

OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

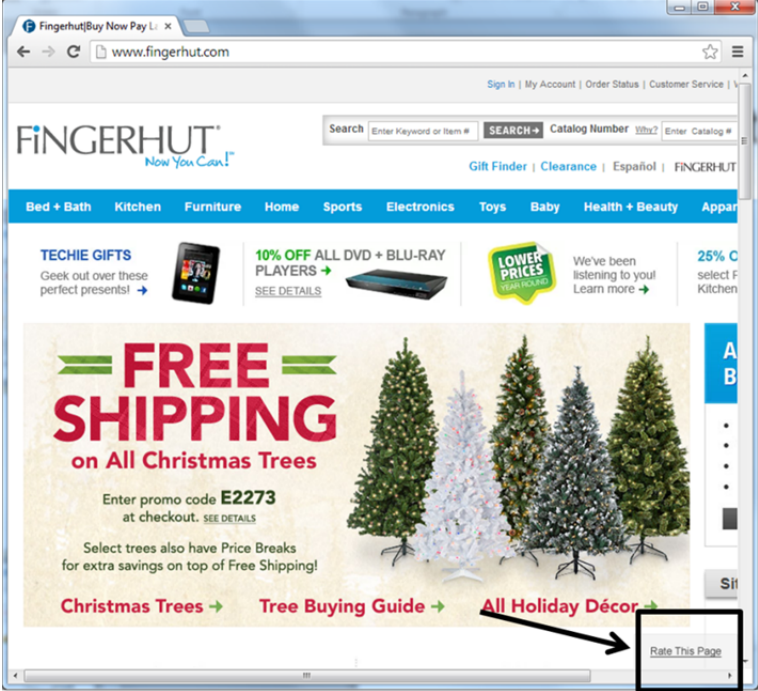
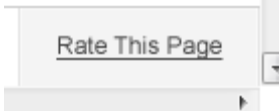
<p align="center">Claim 1 of U.S. Patent 8,041,805</p>	<p align="center">Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
<p>1. One or more computer-readable non-transitory storage media embodying software operable when executed to:</p>	<p>Multiple web pages on Fingerhut’s website¹ 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</p> <div data-bbox="913 592 1533 1161" data-label="Image"> <p>The image is a screenshot of a web browser displaying the Fingerhut.com website. The browser's address bar shows 'www.fingerhut.com'. The website header includes the Fingerhut logo and navigation links like 'Sign In', 'My Account', 'Order Status', and 'Customer Service'. Below the header is a search bar and a navigation menu with categories such as 'Bed + Bath', 'Kitchen', 'Furniture', 'Home', 'Sports', 'Electronics', 'Toys', 'Baby', and 'Health + Beauty'. The main content area features several promotional banners, including one for 'TECHIE GIFTS', '10% OFF ALL DVD + BLU-RAY PLAYERS', and 'LOWER PRICES'. A large banner for 'FREE SHIPPING on All Christmas Trees' is prominent, with a promo code 'E2273' and an image of several Christmas trees. At the bottom right of the page, a small button labeled 'Rate This Page' is highlighted with a black rectangular box, and a black arrow points from the text above to this button.</p> </div> <p align="center">Fingerhut.com</p>

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.

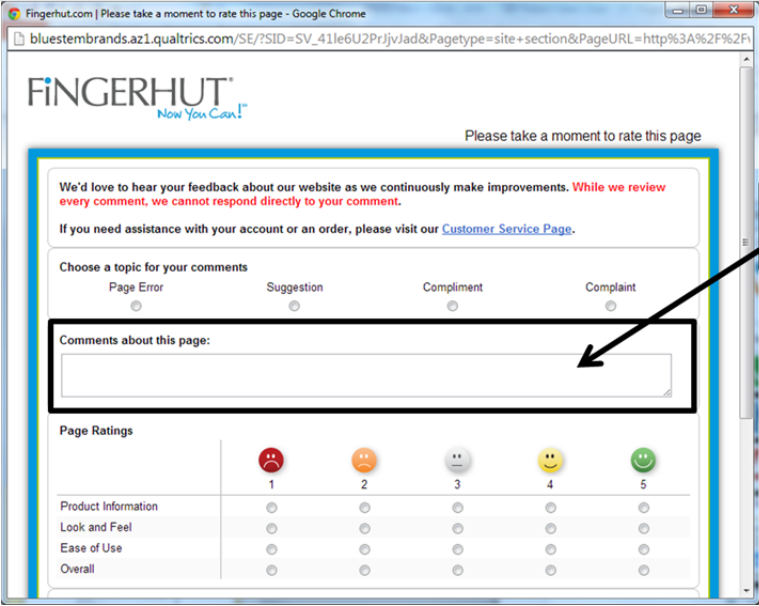
² The identification and illustration of particular portions of web pages are offered by example only and should not be limiting in any way. OpinionLab reserves the right to amend, and/or supplement these contentions as may be appropriate.

OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

<p align="center">Claim 1 of U.S. Patent 8,041,805</p>	<p align="center">Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
<p>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,</p>	<p>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 (<i>e.g.</i>, 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.</p> <p>For example, multiple web pages on the Fingerhut website (such as the Fingerhut home page) include a “Feedback” icon (<i>i.e.</i>, 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.</p>

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 <p>Fingerhut.com.</p> <p>A more detailed image of this “Feedback” icon is shown below, soliciting the customer to “Rate This Page.”</p>  <p>Fingerhut.com Feedback Icon</p> <p>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</p>

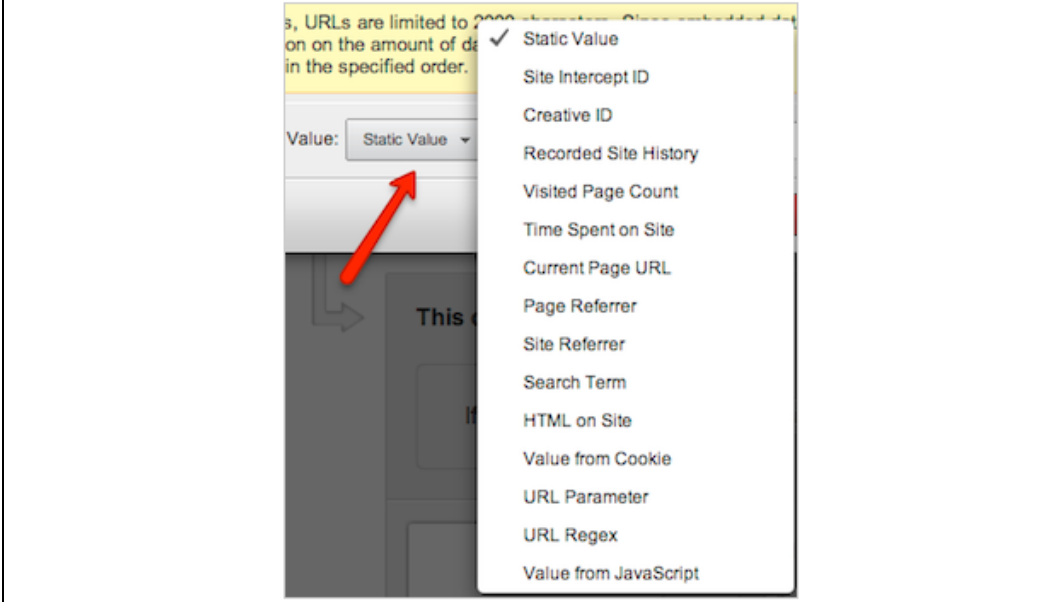
<p>Claim 1 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>particular web page. For instance, the “Page Ratings” section of the Comment Card allows the user to provide feedback in the form of one or more ratings 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.</p> <div data-bbox="741 558 1493 1154" data-label="Image"> <p>The image shows a screenshot of a Qualtrics Comment Card from Fingerhut.com. The card is titled 'Please take a moment to rate this page' and includes the Fingerhut logo. It contains a message: 'We'd love to hear your feedback about our website as we continuously make improvements. While we review every comment, we cannot respond directly to your comment.' Below this is a 'Choose a topic for your comments' section with options: Page Error, Suggestion, Compliment, and Complaint. There is a text box for 'Comments about this page:'. At the bottom is a 'Page Ratings' section with a 1-5 scale. The scale consists of five columns, each with a rating icon (1: sad face, 2: neutral face, 3: neutral face, 4: happy face, 5: very happy face) and a radio button. Below the scale are rows for 'Product Information', 'Look and Feel', 'Ease of Use', and 'Overall', each with a radio button under each rating column. A callout box labeled 'Subjective Ratings' points to the 4 and 5 rating options.</p> </div> <p>Qualtrics Comment Card from Fingerhut.com.</p> <p>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.</p>

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	 <p data-bbox="919 873 1522 906">Qualtrics Comment Card from Fingerhut.com.</p> <p data-bbox="535 945 1900 1015">The associated text (<i>e.g.</i>, “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.</p>

<p>Claim 1 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<div data-bbox="840 264 1606 868" data-label="Image"> </div> <p data-bbox="924 873 1522 909">Qualtrics Comment Card from Fingerhut.com.</p> <p data-bbox="535 950 1890 1242">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</p> <p data-bbox="535 1274 1827 1307">As can be seen from the source code of the Qualtrics Comment Card below, the particular web page,</p>

³ The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_41e6U2PrJvJad&Pagetype=site+section&PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4.

