded Data variables or pulling them in from other sources, you also have access to some built-in variables that are recorded for every response. These elements can be added to the Survey Flow using the steps described in the Creating an Embedded Data Element section.

The following built-in Embedded Data fields can be added for your survey:

. . .

Referer   This element shows the page the respondent was on when they clicked the survey link. For emailed surveys you will see a URL for the email provider in most cases. If the survey is linked to with an automatic redirect, such as a URL redirect at the end of another survey, no value is recorded.

Excerpted from Qualtrics, "Embedded Data," *available at* http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	  Excerpted from Qualtrics, "Embedded Data," *available at* http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/ *See also* Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/ ("Add Embedded Data to the Intercept to track which page the visitor was on when they clicked the Feedback Link. For more information refer to the Embedded Data page."). In addition, this page-specificity of the feedback is apparent because it is provided in response to the user navigating to and accessing a particular web page and then subsequently selecting the "Feedback" icon to trigger the Comment Card concerning that particular web page. Moreover, independent of any user

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	knowledge of the page-specific nature of the feedback, the Qualtrics feedback solutions including Comment Cards system ultimately collects, analyzes, and reports all feedback as it concerns the particular web page regardless of whether the user explicitly identifies the feedback as concerning the particular web page. Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example: • "Receiving website feedback is easy with the Feedback Link. This allows you to know what your website visitors are thinking and improve their experience." Qualtrics, "Website Feedback," *available at* http://qualtrics.com/university/researchsuite/distributing/more-distribution-methods/website-feedback/. • "The Feedback Link collects visitor's opinions of your website. . . . Because a Feedback Link is passive, it may attract extreme viewpoints in the survey results – people who actively seek out a way to provide feedback because they either had an exceptionally positive or an exceptionally negative experience. . . . In general the Feedback Link is appropriate for collecting reactive website feedback." Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/. • "The Matrix Table allows you to ask many multiple choice questions that use the same answer choice scale. . . . **Likert:** Allows you to place a scale of choices across the top." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. • "Text Entry questions allow respondents to type in verbatim responses, such as comments and contact information." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. • "Businesses adopt the platform to gather insights and deliver content based specifically on customer feedback. This data informs the development of website functionality and usability enhancements." Qualtrics, "Qualtrics Site Intercept Adoption Skyrockets, Growing Nearly 200 Percent" (Aug. 22, 2013), *available at* http://qualtrics.com/press/press-releases/qualtrics-site-intercept-adoption-skyrockets-growing-nearly-200-percent/. • "Feedback: The web shouldn't be a one-way form of communication. Know what your visitors are thinking by providing them with a place to talk to you. You can even link to a Qualtrics survey. In

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	fact, we recommend it." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/. • "Feedback: Whether you use the built-in feedback creative or not, gathering accurate information for your visitors to improve their experience is crucial. It's hard to have direction without information, and Site Intercept makes it easy." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.
the first element appearing identically and behaving consistently on each of the plurality of particular web pages;	The "Feedback" icon appears identically and behaves consistently on each of the plurality of particular web pages. For example, many of the web pages on the Fingerhut website include a "Feedback" icon (*i.e.*, the "first element"), an example of which is identified below. This icon is viewable when the user navigates to and accesses the Fingerhut home page (or other particular web page).

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	Fingerhut.com. A substantially similar icon appears identically and behaves consistently on most, if not all, Fingerhut web pages implementing the Qualtrics feedback solutions including Comment Cards, including the Fingerhut web page for "Kitchen."

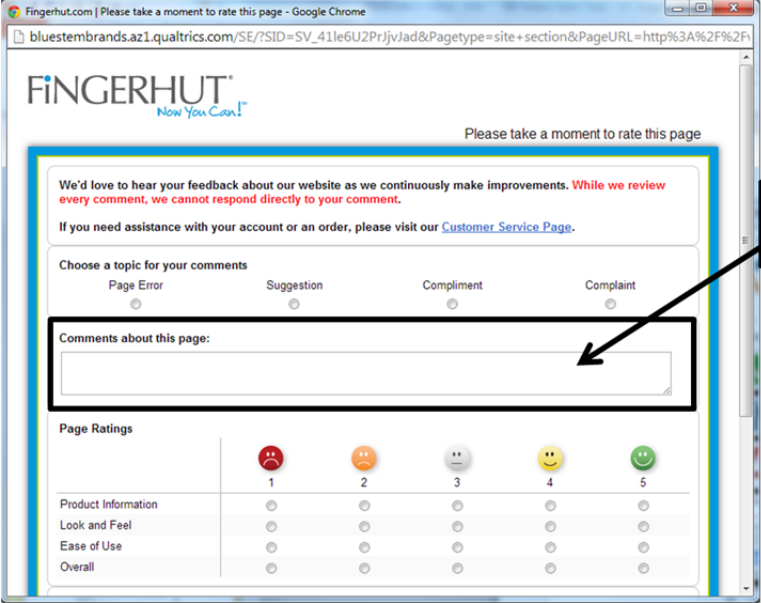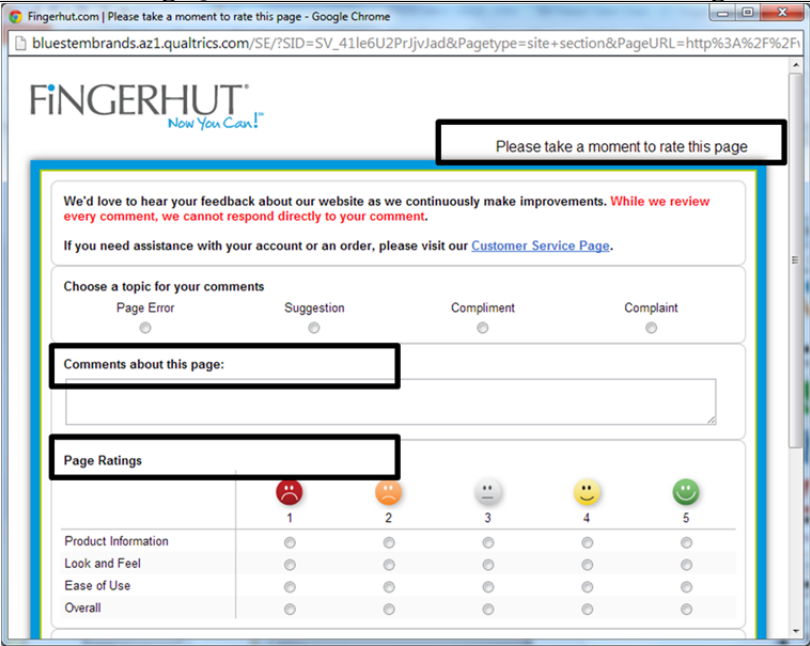| Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Fingerhut.com – "Kitchen" *See* Fingerhut, "Kitchen," *available at* http://www.fingerhut.com/section/Kitchen/10.uts. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.
provide a second element displayed in response to user selection of the first element and soliciting one or more page-specific subjective ratings of the particular web page and one or more associated page-specific open-ended comments concerning the particular web page,	Most, if not all, web pages on the Fingerhut website implementing Qualtrics feedback solutions including Comment Cards include a "second element" (*i.e.*, the Comment Card as a whole or a portion thereof) that is displayed in response to user selection of the first element (*i.e.*, the "Feedback" icon) and solicits one or more page-specific subjective ratings of the particular web page and one or more associated page-specific open-ended comments concerning the particular web page. For example, upon the user accessing the particular web page and selecting the "Feedback" icon (*i.e.*, the "first element"), the Qualtrics Comment Card shown below is displayed. The "second element" depicted below (*e.g.*, either the Comment Card as a whole or a portion thereof, for example, any combination of the "Page Ratings" or "Comments about this page" sections of the Comment Card) solicits and thereby allows the user to provide page-specific feedback, through either subjective ratings or open-ended comments, concerning the particular web page. For instance, the "Page Ratings" section of the Comment Card allows the user to provide feedback in the form of one or more ratings based upon the user's perceived impressions of the particular web page as a whole. The "Overall" rating allows the user to provide a page-specific subjective rating of the particular web page as a whole, and each of the "Product Information," "Look and Feel," and "Ease of Use" ratings allows the user to rate at least one characteristic of the particular web page as a whole. Each of these numerical rating scales allows the user to rate the particular web page as a whole using a one to five (1-5) scale with at least one positive, neutral, and negative rating.

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	  Qualtrics Comment Card from Fingerhut.com. Further, the "Comments about this page" text box of the Comment Card shown below allows the user to provide open-ended comments concerning the particular web page without any limitation as to substance.

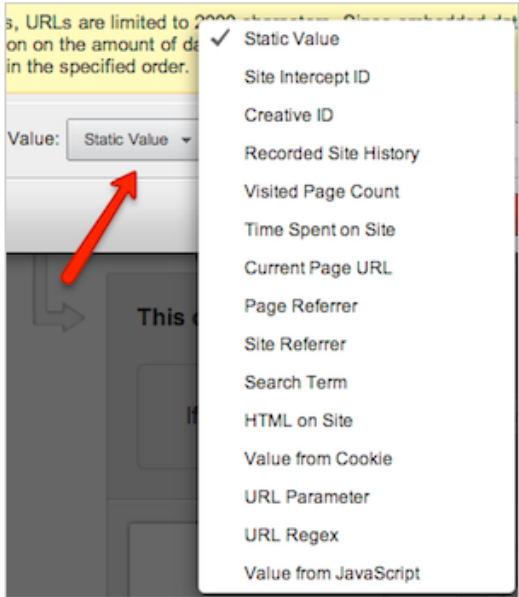| Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Qualtrics Comment Card from Fingerhut.com. The associated text (*e.g.*, "Page Ratings," "Comments about this page," and "Please take a moment to rate this page") confirms that any entered subjective ratings or comments may concern the particular web page.

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Qualtrics Comment Card from Fingerhut.com. It is also clear that the Qualtrics feedback solutions including Comment Cards operate on a page-specific basis, even where the Comment Card does not explicitly confirm that any entered feedback concerns the particular web page, because, for example, in order to request a Comment Card, the system constructs the Comment Card's URL to include a "PageURL" component. As such, this component embedded within the URL is one method for later associating the particular web page with any feedback concerning that particular web page for analytics, reporting, or other purposes. For example, when fingerhut.com is the particular web page for feedback, the URL appears as: "PageURL=http%3A%2F%2Fwww.fingerhut.com%2F".[8]

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[8] The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_41le6U2PrJjvJad&Pagetype=site+section&
PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4.

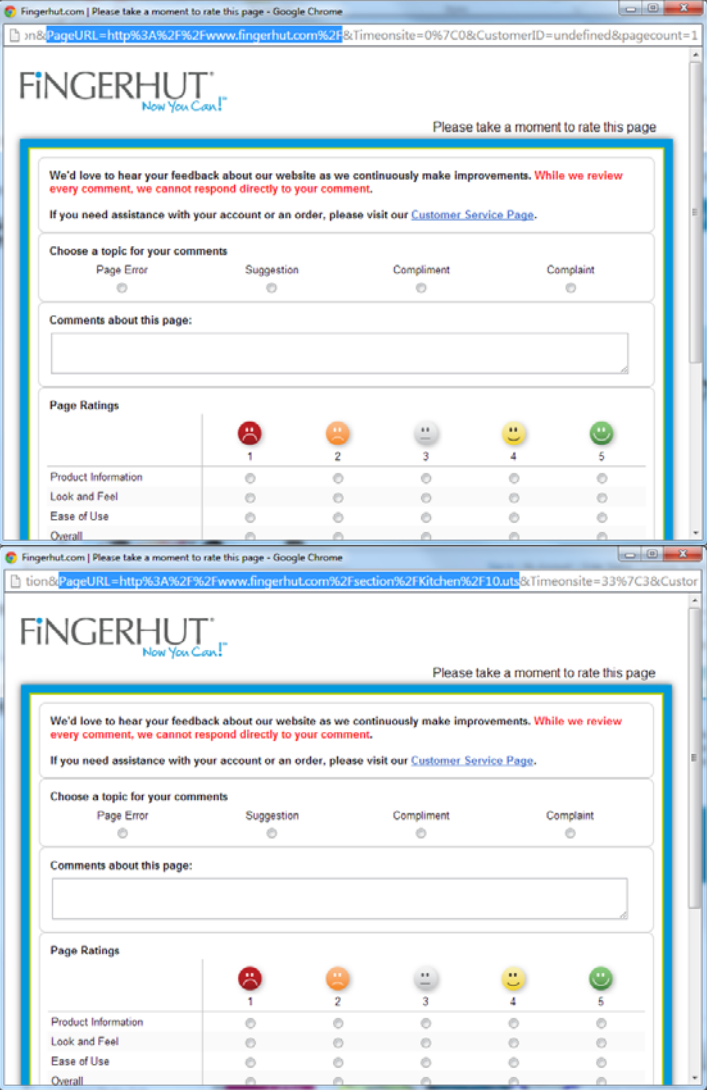| Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	As can be seen from the source code of the Qualtrics Comment Card below, the particular web page, identified by the "Referer" label, is also embedded within the Qualtrics Comment Card itself. Qualtrics Comment Card from Fingerhut.com – Source Code Qualtrics' Customer Support pages on its website confirm that the particular web page is embedded and included with the Comment Card to be utilized with feedback concerning the particular web page: *Excerpted from* Qualtrics, "Embedded Data," *available at* http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Excerpted from Qualtrics, "Embedded Data," *available at* http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/ *See also* Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/ ("Add Embedded Data to the Intercept to track which page the visitor was on when they clicked the Feedback Link. For more information refer to the Embedded Data page."). In addition, this page-specificity of the feedback is apparent because it is provided in response to the user navigating to and accessing a particular web page and then subsequently selecting the "Feedback" icon to trigger the Comment Card concerning that particular web page. Moreover, independent of any user

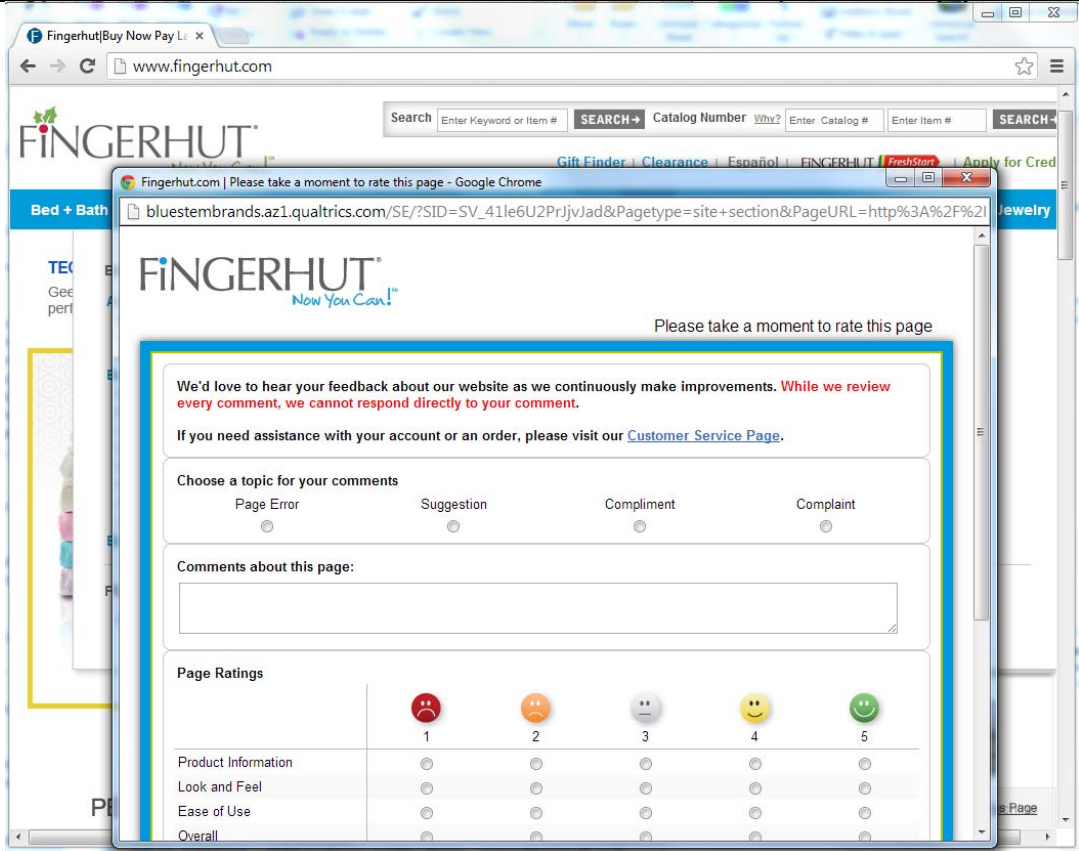| Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	knowledge of the page-specific nature of the feedback, the Qualtrics feedback solutions including Comment Cards system ultimately collects, analyzes, and reports all feedback as it concerns the particular web page regardless of whether the user explicitly identifies the feedback as concerning the particular web page. Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example: • "Receiving website feedback is easy with the Feedback Link. This allows you to know what your website visitors are thinking and improve their experience." Qualtrics, "Website Feedback," *available at* http://qualtrics.com/university/researchsuite/distributing/more-distribution-methods/website-feedback/. • "The Feedback Link collects visitor's opinions of your website. . . . Because a Feedback Link is passive, it may attract extreme viewpoints in the survey results – people who actively seek out a way to provide feedback because they either had an exceptionally positive or an exceptionally negative experience. . . . In general the Feedback Link is appropriate for collecting reactive website feedback." Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/. • "The Matrix Table allows you to ask many multiple choice questions that use the same answer choice scale. . . . **Likert:** Allows you to place a scale of choices across the top." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. • "Text Entry questions allow respondents to type in verbatim responses, such as comments and contact information." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. • "Businesses adopt the platform to gather insights and deliver content based specifically on customer feedback. This data informs the development of website functionality and usability enhancements." Qualtrics, "Qualtrics Site Intercept Adoption Skyrockets, Growing Nearly 200 Percent" (Aug. 22, 2013), *available at* http://qualtrics.com/press/press-releases/qualtrics-site-intercept-adoption-skyrockets-growing-nearly-200-percent/. • "Feedback: The web shouldn't be a one-way form of communication. Know what your visitors are thinking by providing them with a place to talk to you. You can even link to a Qualtrics survey. In

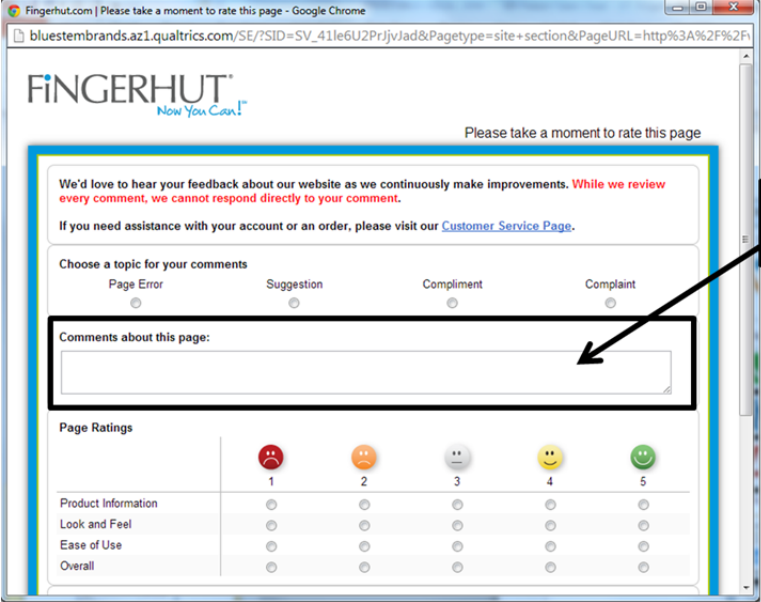| Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	fact, we recommend it." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/. • "Feedback: Whether you use the built-in feedback creative or not, gathering accurate information for your visitors to improve their experience is crucial. It's hard to have direction without information, and Site Intercept makes it easy." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.
the second element appearing identically and behaving consistently each time it is displayed in response to user selection of the first element viewable on a particular web page;	The second element (*i.e.*, the Comment Card as a whole or a portion thereof) appears identically and behaves consistently each time it is displayed in response to user selection of the first element viewable on the particular web page. For example, as can be seen below, the Fingerhut.com home page and the "Kitchen" web page both implement Qualtrics feedback solutions including Comment Cards. Both the Comment Cards for each respective particular web page are substantially similar, if not identical. In both instances, the Comment Cards (with either the entire Comment Card or a portion thereof being the "second element," for example, any combination of the "Page Ratings" or "Comments about this page" sections of the Comment Card) solicits and allows page-specific feedback concerning the particular web page through subjective ratings and open-ended comments via either the "Page Ratings" or "Comments about this page" sections of the Comment Card.

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	Fingerhut.com and "Kitchen" Comment Cards

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.
receive the user selection of the first element and initiate display of the second element in response; and	In response to the user selection received via the "Feedback" icon, display of the second element is initiated. For example, upon selection of the "Feedback" icon, as shown below, the display of the Qualtrics Comment Card (with either the entire Comment Card or a portion thereof being the "second element," for example, any combination of the "Page Ratings" or "Comments about this page" sections of the Comment Card) is initiated, allowing the user to provide page-specific feedback concerning the particular web page. The Comment Card is only displayed after the user selects the "Feedback" icon on the particular web page (*e.g.*, such as the Fingerhut home page). To initiate display of the Comment Card in response to the user selecting the "Feedback" icon, the system communicates an HTTP request to the web server pertaining to bluestembrands.az1.qualtrics.com.

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Fingerhut.com Home Page with Qualtrics Comment Card Below is a more detailed version of the Qualtrics Comment Card depicting the "second element" (*e.g.*, either the Comment Card as a whole or a portion thereof) that solicits page-specific feedback concerning the particular web page. For instance, the "Page Ratings" section of the Comment Card allows the user to provide feedback in the form of one or more ratings based upon the user's perceived impressions of the particular web page as a whole. The "Overall" rating allows the user to provide a page-specific subjective rating of the particular web page as a whole, and each of the "Product Information," "Look and Feel," and

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	"Ease of Use" ratings allows the user to rate at least one characteristic of the particular web page as a whole. Each of these numerical rating scales allows the user to rate the particular web page as a whole using a one to five (1-5) scale with at least one positive, neutral, and negative rating. Qualtrics Comment Card from Fingerhut.com. Further, the "Comments about this page" text box of the Comment Card shown below allows the user to provide open-ended comments concerning the particular web page without any limitation as to substance.

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	Qualtrics Comment Card from Fingerhut.com. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.
receive the page-specific user feedback	The page-specific user feedback comprises (1) one or more page-specific subjective ratings of the particular web page and (2) one or more associated page-specific open-ended comments concerning the

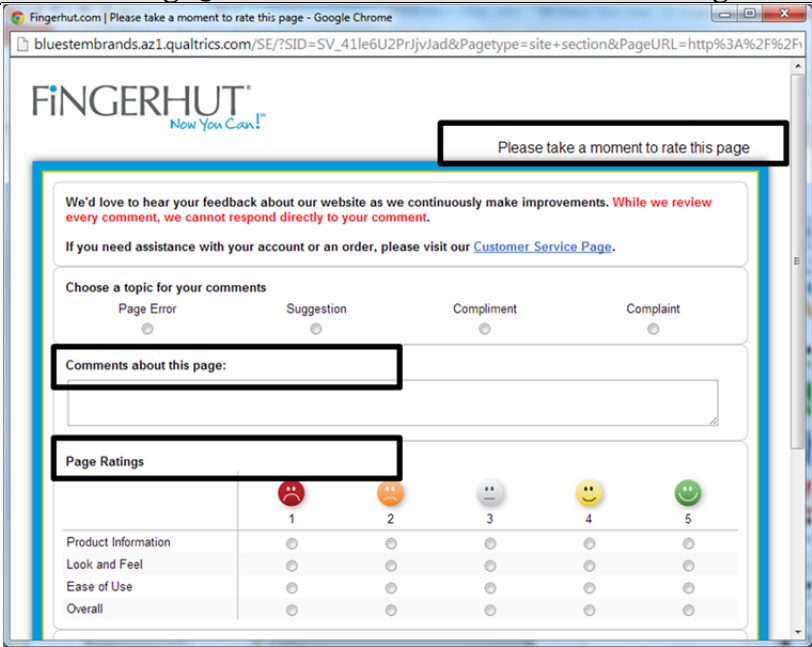| Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
comprising one or more page-specific subjective ratings of the particular web page and one or more associated page-specific open-ended comments concerning the particular web page for reporting to an interested party,	particular web page. For example, upon the user accessing the particular web page and selecting the "Feedback" icon, the Qualtrics Comment Card shown below becomes viewable on the particular web page. The Comment Card allows the user to provide page-specific user feedback, through subjective ratings and open-ended comments, concerning the particular web page. For instance, the "Page Ratings" section of the Comment Card allows the user to provide feedback in the form of one or more ratings based upon the user's perceived impressions of the particular web page as a whole. The "Overall" rating allows the user to provide a page-specific subjective rating of the particular web page as a whole, and each of the "Product Information," "Look and Feel," and "Ease of Use" ratings allows the user to rate at least one characteristic of the particular web page as a whole. Each of these numerical rating scales allows the user to rate the particular web page as a whole using a one to five (1-5) scale with at least one positive, neutral, and negative rating. Qualtrics Comment Card from Fingerhut.com.