<p>Claim 1 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>identified by the “Referer” label, is also embedded within the Qualtrics Comment Card itself.</p> <div data-bbox="611 339 1837 522" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <pre><FORM id="Page" NAME="Page" METHOD="POST" ENCTYPE="multipart/form-data" > <INPUT id='SurveyID' TYPE='HIDDEN' NAME='SurveyID' VALUE='SV_411e6U2PrJjvJad'> <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/'></pre> </div> <p style="text-align: center;">Qualtrics Comment Card from Fingerhut.com – Source Code</p> <p>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:</p> <div data-bbox="768 708 1680 935" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>Using other built-in Embedded Data fields</p> <p>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.</p> <p>The following built-in Embedded Data fields can be added for your survey:</p> <p style="text-align: center;">...</p> </div> <div data-bbox="808 971 1640 1131" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>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.</p> </div> <p style="text-align: center;"><i>Excerpted from Qualtrics, “Embedded Data,” available at http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/</i></p>


<p>Claim 1 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>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.</p>  <p><i>Excerpted from Qualtrics, “Embedded Data,” available at http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/</i></p> <p><i>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.”).</i></p> <p>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</p>

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>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.</p> <p>Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example:</p> <ul style="list-style-type: none"> • “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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	<ul style="list-style-type: none"> • “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,” <i>available at http://qualtrics.com/site-intercept/</i>. <p>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.</p> <p>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.</p>
<p>the user-selectable element appearing identically and behaving consistently on each of the plurality of particular web pages; and</p>	<p>The “Feedback” icon appears identically and behaves consistently on each of the plurality of particular web pages.</p> <p>For example, many of the web pages on the Fingerhut website include a “Feedback” icon (<i>i.e.</i>, 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).</p>

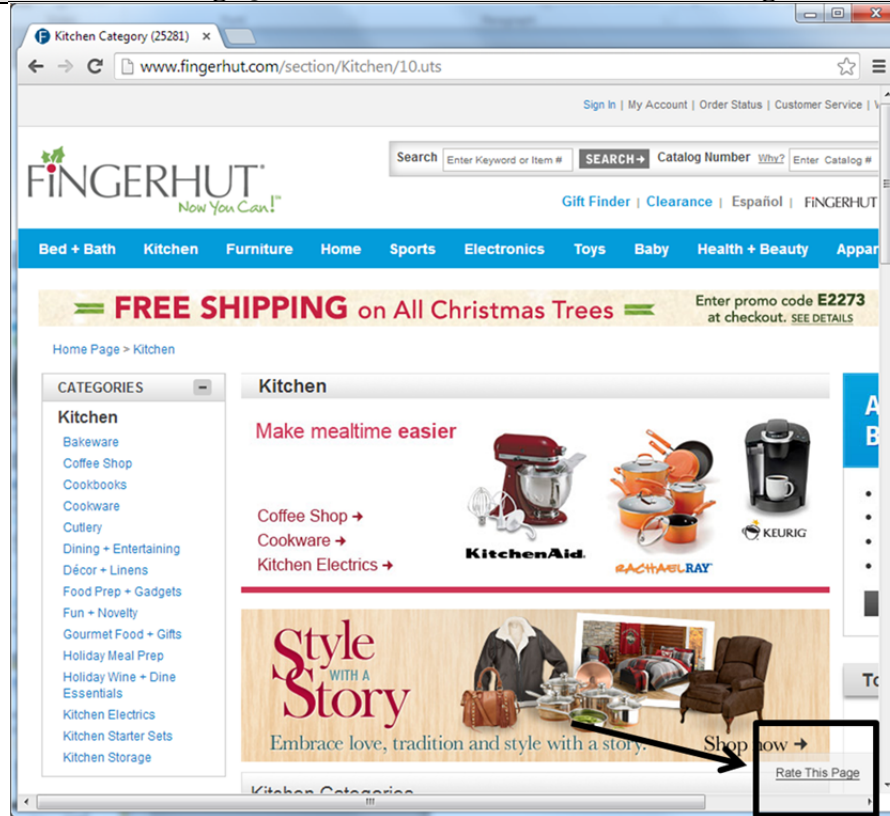
OpinionLab, Inc.'s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 <p data-bbox="1123 1101 1323 1128">Fingerhut.com.</p> <p data-bbox="535 1169 1900 1274">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.”</p>

OpinionLab, Inc.'s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

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.

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	<p>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.</p>
<p>receive the page-specific user feedback concerning the particular web page for reporting to an interested party,</p>	<p>The Qualtrics feedback solutions including Comment Cards software is operable to receive the page-specific user feedback concerning the particular web page.</p> <p>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.</p> <div data-bbox="743 816 1705 1408" style="text-align: center;"> </div>

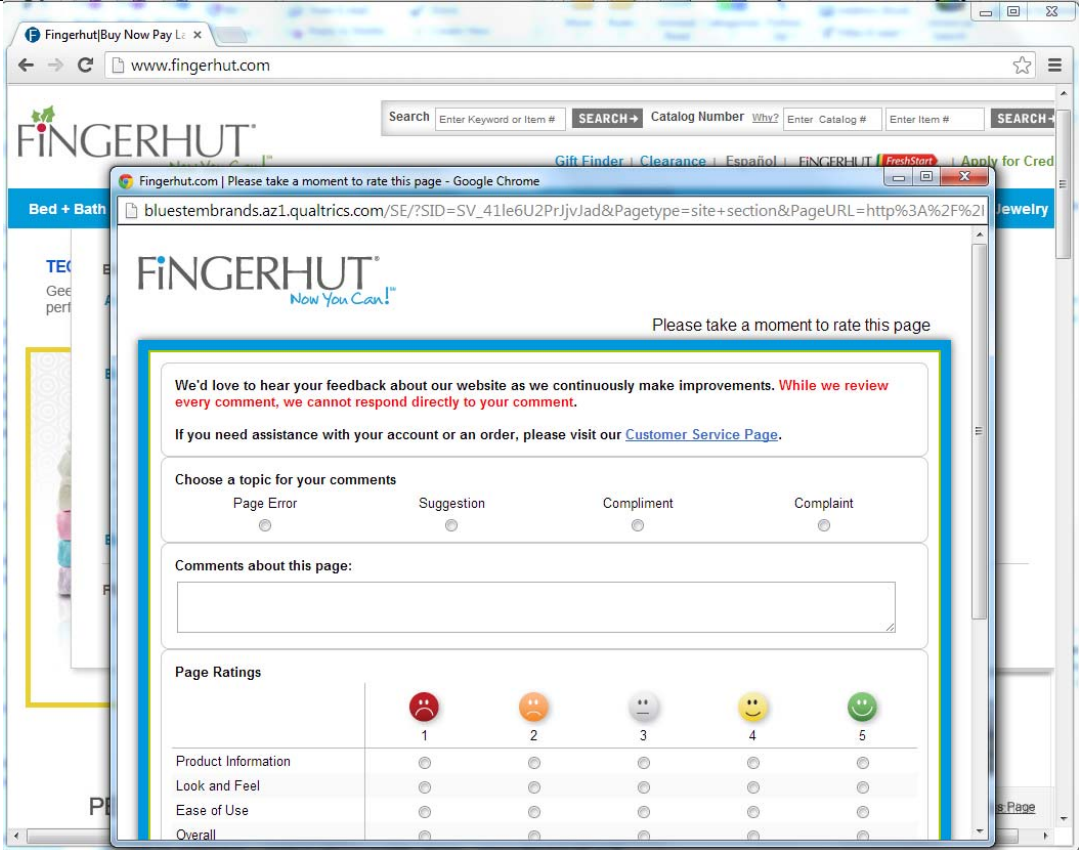
<p>Claim 1 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards Qualtrics Comment Card from Fingerhut.com.</p>
	<div data-bbox="688 337 1522 982" data-label="Image"> </div> <p data-bbox="924 982 1522 1015">Qualtrics Comment Card from Fingerhut.com.</p> <p data-bbox="535 1055 1911 1088">The page-specific feedback concerning the particular web page may also be reported to an interested party.</p> <p data-bbox="535 1128 1816 1193">For example, Qualtrics describes a variety of reporting mechanisms to an interested party, such as a website owner like Fingerhut:</p> <ul data-bbox="577 1201 1900 1421" style="list-style-type: none"> • “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.” <i>See</i> 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

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	<p>PDF.” See Qualtrics, “Analysis and Reporting,” available at http://qualtrics.com/research-suite/survey-analysis-reporting/.</p> <ul style="list-style-type: none"> • “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/. <p>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.</p> <p>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.</p>
<p>the page-specific user feedback concerning the</p>	<p>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.</p>

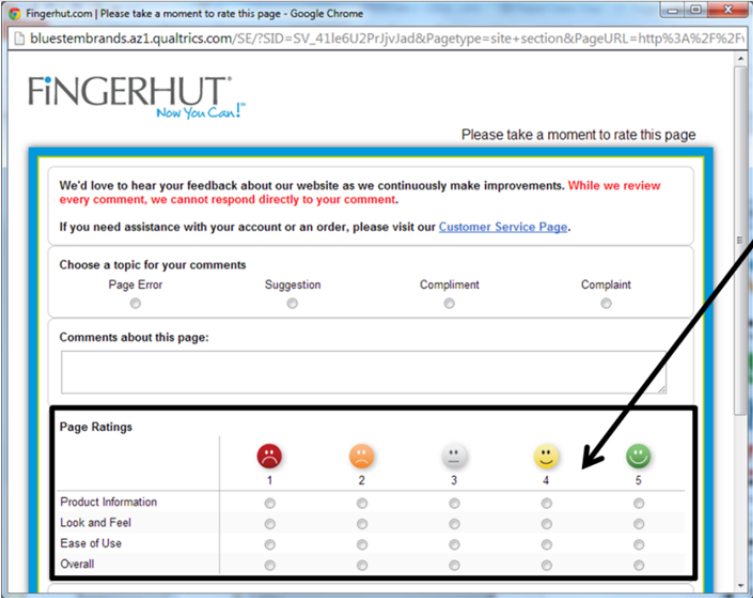
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<p>particular webpages having been provided by a user while the user remained at the particular web page, and</p>	<p>For example, upon the user accessing the particular web page and selecting the “Feedback” icon, the Qualtrics Comment Card shown below 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.</p>

<p>Claim 1 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	 <p>The screenshot shows the Fingerhut.com website with a Qualtrics comment card overlaid. The comment card contains the following text: 'Please take a moment to rate this page', 'We'd love to hear your feedback about our website as we continuously make improvements. While we review every comment, we cannot respond directly to your comment.', and 'If you need assistance with your account or an order, please visit our Customer Service Page.' Below this is a section for 'Choose a topic for your comments' with radio buttons for 'Page Error', 'Suggestion', 'Compliment', and 'Complaint'. There is also a text input field for 'Comments about this page:' and a 'Page Ratings' section with five smiley face icons (1-5) and a table for rating categories: Product Information, Look and Feel, Ease of Use, and Overall.</p> <p>Fingerhut.com Home Page with Qualtrics Comment Card</p> <p>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.</p>

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	<p>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.</p>
<p>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,</p>	<p>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.</p> <p>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.</p>

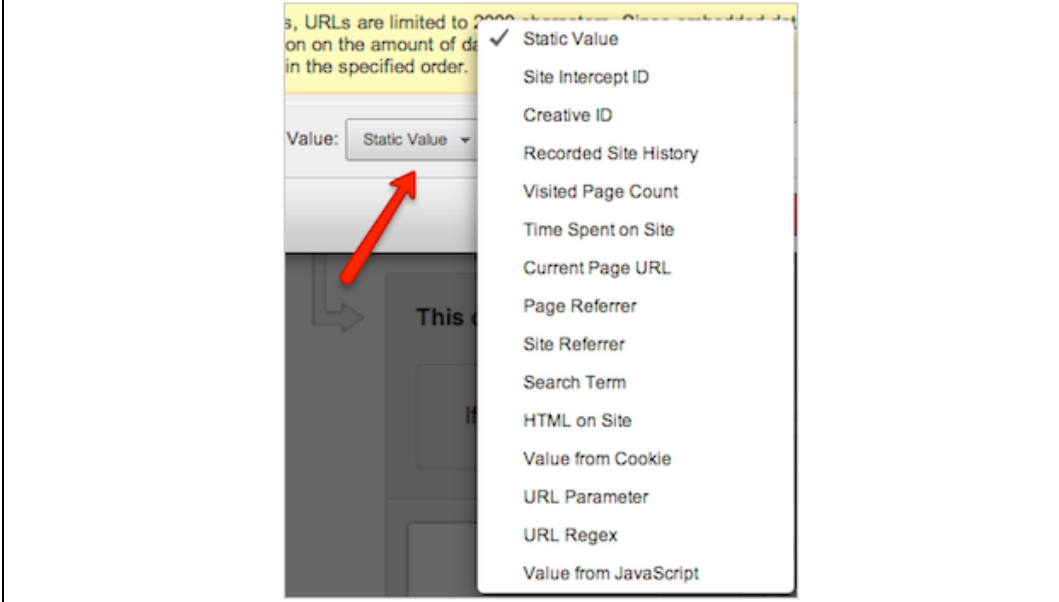
Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 <p data-bbox="924 868 1522 901">Qualtrics Comment Card from Fingerhut.com.</p> <p data-bbox="535 933 1890 1015">Further, the “Comments about this page” text box of the Comment Card shown below allows the user to provide open-ended comments concerning the particular web page without any limitation as to substance.</p>

<p>Claim 1 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<div data-bbox="735 267 1501 868" data-label="Image"> </div> <div data-bbox="1501 446 1711 527" data-label="Text"> <p>Open-ended Comments</p> </div> <div data-bbox="924 868 1522 901" data-label="Caption"> <p>Qualtrics Comment Card from Fingerhut.com.</p> </div> <div data-bbox="535 941 1911 1015" data-label="Text"> <p>The associated text (<i>e.g.</i>, “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.</p> </div>

<p>Claim 1 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<div data-bbox="821 264 1627 906" data-label="Image"> </div> <p data-bbox="926 911 1520 943" style="text-align: center;">Qualtrics Comment Card from Fingerhut.com.</p> <p data-bbox="537 984 1885 1273"> 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 </p>

⁴ The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_41e6U2PrJvJad&Pagetype=site+section&PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4.

<p>Claim 1 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>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.</p> <div data-bbox="611 375 1837 560" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <pre> <FORM id="Page" NAME="Page" METHOD="POST" ENCTYPE="multipart/form-data" > <INPUT id='SurveyID' TYPE='HIDDEN' NAME='SurveyID' VALUE='SV_411e6U2PrJjvJad'> <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/'> </pre> </div> <p style="text-align: center;">Qualtrics Comment Card from Fingerhut.com – Source Code</p> <p>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:</p> <div data-bbox="768 743 1677 971" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>Using other built-in Embedded Data fields</p> <p>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.</p> <p>The following built-in Embedded Data fields can be added for your survey:</p> <p style="text-align: center;">...</p> </div> <div data-bbox="808 1008 1640 1167" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>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.</p> </div> <p style="text-align: center;"><i>Excerpted from Qualtrics, “Embedded Data,” available at http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/</i></p>

<p>Claim 1 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>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.</p>  <p><i>Excerpted from Qualtrics, “Embedded Data,” available at http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/</i></p> <p><i>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.”).</i></p> <p>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</p>

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>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.</p> <p>Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example:</p> <ul style="list-style-type: none"> • “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/.

OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

<p align="center">Claim 1 of U.S. Patent 8,041,805</p>	<p align="center">Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<ul style="list-style-type: none"> • “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,” <i>available at</i> http://qualtrics.com/site-intercept/. <p>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.</p> <p>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.</p>
<p>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</p>	<p>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.</p> <p>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:</p> <ul style="list-style-type: none"> • “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.” <i>See</i> Qualtrics, “About Viewing Reports,” <i>available at</i>

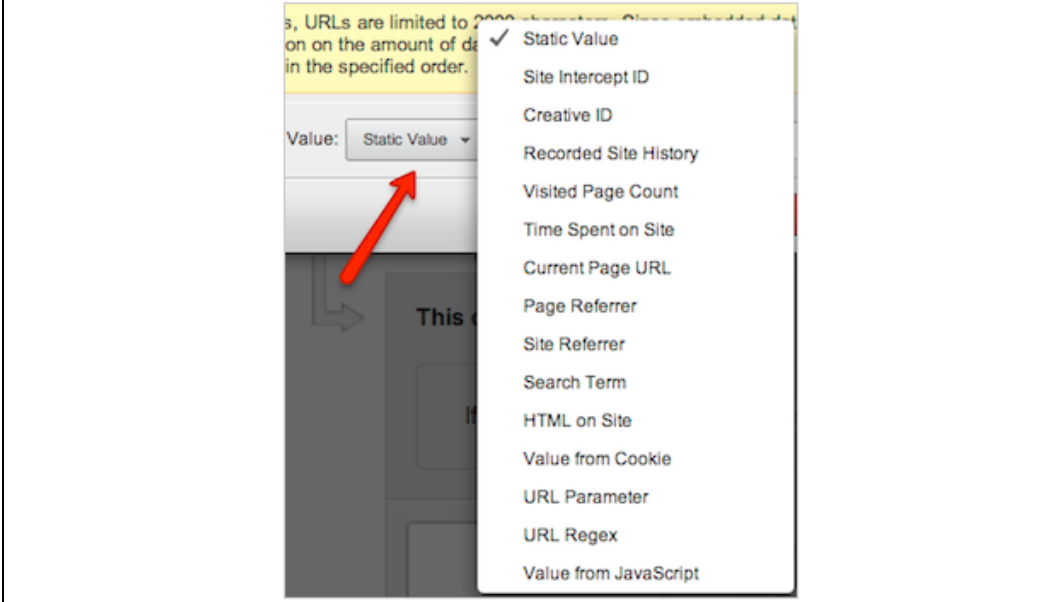
OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