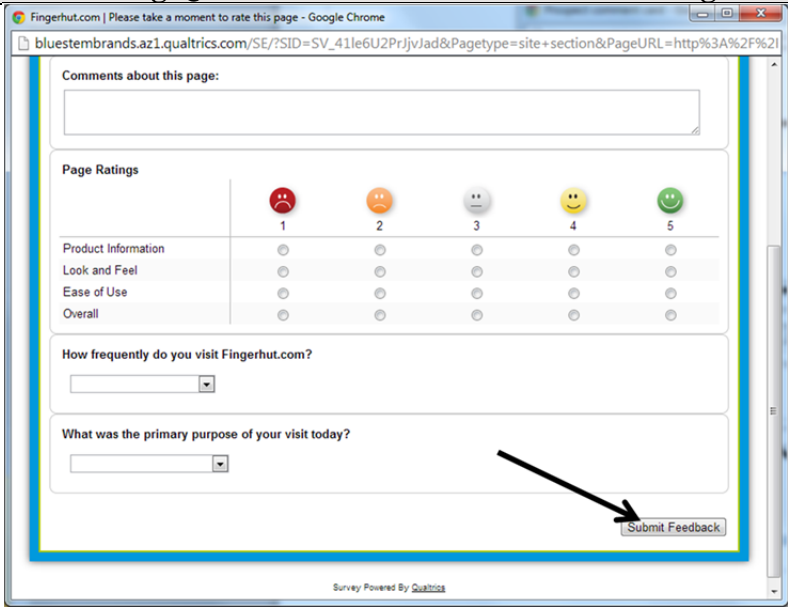| Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	Further, the "Comments about this page" text box of the Comment Card shown below allows the user to provide open-ended comments concerning the particular web page without any limitation as to substance. Qualtrics Comment Card from Fingerhut.com. The associated text (*e.g.*, "Page Ratings," "Comments about this page," and "Please take a moment to rate this page") confirms that any entered subjective ratings or comments may concern the particular web page.

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	Qualtrics Comment Card from Fingerhut.com. The user may then submit page-specific feedback to Qualtrics (as the feedback vendor for Fingerhut) by selecting the "Submit Feedback" button.

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	  Qualtrics Comment Card from Fingerhut.com It is also clear that the Qualtrics feedback solutions including Comment Cards operate on a page-specific basis, even where the Comment Card does not explicitly confirm that any entered feedback concerns the particular web page, because, for example, in order to request a Comment Card, the system constructs the Comment Card's URL to include a "PageURL" component. As such, this component embedded within the URL is one method for later associating the particular web page with any feedback concerning that particular web page for analytics, reporting, or other purposes. For example, when fingerhut.com is the particular web page for feedback, the URL appears as: "PageURL=http%3A%2F%2Fwww.fingerhut.com%2F".[9] As can be seen from the source code of the Qualtrics Comment Card below, the particular web page,

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[9] The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_41le6U2PrJjvJad&Pagetype=site+section& PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4.

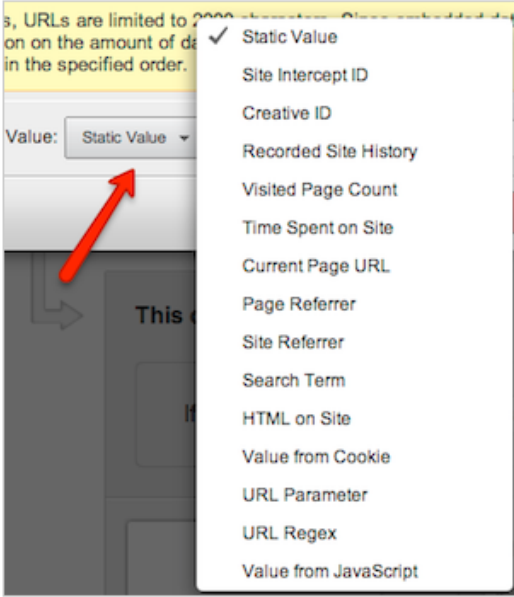| Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
| | identified by the "Referer" label, is also embedded within the Qualtrics Comment Card itself.<br><br>```
<FORM id="Page" NAME="Page" METHOD="POST" ENCTYPE="multipart/form-data" >
            <INPUT id='SurveyID' TYPE='HIDDEN' NAME='SurveyID' VALUE='SV_41le6U2PrJjvJad'>
                <INPUT id='SessionID' TYPE='HIDDEN' NAME='SessionID' VALUE='DummySessionID'>
            <INPUT id='PageDisplayTime' TYPE='HIDDEN' NAME='PageDisplayTime' VALUE='2013-11-01 11:58:39'>

    <INPUT TYPE='HIDDEN' NAME='TransactionID' VALUE='0'>

                        <INPUT TYPE='HIDDEN' NAME='Referer' VALUE='http://www.fingerhut.com/'>
```<br>Qualtrics Comment Card from Fingerhut.com – Source Code<br><br>Qualtrics' Customer Support pages on its website confirm that the particular web page is embedded and included with the Comment Card to be utilized with feedback concerning the particular web page:<br><br>**Using other built-in Embedded Data fields**<br><br>In addition to creating your own Embedded Data variables or pulling them in from other sources, you also have access to some built-in variables that are recorded for every response. These elements can be added to the Survey Flow using the steps described in the Creating an Embedded Data Element section.<br><br>The following built-in Embedded Data fields can be added for your survey:<br><br>. . .<br><br>Referer    This element shows the page the respondent was on when they clicked the survey link. For emailed surveys you will see a URL for the email provider in most cases. If the survey is linked to with an automatic redirect, such as a URL redirect at the end of another survey, no value is recorded.<br><br>*Excerpted from* Qualtrics, "Embedded Data," *available at*<br>http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/ |

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Excerpted from Qualtrics, "Embedded Data," *available at* http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/

See also Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/ ("Add Embedded Data to the Intercept to track which page the visitor was on when they clicked the Feedback Link. For more information refer to the Embedded Data page.").

In addition, this page-specificity of the feedback is apparent because it is provided in response to the user navigating to and accessing a particular web page and then subsequently selecting the "Feedback" icon to trigger the Comment Card concerning that particular web page. Moreover, independent of any user |

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	knowledge of the page-specific nature of the feedback, the Qualtrics feedback solutions including Comment Cards system ultimately collects, analyzes, and reports all feedback as it concerns the particular web page regardless of whether the user explicitly identifies the feedback as concerning the particular web page. Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example: • "Receiving website feedback is easy with the Feedback Link. This allows you to know what your website visitors are thinking and improve their experience." Qualtrics, "Website Feedback," *available at* http://qualtrics.com/university/researchsuite/distributing/more-distribution-methods/website-feedback/. • "The Feedback Link collects visitor's opinions of your website. . . . Because a Feedback Link is passive, it may attract extreme viewpoints in the survey results – people who actively seek out a way to provide feedback because they either had an exceptionally positive or an exceptionally negative experience. . . . In general the Feedback Link is appropriate for collecting reactive website feedback." Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/. • "The Matrix Table allows you to ask many multiple choice questions that use the same answer choice scale. . . . **Likert:** Allows you to place a scale of choices across the top." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. • "Text Entry questions allow respondents to type in verbatim responses, such as comments and contact information." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. • "Businesses adopt the platform to gather insights and deliver content based specifically on customer feedback. This data informs the development of website functionality and usability enhancements." Qualtrics, "Qualtrics Site Intercept Adoption Skyrockets, Growing Nearly 200 Percent" (Aug. 22, 2013), *available at* http://qualtrics.com/press/press-releases/qualtrics-site-intercept-adoption-skyrockets-growing-nearly-200-percent/. • "Feedback: The web shouldn't be a one-way form of communication. Know what your visitors are thinking by providing them with a place to talk to you. You can even link to a Qualtrics survey. In

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	fact, we recommend it." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/.

• "Feedback: Whether you use the built-in feedback creative or not, gathering accurate information for your visitors to improve their experience is crucial. It's hard to have direction without information, and Site Intercept makes it easy." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/.

The page-specific feedback concerning the particular web page may also be reported to an interested party.

For example, Qualtrics describes a variety of reporting mechanisms to an interested party, such as a website owner like Fingerhut:

• "The View Reports section is designed to help you create quick, useful reports from your data. These reports are ideal for producing a standard report of your whole survey with basic filters and customization." See Qualtrics, "About Viewing Reports," available at http://qualtrics.com/university/researchsuite/reporting/view-reports/about-viewing-reports/.

• "Graphs For Every Need: * Display data with over 30 different graph types. * Format each graph's color, size, axis, & display settings. * Render graphs in Flash or export to Word, PowerPoint, or PDF." See Qualtrics, "Analysis and Reporting," available at http://qualtrics.com/research-suite/survey-analysis-reporting/.

• "Filter Data: * Filter survey results by date range, subgroup, or completion status. * Track how a specific group responded to a survey. * Create subgroups using question responses or embedded data." See Qualtrics, "Analysis and Reporting," available at http://qualtrics.com/research-suite/survey-analysis-reporting/.

• "Drill Downs: * See a side-by-side comparison of demographic groups. * View answers to every question grouped by a specific element. * Drill down by survey questions, scoring categories, or embedded data." See Qualtrics, "Analysis and Reporting," available at http://qualtrics.com/research-suite/survey-analysis-reporting/.

• "Custom Reports: * Track the data you care about. * Customize reports to your company's needs. * Share password-protected survey results with anyone. Qualtrics can create custom reports especially for you. It is the best way to track what is happening while your surveys are deployed.

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	These interactive reports are customized to your company's needs, updated as new data streams in and can be accessed by anyone with a password – even if they don't have a Qualtrics account." See Qualtrics, "Enterprise Feedback Management," available at http://qualtrics.com/research-suite/enterprise-feedback-management/. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.
the page-specific user feedback concerning the particular webpages having been provided by a user while the user remained at the particular web page, and	The page-specific user feedback concerning the particular web page may be provided by a user while the user remained at the particular web page. For example, upon the user accessing the particular web page and selecting the "Feedback" icon, the Qualtrics Comment Card shown below becomes viewable on the particular web page. Within the Comment Card, the user may provide page-specific feedback concerning the particular web page through subjective ratings and/or open-ended comments via either the "Page Ratings" or "Comments about this page" sections of the Comment Card. The user may then submit page-specific feedback to Qualtrics (as the feedback vendor for Fingerhut) by selecting the "Submit Feedback" button. In addition, as shown below, the user may remain at and need not navigate away from Fingerhut.com in order to provide the page-specific feedback through the Qualtrics Comment Card.

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Fingerhut.com Home Page with Qualtrics Comment Card OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element.

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.
the page-specific user feedback allowing the interested party to access page specific subjective ratings and associated page-specific open-ended comments across the plurality of particular web pages to identify one or more particular web pages for which the page-specific user feedback is notable relative to page-specific user feedback for other particular web pages;	The page-specific user feedback allows the interested party (such as Fingerhut) to access page-specific subjective ratings and associated page-specific open-ended comments across the plurality of particular web pages to identify one or more particular web pages for which the page-specific user feedback is notable relative to page-specific user feedback for other particular web pages. For example, the website owner may access the page-specific feedback, including the subjective user ratings and associated open-ended comments, as it concerns any of the particular web pages via a reporting mechanism that reports the feedback on a page-specific basis, among other approaches. Through the reporting mechanism, the website owner may identify particular web pages for which the page-specific user feedback is notable relative to other particular web pages from that same website. For instance, Qualtrics describes a variety of page-specific reporting mechanisms to a website owner such as Fingerhut: • "The View Reports section is designed to help you create quick, useful reports from your data. These reports are ideal for producing a standard report of your whole survey with basic filters and customization." See Qualtrics, "About Viewing Reports," available at http://qualtrics.com/university/researchsuite/reporting/view-reports/about-viewing-reports/. • "Graphs For Every Need: * Display data with over 30 different graph types. * Format each graph's color, size, axis, & display settings. * Render graphs in Flash or export to Word, PowerPoint, or PDF." See Qualtrics, "Analysis and Reporting," available at http://qualtrics.com/research-suite/survey-analysis-reporting/. • "Filter Data: * Filter survey results by date range, subgroup, or completion status. * Track how a specific group responded to a survey. * Create subgroups using question responses or embedded data." See Qualtrics, "Analysis and Reporting," available at http://qualtrics.com/research-suite/survey-analysis-reporting/. • "Drill Downs: * See a side-by-side comparison of demographic groups. * View answers to every question grouped by a specific element. * Drill down by survey questions, scoring categories, or embedded data." See Qualtrics, "Analysis and Reporting," available at

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	http://qualtrics.com/research-suite/survey-analysis-reporting/. • "Custom Reports: * Track the data you care about. * Customize reports to your company's needs. * Share password-protected survey results with anyone. Qualtrics can create custom reports especially for you. It is the best way to track what is happening while your surveys are deployed. These interactive reports are customized to your company's needs, updated as new data streams in and can be accessed by anyone with a password – even if they don't have a Qualtrics account." See Qualtrics, "Enterprise Feedback Management," available at http://qualtrics.com/research-suite/enterprise-feedback-management/. The associated text on the Fingerhut Comment Card itself (*e.g.*, "Page Ratings," "Comments about this page," and "Please take a moment to rate this page") confirms that any entered subjective ratings or comments may concern the particular web page. Qualtrics Comment Card from Fingerhut.com.

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	It is also clear that the Qualtrics feedback solutions including Comment Cards operate on a page-specific basis, even where the Comment Card does not explicitly confirm that any entered feedback concerns the particular web page, because, for example, in order to request a Comment Card, the system constructs the Comment Card's URL to include a "PageURL" component. As such, this component embedded within the URL is one method for later associating the particular web page with any feedback, whether subjective user ratings or open-ended comments, concerning that particular web page for analytics, reporting, or other purposes. For example, when fingerhut.com is the particular web page for feedback, the URL appears as: "PageURL=http%3A%2F%2Fwww.fingerhut.com%2F".[10]
	
	As can be seen from the source code of the Qualtrics Comment Card below, the particular web page, identified by the "Referer" component is also embedded within the Qualtrics Comment Card itself.
	
	``html
	<FORM id="Page" NAME="Page" METHOD="POST" ENCTYPE="multipart/form-data" >
	        <INPUT id='SurveyID' TYPE='HIDDEN' NAME='SurveyID' VALUE='SV_41le6U2PrJjvJad'>
	            <INPUT id='SessionID' TYPE='HIDDEN' NAME='SessionID' VALUE='DummySessionID'>
	        <INPUT id='PageDisplayTime' TYPE='HIDDEN' NAME='PageDisplayTime' VALUE='2013-11-01 11:58:39'>
	
	    <INPUT TYPE='HIDDEN' NAME='TransactionID' VALUE='0'>
	
	            <INPUT TYPE='HIDDEN' NAME='Referer' VALUE='http://www.fingerhut.com/'>
	``
	Qualtrics Comment Card from Fingerhut.com – Source Code
	
	Qualtrics' Customer Support pages on its website confirm that the particular web page is embedded and included with the Comment Card to be utilized with feedback concerning the particular web page:

[10] The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_41le6U2PrJjvJad&Pagetype=site+section& PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4.

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	Using other built-in Embedded Data fields In addition to creating your own Embedded Data variables or pulling them in from other sources, you also have access to some built-in variables that are recorded for every response. These elements can be added to the Survey Flow using the steps described in the Creating an Embedded Data Element section. The following built-in Embedded Data fields can be added for your survey: . . . Referer This element shows the page the respondent was on when they clicked the survey link. For emailed surveys you will see a URL for the email provider in most cases. If the survey is linked to with an automatic redirect, such as a URL redirect at the end of another survey, no value is recorded. *Excerpted from* Qualtrics, "Embedded Data," *available at* http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/

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	But what if you want dynamic Embedded Data, such as a field storing which page the visitor was viewing when they saw the Creative? For scenarios like this, simply click **Static Value** to open a menu of additional Embedded Data value options. s, URLs are limited to ... on on the amount of da... in the specified order. Value: Static Value ✓ Static Value Site Intercept ID Creative ID Recorded Site History Visited Page Count Time Spent on Site Current Page URL Page Referrer Site Referrer Search Term HTML on Site Value from Cookie URL Parameter URL Regex Value from JavaScript This *Excerpted from* Qualtrics, "Embedded Data," *available at* http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/ *See also* Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/ ("Add Embedded Data to the Intercept to track which page the visitor was on when they clicked the Feedback Link. For more information refer to the Embedded Data page."). In addition, this page-specificity of the feedback is apparent because it is provided in response to the user navigating to and accessing a particular web page and then subsequently selecting the "Feedback" icon to trigger the Comment Card concerning that particular web page. Moreover, independent of any user

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	knowledge of the page-specific nature of the feedback, the Qualtrics feedback solutions including Comment Cards system ultimately collects, analyzes, and reports all feedback as it concerns the particular web page regardless of whether the user explicitly identifies the feedback as concerning the particular web page. Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example: "Receiving website feedback is easy with the Feedback Link. This allows you to know what your website visitors are thinking and improve their experience." Qualtrics, "Website Feedback," *available at* http://qualtrics.com/university/researchsuite/distributing/more-distribution-methods/website-feedback/. "The Feedback Link collects visitor's opinions of your website. . . . Because a Feedback Link is passive, it may attract extreme viewpoints in the survey results – people who actively seek out a way to provide feedback because they either had an exceptionally positive or an exceptionally negative experience. . . . In general the Feedback Link is appropriate for collecting reactive website feedback." Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/. "The Matrix Table allows you to ask many multiple choice questions that use the same answer choice scale. . . . **Likert:** Allows you to place a scale of choices across the top." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. "Text Entry questions allow respondents to type in verbatim responses, such as comments and contact information." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. "Businesses adopt the platform to gather insights and deliver content based specifically on customer feedback. This data informs the development of website functionality and usability enhancements." Qualtrics, "Qualtrics Site Intercept Adoption Skyrockets, Growing Nearly 200 Percent" (Aug. 22, 2013), *available at* http://qualtrics.com/press/press-releases/qualtrics-site-intercept-adoption-skyrockets-growing-nearly-200-percent/. "Feedback: The web shouldn't be a one-way form of communication. Know what your visitors are thinking by providing them with a place to talk to you. You can even link to a Qualtrics survey. In

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	fact, we recommend it." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/. • "Feedback: Whether you use the built-in feedback creative or not, gathering accurate information for your visitors to improve their experience is crucial. It's hard to have direction without information, and Site Intercept makes it easy." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.
wherein the first element is viewable within a browser window upon initial display of the particular web page and remains viewable within the browse window, at east prior to the user selection, regardless of user scrolling.	The "Feedback" icon (*i.e.*, the "first element") remains viewable within a browser window, at least prior to the user selection, regardless of user scrolling. For example, when the user first navigates to Fingerhut.com, as can be seen below, the "Feedback" icon appears in the bottom, right-hand corner of the web browser window. In addition, as shown by the vertical scroll bar on the browser window, the particular web page (*e.g.*, Fingerhut.com) is not entirely viewable to the user.

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	 Fingerhut.com. As such, when the user scrolls to the bottom of the web page that was previously not viewable, the "Feedback" icon remains viewable in the bottom, right-hand corner of the web browser window.

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	 Fingerhut.com – bottom portion of the web page. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element.

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.

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11. The media of claim 10, wherein the software associated with the first element is incorporated into software of each of the plurality of particular web pages.	The Qualtrics feedback solutions including Comment Cards software that is associated with the first element and allows users to provide page-specific feedback is incorporated into the software of each of the plurality of particular web pages. For example, the Qualtrics feedback solutions including Comment Cards software is incorporated into and included within the HTML code of each particular web page (*e.g.*, such as the Fingerhut home page, fingerhut.com). As shown by the Customer Support pages on Qualtrics.com, certain HTML source code and/or JavaScript libraries provided by Qualtrics are hosted by Fingerhut and do not require separate software downloads by the user. Pursuant to Qualtrics instructions, Fingerhut incorporated the Qualtrics software into the HTML source code of many of the Fingerhut web pages (such as the Fingerhut home page) thereby enabling page-specific feedback concerning the particular web page through the Qualtrics Comment Cards. For instance, the Customer Support on Qualtrics' website describes various options for how a potential customer should implement the "Feedback" icon and supporting software within the target company website. *See, e.g.*: - Feedback Link. *See* Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/ - Slider. *See* Qualtrics, "Slider," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/slider/ - Site Intercept. *See* Qualtrics, "Implementing Site Intercept," *available at* http://wordpressstaging.qualtrics.com/university/site-intercept/basics/getting-started/implementing-site-intercept/ ("For the easiest implementation, we recommend placing the code in a global header or footer, so it loads on all pages of the website. With this implementation, you are free to run Intercepts on any page.")

Claim 11 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	- Anonymous Survey Links. *See* Qualtrics, "Anonymous Survey Links," *available* at http://qualtrics.com/university/researchsuite/distributing/basic-distribution/anonymous-survey-link/ - In-Page Pop-Ups. *See* Qualtrics, "In-Page Pop-Up," *available at* http://qualtrics.com/university/researchsuite/distributing/more-distribution-methods/in-page-pop-up/ - Website Feedback via Feedback Link. *See* Qualtrics, "Website Feedback," *available at* http://qualtrics.com/university/researchsuite/distributing/more-distribution-methods/website-feedback/ Further, the associated software, with corresponding JavaScript libraries, allows the user to provide the page-specific feedback concerning the particular web page through the Qualtrics Comment Card and submit the feedback to the Qualtrics server. *See* Qualtrics Comment Card from Fingerhut.com –Source Code *available at* http://bluestembrands.az1.qualtrics.com/SE/? SID=SV_41le6U2PrJjvJad&Pagetype=site+section&PageURL=http%3A%2F%2Fwww.fingerhut.com% 2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4. Accordingly, the user need not download any additional software onto the user's computer system outside of any HTML and JavaScript employed within the typical display of and interaction with the particular web page. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.

Claim 14 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
14. The media of claim 10, wherein each page-specific subjective rating comprises one of: a page-specific subjective rating of the particular web page as a whole; and a specific page-specific subjective rating of at least one characteristic of the particular web page as a whole.	Each page-specific subjective rating comprise one of (1) a page-specific subjective rating of the particular web page as a whole and (2) a specific page-specific subjective rating of at least one characteristic of the particular web page as a whole. For example, the Comment Card shown below allows the user to provide page-specific user feedback concerning the particular web page. For instance, the "Page Ratings" section of the Comment Card allows the user to provide feedback in the form of one or more ratings based upon the user's perceived impressions of the particular web page as a whole. The "Overall" rating allows the user to provide a page-specific subjective rating of the particular web page as a whole, and each of the "Product Information," "Look and Feel," and "Ease of Use" ratings allows the user to rate at least one characteristic of the particular web page as a whole. Each of these numerical rating scales allows the user to rate the particular web page as a whole using a one to five (1-5) scale with at least one positive, neutral, and negative rating.

Claim 14 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	Qualtrics Comment Card from Fingerhut.com. The associated text (*e.g.*, "Page Ratings" and "Please take a moment to rate this page") identifies that any entered subjective ratings may concern the particular web page. Qualtrics Comment Card from Fingerhut.com. It is also clear that the Qualtrics feedback solutions including Comment Cards operate on a page-specific basis, even where the Comment Card does not explicitly confirm that any entered feedback concerns the particular web page, because, for example, in order to request a Comment Card, the system constructs the Comment Card's URL to include a "PageURL" component. As such, this component embedded within the URL is one method for later associating the particular web page with any feedback concerning that particular web page for analytics, reporting, or other purposes. For example, when fingerhut.com is the

Claim 14 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	particular web page for feedback, the URL appears as: "PageURL=http%3A%2F%2Fwww.fingerhut.com%2F".[11] As can be seen from the source code of the Qualtrics Comment Card below, the particular web page, identified by the "Referer" label, is also embedded within the Qualtrics Comment Card itself. ``` <FORM id="Page" NAME="Page" METHOD="POST" ENCTYPE="multipart/form-data" > <INPUT id='SurveyID' TYPE='HIDDEN' NAME='SurveyID' VALUE='SV_41le6U2PrJjvJad'> <INPUT id='SessionID' TYPE='HIDDEN' NAME='SessionID' VALUE='DummySessionID'> <INPUT id='PageDisplayTime' TYPE='HIDDEN' NAME='PageDisplayTime' VALUE='2013-11-01 11:58:39'> <INPUT TYPE='HIDDEN' NAME='TransactionID' VALUE='0'> <INPUT TYPE='HIDDEN' NAME='Referer' VALUE='http://www.fingerhut.com/'> ``` Qualtrics Comment Card from Fingerhut.com – Source Code Qualtrics' Customer Support pages on its website confirm that the particular web page is embedded and included with the Comment Card to be utilized with feedback concerning the particular web page: **Using other built-in Embedded Data fields** In addition to creating your own Embedded Data variables or pulling them in from other sources, you also have access to some built-in variables that are recorded for every response. These elements can be added to the Survey Flow using the steps described in the Creating an Embedded Data Element section. The following built-in Embedded Data fields can be added for your survey: . . . Referer This element shows the page the respondent was on when they clicked the survey link. For emailed surveys you will see a URL for the email provider in most cases. If the survey is linked to with an automatic redirect, such as a URL redirect at the end of another survey, no value is recorded. *Excerpted from* Qualtrics, "Embedded Data," *available at*

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[11] The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_41le6U2PrJjvJad&Pagetype=site+section& PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4

Claim 14 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/ *Excerpted from* Qualtrics, "Embedded Data," *available at* http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/ *See also* Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/ ("Add Embedded Data to the Intercept to track which page the visitor was on when they clicked the Feedback Link. For more information refer to the Embedded Data page."). In addition, this page-specificity of the feedback is apparent because it is provided in response to the user

Claim 14 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	navigating to and accessing a particular web page and then subsequently selecting the "Feedback" icon to trigger the Comment Card concerning that particular web page. Moreover, independent of any user knowledge of the page-specific nature of the feedback, the Qualtrics feedback solutions including Comment Cards system ultimately collects, analyzes, and reports all feedback as it concerns the particular web page regardless of whether the user explicitly identifies the feedback as concerning the particular web page. Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example: • "Receiving website feedback is easy with the Feedback Link. This allows you to know what your website visitors are thinking and improve their experience." Qualtrics, "Website Feedback," *available at* http://qualtrics.com/university/researchsuite/distributing/more-distribution-methods/website-feedback/. • "The Feedback Link collects visitor's opinions of your website. . . . Because a Feedback Link is passive, it may attract extreme viewpoints in the survey results – people who actively seek out a way to provide feedback because they either had an exceptionally positive or an exceptionally negative experience. . . . In general the Feedback Link is appropriate for collecting reactive website feedback." Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/. • "The Matrix Table allows you to ask many multiple choice questions that use the same answer choice scale. . . . **Likert:** Allows you to place a scale of choices across the top." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. • "Text Entry questions allow respondents to type in verbatim responses, such as comments and contact information." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. • "Businesses adopt the platform to gather insights and deliver content based specifically on customer feedback. This data informs the development of website functionality and usability enhancements." Qualtrics, "Qualtrics Site Intercept Adoption Skyrockets, Growing Nearly 200 Percent" (Aug. 22, 2013), *available at* http://qualtrics.com/press/press-releases/qualtrics-site-intercept-adoption-skyrockets-growing-nearly-200-percent/. • "Feedback: The web shouldn't be a one-way form of communication. Know what your visitors are

Claim 14 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	thinking by providing them with a place to talk to you. You can even link to a Qualtrics survey. In fact, we recommend it." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/. • "Feedback: Whether you use the built-in feedback creative or not, gathering accurate information for your visitors to improve their experience is crucial. It's hard to have direction without information, and Site Intercept makes it easy." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Move.com (move.com), which are substantially similar implementations.

Claim 17 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
17. The media of claim 10, wherein the plurality of particular web pages comprises substantially all web pages of the website.	On information and belief, substantially all web pages on the Fingerhut website utilize Qualtrics feedback solutions including Comment Cards and provide a first element to solicit page-specific user feedback. For example, the web pages on Fingerhut.com include a "Feedback" icon, an example of which is identified below. This icon is viewable automatically upon the user navigating to the Fingerhut.com home page. As such, the user need not provide any input in order to view the icon upon accessing the web page.

Claim 17 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Fingerhut.com. A substantially similar icon appears on most, if not all, Fingerhut web pages implementing the Qualtrics feedback solutions including Comment Cards, including the Fingerhut web page for "Kitchen."

Claim 17 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	Fingerhut.com – "Kitchen" *See* Fingerhut, "Kitchen," *available at* http://www.fingerhut.com/section/Kitchen/10.uts. Upon selection of the "Feedback" icon, regardless of the particular web page, a Qualtrics Comment Card is launched allowing for the user to provide page-specific feedback, such as subjective ratings and open-ended comments, concerning the particular web page.