<p align="center">Claim 1 of U.S. Patent 8,041,805</p>	<p align="center">Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
<p>particular web pages;</p>	<p>http://qualtrics.com/university/researchsuite/reporting/view-reports/about-viewing-reports/.</p> <ul style="list-style-type: none"> • “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/. <p>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.</p>

<p>Claim 1 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<div data-bbox="821 267 1627 906" data-label="Image"> </div> <p data-bbox="926 911 1520 943" style="text-align: center;">Qualtrics Comment Card from Fingerhut.com.</p> <p data-bbox="535 982 1911 1274"> 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 </p>

⁵ The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_41e6U2PrJvJad&Pagetype=site+section&PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4.

<p>Claim 1 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>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.</p> <div data-bbox="611 375 1837 560" style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <pre> <FORM id="Page" NAME="Page" METHOD="POST" ENCTYPE="multipart/form-data" > <INPUT id='SurveyID' TYPE='HIDDEN' NAME='SurveyID' VALUE='SV_411e6U2PrJjvJad'> <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/'> </pre> </div> <p style="text-align: center;">Qualtrics Comment Card from Fingerhut.com – Source Code</p> <p>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:</p> <div data-bbox="768 743 1680 971" style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>Using other built-in Embedded Data fields</p> <p>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.</p> <p>The following built-in Embedded Data fields can be added for your survey:</p> <p style="text-align: center;">...</p> </div> <div data-bbox="808 1008 1640 1167" style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>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.</p> </div> <p style="text-align: center;"><i>Excerpted from Qualtrics, “Embedded Data,” available at http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/</i></p>


Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>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.</p>  <p><i>Excerpted from Qualtrics, “Embedded Data,” available at http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/</i></p> <p><i>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.”).</i></p> <p>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</p>

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>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.</p> <p>Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example:</p> <ul style="list-style-type: none"> • “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/.

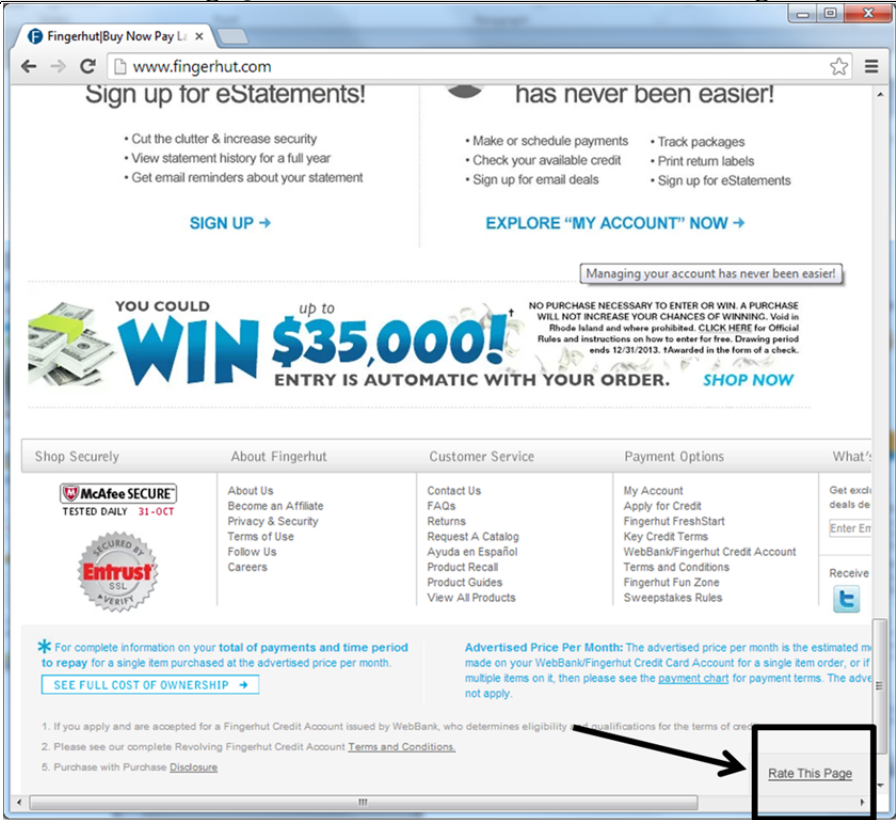
OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

<p align="center">Claim 1 of U.S. Patent 8,041,805</p>	<p align="center">Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<ul style="list-style-type: none"> • “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,” <i>available at http://qualtrics.com/site-intercept/</i>. <p>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.</p> <p>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.</p>
<p>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.</p>	<p>The “Feedback” icon (<i>i.e.</i>, the “user-selectable element”) remains viewable within a browser window, at least prior to the user selection, regardless of user scrolling.</p> <p>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 (<i>e.g.</i>, Fingerhut.com) is not entirely viewable to the user.</p>

OpinionLab, Inc.'s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 <p data-bbox="1123 1101 1323 1133">Fingerhut.com.</p> <p data-bbox="535 1172 1795 1242">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.</p>

OpinionLab, Inc.'s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 <p data-bbox="905 1084 1539 1117">Fingerhut.com – bottom portion of the web page.</p> <p data-bbox="537 1157 1898 1370">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.</p>

OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

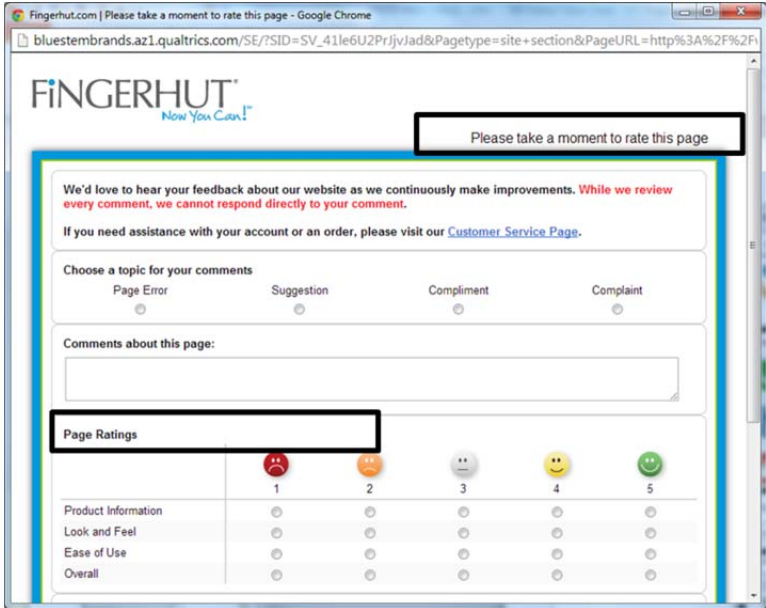
Claim 1 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	This element, as applied and shown above as to the Fingerhut website, similarly applies to additional Qualtrics Customer websites, including Kmart (kmart.com), Move.com (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.	<p>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.</p> <p>For example, the Qualtrics feedback solutions including Comment Cards software is incorporated into and included within the HTML code of each particular web page (<i>e.g.</i>, 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. <i>See, e.g.:</i></p> <ul style="list-style-type: none"> • Feedback Link. <i>See</i> Qualtrics, “Feedback Link,” available at http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/ • Slider. <i>See</i> Qualtrics, “Slider,” available at http://qualtrics.com/university/site-intercept/creatives/passive-creatives/slider/ • Site Intercept. <i>See</i> 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.”)

OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

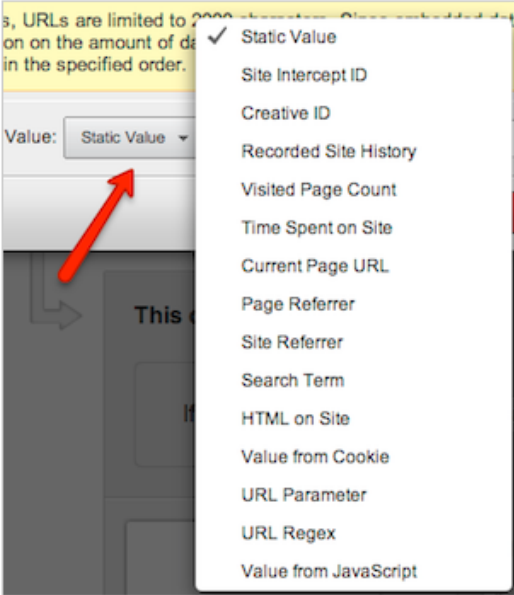
<p align="center">Claim 2 of U.S. Patent 8,041,805</p>	<p align="center">Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<ul style="list-style-type: none"> • Anonymous Survey Links. <i>See</i> Qualtrics, “Anonymous Survey Links,” <i>available at</i> http://qualtrics.com/university/researchsuite/distributing/basic-distribution/anonymous-survey-link/ • In-Page Pop-Ups. <i>See</i> Qualtrics, “In-Page Pop-Up,” <i>available at</i> http://qualtrics.com/university/researchsuite/distributing/more-distribution-methods/in-page-pop-up/ • Website Feedback via Feedback Link. <i>See</i> Qualtrics, “Website Feedback,” <i>available at</i> http://qualtrics.com/university/researchsuite/distributing/more-distribution-methods/website-feedback/ <p>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. <i>See</i> Qualtrics Comment Card from Fingerhut.com –Source Code <i>available at</i> 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.</p> <p>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.</p> <p>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.</p> <p>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.</p>

<p>Claim 5 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
<p>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.</p>	<p>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.</p> <p>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.</p> <div data-bbox="737 808 1705 1403" style="text-align: center;"> <p>The screenshot shows a web browser window with the URL 'bluestembrands.az1.qualtrics.com/SE/?SID=SV_41le6U2PrJvJad&Pagetype=site+section&PageURL=http%3A%2F%2F...'. The page title is 'FINGERHUT Now You Can!'. Below the title, there is a section titled 'Please take a moment to rate this page'. The main content area contains a message: 'We'd love to hear your feedback about our website as we continuously make improvements. While we review every comment, we cannot respond directly to your comment.' Below this is a 'Choose a topic for your comments' section with four radio buttons: 'Page Error', 'Suggestion', 'Compliment', and 'Complaint'. A text input field is labeled 'Comments about this page:'. At the bottom, there is a 'Page Ratings' section with a table of five rating options (1-5) represented by smiley faces. The '4' rating is selected, and an arrow points to it from a callout box labeled 'Subjective Ratings'.</p> </div>

<p>Claim 5 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p data-bbox="926 269 1520 305">Qualtrics Comment Card from Fingerhut.com.</p> <p data-bbox="533 342 1883 412">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.</p> <div data-bbox="842 448 1602 1052" style="text-align: center;">  </div> <p data-bbox="926 1057 1520 1092">Qualtrics Comment Card from Fingerhut.com.</p> <p data-bbox="533 1130 1908 1344">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</p>

Claim 5 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>particular web page for feedback, the URL appears as: “PageURL=http%3A%2F%2Fwww.fingerhut.com%2F”.⁶</p> <p>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.</p> <div data-bbox="611 488 1835 669" style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <pre> <FORM id="Page" NAME="Page" METHOD="POST" ENCTYPE="multipart/form-data" > <INPUT id='SurveyID' TYPE='HIDDEN' NAME='SurveyID' VALUE='SV_411e6U2PrJjvJad'> <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/'> </pre> </div> <p style="text-align: center;">Qualtrics Comment Card from Fingerhut.com – Source Code</p> <p>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:</p> <div data-bbox="768 854 1677 1081" style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>Using other built-in Embedded Data fields</p> <p>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.</p> <p>The following built-in Embedded Data fields can be added for your survey:</p> <p style="text-align: center;">...</p> </div> <div data-bbox="806 1118 1640 1278" style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>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.</p> </div> <p style="text-align: center;"><i>Excerpted from Qualtrics, “Embedded Data,” available at</i></p>

⁶ The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_411e6U2PrJjvJad&Pagetype=site+section&PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4


<p>Claim 5 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/</p> <div data-bbox="695 339 1749 1068" style="border: 1px solid black; padding: 10px;"> <p>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.</p>  </div> <p><i>Excerpted from Qualtrics, “Embedded Data,” available at http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/</i></p> <p><i>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.”).</i></p> <p>In addition, this page-specificity of the feedback is apparent because it is provided in response to the user</p>

Claim 5 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>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.</p> <p>Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example:</p> <ul style="list-style-type: none"> • “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

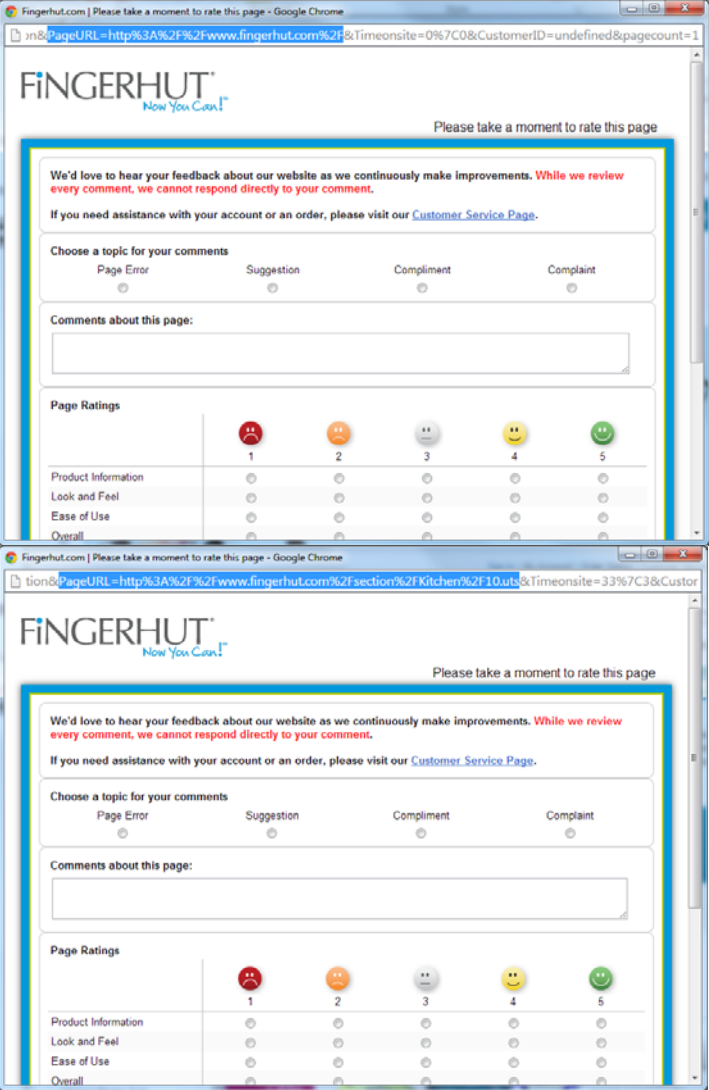
OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

Claim 5 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>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/.</p> <ul style="list-style-type: none"> • “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/. <p>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.</p> <p>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.</p>

Claim 8 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
<p>8. The media of claim 1, wherein the plurality of particular web pages comprises substantially all web pages of the web-site.</p>	<p>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.</p> <p>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.</p>

Claim 8 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 <p data-bbox="1129 1101 1325 1133">Fingerhut.com.</p> <p data-bbox="541 1170 1877 1240">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.”</p>


Claim 8 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 <p data-bbox="1045 1084 1402 1117">Fingerhut.com – “Kitchen”</p> <p data-bbox="541 1154 1675 1187">See Fingerhut, “Kitchen,” available at http://www.fingerhut.com/section/Kitchen/10.uts.</p> <p data-bbox="541 1227 1885 1336">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.</p>

<p>Claim 8 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	 <p>Fingerhut.com and “Kitchen” Comment Cards</p>