Claim 17 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	  Fingerhut.com and "Kitchen" Comment Cards

Claim 17 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.

Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
18. A method comprising:	Multiple web pages on Fingerhut's website include and utilize a method for receiving page-specific feedback concerning a particular web page as explained below. For example, the home page for the Fingerhut website, which may be accessed and displayed on a web browser at a user's computer system, includes a "Feedback" icon powered by Qualtrics feedback solutions that enable Qualtrics Comment Cards. The Qualtrics feedback solutions including Comment Cards allow for users that access Fingerhut.com to submit various types of page-specific feedback (such as ratings and comments) concerning the particular web page by selecting the "Feedback" icon, an example of which is identified below.

Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	  Fingerhut.com
using a user-selectable element viewable on each of a plurality of particular web pages of a website upon initial display of a particular web page to solicit page-specific user feedback concerning the particular web page	Most, if not all, web pages on the Fingerhut website implementing Qualtrics feedback solutions including Comment Cards include and use a "user-selectable element" that is viewable on each of a plurality of particular web pages of the website (*e.g.*, such as the Fingerhut home page from fingerhut.com) to solicit page-specific user feedback concerning the particular web page upon initial display of the particular web page. For example, multiple web pages on the Fingerhut website (such as the Fingerhut home page) include a "Feedback" icon (*i.e.*, the "user-selectable element"), an example of which is identified below. When the user navigates to and accesses the Fingerhut home page (or other particular web page), the "Feedback" icon is viewable upon initial display of the web page. This icon solicits page-specific user feedback, such as

Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
from the user,	subjective ratings and/or open-ended comments, concerning a particular web page from each user accessing the web page. This is ultimately accomplished via the mechanism explained further below by which the user provides and submits such page-specific user feedback concerning the particular web page. Indeed, users familiar with this feedback collection system know from experience that they must first select the icon to provide the page-specific user feedback, such as through subjective rating and/or open-ended comments, concerning the particular web page. The solicitation occurs automatically upon the user navigating to and accessing the Fingerhut.com home page (or other particular web page), and the user need not provide input. Fingerhut.com. A more detailed image of this "Feedback" icon is shown below, soliciting the customer to "Rate This

Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	Page." Rate This Page Fingerhut.com Feedback Icon Upon user selection of the "Feedback" icon, the Qualtrics Comment Card is displayed to the user. The Comment Card shown below allows the user to provide page-specific user feedback concerning the particular web page. For instance, the "Page Ratings" section of the Comment Card allows the user to provide feedback in the form of one or more ratings based upon the user's perceived impressions of the particular web page as a whole. The "Overall" rating allows the user to provide a page-specific subjective rating of the particular web page as a whole, and each of the "Product Information," "Look and Feel," and "Ease of Use" ratings allows the user to rate at least one characteristic of the particular web page as a whole. Each of these numerical rating scales allows the user to rate the particular web page as a whole using a one to five (1-5) scale with at least one positive, neutral, and negative rating.

Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	Qualtrics Comment Card from Fingerhut.com. Further, the "Comments about this page" text box of the Comment Card shown below allows the user to provide open-ended comments concerning the particular web page without any limitation as to substance.

Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	Qualtrics Comment Card from Fingerhut.com. The associated text (*e.g.*, "Page Ratings," "Comments about this page," and "Please take a moment to rate this page") confirms that any entered subjective ratings or comments may concern the particular web page.

Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Qualtrics Comment Card from Fingerhut.com. It is also clear that the Qualtrics feedback solutions including Comment Cards operate on a page-specific basis, even where the Comment Card does not explicitly confirm that any entered feedback concerns the particular web page, because, for example, in order to request a Comment Card, the system constructs the Comment Card's URL to include a "PageURL" component. As such, this component embedded within the URL is one method for later associating the particular web page with any feedback concerning that particular web page for analytics, reporting, or other purposes. For example, when fingerhut.com is the particular web page for feedback, the URL appears as: "PageURL=http%3A%2F%2Fwww.fingerhut.com%2F".[12] As can be seen from the source code of the Qualtrics Comment Card below, the particular web page,

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[12] The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_41le6U2PrJjvJad&Pagetype=site+section&
PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4.

Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	identified by the "Referer" label, is also embedded within the Qualtrics Comment Card itself. ``` <FORM id="Page" NAME="Page" METHOD="POST" ENCTYPE="multipart/form-data" > <INPUT id='SurveyID' TYPE='HIDDEN' NAME='SurveyID' VALUE='SV_41le6U2PrJjvJad'> <INPUT id='SessionID' TYPE='HIDDEN' NAME='SessionID' VALUE='DummySessionID'> <INPUT id='PageDisplayTime' TYPE='HIDDEN' NAME='PageDisplayTime' VALUE='2013-11-01 11:58:39'> <INPUT TYPE='HIDDEN' NAME='TransactionID' VALUE='0'> <INPUT TYPE='HIDDEN' NAME='Referer' VALUE='http://www.fingerhut.com/'> ``` Qualtrics Comment Card from Fingerhut.com – Source Code Qualtrics' Customer Support pages on its website confirm that the particular web page is embedded and included with the Comment Card to be utilized with feedback concerning the particular web page: **Using other built-in Embedded Data fields** In addition to creating your own Embedded Data variables or pulling them in from other sources, you also have access to some built-in variables that are recorded for every response. These elements can be added to the Survey Flow using the steps described in the *Creating an Embedded Data Element* section. The following built-in Embedded Data fields can be added for your survey: . . . **Referer** This element shows the page the respondent was on when they clicked the survey link. For emailed surveys you will see a URL for the email provider in most cases. If the survey is linked to with an automatic redirect, such as a URL redirect at the end of another survey, no value is recorded. *Excerpted from* Qualtrics, "Embedded Data," *available at* http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/

Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	But what if you want dynamic Embedded Data, such as a field storing which page the visitor was viewing when they saw the Creative? For scenarios like this, simply click **Static Value** to open a menu of additional Embedded Data value options. s, URLs are limited to 2000... on on the amount of da... in the specified order. Value: Static Value ▾ ✓ Static Value Site Intercept ID Creative ID Recorded Site History Visited Page Count Time Spent on Site Current Page URL Page Referrer Site Referrer Search Term HTML on Site Value from Cookie URL Parameter URL Regex Value from JavaScript *Excerpted from* Qualtrics, "Embedded Data," *available at* http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/ *See also* Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/ ("Add Embedded Data to the Intercept to track which page the visitor was on when they clicked the Feedback Link. For more information refer to the Embedded Data page."). In addition, this page-specificity of the feedback is apparent because it is provided in response to the user navigating to and accessing a particular web page and then subsequently selecting the "Feedback" icon to trigger the Comment Card concerning that particular web page. Moreover, independent of any user

Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	knowledge of the page-specific nature of the feedback, the Qualtrics feedback solutions including Comment Cards system ultimately collects, analyzes, and reports all feedback as it concerns the particular web page regardless of whether the user explicitly identifies the feedback as concerning the particular web page. Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example: "Receiving website feedback is easy with the Feedback Link. This allows you to know what your website visitors are thinking and improve their experience." Qualtrics, "Website Feedback," *available at* http://qualtrics.com/university/researchsuite/distributing/more-distribution-methods/website-feedback/. "The Feedback Link collects visitor's opinions of your website. . . . Because a Feedback Link is passive, it may attract extreme viewpoints in the survey results – people who actively seek out a way to provide feedback because they either had an exceptionally positive or an exceptionally negative experience. . . . In general the Feedback Link is appropriate for collecting reactive website feedback." Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/. "The Matrix Table allows you to ask many multiple choice questions that use the same answer choice scale. . . . **Likert:** Allows you to place a scale of choices across the top." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. "Text Entry questions allow respondents to type in verbatim responses, such as comments and contact information." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. "Businesses adopt the platform to gather insights and deliver content based specifically on customer feedback. This data informs the development of website functionality and usability enhancements." Qualtrics, "Qualtrics Site Intercept Adoption Skyrockets, Growing Nearly 200 Percent" (Aug. 22, 2013), *available at* http://qualtrics.com/press/press-releases/qualtrics-site-intercept-adoption-skyrockets-growing-nearly-200-percent/. "Feedback: The web shouldn't be a one-way form of communication. Know what your visitors are thinking by providing them with a place to talk to you. You can even link to a Qualtrics survey. In fact, we recommend it." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/.

Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	• "Feedback: Whether you use the built-in feedback creative or not, gathering accurate information for your visitors to improve their experience is crucial. It's hard to have direction without information, and Site Intercept makes it easy." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.
the user-selectable element appearing identically and behaving consistently on each of the plurality of particular web pages; and	The "Feedback" icon appears identically and behaves consistently on each of the plurality of particular web pages. For example, many of the web pages on the Fingerhut website include a "Feedback" icon (*i.e.*, the "user-selectable element"), an example of which is identified below. This icon is viewable when the user navigates to and accesses the Fingerhut.com home page (or other particular web page).

Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	Fingerhut.com. A substantially similar icon appears identically and behaves consistently on most, if not all, Fingerhut web pages implementing the Qualtrics feedback solutions including Comment Cards, including the Fingerhut web page for "Kitchen."

Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	Fingerhut.com – "Kitchen" *See* Fingerhut, "Kitchen," *available at* http://www.fingerhut.com/section/Kitchen/10.uts. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this

Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.
using software associated with the user-selectable element to receive the page-specific user feedback concerning the particular web page for reporting to an interested party,	Most, if not all, web pages on the Fingerhut website implementing Qualtrics feedback solutions including Comment Cards include and use software to receive the page-specific user feedback concerning the particular web page. For example, upon the user accessing the particular web page and selecting the "Feedback" icon, the Qualtrics Comment Card shown below becomes viewable on the particular web page. Within the Comment Card, the user may provide page-specific feedback concerning the particular web page through subjective ratings and/or open-ended comments via either the "Page Ratings" or "Comments about this page" sections of the Comment Card. The user may then submit page-specific feedback to Qualtrics (as the feedback vendor for Fingerhut) by selecting the "Submit Feedback" button.

Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	Qualtrics Comment Card from Fingerhut.com.

Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Qualtrics Comment Card from Fingerhut.com. The page-specific feedback concerning the particular web page may also be reported to an interested party. For example, Qualtrics describes a variety of reporting mechanisms to an interested party, such as a website owner like Fingerhut: • "The View Reports section is designed to help you create quick, useful reports from your data. These reports are ideal for producing a standard report of your whole survey with basic filters and customization." *See* Qualtrics, "About Viewing Reports," *available at* http://qualtrics.com/university/researchsuite/reporting/view-reports/about-viewing-reports/. • "Graphs For Every Need: * Display data with over 30 different graph types. * Format each graph's color, size, axis, & display settings. * Render graphs in Flash or export to Word, PowerPoint, or PDF." *See* Qualtrics, "Analysis and Reporting," *available at* http://qualtrics.com/research-

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	suite/survey-analysis-reporting/. • "Filter Data: * Filter survey results by date range, subgroup, or completion status. * Track how a specific group responded to a survey. * Create subgroups using question responses or embedded data." *See* Qualtrics, "Analysis and Reporting," *available at* http://qualtrics.com/research-suite/survey-analysis-reporting/. • "Drill Downs: * See a side-by-side comparison of demographic groups. * View answers to every question grouped by a specific element. * Drill down by survey questions, scoring categories, or embedded data." *See* Qualtrics, "Analysis and Reporting," *available at* http://qualtrics.com/research-suite/survey-analysis-reporting/. • "Custom Reports: * Track the data you care about. * Customize reports to your company's needs. * Share password-protected survey results with anyone. Qualtrics can create custom reports especially for you. It is the best way to track what is happening while your surveys are deployed. These interactive reports are customized to your company's needs, updated as new data streams in and can be accessed by anyone with a password – even if they don't have a Qualtrics account." *See* Qualtrics, "Enterprise Feedback Management," *available at* http://qualtrics.com/research-suite/enterprise-feedback-management/. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.
the page-specific user feedback concerning the particular webpages	The page-specific user feedback concerning the particular web page may be provided by a user while the user remained at the particular web page.

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having been provided by a user while the user remained at the particular web page,	For example, upon the user accessing the particular web page and selecting the "Feedback" icon, the Qualtrics Comment Card shown below becomes viewable on the particular web page. Within the Comment Card, the user may provide page-specific feedback concerning the particular web page through subjective ratings and/or open-ended comments via either the "Page Ratings" or "Comments about this page" sections of the Comment Card. The user may then submit page-specific feedback to Qualtrics (as the feedback vendor for Fingerhut) by selecting the "Submit Feedback" button. In addition, as shown below, the user may remain at and need not navigate away from Fingerhut.com in order to provide the page-specific feedback through the Qualtrics Comment Card.

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	Fingerhut.com Home Page with Qualtrics Comment Card OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element.

Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.
and the page-specific user feedback comprising one or more page-specific subjective ratings of the particular web page and one or more associated page-specific open-ended comments concerning the particular web page,	The page-specific user feedback comprises (1) one or more page-specific subjective ratings of the particular web page and (2) one or more associated page-specific open-ended comments concerning the particular web page. For example, upon the user accessing the particular web page and selecting the "Feedback" icon, the Qualtrics Comment Card shown below becomes viewable on the particular web page. The Comment Card allows the user to provide page-specific user feedback, through subjective ratings and open-ended comments, concerning the particular web page. For instance, the "Page Ratings" section of the Comment Card allows the user to provide feedback in the form of one or more ratings based upon the user's perceived impressions of the particular web page as a whole. The "Overall" rating allows the user to provide a page-specific subjective rating of the particular web page as a whole, and each of the "Product Information," "Look and Feel," and "Ease of Use" ratings allows the user to rate at least one characteristic of the particular web page as a whole. Each of these numerical rating scales allows the user to rate the particular web page as a whole using a one to five (1-5) scale with at least one positive, neutral, and negative rating.

Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Qualtrics Comment Card from Fingerhut.com. Further, the "Comments about this page" text box of the Comment Card shown below allows the user to provide open-ended comments concerning the particular web page without any limitation as to substance.

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	 Qualtrics Comment Card from Fingerhut.com. The associated text (*e.g.*, "Page Ratings," "Comments about this page," and "Please take a moment to rate this page") confirms that any entered subjective ratings or comments may concern the particular web page.

Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	Qualtrics Comment Card from Fingerhut.com. It is also clear that the Qualtrics feedback solutions including Comment Cards operate on a page-specific basis, even where the Comment Card does not explicitly confirm that any entered feedback concerns the particular web page, because, for example, in order to request a Comment Card, the system constructs the Comment Card's URL to include a "PageURL" component. As such, this component embedded within the URL is one method for later associating the particular web page with any feedback concerning that particular web page for analytics, reporting, or other purposes. For example, when fingerhut.com is the particular web page for feedback, the URL appears as: "PageURL=http%3A%2F%2Fwww.fingerhut.com%2F".[13]

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[13] The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_41le6U2PrJjvJad&Pagetype=site+section& PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4.

Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	As can be seen from the source code of the Qualtrics Comment Card below, the particular web page, identified by the "Referer" label, is also embedded within the Qualtrics Comment Card itself. ``` <FORM id="Page" NAME="Page" METHOD="POST" ENCTYPE="multipart/form-data" > <INPUT id='SurveyID' TYPE='HIDDEN' NAME='SurveyID' VALUE='SV_41le6U2PrJjvJad'> <INPUT id='SessionID' TYPE='HIDDEN' NAME='SessionID' VALUE='DummySessionID'> <INPUT id='PageDisplayTime' TYPE='HIDDEN' NAME='PageDisplayTime' VALUE='2013-11-01 11:58:39'> <INPUT TYPE='HIDDEN' NAME='TransactionID' VALUE='0'> <INPUT TYPE='HIDDEN' NAME='Referer' VALUE='http://www.fingerhut.com/'> ``` Qualtrics Comment Card from Fingerhut.com – Source Code Qualtrics' Customer Support pages on its website confirm that the particular web page is embedded and included with the Comment Card to be utilized with feedback concerning the particular web page: **Using other built-in Embedded Data fields** In addition to creating your own Embedded Data variables or pulling them in from other sources, you also have access to some built-in variables that are recorded for every response. These elements can be added to the Survey Flow using the steps described in the Creating an Embedded Data Element section. The following built-in Embedded Data fields can be added for your survey: . . . **Referer** This element shows the page the respondent was on when they clicked the survey link. For emailed surveys you will see a URL for the email provider in most cases. If the survey is linked to with an automatic redirect, such as a URL redirect at the end of another survey, no value is recorded. *Excerpted from* Qualtrics, "Embedded Data," *available at* http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/

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	Excerpted from Qualtrics, "Embedded Data," *available at* http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/ *See also* Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/ ("Add Embedded Data to the Intercept to track which page the visitor was on when they clicked the Feedback Link. For more information refer to the Embedded Data page."). In addition, this page-specificity of the feedback is apparent because it is provided in response to the user navigating to and accessing a particular web page and then subsequently selecting the "Feedback" icon to trigger the Comment Card concerning that particular web page. Moreover, independent of any user

Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	knowledge of the page-specific nature of the feedback, the Qualtrics feedback solutions including Comment Cards system ultimately collects, analyzes, and reports all feedback as it concerns the particular web page regardless of whether the user explicitly identifies the feedback as concerning the particular web page. Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example: "Receiving website feedback is easy with the Feedback Link. This allows you to know what your website visitors are thinking and improve their experience." Qualtrics, "Website Feedback," *available at* http://qualtrics.com/university/researchsuite/distributing/more-distribution-methods/website-feedback/. "The Feedback Link collects visitor's opinions of your website. . . . Because a Feedback Link is passive, it may attract extreme viewpoints in the survey results – people who actively seek out a way to provide feedback because they either had an exceptionally positive or an exceptionally negative experience. . . . In general the Feedback Link is appropriate for collecting reactive website feedback." Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/. "The Matrix Table allows you to ask many multiple choice questions that use the same answer choice scale. . . . **Likert:** Allows you to place a scale of choices across the top." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. "Text Entry questions allow respondents to type in verbatim responses, such as comments and contact information." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. "Businesses adopt the platform to gather insights and deliver content based specifically on customer feedback. This data informs the development of website functionality and usability enhancements." Qualtrics, "Qualtrics Site Intercept Adoption Skyrockets, Growing Nearly 200 Percent" (Aug. 22, 2013), *available at* http://qualtrics.com/press/press-releases/qualtrics-site-intercept-adoption-skyrockets-growing-nearly-200-percent/. "Feedback: The web shouldn't be a one-way form of communication. Know what your visitors are thinking by providing them with a place to talk to you. You can even link to a Qualtrics survey. In fact, we recommend it." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/.

Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	• "Feedback: Whether you use the built-in feedback creative or not, gathering accurate information for your visitors to improve their experience is crucial. It's hard to have direction without information, and Site Intercept makes it easy." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.
the page-specific user feedback allowing the interested party to access page-specific subjective ratings and associated page-specific open-ended comments across the plurality of particular web pages to identify one or more particular web pages for which the page-specific user feedback is notable relative to page-specific user feedback for other	The page-specific user feedback allows the interested party (such as Fingerhut) to access page-specific subjective ratings and associated page-specific open-ended comments across the plurality of particular web pages to identify one or more particular web pages for which the page-specific user feedback is notable relative to page-specific user feedback for other particular web pages. For example, the website owner may be allowed to access the page-specific feedback, including the subjective user ratings and associated open-ended comments, as it concerns any of the particular web pages via a reporting mechanism that reports the feedback on a page-specific basis, among other approaches. Through the reporting mechanism, the website owner may identify particular web pages for which the page-specific user feedback is notable relative to other particular web pages from that same website. For instance, Qualtrics describes a variety of page-specific reporting mechanisms to a website owner such as Fingerhut: • "The View Reports section is designed to help you create quick, useful reports from your data. These reports are ideal for producing a standard report of your whole survey with basic filters and

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particular web pages;	customization." *See* Qualtrics, "About Viewing Reports," *available at* http://qualtrics.com/university/researchsuite/reporting/view-reports/about-viewing-reports/. • "Graphs For Every Need: * Display data with over 30 different graph types. * Format each graph's color, size, axis, & display settings. * Render graphs in Flash or export to Word, PowerPoint, or PDF." *See* Qualtrics, "Analysis and Reporting," *available at* http://qualtrics.com/research-suite/survey-analysis-reporting/. • "Filter Data: * Filter survey results by date range, subgroup, or completion status. * Track how a specific group responded to a survey. * Create subgroups using question responses or embedded data." *See* Qualtrics, "Analysis and Reporting," *available at* http://qualtrics.com/research-suite/survey-analysis-reporting/. • "Drill Downs: * See a side-by-side comparison of demographic groups. * View answers to every question grouped by a specific element. * Drill down by survey questions, scoring categories, or embedded data." *See* Qualtrics, "Analysis and Reporting," *available at* http://qualtrics.com/research-suite/survey-analysis-reporting/. • "Custom Reports: * Track the data you care about. * Customize reports to your company's needs. * Share password-protected survey results with anyone. Qualtrics can create custom reports especially for you. It is the best way to track what is happening while your surveys are deployed. These interactive reports are customized to your company's needs, updated as new data streams in and can be accessed by anyone with a password – even if they don't have a Qualtrics account." *See* Qualtrics, "Enterprise Feedback Management," *available at* http://qualtrics.com/research-suite/enterprise-feedback-management/. The associated text on the Fingerhut Comment Card itself (*e.g.*, "Page Ratings," "Comments about this page," and "Please take a moment to rate this page") confirms that any entered subjective ratings or comments may concern the particular web page.

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[14] The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_41le6U2PrJjvJad&Pagetype=site+section& PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4.

Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	As can be seen from the source code of the Qualtrics Comment Card below, the particular web page, identified by the "Referer" component is also embedded within the Qualtrics Comment Card itself. ``` <FORM id="Page" NAME="Page" METHOD="POST" ENCTYPE="multipart/form-data" > <INPUT id='SurveyID' TYPE='HIDDEN' NAME='SurveyID' VALUE='SV_41le6U2PrJjvJad'> <INPUT id='SessionID' TYPE='HIDDEN' NAME='SessionID' VALUE='DummySessionID'> <INPUT id='PageDisplayTime' TYPE='HIDDEN' NAME='PageDisplayTime' VALUE='2013-11-01 11:58:39'> <INPUT TYPE='HIDDEN' NAME='TransactionID' VALUE='0'> <INPUT TYPE='HIDDEN' NAME='Referer' VALUE='http://www.fingerhut.com/'> ``` Qualtrics Comment Card from Fingerhut.com – Source Code Qualtrics' Customer Support pages on its website confirm that the particular web page is embedded and included with the Comment Card to be utilized with feedback concerning the particular web page: **Using other built-in Embedded Data fields** In addition to creating your own Embedded Data variables or pulling them in from other sources, you also have access to some built-in variables that are recorded for every response. These elements can be added to the Survey Flow using the steps described in the Creating an Embedded Data Element section. The following built-in Embedded Data fields can be added for your survey: . . . **Referer** This element shows the page the respondent was on when they clicked the survey link. For emailed surveys you will see a URL for the email provider in most cases. If the survey is linked to with an automatic redirect, such as a URL redirect at the end of another survey, no value is recorded. *Excerpted from* Qualtrics, "Embedded Data," *available at* http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/

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See also Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/ ("Add Embedded Data to the Intercept to track which page the visitor was on when they clicked the Feedback Link. For more information refer to the Embedded Data page.").

In addition, this page-specificity of the feedback is apparent because it is provided in response to the user navigating to and accessing a particular web page and then subsequently selecting the "Feedback" icon to trigger the Comment Card concerning that particular web page. Moreover, independent of any user |

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	knowledge of the page-specific nature of the feedback, the Qualtrics feedback solutions including Comment Cards system ultimately collects, analyzes, and reports all feedback as it concerns the particular web page regardless of whether the user explicitly identifies the feedback as concerning the particular web page. Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example: • "Receiving website feedback is easy with the Feedback Link. This allows you to know what your website visitors are thinking and improve their experience." Qualtrics, "Website Feedback," *available at* http://qualtrics.com/university/researchsuite/distributing/more-distribution-methods/website-feedback/. • "The Feedback Link collects visitor's opinions of your website. . . . Because a Feedback Link is passive, it may attract extreme viewpoints in the survey results – people who actively seek out a way to provide feedback because they either had an exceptionally positive or an exceptionally negative experience. . . . In general the Feedback Link is appropriate for collecting reactive website feedback." Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/. • "The Matrix Table allows you to ask many multiple choice questions that use the same answer choice scale. . . . **Likert:** Allows you to place a scale of choices across the top." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. • "Text Entry questions allow respondents to type in verbatim responses, such as comments and contact information." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. • "Businesses adopt the platform to gather insights and deliver content based specifically on customer feedback. This data informs the development of website functionality and usability enhancements." Qualtrics, "Qualtrics Site Intercept Adoption Skyrockets, Growing Nearly 200 Percent" (Aug. 22, 2013), *available at* http://qualtrics.com/press/press-releases/qualtrics-site-intercept-adoption-skyrockets-growing-nearly-200-percent/. • "Feedback: The web shouldn't be a one-way form of communication. Know what your visitors are thinking by providing them with a place to talk to you. You can even link to a Qualtrics survey. In fact, we recommend it." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/.

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	• "Feedback: Whether you use the built-in feedback creative or not, gathering accurate information for your visitors to improve their experience is crucial. It's hard to have direction without information, and Site Intercept makes it easy." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.
wherein: the user-selectable element is viewable within a browser window upon initial display of the particular web page; and the method further comprises causing the user-selectable element to remain viewable within the browser window, at least prior to the user selection, regardless of user scrolling.	The "Feedback" icon (*i.e.*, the "user-selectable element") remains viewable within a browser window, at least prior to the user selection, regardless of user scrolling. For example, when the user first navigates to Fingerhut.com, as can be seen below, the "Feedback" icon appears in the bottom, right-hand corner of the web browser window. In addition, as shown by the vertical scroll bar on the browser window, the particular web page (*e.g.*, Fingerhut.com) is not entirely viewable to the user.

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	Fingerhut.com. As such, when the user scrolls to the bottom of the web page that was previously not viewable, the "Feedback" icon remains viewable in the bottom, right-hand corner of the web browser window.

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	Fingerhut.com – bottom portion of the web page. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element.

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	This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.

Claim 19 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
19. The method of claim 18, wherein the software associated with the user-selectable element is incorporated into software of each of the plurality of particular web pages.	The Qualtrics feedback solutions including Comment Cards software that is associated with the user-selectable element and allows users to provide page-specific feedback is incorporated into the software of each of the plurality of particular web pages. For example, the Qualtrics feedback solutions including Comment Cards software is incorporated into and included within the HTML code of each particular web page (*e.g.*, such as the Fingerhut home page, fingerhut.com). As shown by the Customer Support pages on Qualtrics.com, certain HTML source code and/or JavaScript libraries provided by Qualtrics are hosted by Fingerhut and do not require separate software downloads by the user. Pursuant to Qualtrics instructions, Fingerhut incorporated the Qualtrics software into the HTML source code of many of the Fingerhut web pages (such as the Fingerhut home page) thereby enabling page-specific feedback concerning the particular web page through the Qualtrics Comment Cards. For instance, the Customer Support on Qualtrics' website describes various options for how a potential customer should implement the "Feedback" icon and supporting software within the target company website. *See, e.g.*: • Feedback Link. *See* Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/ • Slider. *See* Qualtrics, "Slider," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/slider/ • Site Intercept. *See* Qualtrics, "Implementing Site Intercept," *available at* http://wordpressstaging.qualtrics.com/university/site-intercept/basics/getting-started/implementing-site-intercept/ ("For the easiest implementation, we recommend placing the code in a global header or footer, so it loads on all pages of the website. With this implementation, you are free to run Intercepts on any page.")

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	• Anonymous Survey Links. *See* Qualtrics, "Anonymous Survey Links," *available* at http://qualtrics.com/university/researchsuite/distributing/basic-distribution/anonymous-survey-link/ • In-Page Pop-Ups. *See* Qualtrics, "In-Page Pop-Up," *available at* http://qualtrics.com/university/researchsuite/distributing/more-distribution-methods/in-page-pop-up/ • Website Feedback via Feedback Link. *See* Qualtrics, "Website Feedback," *available at* http://qualtrics.com/university/researchsuite/distributing/more-distribution-methods/website-feedback/ Further, the associated software, with corresponding JavaScript libraries, allows the user to provide the page-specific feedback concerning the particular web page through the Qualtrics Comment Card and submit the feedback to the Qualtrics server. *See* Qualtrics Comment Card from Fingerhut.com –Source Code *available at* http://bluestembrands.az1.qualtrics.com/SE/? SID=SV_41le6U2PrJjvJad&Pagetype=site+section&PageURL=http%3A%2F%2Fwww.fingerhut.com% 2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4. Accordingly, the user need not download any additional software onto the user's computer system outside of any HTML and JavaScript employed within the typical display of and interaction with the particular web page. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.

Claim 22 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
22. The method of claim 18, wherein each page-specific subjective rating comprises one of: a page-specific subjective rating of the particular web page as a whole; and a specific page-specific subjective rating of at least one characteristic of the particular web page as a whole.	Each page-specific subjective rating comprise one of (1) a page-specific subjective rating of the particular web page as a whole and (2) a specific page-specific subjective rating of at least one characteristic of the particular web page as a whole. For example, the Comment Card shown below allows the user to provide page-specific user feedback concerning the particular web page. For instance, the "Page Ratings" section of the Comment Card allows the user to provide feedback in the form of one or more ratings based upon the user's perceived impressions of the particular web page as a whole. The "Overall" rating allows the user to provide a page-specific subjective rating of the particular web page as a whole, and each of the "Product Information," "Look and Feel," and "Ease of Use" ratings allows the user to rate at least one characteristic of the particular web page as a whole. Each of these numerical rating scales allows the user to rate the particular web page as a whole using a one to five (1-5) scale with at least one positive, neutral, and negative rating.

Claim 22 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	Qualtrics Comment Card from Fingerhut.com. The associated text (*e.g.*, "Page Ratings" and "Please take a moment to rate this page") identifies that any entered subjective ratings may concern the particular web page. Qualtrics Comment Card from Fingerhut.com. It is also clear that the Qualtrics feedback solutions including Comment Cards operate on a page-specific basis, even where the Comment Card does not explicitly confirm that any entered feedback concerns the particular web page, because, for example, in order to request a Comment Card, the system constructs the Comment Card's URL to include a "PageURL" component. As such, this component embedded within the URL is one method for later associating the particular web page with any feedback concerning that particular web page for analytics, reporting, or other purposes. For example, when fingerhut.com is the

Claim 22 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards

	particular web page for feedback, the URL appears as: "PageURL=http%3A%2F%2Fwww.fingerhut.com%2F".[15]
	
	 As can be seen from the source code of the Qualtrics Comment Card below, the particular web page, identified by the "Referer" label, is also embedded within the Qualtrics Comment Card itself.
	
	 ``html
	<FORM id="Page" NAME="Page" METHOD="POST" ENCTYPE="multipart/form-data" >
	    <INPUT id='SurveyID' TYPE='HIDDEN' NAME='SurveyID' VALUE='SV_41le6U2PrJjvJad'>
	        <INPUT id='SessionID' TYPE='HIDDEN' NAME='SessionID' VALUE='DummySessionID'>
	        <INPUT id='PageDisplayTime' TYPE='HIDDEN' NAME='PageDisplayTime' VALUE='2013-11-01 11:58:39'>
	
	    <INPUT TYPE='HIDDEN' NAME='TransactionID' VALUE='0'>
	
	            <INPUT TYPE='HIDDEN' NAME='Referer' VALUE='http://www.fingerhut.com/'>
	``
	Qualtrics Comment Card from Fingerhut.com – Source Code
	
	 Qualtrics' Customer Support pages on its website confirm that the particular web page is embedded and included with the Comment Card to be utilized with feedback concerning the particular web page:
	
	 Using other built-in Embedded Data fields
	
	 In addition to creating your own Embedded Data variables or pulling them in from other sources, you also have access to some built-in variables that are recorded for every response. These elements can be added to the Survey Flow using the steps described in the Creating an Embedded Data Element section.
	
	 The following built-in Embedded Data fields can be added for your survey:
	
	 . . .
	
	 Referer This element shows the page the respondent was on when they clicked the survey link. For emailed surveys you will see a URL for the email provider in most cases. If the survey is linked to with an automatic redirect, such as a URL redirect at the end of another survey, no value is recorded.
	
	 Excerpted from Qualtrics, "Embedded Data," *available at*

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[15] The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_41le6U2PrJjvJad&Pagetype=site+section& PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4

Claim 22 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/ *Excerpted from* Qualtrics, "Embedded Data," *available at* http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/ *See also* Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/ ("Add Embedded Data to the Intercept to track which page the visitor was on when they clicked the Feedback Link. For more information refer to the Embedded Data page."). In addition, this page-specificity of the feedback is apparent because it is provided in response to the user

Claim 22 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	navigating to and accessing a particular web page and then subsequently selecting the "Feedback" icon to trigger the Comment Card concerning that particular web page. Moreover, independent of any user knowledge of the page-specific nature of the feedback, the Qualtrics feedback solutions including Comment Cards system ultimately collects, analyzes, and reports all feedback as it concerns the particular web page regardless of whether the user explicitly identifies the feedback as concerning the particular web page. Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example: "Receiving website feedback is easy with the Feedback Link. This allows you to know what your website visitors are thinking and improve their experience." Qualtrics, "Website Feedback," *available at* http://qualtrics.com/university/researchsuite/distributing/more-distribution-methods/website-feedback/. "The Feedback Link collects visitor's opinions of your website. . . . Because a Feedback Link is passive, it may attract extreme viewpoints in the survey results – people who actively seek out a way to provide feedback because they either had an exceptionally positive or an exceptionally negative experience. . . . In general the Feedback Link is appropriate for collecting reactive website feedback." Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/. "The Matrix Table allows you to ask many multiple choice questions that use the same answer choice scale. . . . **Likert:** Allows you to place a scale of choices across the top." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. "Text Entry questions allow respondents to type in verbatim responses, such as comments and contact information." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. "Businesses adopt the platform to gather insights and deliver content based specifically on customer feedback. This data informs the development of website functionality and usability enhancements." Qualtrics, "Qualtrics Site Intercept Adoption Skyrockets, Growing Nearly 200 Percent" (Aug. 22, 2013), *available at* http://qualtrics.com/press/press-releases/qualtrics-site-intercept-adoption-skyrockets-growing-nearly-200-percent/. "Feedback: The web shouldn't be a one-way form of communication. Know what your visitors are

Claim 22 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	thinking by providing them with a place to talk to you. You can even link to a Qualtrics survey. In fact, we recommend it." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/. • "Feedback: Whether you use the built-in feedback creative or not, gathering accurate information for your visitors to improve their experience is crucial. It's hard to have direction without information, and Site Intercept makes it easy." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Move.com (move.com), which are substantially similar implementations.

Claim 25 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
25. The method of claim 18, wherein the plurality of particular web pages comprises substantially all web pages of the website.	On information and belief, substantially all web pages on the Fingerhut website utilize Qualtrics feedback solutions including Comment Cards and provide a user-selectable element to solicit page-specific user feedback. For example, the web pages on Fingerhut.com include a "Feedback" icon, an example of which is identified below. This icon is viewable automatically upon the user navigating to the Fingerhut home page. As such, the user need not provide any input in order to view the icon upon accessing the web page.

Claim 25 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Fingerhut.com. A substantially similar icon appears on most, if not all, Fingerhut web pages implementing the Qualtrics feedback solutions including Comment Cards, including the Fingerhut web page for "Kitchen."

Claim 25 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	Fingerhut.com – "Kitchen" *See* Fingerhut, "Kitchen," *available at* http://www.fingerhut.com/section/Kitchen/10.uts. Upon selection of the "Feedback" icon, regardless of the particular web page, a Qualtrics Comment Card is launched allowing for the user to provide page-specific feedback, such as subjective ratings and open-ended comments, concerning the particular web page.

Claim 25 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	Fingerhut.com and "Kitchen" Comment Cards

Claim 25 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
26. A method comprising:	Multiple web pages on Fingerhut's website include and utilize a method for receiving page-specific feedback concerning a particular web page as explained below. For example, the home page for the Fingerhut website, which may be accessed and displayed on a web browser at a user's computer system, includes a "Feedback" icon powered by Qualtrics feedback solutions that enable Qualtrics Comment Cards. The Qualtrics feedback solutions including Comment Cards allow for users that access Fingerhut.com to submit various types of page-specific feedback (such as ratings and comments) concerning the particular web page by selecting the "Feedback", an example of which is identified below.

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Fingerhut.com
using a first element viewable on each of a plurality of particular web pages of a website upon initial display of a particular web page to solicit page-specific user feedback concerning the particular web page,	Most, if not all, web pages on the Fingerhut website implementing Qualtrics feedback solutions including Comment Cards include and use a "first element" that is viewable on each of a plurality of particular web pages of the website (*e.g.*, such as the Fingerhut home page from fingerhut.com) to solicit page-specific user feedback concerning the particular web page upon initial display of the particular web page. For example, multiple web pages on the Fingerhut website (such as the Fingerhut home page) include a "Feedback" icon (*i.e.*, the "first element"), an example of which is identified below. When the user navigates to and accesses the Fingerhut home page (or other particular web page), the "Feedback" icon is viewable upon initial display of the web page. This icon solicits page-specific user feedback, such as subjective ratings and/or open-ended comments, concerning a particular web page from each user accessing the web page. This is ultimately accomplished via the mechanism explained further below by which the user provides and submits such page-specific user feedback concerning the particular web page. Indeed, users familiar with this feedback collection system know from experience that they must first select the icon to provide the page-specific user feedback, such as through subjective rating and/or open-ended

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	comments, concerning the particular web page. The solicitation occurs automatically upon the user navigating to and accessing the Fingerhut.com home page (or other particular web page), and the user need not provide input. Fingerhut.com. A more detailed image of this "Feedback" icon is shown below, soliciting the customer to "Rate This Page."

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	Fingerhut.com Feedback Icon Upon user selection of the "Feedback" icon, the Qualtrics Comment Card is displayed to the user. The Comment Card shown below allows the user to provide page-specific user feedback concerning the particular web page. For instance, the "Page Ratings" section of the Comment Card allows the user to provide feedback in the form of one or more ratings based upon the user's perceived impressions of the particular web page as a whole. The "Overall" rating allows the user to provide a page-specific subjective rating of the particular web page as a whole, and each of the "Product Information," "Look and Feel," and "Ease of Use" ratings allows the user to rate at least one characteristic of the particular web page as a whole. Each of these numerical rating scales allows the user to rate the particular web page as a whole using a one to five (1-5) scale with at least one positive, neutral, and negative rating. Qualtrics Comment Card from Fingerhut.com. Further, the "Comments about this page" text box of the Comment Card shown below allows the user to

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	provide open-ended comments concerning the particular web page without any limitation as to substance. Qualtrics Comment Card from Fingerhut.com. The associated text (*e.g.*, "Page Ratings," "Comments about this page," and "Please take a moment to rate this page") confirms that any entered subjective ratings or comments may concern the particular web page.

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	Qualtrics Comment Card from Fingerhut.com. It is also clear that the Qualtrics feedback solutions including Comment Cards operate on a page-specific basis, even where the Comment Card does not explicitly confirm that any entered feedback concerns the particular web page, because, for example, in order to request a Comment Card, the system constructs the Comment Card's URL to include a "PageURL" component. As such, this component embedded within the URL is one method for later associating the particular web page with any feedback concerning that particular web page for analytics, reporting, or other purposes. For example, when fingerhut.com is the particular web page for feedback, the URL appears as: "PageURL=http%3A%2F%2Fwww.fingerhut.com%2F".[16] As can be seen from the source code of the Qualtrics Comment Card below, the particular web page,

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[16] The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_41le6U2PrJjvJad&Pagetype=site+section& PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4.

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	identified by the "Referer" label, is also embedded within the Qualtrics Comment Card itself.

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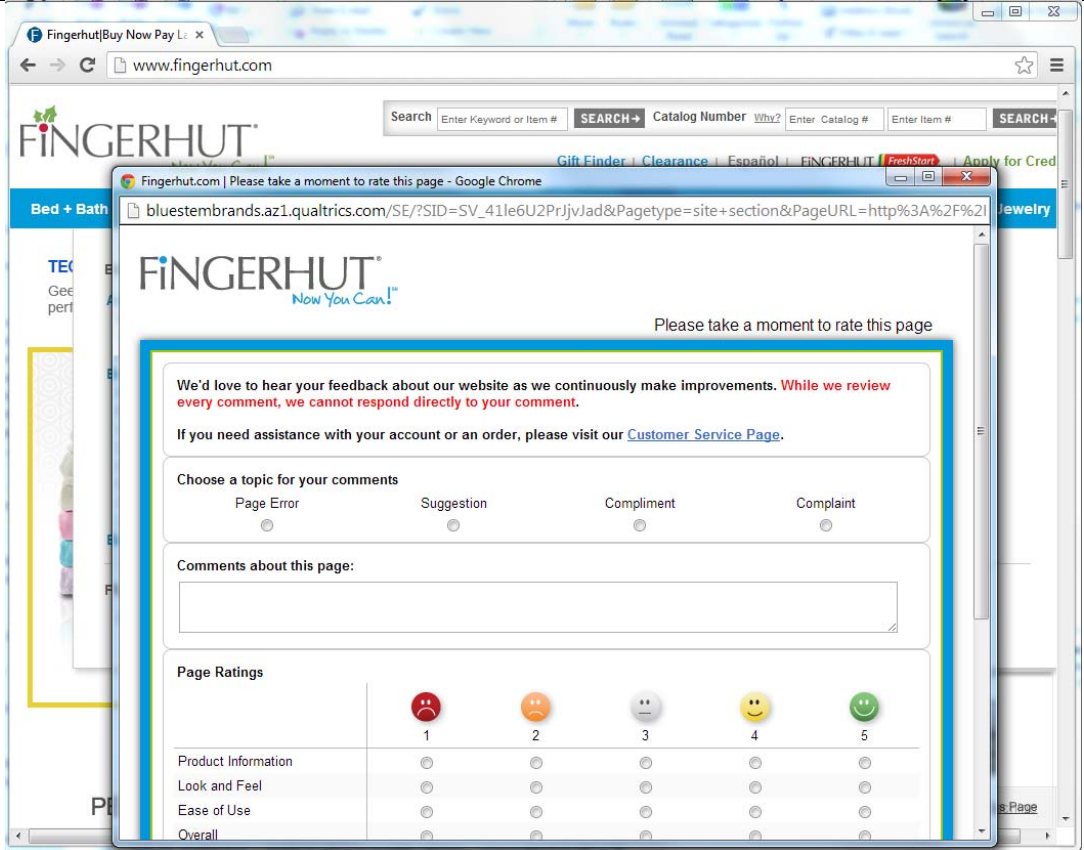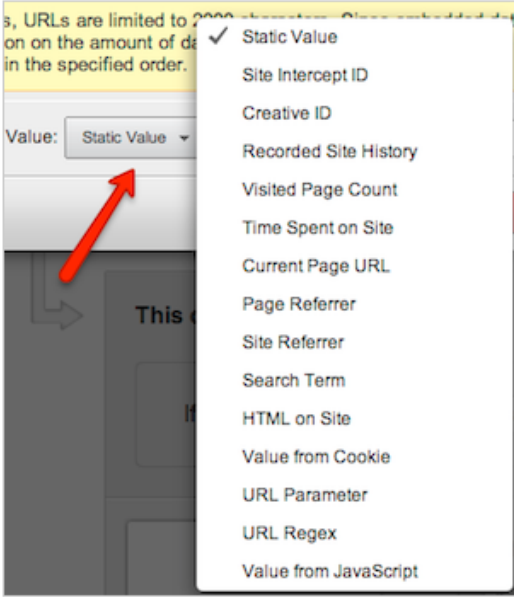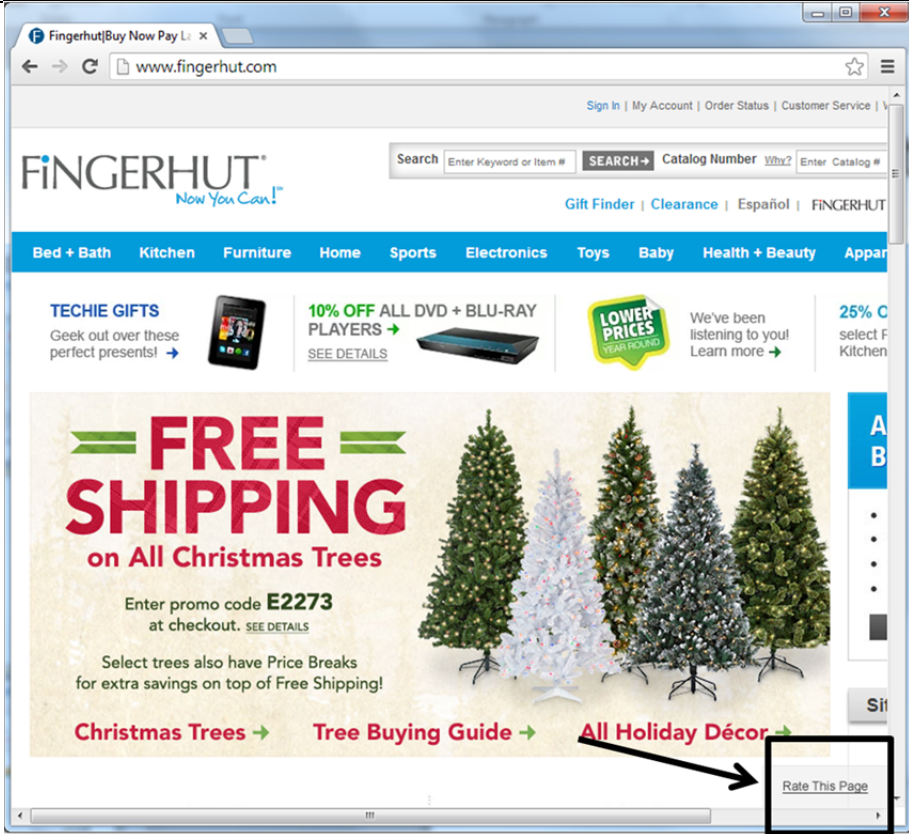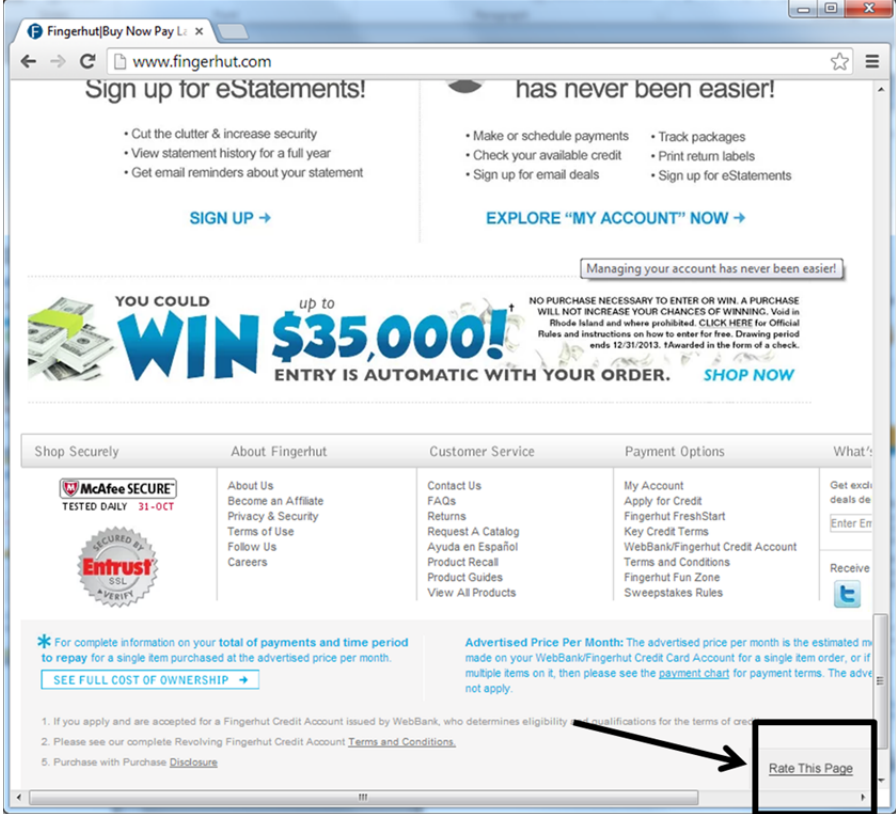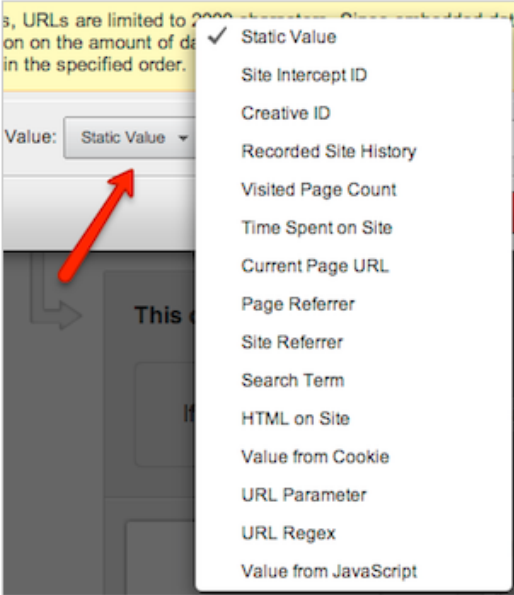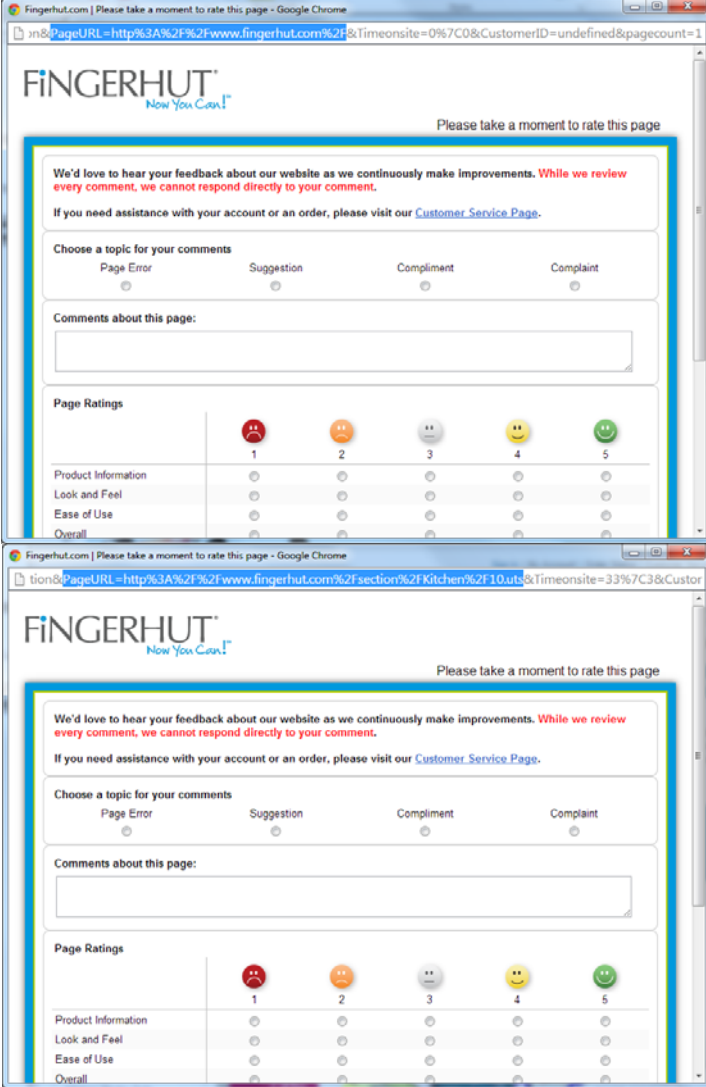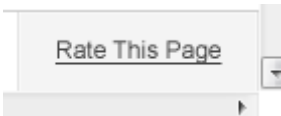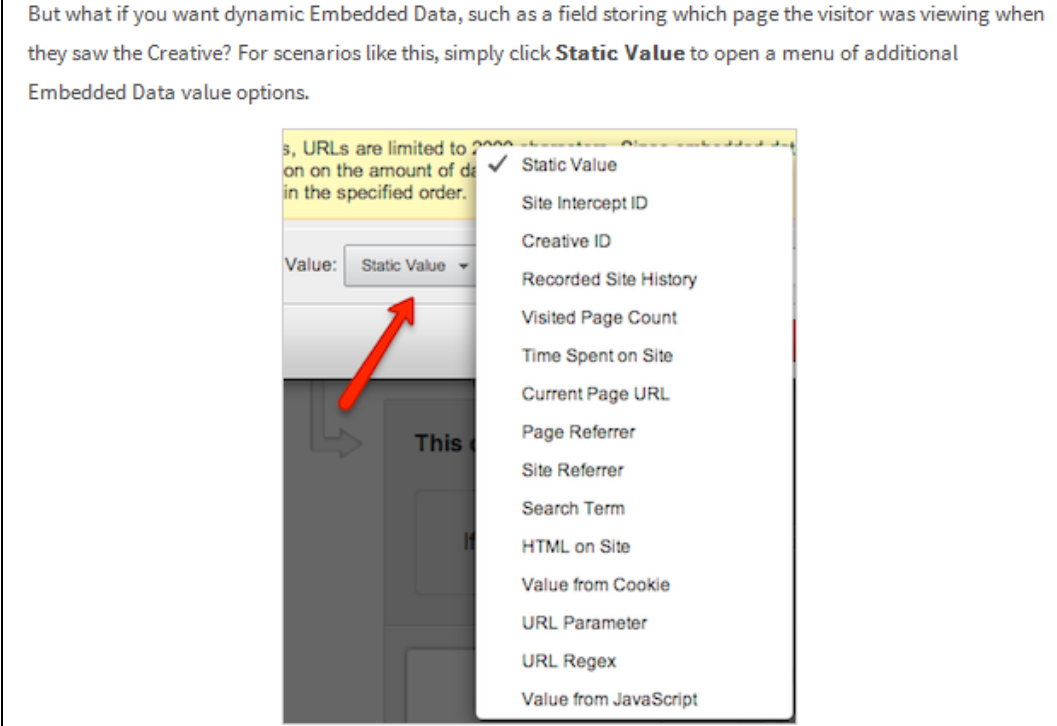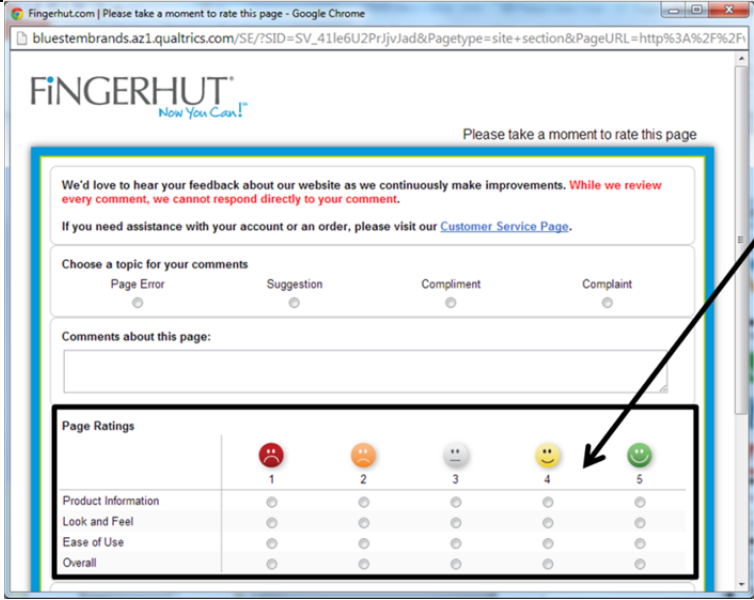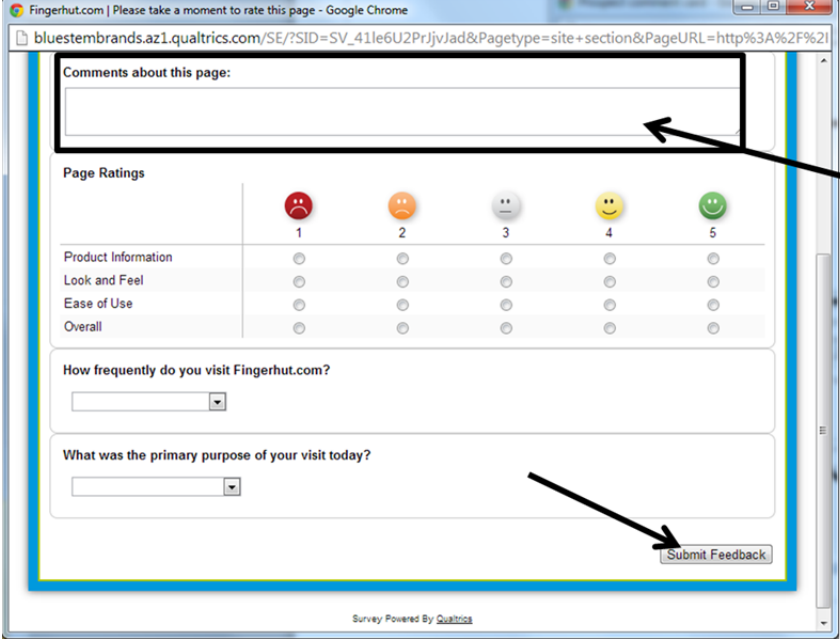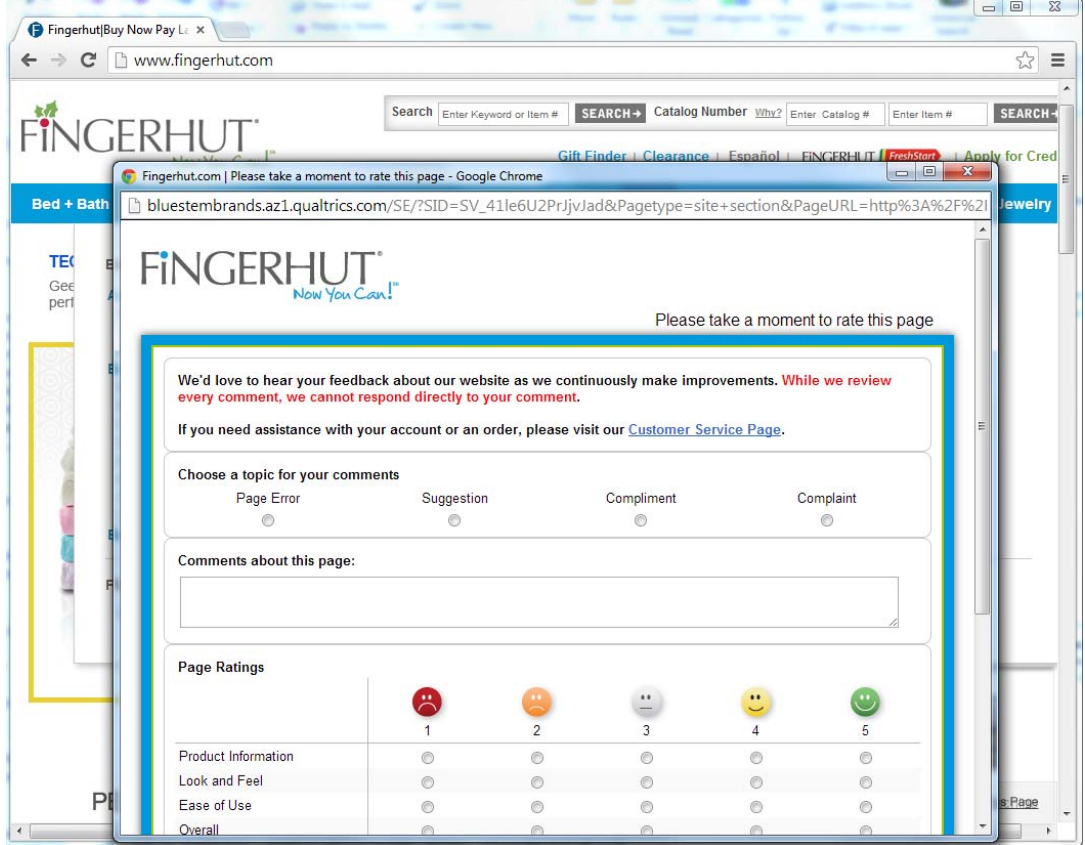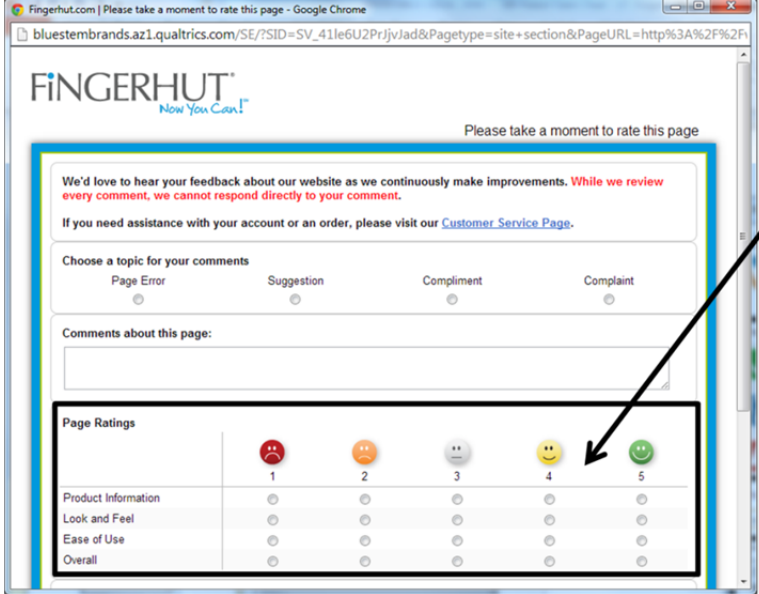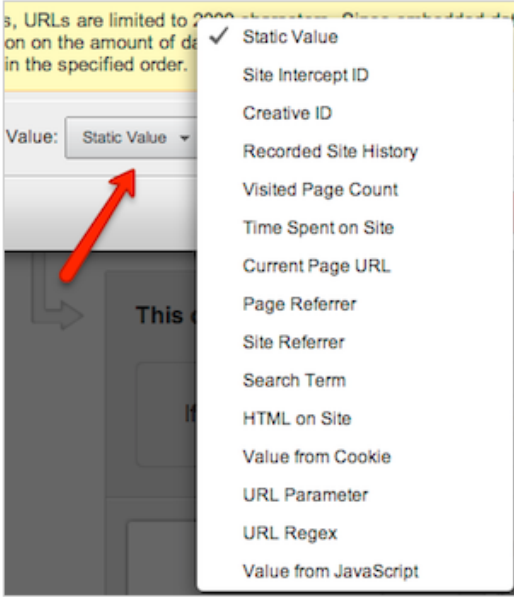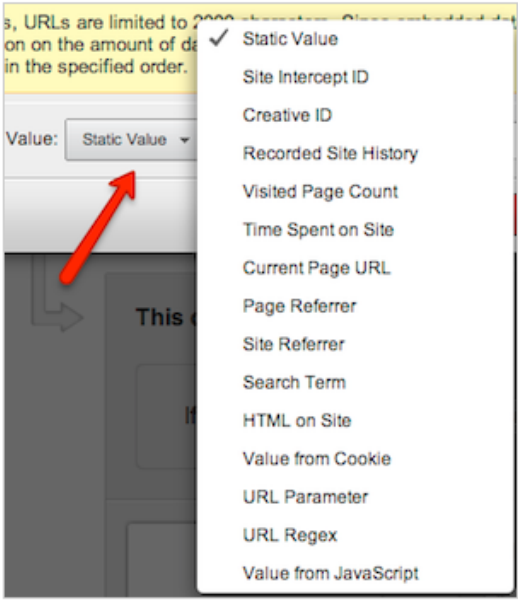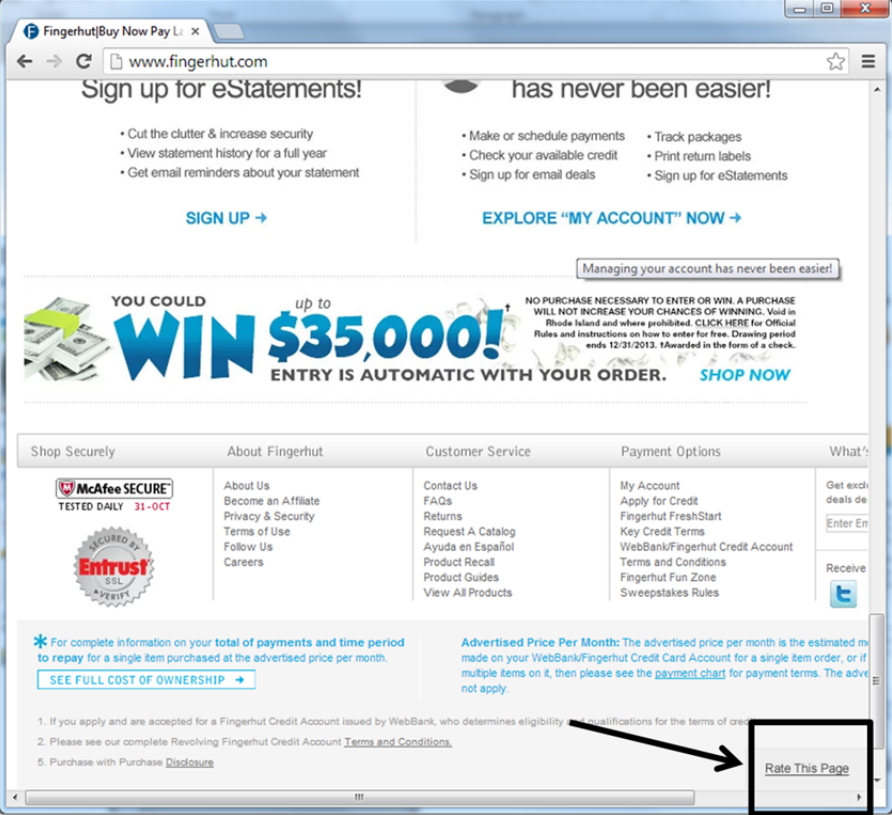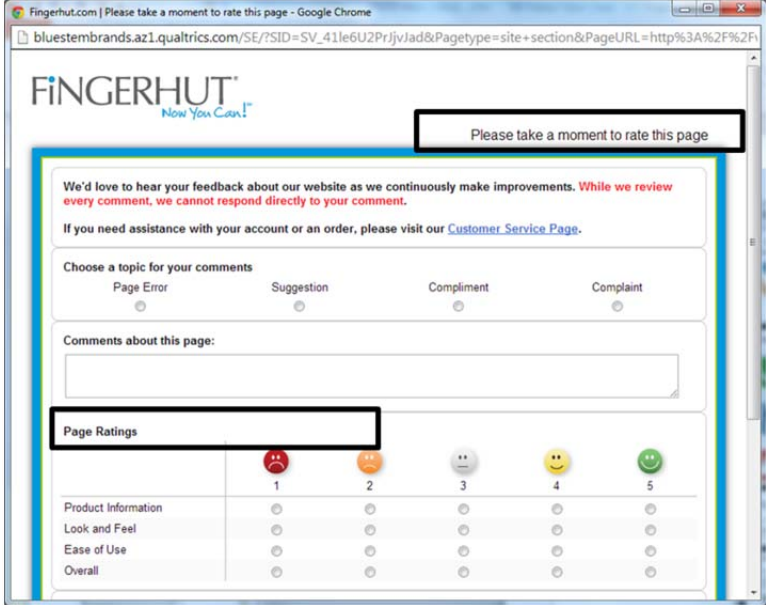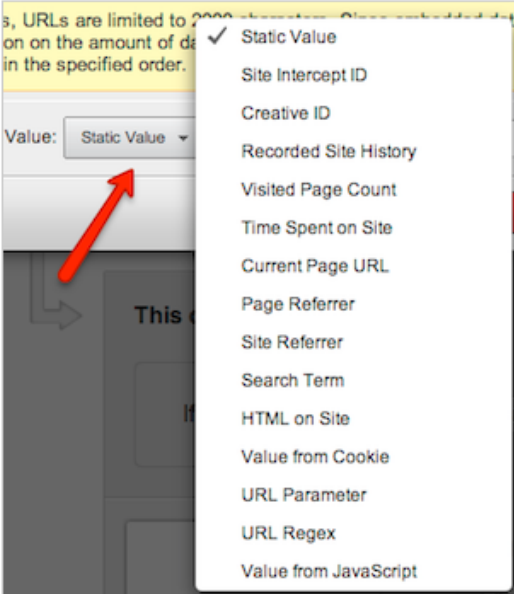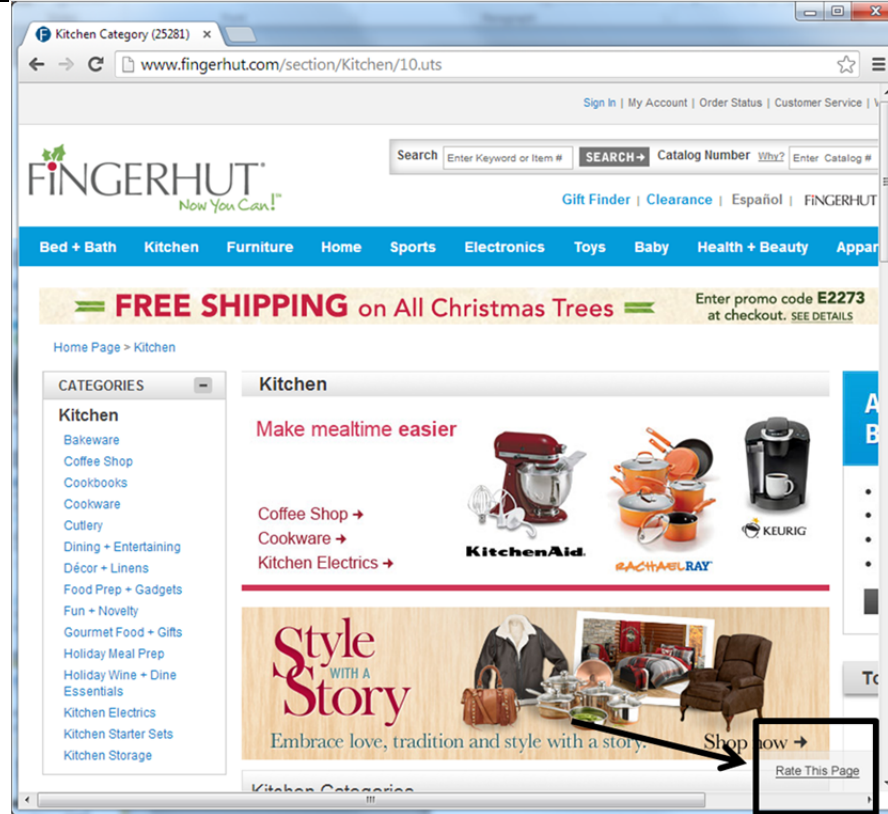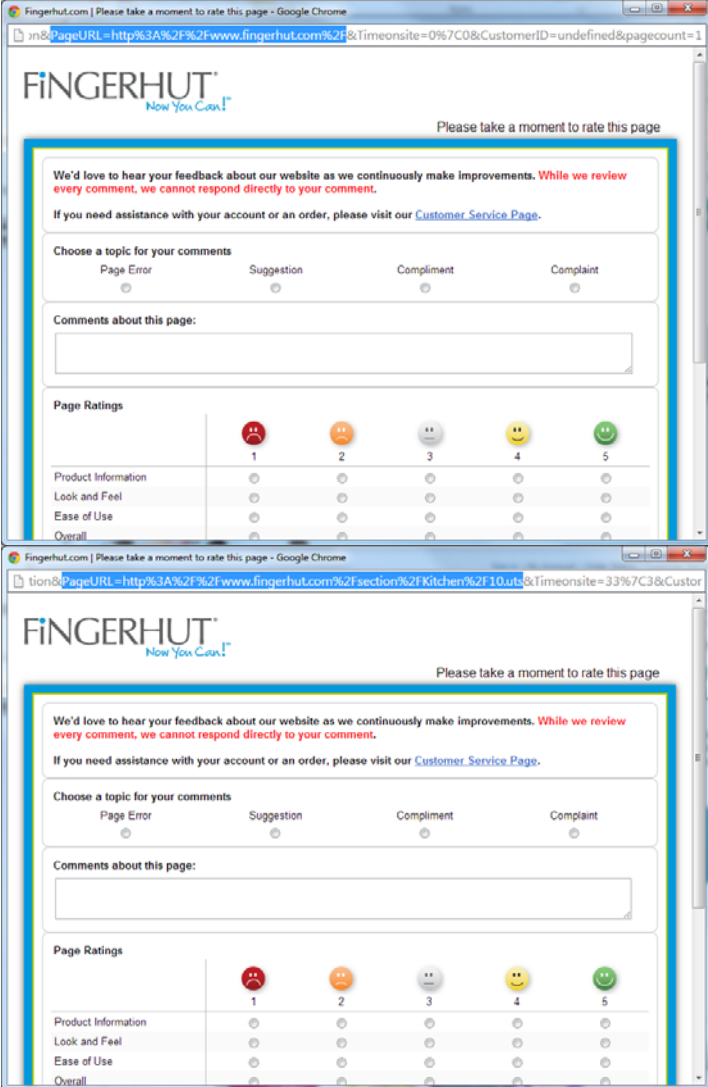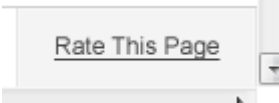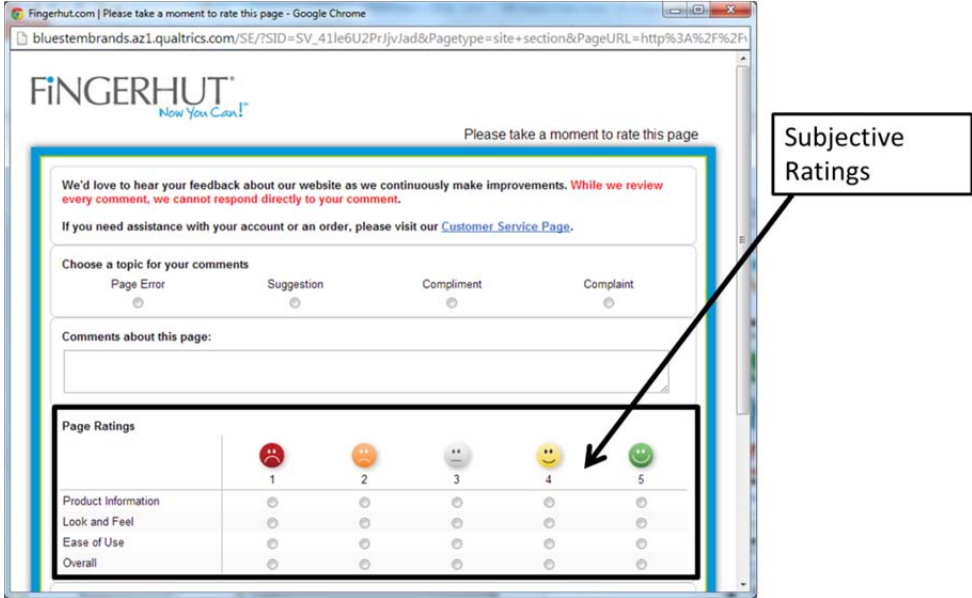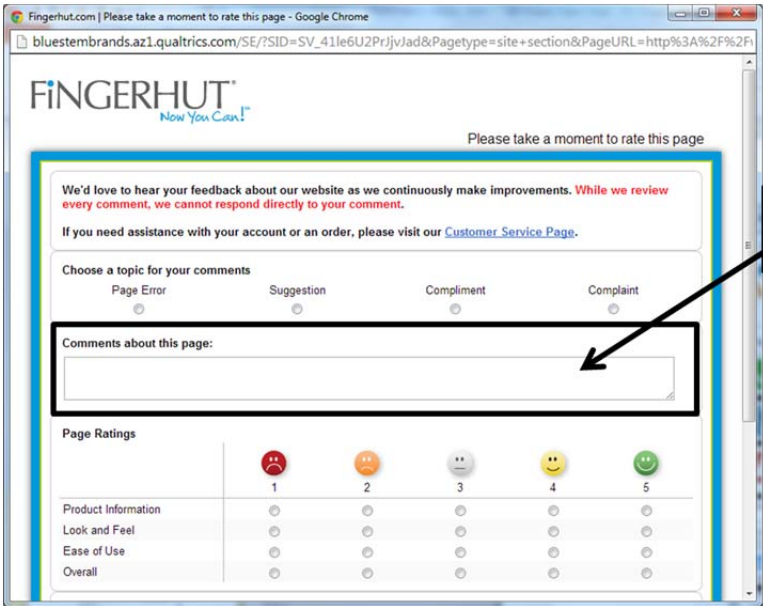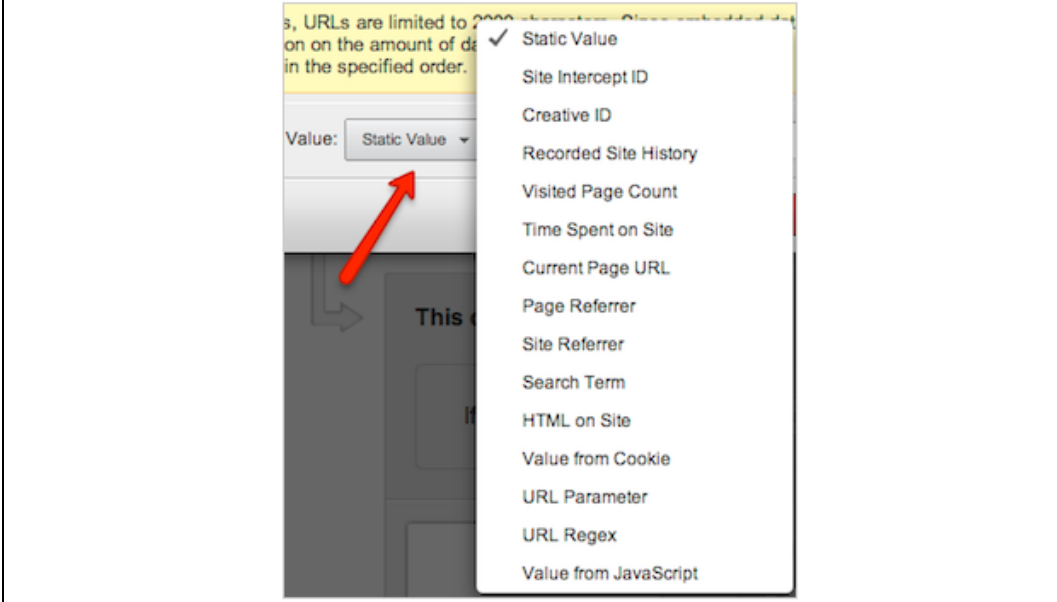<FORM id="Page" NAME="Page" METHOD="POST" ENCTYPE="multipart/form-data" >
                <INPUT id='SurveyID' TYPE='HIDDEN' NAME='SurveyID' VALUE='SV_41le6U2PrJjvJad'>
                        <INPUT id='SessionID' TYPE='HIDDEN' NAME='SessionID' VALUE='DummySessionID'>
                <INPUT id='PageDisplayTime' TYPE='HIDDEN' NAME='PageDisplayTime' VALUE='2013-11-01 11:58:39'>

        <INPUT TYPE='HIDDEN' NAME='TransactionID' VALUE='0'>

                                <INPUT TYPE='HIDDEN' NAME='Referer' VALUE='http://www.fingerhut.com/'>
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Qualtrics Comment Card from Fingerhut.com – Source Code

Qualtrics' Customer Support pages on its website confirm that the particular web page is embedded and included with the Comment Card to be utilized with feedback concerning the particular web page:

Using other built-in Embedded Data fields

In addition to creating your own Embedded Data variables or pulling them in from other sources, you also have access to some built-in variables that are recorded for every response. These elements can be added to the Survey Flow using the steps described in the Creating an Embedded Data Element section.

The following built-in Embedded Data fields can be added for your survey:

. . .

Referer   This element shows the page the respondent was on when they clicked the survey link. For emailed surveys you will see a URL for the email provider in most cases. If the survey is linked to with an automatic redirect, such as a URL redirect at the end of another survey, no value is recorded.

Excerpted from Qualtrics, "Embedded Data," *available at* http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/

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Excerpted from Qualtrics, "Embedded Data," *available at* http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/

See also Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/ ("Add Embedded Data to the Intercept to track which page the visitor was on when they clicked the Feedback Link. For more information refer to the Embedded Data page.").

In addition, this page-specificity of the feedback is apparent because it is provided in response to the user navigating to and accessing a particular web page and then subsequently selecting the "Feedback" icon to trigger the Comment Card concerning that particular web page. Moreover, independent of any user |

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	knowledge of the page-specific nature of the feedback, the Qualtrics feedback solutions including Comment Cards system ultimately collects, analyzes, and reports all feedback as it concerns the particular web page regardless of whether the user explicitly identifies the feedback as concerning the particular web page. Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example: "Receiving website feedback is easy with the Feedback Link. This allows you to know what your website visitors are thinking and improve their experience." Qualtrics, "Website Feedback," *available at* http://qualtrics.com/university/researchsuite/distributing/more-distribution-methods/website-feedback/. "The Feedback Link collects visitor's opinions of your website. . . . Because a Feedback Link is passive, it may attract extreme viewpoints in the survey results – people who actively seek out a way to provide feedback because they either had an exceptionally positive or an exceptionally negative experience. . . . In general the Feedback Link is appropriate for collecting reactive website feedback." Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/. "The Matrix Table allows you to ask many multiple choice questions that use the same answer choice scale. . . . **Likert:** Allows you to place a scale of choices across the top." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. "Text Entry questions allow respondents to type in verbatim responses, such as comments and contact information." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. "Businesses adopt the platform to gather insights and deliver content based specifically on customer feedback. This data informs the development of website functionality and usability enhancements." Qualtrics, "Qualtrics Site Intercept Adoption Skyrockets, Growing Nearly 200 Percent" (Aug. 22, 2013), *available at* http://qualtrics.com/press/press-releases/qualtrics-site-intercept-adoption-skyrockets-growing-nearly-200-percent/. "Feedback: The web shouldn't be a one-way form of communication. Know what your visitors are thinking by providing them with a place to talk to you. You can even link to a Qualtrics survey. In fact, we recommend it." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/.

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	• "Feedback: Whether you use the built-in feedback creative or not, gathering accurate information for your visitors to improve their experience is crucial. It's hard to have direction without information, and Site Intercept makes it easy." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.
the first element appearing identically and behaving consistently on each of the plurality of particular web pages;	The "Feedback" icon appears identically and behaves consistently on each of the plurality of particular web pages. For example, many of the web pages on the Fingerhut website include a "Feedback" icon (*i.e.*, the "first element"), an example of which is identified below. This icon is viewable when the user navigates to and accesses the Fingerhut home page (or other particular web page).

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	Fingerhut.com. A substantially similar icon appears identically and behaves consistently on most, if not all, Fingerhut web pages implementing the Qualtrics feedback solutions including Comment Cards, including the Fingerhut web page for "Kitchen."

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Fingerhut.com – "Kitchen" *See* Fingerhut, "Kitchen," *available at* http://www.fingerhut.com/section/Kitchen/10.uts. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.
using a second element displayed in response to user selection of the first element to solicit one or more page-specific subjective ratings of the particular web page and one or more associated page-specific open-ended comments concerning the particular web page,	Most, if not all, web pages on the Fingerhut website implementing Qualtrics feedback solutions including Comment Cards include and use a "second element" (*i.e.*, the Comment Card as a whole or a portion thereof) that is displayed in response to user selection of the first element (*i.e.*, the "Feedback" icon) to solicit one or more page-specific subjective ratings of the particular web page and one or more associated page-specific open-ended comments concerning the particular web page. For example, upon the user accessing the particular web page and selecting the "Feedback" icon (*i.e.*, the "first element"), the Qualtrics Comment Card shown below is displayed. The "second element" depicted below (*e.g.*, either the Comment Card as a whole or a portion thereof, for example, any combination of the "Page Ratings" or "Comments about this page" sections of the Comment Card) solicits and thereby allows the user to provide page-specific feedback, through either subjective ratings or open-ended comments, concerning the particular web page. For instance, the "Page Ratings" section of the Comment Card allows the user to provide feedback in the form of one or more ratings based upon the user's perceived impressions of the particular web page as a whole. The "Overall" rating allows the user to provide a page-specific subjective rating of the particular web page as a whole, and each of the "Product Information," "Look and Feel," and "Ease of Use" ratings allows the user to rate at least one characteristic of the particular web page as a whole. Each of these numerical rating scales allows the user to rate the particular web page as a whole using a one to five (1-5) scale with at least one positive, neutral, and negative rating.

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards

Qualtrics Comment Card from Fingerhut.com.

Further, the "Comments about this page" text box of the Comment Card shown below allows the user to provide open-ended comments concerning the particular web page without any limitation as to substance.

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Qualtrics Comment Card from Fingerhut.com. The associated text (*e.g.*, "Page Ratings," "Comments about this page," and "Please take a moment to rate this page") confirms that any entered subjective ratings or comments may concern the particular web page.

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	  Qualtrics Comment Card from Fingerhut.com. It is also clear that the Qualtrics feedback solutions including Comment Cards operate on a page-specific basis, even where the Comment Card does not explicitly confirm that any entered feedback concerns the particular web page, because, for example, in order to request a Comment Card, the system constructs the Comment Card's URL to include a "PageURL" component. As such, this component embedded within the URL is one method for later associating the particular web page with any feedback concerning that particular web page for analytics, reporting, or other purposes. For example, when fingerhut.com is the particular web page for feedback, the URL appears as: "PageURL=http%3A%2F%2Fwww.fingerhut.com%2F".[17]

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[17] The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_41le6U2PrJjvJad&Pagetype=site+section& PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4.

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	As can be seen from the source code of the Qualtrics Comment Card below, the particular web page, identified by the "Referer" label, is also embedded within the Qualtrics Comment Card itself.