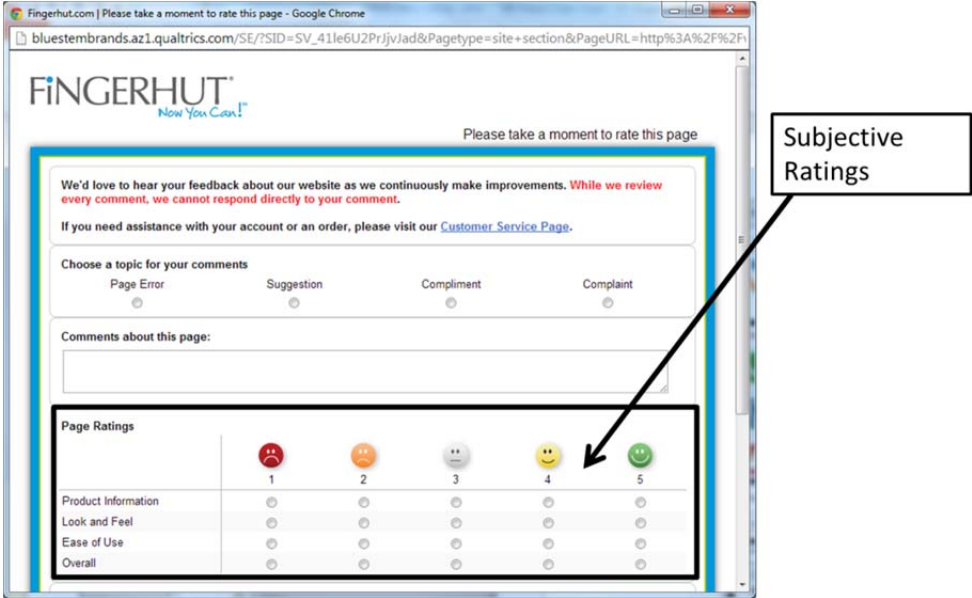
OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

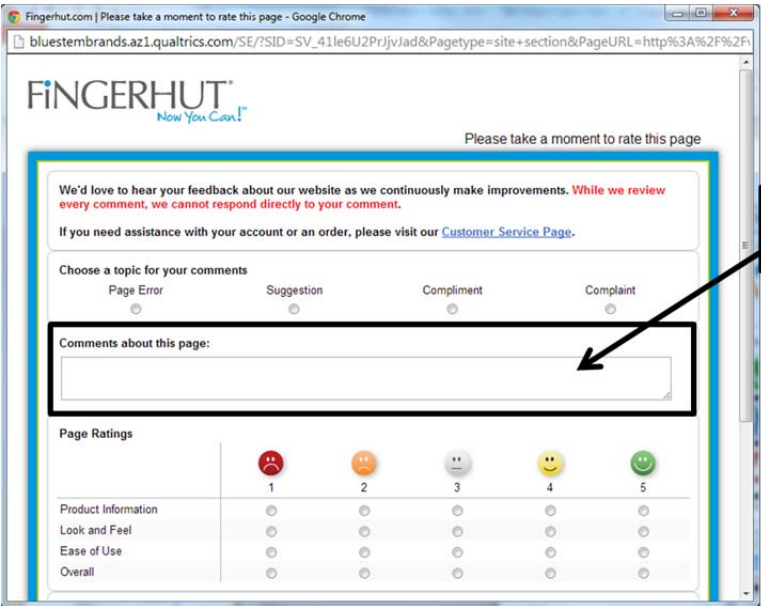
<p align="center">Claim 8 of U.S. Patent 8,041,805</p>	<p align="center">Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be 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.</p> <p>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.</p>

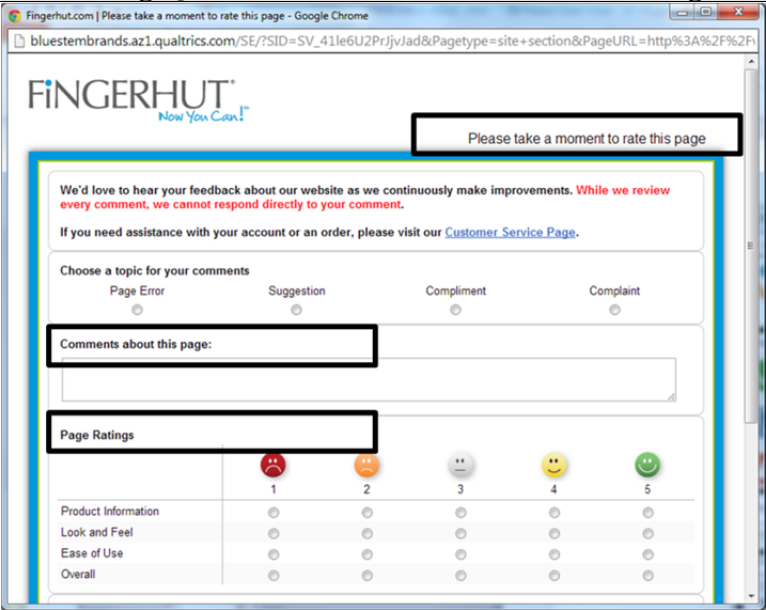
<p align="center">Claim 10 of U.S. Patent 8,041,805</p>	<p align="center">Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
<p>10. One or more computer-readable non-transitory storage media embodying software operable when executed to:</p>	<p>Multiple 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.</p>

<p>Claim 10 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	 <p style="text-align: center;">Fingerhut.com</p>
<p>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,</p>	<p>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 (<i>e.g.</i>, 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.</p> <p>For example, multiple web pages on the Fingerhut website (such as the Fingerhut home page) include a “Feedback” icon (<i>i.e.</i>, 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-</p>

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>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.</p> <div data-bbox="848 412 1604 1101" data-label="Image">A screenshot of the Fingerhut.com website. The browser address bar shows 'www.fingerhut.com'. The website header includes the 'FINGERHUT' logo and navigation links like 'Sign In', 'My Account', 'Order Status', and 'Customer Service'. Below the header is a search bar and a category menu with items like 'Bed + Bath', 'Kitchen', 'Furniture', 'Home', 'Sports', 'Electronics', 'Toys', 'Baby', 'Health + Beauty', and 'Appar'. The main content area features several promotional banners: 'TECHIE GIFTS', '10% OFF ALL DVD + BLU-RAY PLAYERS', 'LOWER PRICES', and a large 'FREE SHIPPING on All Christmas Trees' banner with a promo code 'E2273'. At the bottom right of the page, a 'Rate This Page' button is highlighted with a black box and an arrow pointing to it from the 'All Holiday Décor' link.</div> <p data-bbox="1129 1110 1325 1138">Fingerhut.com.</p> <p data-bbox="541 1182 1837 1252">A more detailed image of this “Feedback” icon is shown below, soliciting the customer to “Rate This Page.”</p> <div data-bbox="1087 1289 1367 1393" data-label="Image">A close-up image of the 'Rate This Page' button, which is a small, light-colored rectangular button with the text 'Rate This Page' in a dark font.</div>

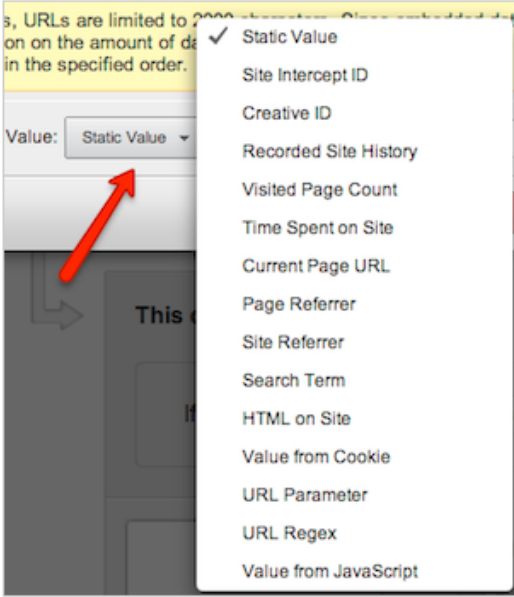
<p>Claim 10 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p style="text-align: center;">Fingerhut.com Feedback Icon</p> <p>Upon user selection of the “Feedback” icon, the Qualtrics Comment Card is displayed to 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.</p> <div style="text-align: center;">  <p style="text-align: center;">Qualtrics Comment Card from Fingerhut.com.</p> </div> <p>Further, the “Comments about this page” text box of the Comment Card shown below allows the user to</p>

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>provide open-ended comments concerning the particular web page without any limitation as to substance.</p> <div data-bbox="743 337 1499 938"></div> <p data-bbox="926 943 1524 976">Qualtrics Comment Card from Fingerhut.com.</p> <p data-bbox="541 1016 1906 1089">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.</p>

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 <p data-bbox="926 873 1524 906">Qualtrics Comment Card from Fingerhut.com.</p> <p data-bbox="541 948 1892 1239">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</p> <p data-bbox="541 1279 1829 1310">As can be seen from the source code of the Qualtrics Comment Card below, the particular web page,</p>

⁷ The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_41e6U2PrJvJad&Pagetype=site+section&PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4.