```
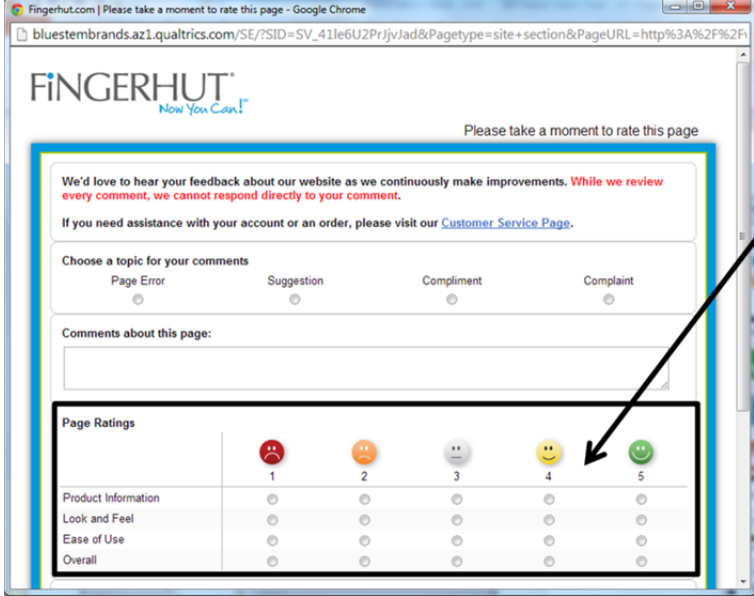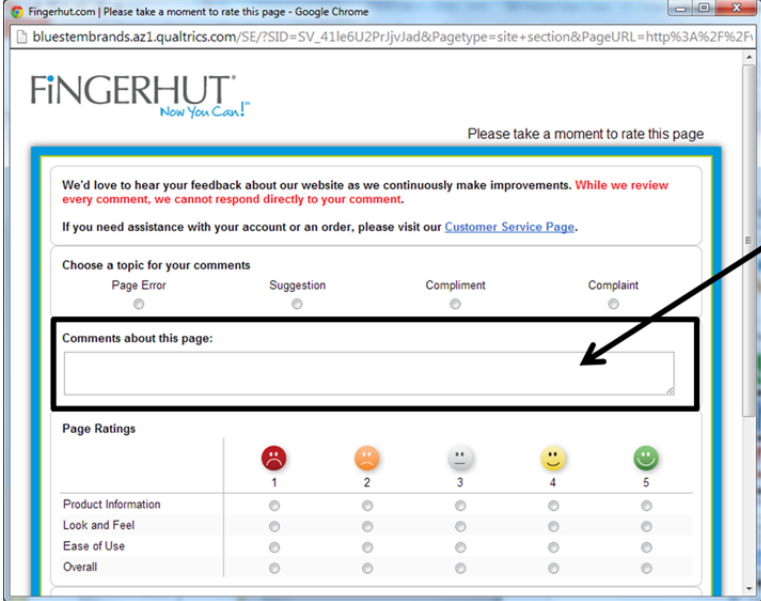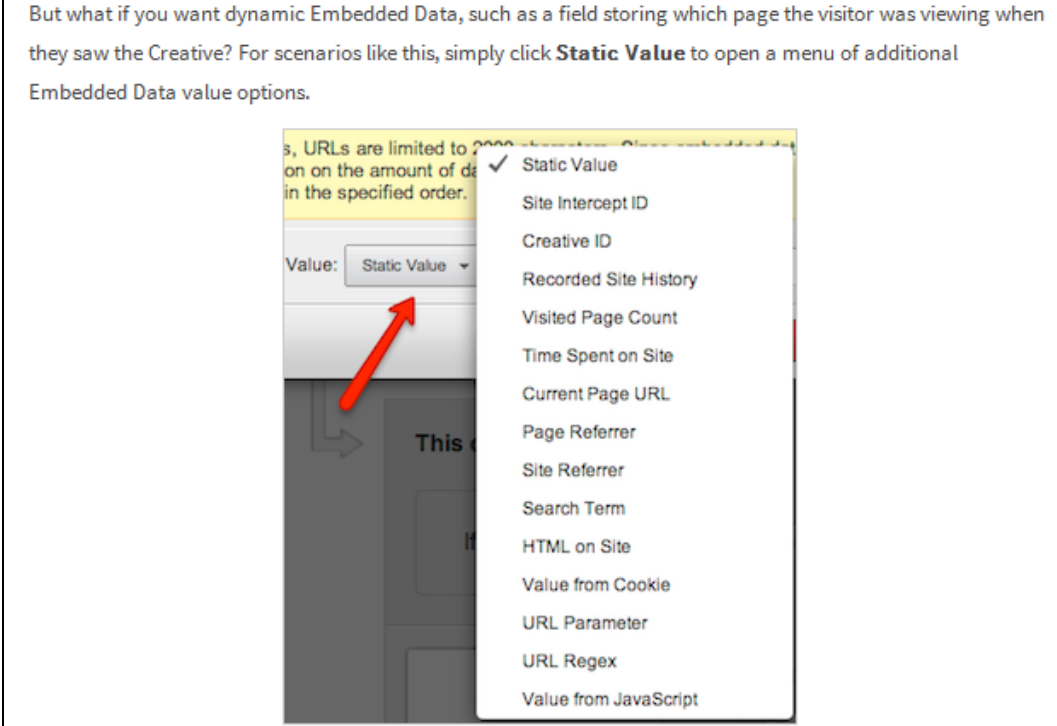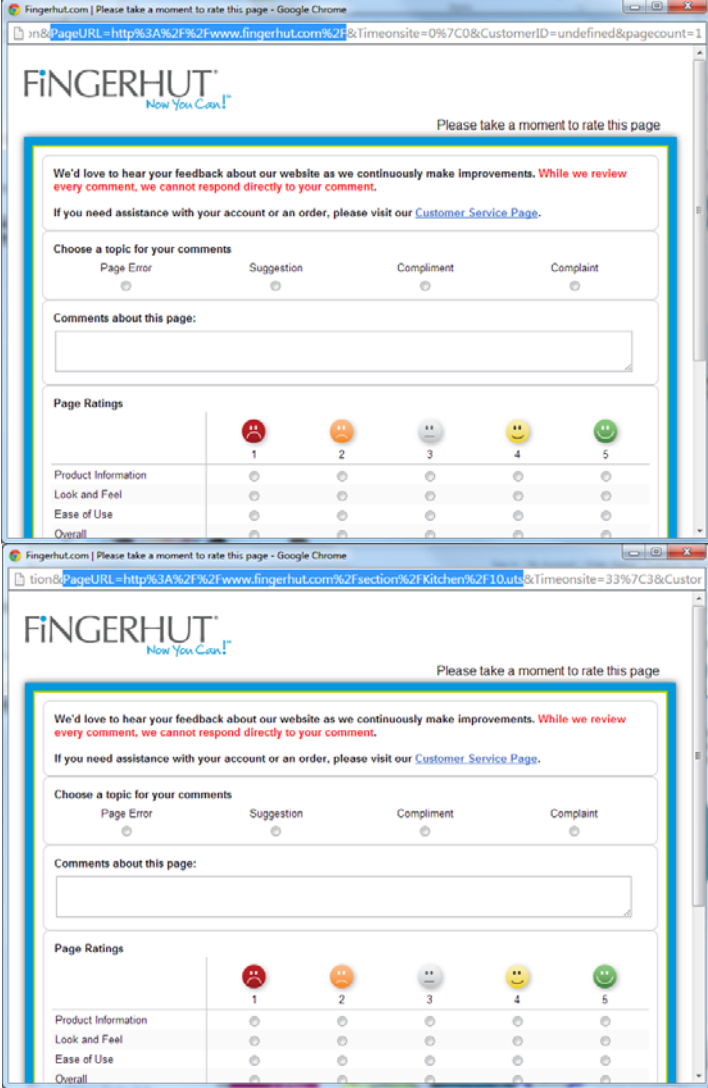<FORM id="Page" NAME="Page" METHOD="POST" ENCTYPE="multipart/form-data" >
            <INPUT id='SurveyID' TYPE='HIDDEN' NAME='SurveyID' VALUE='SV_41le6U2PrJjvJad'>
                 <INPUT id='SessionID' TYPE='HIDDEN' NAME='SessionID' VALUE='DummySessionID'>
            <INPUT id='PageDisplayTime' TYPE='HIDDEN' NAME='PageDisplayTime' VALUE='2013-11-01 11:58:39'>