<p>Claim 10 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>identified by the “Referer” label, is also embedded within the Qualtrics Comment Card itself.</p> <div data-bbox="613 339 1839 522" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <pre> <FORM id="Page" NAME="Page" METHOD="POST" ENCTYPE="multipart/form-data" > <INPUT id='SurveyID' TYPE='HIDDEN' NAME='SurveyID' VALUE='SV_411e6U2FrJjvJad'> <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/'> </pre> </div> <p style="text-align: center;">Qualtrics Comment Card from Fingerhut.com – Source Code</p> <p>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:</p> <div data-bbox="770 708 1682 935" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>Using other built-in Embedded Data fields</p> <p>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.</p> <p>The following built-in Embedded Data fields can be added for your survey:</p> <p style="text-align: center;">...</p> </div> <div data-bbox="810 972 1642 1131" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>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.</p> </div> <p style="text-align: center;"><i>Excerpted from Qualtrics, “Embedded Data,” available at http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/</i></p>

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>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.</p>  <p>The screenshot shows a dropdown menu for 'Value:' with 'Static Value' selected. A red arrow points to the 'Static Value' dropdown. The menu lists the following options: Static Value (checked), 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, and Value from JavaScript.</p> <p><i>Excerpted from Qualtrics, “Embedded Data,” available at http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/</i></p> <p><i>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.”).</i></p> <p>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</p>

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>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.</p> <p>Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example:</p> <ul style="list-style-type: none"> • “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

OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

<p align="center">Claim 10 of U.S. Patent 8,041,805</p>	<p align="center">Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>fact, we recommend it.” Qualtrics, “Site Intercept,” available at http://qualtrics.com/site-intercept/.</p> <ul style="list-style-type: none"> • “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/. <p>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.</p> <p>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.</p>
<p>the first element appearing identically and behaving consistently on each of the plurality of particular web pages;</p>	<p>The “Feedback” icon appears identically and behaves consistently on each of the plurality of particular web pages.</p> <p>For example, many of the web pages on the Fingerhut website include a “Feedback” icon (<i>i.e.</i>, 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).</p>

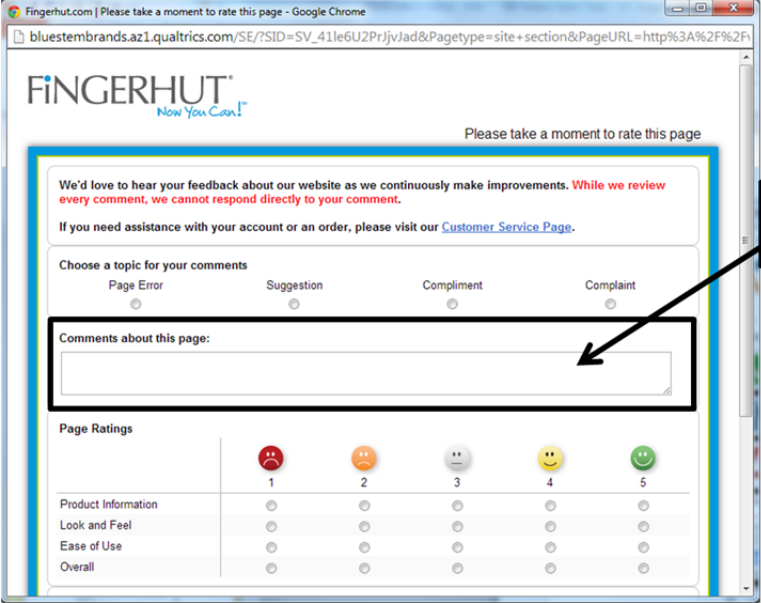
Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 <p data-bbox="1129 1101 1325 1133">Fingerhut.com.</p> <p data-bbox="541 1172 1906 1279">A substantially similar icon appears identically and behaves consistently on most, if not all, Fingerhut web pages implementing the Qualtrics feedback solutions including Comment Cards, including the Fingerhut web page for “Kitchen.”</p>

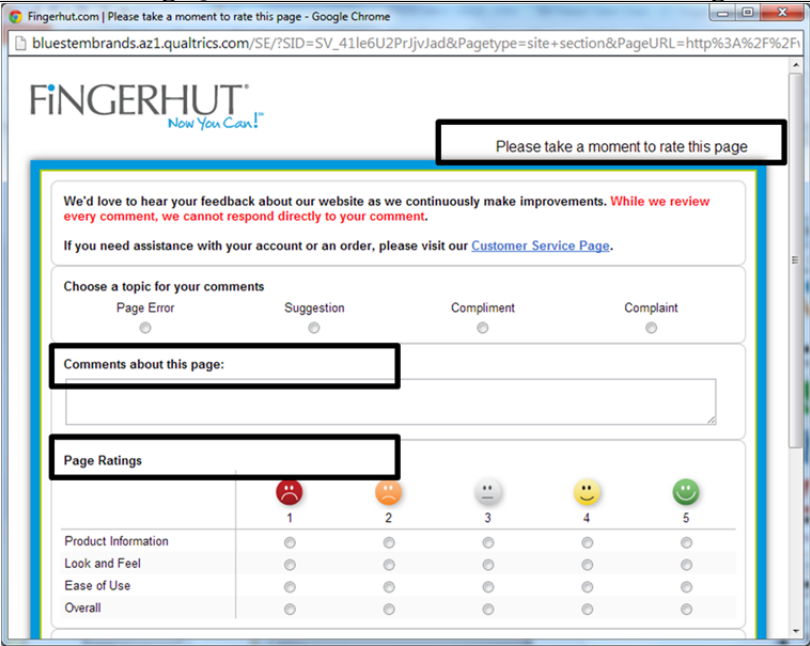
Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 <p data-bbox="1045 1081 1402 1114">Fingerhut.com – “Kitchen”</p> <p data-bbox="541 1154 1675 1187">See Fingerhut, “Kitchen,” available at http://www.fingerhut.com/section/Kitchen/10.uts.</p> <p data-bbox="541 1227 1906 1404">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</p>

OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>element.</p> <p>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.</p>
<p>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,</p>	<p>Most, if not all, web pages on the Fingerhut website implementing Qualtrics feedback solutions including Comment Cards include a “second element” (<i>i.e.</i>, the Comment Card as a whole or a portion thereof) that is displayed in response to user selection of the first element (<i>i.e.</i>, 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.</p> <p>For example, upon the user accessing the particular web page and selecting the “Feedback” icon (<i>i.e.</i>, the “first element”), the Qualtrics Comment Card shown below is displayed. The “second element” depicted below (<i>e.g.</i>, 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.</p>

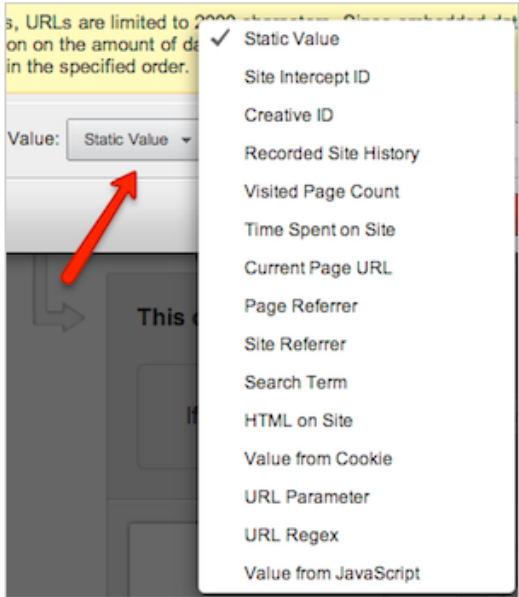
<p>Claim 10 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<div data-bbox="743 264 1495 862" style="text-align: center;"> </div> <p data-bbox="1507 378 1709 461" style="text-align: right; border: 1px solid black; padding: 5px;">Subjective Ratings</p> <p data-bbox="926 865 1524 898" style="text-align: center;">Qualtrics Comment Card from Fingerhut.com.</p> <p data-bbox="541 938 1892 1008">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.</p>

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 <p data-bbox="1499 451 1709 532">Open-ended Comments</p> <p data-bbox="926 873 1524 906">Qualtrics Comment Card from Fingerhut.com.</p> <p data-bbox="541 945 1906 1016">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.</p>

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 <p data-bbox="930 911 1524 943">Qualtrics Comment Card from Fingerhut.com.</p> <p data-bbox="541 984 1892 1273">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</p>

⁸ The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_41le6U2PrJvJad&Pagetype=site+section&PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4.