     <INPUT TYPE='HIDDEN' NAME='TransactionID' VALUE='0'>

                            <INPUT TYPE='HIDDEN' NAME='Referer' VALUE='http://www.fingerhut.com/'>
```

Qualtrics Comment Card from Fingerhut.com – Source Code

Qualtrics' Customer Support pages on its website confirm that the particular web page is embedded and included with the Comment Card to be utilized with feedback concerning the particular web page:

Using other built-in Embedded Data fields

In addition to creating your own Embedded Data variables or pulling them in from other sources, you also have access to some built-in variables that are recorded for every response. These elements can be added to the Survey Flow using the steps described in the Creating an Embedded Data Element section.

The following built-in Embedded Data fields can be added for your survey:

. . .

Referer   This element shows the page the respondent was on when they clicked the survey link. For emailed surveys you will see a URL for the email provider in most cases. If the survey is linked to with an automatic redirect, such as a URL redirect at the end of another survey, no value is recorded.

Excerpted from Qualtrics, "Embedded Data," *available at* http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	  Excerpted from Qualtrics, "Embedded Data," *available at* http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/ *See also* Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/ ("Add Embedded Data to the Intercept to track which page the visitor was on when they clicked the Feedback Link. For more information refer to the Embedded Data page."). In addition, this page-specificity of the feedback is apparent because it is provided in response to the user navigating to and accessing a particular web page and then subsequently selecting the "Feedback" icon to trigger the Comment Card concerning that particular web page. Moreover, independent of any user

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	knowledge of the page-specific nature of the feedback, the Qualtrics feedback solutions including Comment Cards system ultimately collects, analyzes, and reports all feedback as it concerns the particular web page regardless of whether the user explicitly identifies the feedback as concerning the particular web page. Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example: • "Receiving website feedback is easy with the Feedback Link. This allows you to know what your website visitors are thinking and improve their experience." Qualtrics, "Website Feedback," *available at* http://qualtrics.com/university/researchsuite/distributing/more-distribution-methods/website-feedback/. • "The Feedback Link collects visitor's opinions of your website. . . . Because a Feedback Link is passive, it may attract extreme viewpoints in the survey results – people who actively seek out a way to provide feedback because they either had an exceptionally positive or an exceptionally negative experience. . . . In general the Feedback Link is appropriate for collecting reactive website feedback." Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/. • "The Matrix Table allows you to ask many multiple choice questions that use the same answer choice scale. . . . **Likert:** Allows you to place a scale of choices across the top." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. • "Text Entry questions allow respondents to type in verbatim responses, such as comments and contact information." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. • "Businesses adopt the platform to gather insights and deliver content based specifically on customer feedback. This data informs the development of website functionality and usability enhancements." Qualtrics, "Qualtrics Site Intercept Adoption Skyrockets, Growing Nearly 200 Percent" (Aug. 22, 2013), *available at* http://qualtrics.com/press/press-releases/qualtrics-site-intercept-adoption-skyrockets-growing-nearly-200-percent/. • "Feedback: The web shouldn't be a one-way form of communication. Know what your visitors are thinking by providing them with a place to talk to you. You can even link to a Qualtrics survey. In fact, we recommend it." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/.

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	• "Feedback: Whether you use the built-in feedback creative or not, gathering accurate information for your visitors to improve their experience is crucial. It's hard to have direction without information, and Site Intercept makes it easy." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.
the second element appearing identically and behaving consistently each time it is displayed in response to user selection of the first element viewable on a particular web page;	The second element (*i.e.*, the Comment Card as a whole or a portion thereof) appears identically and behaves consistently each time it is displayed in response to user selection of the first element viewable on the particular web page. For example, as can be seen below, the Fingerhut home page and the "Kitchen" web page both implement Qualtrics feedback solutions including Comment Cards. Both the Comment Cards for each respective particular web page are substantially similar, if not identical. In both instances, the Comment Cards (with either the entire Comment Card or a portion thereof being the "second element," for example, any combination of the "Page Ratings" or "Comments about this page" sections of the Comment Card) solicits and allows page-specific feedback concerning the particular web page through subjective ratings and open-ended comments via either the "Page Ratings" or "Comments about this page" sections of the Comment Card.

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Fingerhut.com and "Kitchen" Comment Cards

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.
using software associated with the first element to receive the user selection of the first element and initiate display of the second element in response; and	Most, if not all, web pages on the Fingerhut website implementing Qualtrics feedback solutions including Comment Cards include and use software associated with the first element to receive the user selection of the first element and initiate display of the second element in response. For example, upon selection of the "Feedback" icon, as shown below, the display of the Qualtrics Comment Card (with either the entire Comment Card or a portion thereof being the "second element," for example, any combination of the "Page Ratings" or "Comments about this page" sections of the Comment Card) is initiated, allowing the user to provide page-specific feedback concerning the particular web page. The Comment Card is only displayed after the user selects the "Feedback" icon on the particular web page (*e.g.*, such as the Fingerhut home page). To initiate display of the Comment Card in response to the user selecting the "Feedback" icon, the system communicates an HTTP request to the web server pertaining to bluestembrands.az1.qualtrics.com.

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Fingerhut.com Home Page with Qualtrics Comment Card Below is a more detailed version of the Qualtrics Comment Card depicting the "second element" (*e.g.*, either the Comment Card as a whole or a portion thereof, for example) that solicits page-specific feedback concerning the particular web page. For instance, the "Page Ratings" section of the Comment Card allows the user to provide feedback in the form of one or more ratings based upon the user's perceived impressions of the particular web page as a whole. The "Overall" rating allows the user to provide a page-specific subjective rating of the particular web page as a whole, and each of the "Product Information,"

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	"Look and Feel," and "Ease of Use" ratings allows the user to rate at least one characteristic of the particular web page as a whole. Each of these numerical rating scales allows the user to rate the particular web page as a whole using a one to five (1-5) scale with at least one positive, neutral, and negative rating. Qualtrics Comment Card from Fingerhut.com. Further, the "Comments about this page" text box of the Comment Card shown below allows the user to provide open-ended comments concerning the particular web page without any limitation as to substance.

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	Qualtrics Comment Card from Fingerhut.com. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.
using software associated with the	Most, if not all, web pages on the Fingerhut website implementing Qualtrics feedback solutions including Comment Cards include and use software associated with the second element to receive the page-specific

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
second element to receive the page-specific user feedback,	user feedback. For example, upon the user accessing the particular web page and selecting the "Feedback" icon, the Qualtrics Comment Card shown below becomes viewable on the particular web page. Within the Comment Card, the user may provide page-specific feedback concerning the particular web page through subjective ratings and/or open-ended comments via either the "Page Ratings" or "Comments about this Page" sections of the Comment Card. The user may then submit page-specific feedback to Qualtrics (as the feedback vendor for Fingerhut) by selecting the "Submit Feedback" button. Qualtrics Comment Card from Fingerhut.com.

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Qualtrics Comment Card from Fingerhut.com. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.
the page-specific user feedback concerning the	The page-specific user feedback concerning the particular web page may be provided by a user while the user remained at the particular web page.

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
particular webpages having been provided by a user while the user remained at the particular web page,	For example, upon the user accessing the particular web page and selecting the "Feedback" icon, the Qualtrics Comment Card shown below becomes viewable on the particular web page. Within the Comment Card, the user may provide page-specific feedback concerning the particular web page through subjective ratings and/or open-ended comments via either the "Page Ratings" or "Comments about this page" sections of the Comment Card. The user may then submit page-specific feedback to Qualtrics (as the feedback vendor for Fingerhut) by selecting the "Submit Feedback" button. In addition, as shown below, the user may remain at and need not navigate away from Fingerhut.com in order to provide the page-specific feedback through the Qualtrics Comment Card.

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	Fingerhut.com Home Page with Qualtrics Comment Card OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element.

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.
and comprising one or more page-specific subjective ratings of the particular web page and one or more associated page-specific open-ended comments concerning the particular web page for reporting to an interested party,	The page-specific user feedback comprises (1) one or more page-specific subjective ratings of the particular web page and (2) one or more associated page-specific open-ended comments concerning the particular web page. For example, upon the user accessing the particular web page and selecting the "Feedback" icon, the Qualtrics Comment Card shown below becomes viewable on the particular web page. The Comment Card allows the user to provide page-specific user feedback, through subjective ratings and open-ended comments, concerning the particular web page. For instance, the "Page Ratings" section of the Comment Card allows the user to provide feedback in the form of one or more ratings based upon the user's perceived impressions of the particular web page as a whole. The "Overall" rating allows the user to provide a page-specific subjective rating of the particular web page as a whole, and each of the "Product Information," "Look and Feel," and "Ease of Use" ratings allows the user to rate at least one characteristic of the particular web page as a whole. Each of these numerical rating scales allows the user to rate the particular web page as a whole using a one to five (1-5) scale with at least one positive, neutral, and negative rating.

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Qualtrics Comment Card from Fingerhut.com. Further, the "Comments about this page" text box of the Comment Card shown below allows the user to provide open-ended comments concerning the particular web page without any limitation as to substance.

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	Qualtrics Comment Card from Fingerhut.com. The associated text (*e.g.*, "Page Ratings," "Comments about this page," and "Please take a moment to rate this page") confirms that any entered subjective ratings or comments may concern the particular web page.

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Qualtrics Comment Card from Fingerhut.com. It is also clear that the Qualtrics feedback solutions including Comment Cards operate on a page-specific basis, even where the Comment Card does not explicitly confirm that any entered feedback concerns the particular web page, because, for example, in order to request a Comment Card, the system constructs the Comment Card's URL to include a "PageURL" component. As such, this component embedded within the URL is one method for later associating the particular web page with any feedback concerning that particular web page for analytics, reporting, or other purposes. For example, when fingerhut.com is the particular web page for feedback, the URL appears as: "PageURL=http%3A%2F%2Fwww.fingerhut.com%2F".[18]

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[18] The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_41le6U2PrJjvJad&Pagetype=site+section&
PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4.

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	As can be seen from the source code of the Qualtrics Comment Card below, the particular web page, identified by the "Referer" label, is also embedded within the Qualtrics Comment Card itself.

```
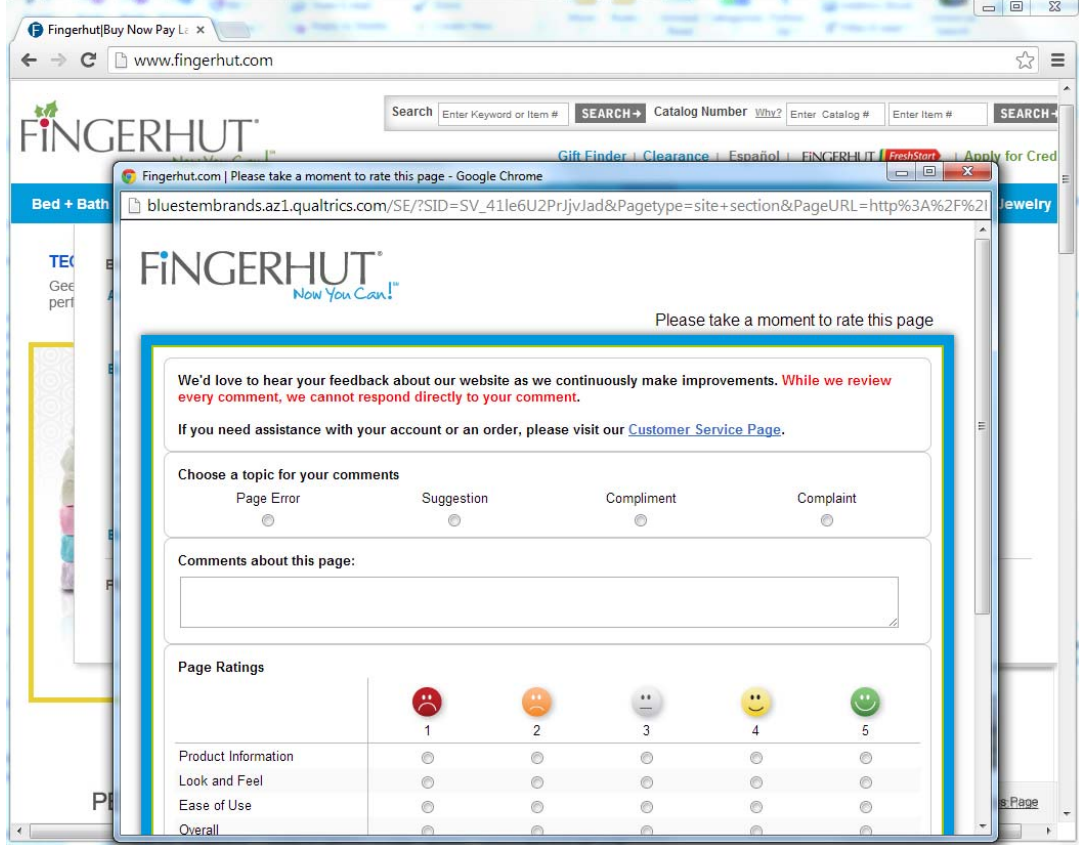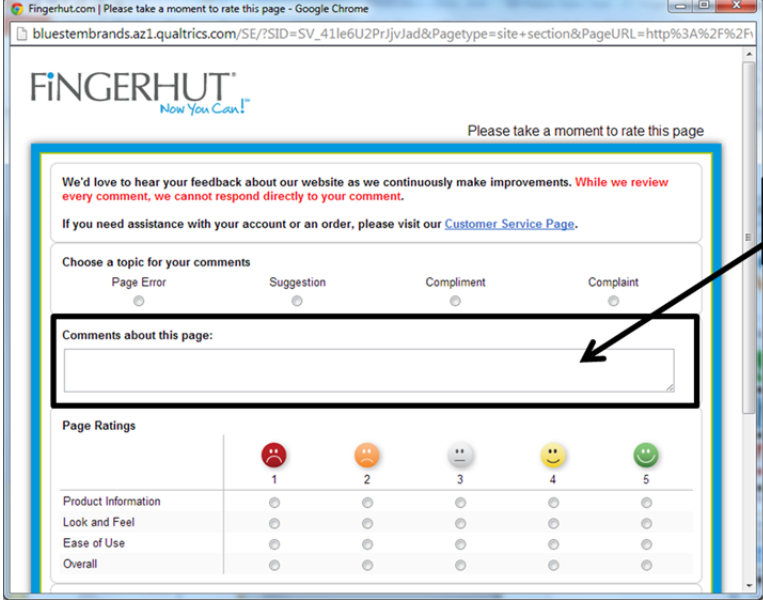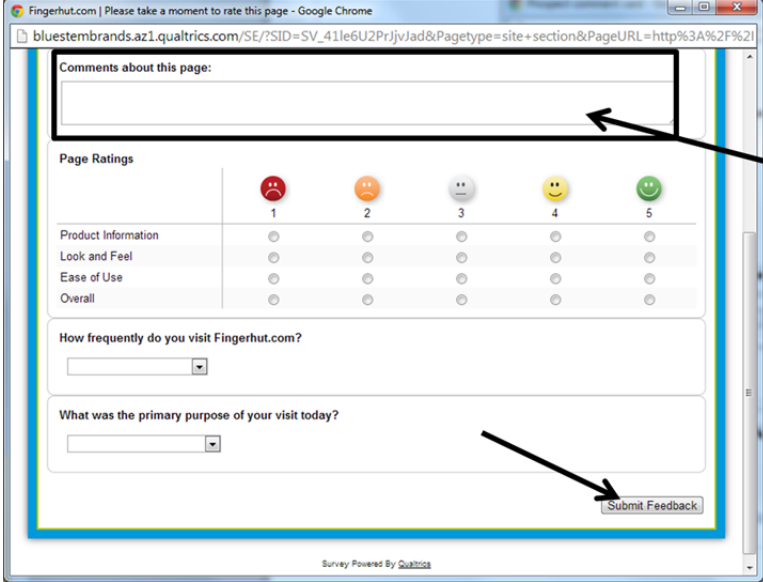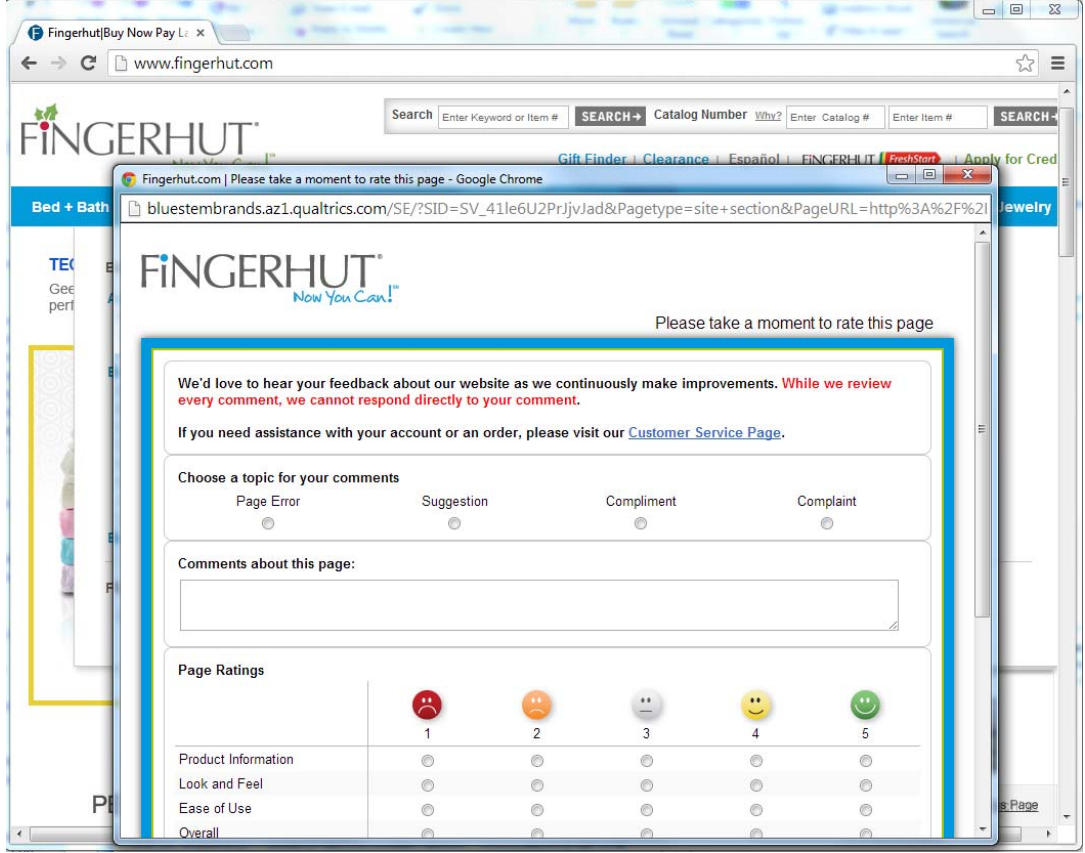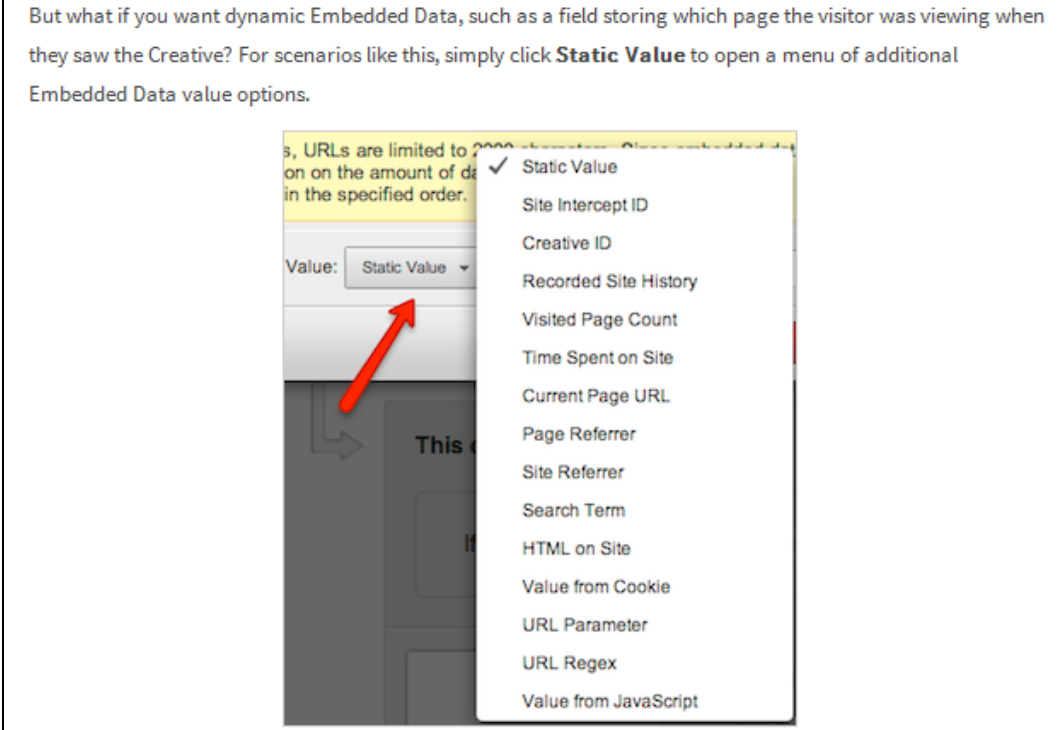<FORM id="Page" NAME="Page" METHOD="POST" ENCTYPE="multipart/form-data" >
                <INPUT id='SurveyID' TYPE='HIDDEN' NAME='SurveyID' VALUE='SV_41le6U2PrJjvJad'>
                        <INPUT id='SessionID' TYPE='HIDDEN' NAME='SessionID' VALUE='DummySessionID'>
                <INPUT id='PageDisplayTime' TYPE='HIDDEN' NAME='PageDisplayTime' VALUE='2013-11-01 11:58:39'>

        <INPUT TYPE='HIDDEN' NAME='TransactionID' VALUE='0'>

                                <INPUT TYPE='HIDDEN' NAME='Referer' VALUE='http://www.fingerhut.com/'>
```

Qualtrics Comment Card from Fingerhut.com – Source Code

Qualtrics' Customer Support pages on its website confirm that the particular web page is embedded and included with the Comment Card to be utilized with feedback concerning the particular web page:

Using other built-in Embedded Data fields

In addition to creating your own Embedded Data variables or pulling them in from other sources, you also have access to some built-in variables that are recorded for every response. These elements can be added to the Survey Flow using the steps described in the Creating an Embedded Data Element section.

The following built-in Embedded Data fields can be added for your survey:

. . .

Referer   This element shows the page the respondent was on when they clicked the survey link. For emailed surveys you will see a URL for the email provider in most cases. If the survey is linked to with an automatic redirect, such as a URL redirect at the end of another survey, no value is recorded.

Excerpted from Qualtrics, "Embedded Data," *available at* http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	But what if you want dynamic Embedded Data, such as a field storing which page the visitor was viewing when they saw the Creative? For scenarios like this, simply click **Static Value** to open a menu of additional Embedded Data value options. ✓ Static Value Site Intercept ID Creative ID Recorded Site History Visited Page Count Time Spent on Site Current Page URL Page Referrer Site Referrer Search Term HTML on Site Value from Cookie URL Parameter URL Regex Value from JavaScript *Excerpted from* Qualtrics, "Embedded Data," *available at* http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/ *See also* Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/ ("Add Embedded Data to the Intercept to track which page the visitor was on when they clicked the Feedback Link. For more information refer to the Embedded Data page."). In addition, this page-specificity of the feedback is apparent because it is provided in response to the user navigating to and accessing a particular web page and then subsequently selecting the "Feedback" icon to trigger the Comment Card concerning that particular web page. Moreover, independent of any user

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	knowledge of the page-specific nature of the feedback, the Qualtrics feedback solutions including Comment Cards system ultimately collects, analyzes, and reports all feedback as it concerns the particular web page regardless of whether the user explicitly identifies the feedback as concerning the particular web page. Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example: • "Receiving website feedback is easy with the Feedback Link. This allows you to know what your website visitors are thinking and improve their experience." Qualtrics, "Website Feedback," *available at* http://qualtrics.com/university/researchsuite/distributing/more-distribution-methods/website-feedback/. • "The Feedback Link collects visitor's opinions of your website. . . . Because a Feedback Link is passive, it may attract extreme viewpoints in the survey results – people who actively seek out a way to provide feedback because they either had an exceptionally positive or an exceptionally negative experience. . . . In general the Feedback Link is appropriate for collecting reactive website feedback." Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/. • "The Matrix Table allows you to ask many multiple choice questions that use the same answer choice scale. . . . **Likert:** Allows you to place a scale of choices across the top." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. • "Text Entry questions allow respondents to type in verbatim responses, such as comments and contact information." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. • "Businesses adopt the platform to gather insights and deliver content based specifically on customer feedback. This data informs the development of website functionality and usability enhancements." Qualtrics, "Qualtrics Site Intercept Adoption Skyrockets, Growing Nearly 200 Percent" (Aug. 22, 2013), *available at* http://qualtrics.com/press/press-releases/qualtrics-site-intercept-adoption-skyrockets-growing-nearly-200-percent/. • "Feedback: The web shouldn't be a one-way form of communication. Know what your visitors are thinking by providing them with a place to talk to you. You can even link to a Qualtrics survey. In fact, we recommend it." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/.

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	• "Feedback: Whether you use the built-in feedback creative or not, gathering accurate information for your visitors to improve their experience is crucial. It's hard to have direction without information, and Site Intercept makes it easy." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/. The page-specific feedback concerning the particular web page may also be reported to an interested party. For example, Qualtrics describes a variety of reporting mechanisms to an interested party, such as a website owner like Fingerhut: • "The View Reports section is designed to help you create quick, useful reports from your data. These reports are ideal for producing a standard report of your whole survey with basic filters and customization." See Qualtrics, "About Viewing Reports," available at http://qualtrics.com/university/researchsuite/reporting/view-reports/about-viewing-reports/. • "Graphs For Every Need: * Display data with over 30 different graph types. * Format each graph's color, size, axis, & display settings. * Render graphs in Flash or export to Word, PowerPoint, or PDF." See Qualtrics, "Analysis and Reporting," available at http://qualtrics.com/research-suite/survey-analysis-reporting/. • "Filter Data: * Filter survey results by date range, subgroup, or completion status. * Track how a specific group responded to a survey. * Create subgroups using question responses or embedded data." See Qualtrics, "Analysis and Reporting," available at http://qualtrics.com/research-suite/survey-analysis-reporting/. • "Drill Downs: * See a side-by-side comparison of demographic groups. * View answers to every question grouped by a specific element. * Drill down by survey questions, scoring categories, or embedded data." See Qualtrics, "Analysis and Reporting," available at http://qualtrics.com/research-suite/survey-analysis-reporting/. • "Custom Reports: * Track the data you care about. * Customize reports to your company's needs. * Share password-protected survey results with anyone. Qualtrics can create custom reports especially for you. It is the best way to track what is happening while your surveys are deployed. These interactive reports are customized to your company's needs, updated as new data streams in and can be accessed by anyone with a password – even if they don't have a Qualtrics account." See

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	Qualtrics, "Enterprise Feedback Management," available at http://qualtrics.com/research-suite/enterprise-feedback-management/. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.
the page-specific user feedback allowing the interested party to access page-specific subjective ratings and associated page-specific open-ended comments across the plurality of particular web pages to identify one or more particular web pages for which the page-specific user feedback is notable relative to page-specific user feedback for other particular web pages;	The page-specific user feedback allows the interested party (such as Fingerhut) to access page-specific subjective ratings and associated page-specific open-ended comments across the plurality of particular web pages to identify one or more particular web pages for which the page-specific user feedback is notable relative to page-specific user feedback for other particular web pages. For example, the website owner may be allowed to access the page-specific feedback, including the subjective user ratings and associated open-ended comments, as it concerns any of the particular web pages via a reporting mechanism that reports the feedback on a page-specific basis, among other approaches. Through the reporting mechanism, the website owner may identify particular web pages for which the page-specific user feedback is notable relative to other particular web pages from that same website. For instance, Qualtrics describes a variety of page-specific reporting mechanisms to a website owner such as Fingerhut: The View Reports section is designed to help you create quick, useful reports from your data. These reports are ideal for producing a standard report of your whole survey with basic filters and customization." See Qualtrics, "About Viewing Reports," available at http://qualtrics.com/university/researchsuite/reporting/view-reports/about-viewing-reports/.

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	"Graphs For Every Need: * Display data with over 30 different graph types. * Format each graph's color, size, axis, & display settings. * Render graphs in Flash or export to Word, PowerPoint, or PDF." See Qualtrics, "Analysis and Reporting," available at http://qualtrics.com/research-suite/survey-analysis-reporting/. "Filter Data: * Filter survey results by date range, subgroup, or completion status. * Track how a specific group responded to a survey. * Create subgroups using question responses or embedded data." See Qualtrics, "Analysis and Reporting," available at http://qualtrics.com/research-suite/survey-analysis-reporting/. "Drill Downs: * See a side-by-side comparison of demographic groups. * View answers to every question grouped by a specific element. * Drill down by survey questions, scoring categories, or embedded data." See Qualtrics, "Analysis and Reporting," available at http://qualtrics.com/research-suite/survey-analysis-reporting/. "Custom Reports: * Track the data you care about. * Customize reports to your company's needs. * Share password-protected survey results with anyone. Qualtrics can create custom reports especially for you. It is the best way to track what is happening while your surveys are deployed. These interactive reports are customized to your company's needs, updated as new data streams in and can be accessed by anyone with a password – even if they don't have a Qualtrics account." See Qualtrics, "Enterprise Feedback Management," available at http://qualtrics.com/research-suite/enterprise-feedback-management/. The text on the Fingerhut Comment Card itself (*e.g.*, "Page Ratings," "Comments about this page," and "Please take a moment to rate this page") confirms that any entered subjective ratings or comments may concern the particular web page.

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	Qualtrics Comment Card from Fingerhut.com.
	It is also clear that the Qualtrics feedback solutions including Comment Cards operate on a page-specific basis, even where the Comment Card does not explicitly confirm that any entered feedback concerns the particular web page, because, for example, in order to request a Comment Card, the system constructs the Comment Card's URL to include a "PageURL" component. As such, this component embedded within the URL is one method for later associating the particular web page with any feedback, whether subjective user ratings or open-ended comments, concerning that particular web page for analytics, reporting, or other purposes. For example, when fingerhut.com is the particular web page for feedback, the URL appears as: "PageURL=http%3A%2F%2Fwww.fingerhut.com%2F".[19]

[19] The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_41le6U2PrJjvJad&Pagetype=site+section& PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4.

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	As can be seen from the source code of the Qualtrics Comment Card below, the particular web page, identified by the "Referer" component is also embedded within the Qualtrics Comment Card itself.

```
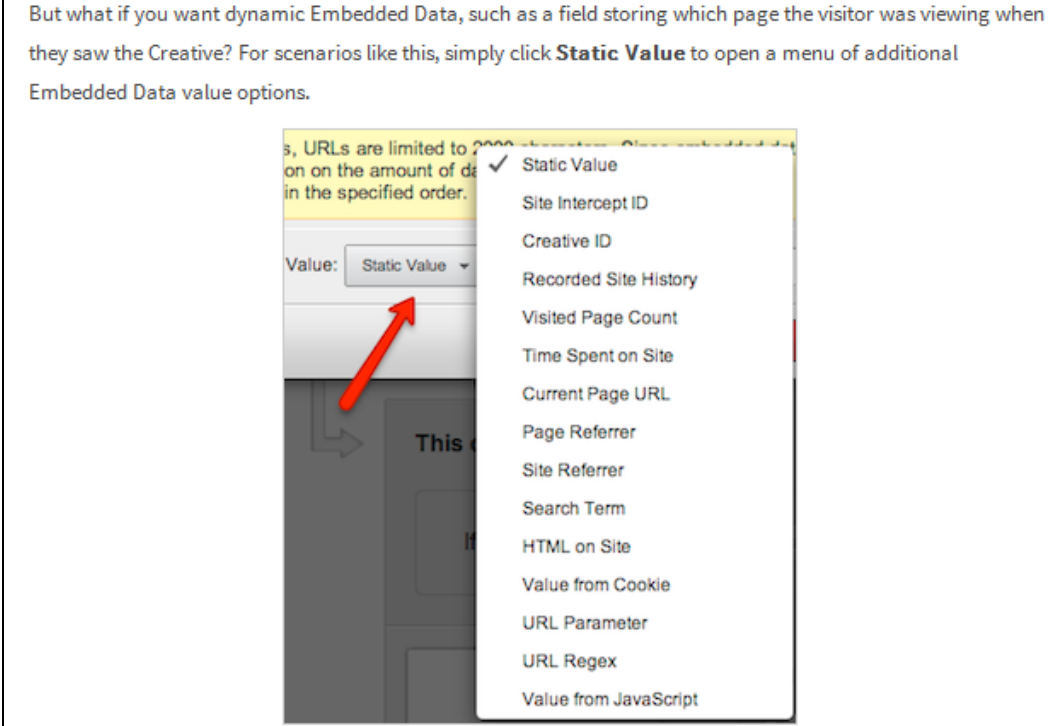<FORM id="Page" NAME="Page" METHOD="POST" ENCTYPE="multipart/form-data" >
            <INPUT id='SurveyID' TYPE='HIDDEN' NAME='SurveyID' VALUE='SV_41le6U2PrJjvJad'>
                    <INPUT id='SessionID' TYPE='HIDDEN' NAME='SessionID' VALUE='DummySessionID'>
            <INPUT id='PageDisplayTime' TYPE='HIDDEN' NAME='PageDisplayTime' VALUE='2013-11-01 11:58:39'>

    <INPUT TYPE='HIDDEN' NAME='TransactionID' VALUE='0'>

                        <INPUT TYPE='HIDDEN' NAME='Referer' VALUE='http://www.fingerhut.com/'>
```

Qualtrics Comment Card from Fingerhut.com – Source Code

Qualtrics' Customer Support pages on its website confirm that the particular web page is embedded and included with the Comment Card to be utilized with feedback concerning the particular web page:

Using other built-in Embedded Data fields

In addition to creating your own Embedded Data variables or pulling them in from other sources, you also have access to some built-in variables that are recorded for every response. These elements can be added to the Survey Flow using the steps described in the Creating an Embedded Data Element section.

The following built-in Embedded Data fields can be added for your survey:

. . .

Referer   This element shows the page the respondent was on when they clicked the survey link. For emailed surveys you will see a URL for the email provider in most cases. If the survey is linked to with an automatic redirect, such as a URL redirect at the end of another survey, no value is recorded.

Excerpted from Qualtrics, "Embedded Data," *available at* http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/

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Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards

Excerpted from Qualtrics, "Embedded Data," *available at* http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/

See also Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/ ("Add Embedded Data to the Intercept to track which page the visitor was on when they clicked the Feedback Link. For more information refer to the Embedded Data page.").

In addition, this page-specificity of the feedback is apparent because it is provided in response to the user navigating to and accessing a particular web page and then subsequently selecting the "Feedback" icon to trigger the Comment Card concerning that particular web page. Moreover, independent of any user |

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	knowledge of the page-specific nature of the feedback, the Qualtrics feedback solutions including Comment Cards system ultimately collects, analyzes, and reports all feedback as it concerns the particular web page regardless of whether the user explicitly identifies the feedback as concerning the particular web page. Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example: "Receiving website feedback is easy with the Feedback Link. This allows you to know what your website visitors are thinking and improve their experience." Qualtrics, "Website Feedback," *available at* http://qualtrics.com/university/researchsuite/distributing/more-distribution-methods/website-feedback/. "The Feedback Link collects visitor's opinions of your website. . . . Because a Feedback Link is passive, it may attract extreme viewpoints in the survey results – people who actively seek out a way to provide feedback because they either had an exceptionally positive or an exceptionally negative experience. . . . In general the Feedback Link is appropriate for collecting reactive website feedback." Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/. "The Matrix Table allows you to ask many multiple choice questions that use the same answer choice scale. . . . **Likert:** Allows you to place a scale of choices across the top." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. "Text Entry questions allow respondents to type in verbatim responses, such as comments and contact information." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. "Businesses adopt the platform to gather insights and deliver content based specifically on customer feedback. This data informs the development of website functionality and usability enhancements." Qualtrics, "Qualtrics Site Intercept Adoption Skyrockets, Growing Nearly 200 Percent" (Aug. 22, 2013), *available at* http://qualtrics.com/press/press-releases/qualtrics-site-intercept-adoption-skyrockets-growing-nearly-200-percent/. "Feedback: The web shouldn't be a one-way form of communication. Know what your visitors are thinking by providing them with a place to talk to you. You can even link to a Qualtrics survey. In fact, we recommend it." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/.

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	• "Feedback: Whether you use the built-in feedback creative or not, gathering accurate information for your visitors to improve their experience is crucial. It's hard to have direction without information, and Site Intercept makes it easy." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.
wherein: the first element is viewable within a browser window upon initial display of the particular web page; and the method further comprises causing the first element to remain viewable within the browser window, at least at least prior to the user selection, regardless of user scrolling.	The "Feedback" icon (*i.e.*, the "first element") remains viewable within a browser window, at least prior to the user selection, regardless of user scrolling. For example, when the user first navigates to Fingerhut.com, as can be seen below, the "Feedback" icon appears in the bottom, right-hand corner of the web browser window. In addition, as shown by the vertical scroll bar on the browser window, the particular web page (*e.g.*, Fingerhut.com) is not entirely viewable to the user.

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	Fingerhut.com. As such, when the user scrolls to the bottom of the web page that was previously not viewable, the "Feedback" icon remains viewable in the bottom, right-hand corner of the web browser window.

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	Fingerhut.com – bottom portion of the web page. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element.

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.

Claim 27 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
27. The method of claim 26, wherein the software associated with the first element is incorporated into software of each of the plurality of particular web pages.	The Qualtrics feedback solutions including Comment Cards software that is associated with the first element and allows users to provide page-specific feedback is incorporated into the software of each of the plurality of particular web pages. For example, the Qualtrics feedback solutions including Comment Cards software is incorporated into and included within the HTML code of each particular web page (*e.g.*, such as the Fingerhut home page, fingerhut.com). As shown by the Customer Support pages on Qualtrics.com, certain HTML source code and/or JavaScript libraries provided by Qualtrics are hosted by Fingerhut and do not require separate software downloads by the user. Pursuant to Qualtrics instructions, Fingerhut incorporated the Qualtrics software into the HTML source code of many of the Fingerhut web pages (such as the Fingerhut home page) thereby enabling page-specific feedback concerning the particular web page through the Qualtrics Comment Cards. For instance, the Customer Support on Qualtrics' website describes various options for how a potential customer should implement the "Feedback" icon and supporting software within the target company website. *See, e.g.*: - Feedback Link. *See* Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/ - Slider. *See* Qualtrics, "Slider," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/slider/ - Site Intercept. *See* Qualtrics, "Implementing Site Intercept," *available at* http://wordpressstaging.qualtrics.com/university/site-intercept/basics/getting-started/implementing-site-intercept/ ("For the easiest implementation, we recommend placing the code in a global header or footer, so it loads on all pages of the website. With this implementation, you are free to run Intercepts on any page.")

Claim 27 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	- Anonymous Survey Links. *See* Qualtrics, "Anonymous Survey Links," *available* at http://qualtrics.com/university/researchsuite/distributing/basic-distribution/anonymous-survey-link/ - In-Page Pop-Ups. *See* Qualtrics, "In-Page Pop-Up," *available at* http://qualtrics.com/university/researchsuite/distributing/more-distribution-methods/in-page-pop-up/ - Website Feedback via Feedback Link. *See* Qualtrics, "Website Feedback," *available at* http://qualtrics.com/university/researchsuite/distributing/more-distribution-methods/website-feedback/ Further, the associated software, with corresponding JavaScript libraries, allows the user to provide the page-specific feedback concerning the particular web page through the Qualtrics Comment Card and submit the feedback to the Qualtrics server. *See* Qualtrics Comment Card from Fingerhut.com –Source Code *available at* http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_41le6U2PrJjvJad&Pagetype=site+section&PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4. Accordingly, the user need not download any additional software onto the user's computer system outside of any HTML and JavaScript employed within the typical display of and interaction with the particular web page. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.

Claim 30 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
30. The method of claim 26, wherein each page-specific subjective rating comprises one of: a page-specific subjective rating of the particular web page as a whole; and a specific page-specific subjective rating of at least one characteristic of the particular web page as a whole.	Each page-specific subjective rating comprise one of (1) a page-specific subjective rating of the particular web page as a whole and (2) a specific page-specific subjective rating of at least one characteristic of the particular web page as a whole. For example, the Comment Card shown below allows the user to provide page-specific user feedback concerning the particular web page. For instance, the "Page Ratings" section of the Comment Card allows the user to provide feedback in the form of one or more ratings based upon the user's perceived impressions of the particular web page as a whole. The "Overall" rating allows the user to provide a page-specific subjective rating of the particular web page as a whole, and each of the "Product Information," "Look and Feel," and "Ease of Use" ratings allows the user to rate at least one characteristic of the particular web page as a whole. Each of these numerical rating scales allows the user to rate the particular web page as a whole using a one to five (1-5) scale with at least one positive, neutral, and negative rating. Qualtrics Comment Card from Fingerhut.com.

Claim 30 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	The associated text (*e.g.*, "Page Ratings" and "Please take a moment to rate this page") identifies that any entered subjective ratings may concern the particular web page. Qualtrics Comment Card from Fingerhut.com. It is also clear that the Qualtrics feedback solutions including Comment Cards operate on a page-specific basis, even where the Comment Card does not explicitly confirm that any entered feedback concerns the particular web page, because, for example, in order to request a Comment Card, the system constructs the Comment Card's URL to include a "PageURL" component. As such, this component embedded within the URL is one method for later associating the particular web page with any feedback concerning that particular web page for analytics, reporting, or other purposes. For example, when fingerhut.com is the particular web page for feedback, the URL appears as: "PageURL=http%3A%2F%2Fwww.fingerhut.com%2F".[20]

[20] The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_41le6U2PrJjvJad&Pagetype=site+section&

Claim 30 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
| | As can be seen from the source code of the Qualtrics Comment Card below, the particular web page, identified by the "Referer" label, is also embedded within the Qualtrics Comment Card itself.<br><br>```
<FORM id="Page" NAME="Page" METHOD="POST" ENCTYPE="multipart/form-data" >
    <INPUT id='SurveyID' TYPE='HIDDEN' NAME='SurveyID' VALUE='SV_41le6U2PrJjvJad'>
        <INPUT id='SessionID' TYPE='HIDDEN' NAME='SessionID' VALUE='DummySessionID'>
        <INPUT id='PageDisplayTime' TYPE='HIDDEN' NAME='PageDisplayTime' VALUE='2013-11-01 11:58:39'>

    <INPUT TYPE='HIDDEN' NAME='TransactionID' VALUE='0'>

                        <INPUT TYPE='HIDDEN' NAME='Referer' VALUE='http://www.fingerhut.com/'>
```<br>Qualtrics Comment Card from Fingerhut.com – Source Code<br><br>Qualtrics' Customer Support pages on its website confirm that the particular web page is embedded and included with the Comment Card to be utilized with feedback concerning the particular web page:<br><br>**Using other built-in Embedded Data fields**<br><br>In addition to creating your own Embedded Data variables or pulling them in from other sources, you also have access to some built-in variables that are recorded for every response. These elements can be added to the Survey Flow using the steps described in the *Creating an Embedded Data Element* section.<br><br>The following built-in Embedded Data fields can be added for your survey:<br><br>. . .<br><br>**Referer**     This element shows the page the respondent was on when they clicked the survey link. For emailed surveys you will see a URL for the email provider in most cases. If the survey is linked to with an automatic redirect, such as a URL redirect at the end of another survey, no value is recorded.<br><br>*Excerpted from* Qualtrics, "Embedded Data," *available at* http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/ |
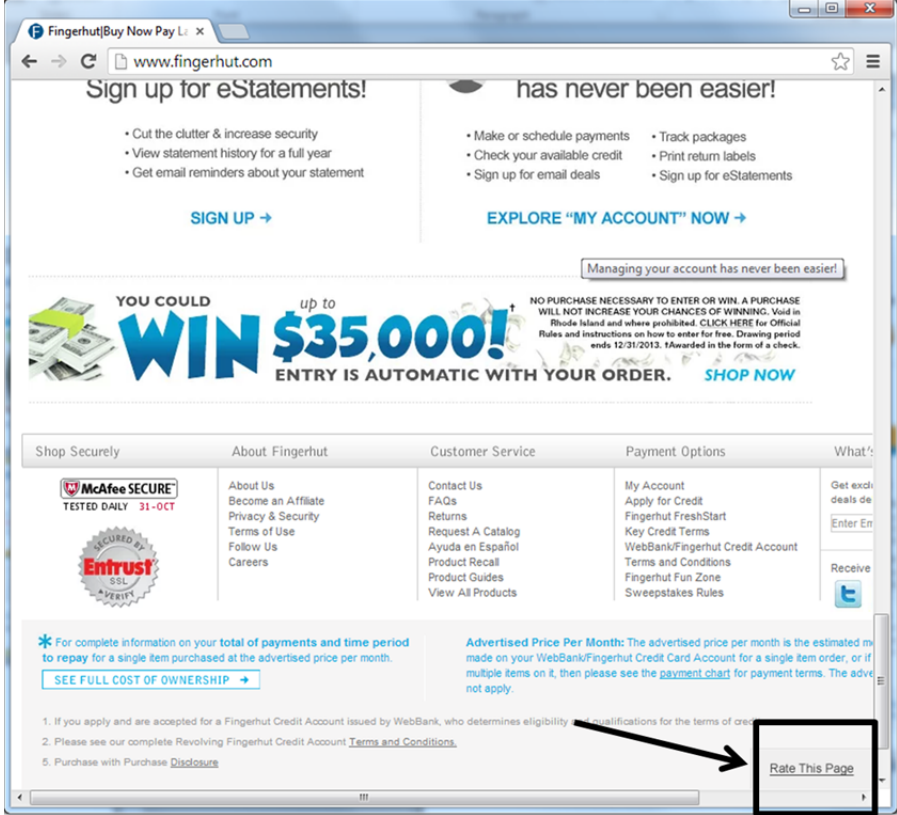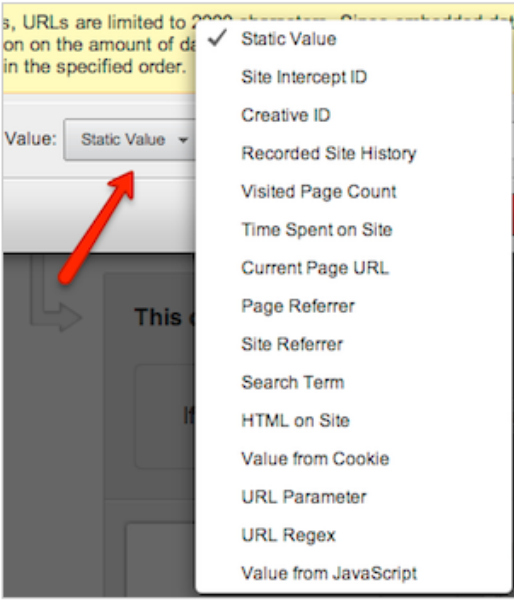
PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4

Claim 30 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	But what if you want dynamic Embedded Data, such as a field storing which page the visitor was viewing when they saw the Creative? For scenarios like this, simply click **Static Value** to open a menu of additional Embedded Data value options. s, URLs are limited to ... on on the amount of d... in the specified order. Value: Static Value ▾ ✓ Static Value Site Intercept ID Creative ID Recorded Site History Visited Page Count Time Spent on Site Current Page URL Page Referrer Site Referrer Search Term HTML on Site Value from Cookie URL Parameter URL Regex Value from JavaScript *Excerpted from* Qualtrics, "Embedded Data," *available at* http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/ *See also* Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/ ("Add Embedded Data to the Intercept to track which page the visitor was on when they clicked the Feedback Link. For more information refer to the Embedded Data page."). In addition, this page-specificity of the feedback is apparent because it is provided in response to the user navigating to and accessing a particular web page and then subsequently selecting the "Feedback" icon to trigger the Comment Card concerning that particular web page. Moreover, independent of any user

Claim 30 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	knowledge of the page-specific nature of the feedback, the Qualtrics feedback solutions including Comment Cards system ultimately collects, analyzes, and reports all feedback as it concerns the particular web page regardless of whether the user explicitly identifies the feedback as concerning the particular web page. Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example: • "Receiving website feedback is easy with the Feedback Link. This allows you to know what your website visitors are thinking and improve their experience." Qualtrics, "Website Feedback," *available at* http://qualtrics.com/university/researchsuite/distributing/more-distribution-methods/website-feedback/. • "The Feedback Link collects visitor's opinions of your website. . . . Because a Feedback Link is passive, it may attract extreme viewpoints in the survey results – people who actively seek out a way to provide feedback because they either had an exceptionally positive or an exceptionally negative experience. . . . In general the Feedback Link is appropriate for collecting reactive website feedback." Qualtrics, "Feedback Link," *available at* http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/. • "The Matrix Table allows you to ask many multiple choice questions that use the same answer choice scale. . . . **Likert:** Allows you to place a scale of choices across the top." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. • "Text Entry questions allow respondents to type in verbatim responses, such as comments and contact information." Qualtrics, "Basic Building - Question Types Guide," *available at* http://qualtrics.com/university/researchsuite/basic-building/editing-questions/question-types-guide/. • "Businesses adopt the platform to gather insights and deliver content based specifically on customer feedback. This data informs the development of website functionality and usability enhancements." Qualtrics, "Qualtrics Site Intercept Adoption Skyrockets, Growing Nearly 200 Percent" (Aug. 22, 2013), *available at* http://qualtrics.com/press/press-releases/qualtrics-site-intercept-adoption-skyrockets-growing-nearly-200-percent/. • "Feedback: The web shouldn't be a one-way form of communication. Know what your visitors are thinking by providing them with a place to talk to you. You can even link to a Qualtrics survey. In fact, we recommend it." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/.

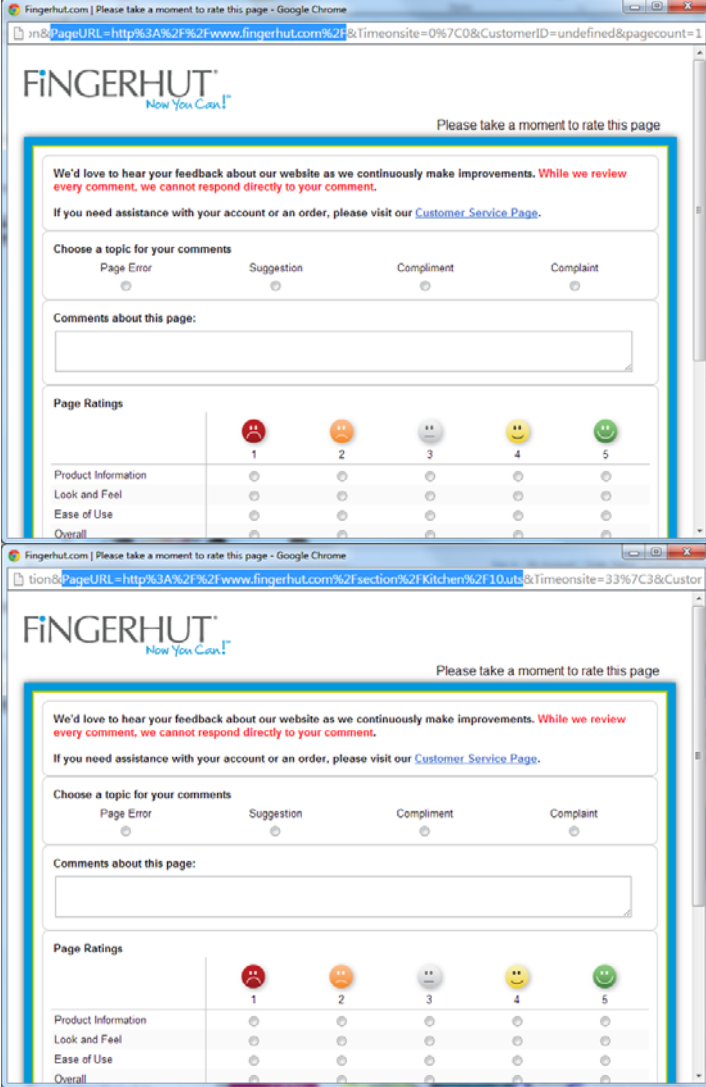| Claim 30 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	• "Feedback: Whether you use the built-in feedback creative or not, gathering accurate information for your visitors to improve their experience is crucial. It's hard to have direction without information, and Site Intercept makes it easy." Qualtrics, "Site Intercept," *available at* http://qualtrics.com/site-intercept/. OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Move.com (move.com), which are substantially similar implementations.

Claim 33 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
33. The method of claim 26, wherein the plurality of particular web pages comprises substantially all web pages of the website.	On information and belief, substantially all web pages on the Fingerhut website utilize Qualtrics feedback solutions including Comment Cards and provide a first element to solicit page-specific user feedback. For example, the web pages on the Fingerhut website include a "Feedback" icon, an example of which is identified below. This icon is viewable automatically upon the user navigating to the Fingerhut home page.

Claim 33 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Fingerhut.com. A substantially similar icon appears on most, if not all, Fingerhut web pages implementing the Qualtrics feedback solutions including Comment Cards, including the Fingerhut web page for "Kitchen."

Claim 33 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 Fingerhut.com – "Kitchen" *See* Fingerhut, "Kitchen," *available at* http://www.fingerhut.com/section/Kitchen/10.uts. Upon selection of the "Feedback" icon, regardless of the particular web page, a Qualtrics Comment Card is launched allowing for the user to provide page-specific feedback, such as subjective ratings and open-ended comments, concerning the particular web page.

Claim 33 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	Fingerhut.com and "Kitchen" Comment Cards

Claim 33 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, as demonstrated above, the elements are present under the doctrine of equivalents because the Qualtrics feedback solutions including comment cards found on Fingerhut web pages have at most insubstantial differences as compared to this element and/or perform substantially the same function in substantially the same way to yield substantially the same result as this element. This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (move.com), and Sears (sears.com), which are substantially similar implementations.