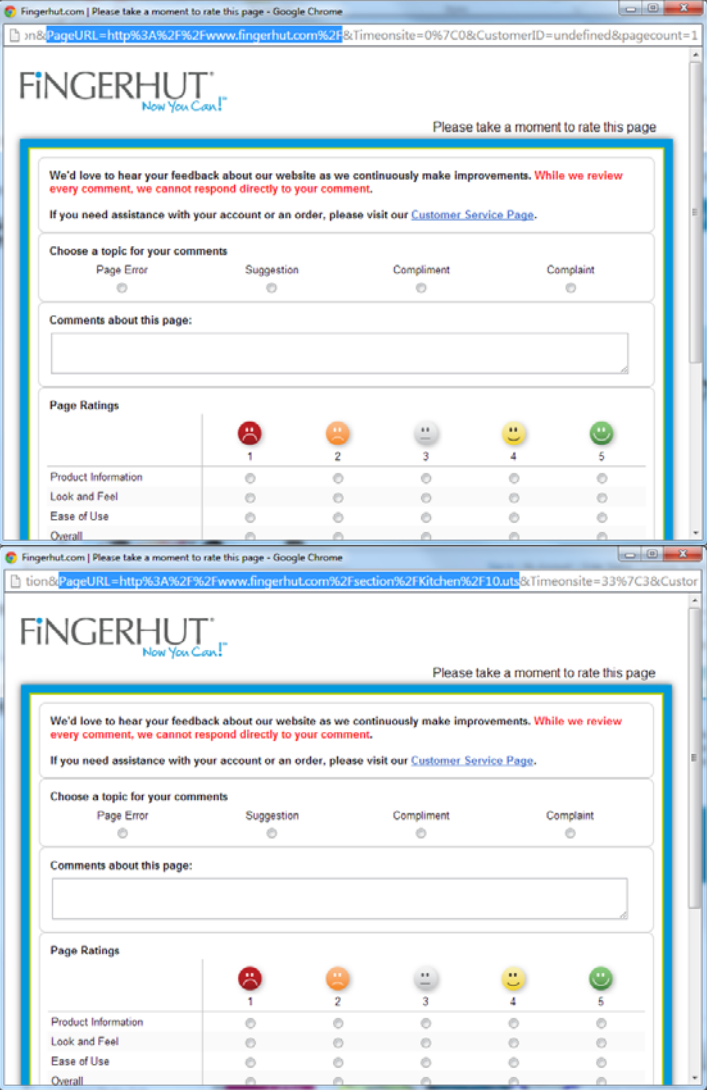
<p>Claim 10 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>As can be seen from the source code of the Qualtrics Comment Card below, the particular web page, identified by the “Referer” label, is also embedded within the Qualtrics Comment Card itself.</p> <div data-bbox="613 375 1839 561" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <pre> <FORM id="Page" NAME="Page" METHOD="POST" ENCTYPE="multipart/form-data" > <INPUT id='SurveyID' TYPE='HIDDEN' NAME='SurveyID' VALUE='SV_411e6U2FrJjvJad'> <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/'> </pre> </div> <p style="text-align: center;">Qualtrics Comment Card from Fingerhut.com – Source Code</p> <p>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:</p> <div data-bbox="770 743 1682 971" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>Using other built-in Embedded Data fields</p> <p>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.</p> <p>The following built-in Embedded Data fields can be added for your survey:</p> <p style="text-align: center;">...</p> </div> <div data-bbox="810 1008 1642 1167" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>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.</p> </div> <p style="text-align: center;"><i>Excerpted from Qualtrics, “Embedded Data,” available at http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/</i></p>

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>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.</p>  <p><i>Excerpted from Qualtrics, “Embedded Data,” available at http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/</i></p> <p><i>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.”).</i></p> <p>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</p>

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>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.</p> <p>Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example:</p> <ul style="list-style-type: none"> • “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

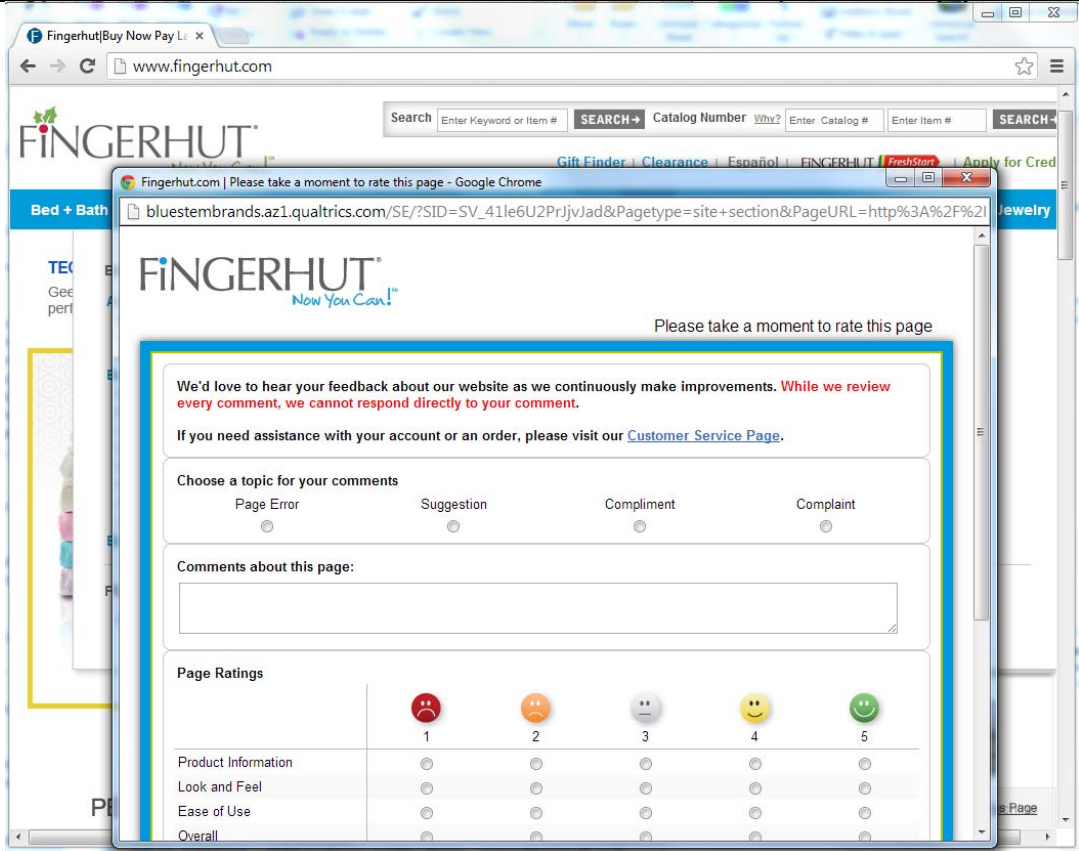
OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

<p align="center">Claim 10 of U.S. Patent 8,041,805</p>	<p align="center">Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>fact, we recommend it.” Qualtrics, “Site Intercept,” available at http://qualtrics.com/site-intercept/.</p> <ul style="list-style-type: none"> • “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/. <p>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.</p> <p>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.</p>
<p>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;</p>	<p>The second element (<i>i.e.</i>, 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.</p> <p>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.</p>

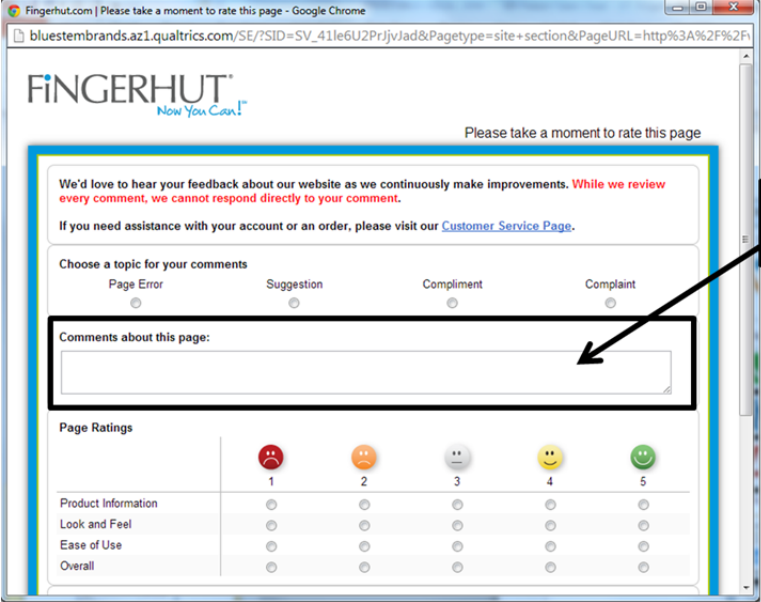
Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 <p>The image displays two screenshots of the Fingerhut.com website, illustrating the use of Qualtrics feedback solutions. Both screenshots show a feedback form titled 'Please take a moment to rate this page' with the Fingerhut logo and tagline 'Now You Can!'. The form includes a message: 'We'd love to hear your feedback about our website as we continuously make improvements. While we review every comment, we cannot respond directly to your comment.' Below this, there is a link to the 'Customer Service Page' and a section to 'Choose a topic for your comments' with options: Page Error, Suggestion, Compliment, and Complaint. A text box is provided for 'Comments about this page:'. The bottom section is titled 'Page Ratings' and features a 5-point scale with smiley face icons (1: sad, 2: neutral, 3: neutral, 4: happy, 5: very happy). The top screenshot shows the overall rating scale, while the bottom screenshot highlights the 'Kitchen' section in the rating scale.</p> <p>Fingerhut.com and "Kitchen" Comment Cards</p>

OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>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.</p> <p>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.</p>
<p>receive the user selection of the first element and initiate display of the second element in response; and</p>	<p>In response to the user selection received via the “Feedback” icon, display of the second element is initiated.</p> <p>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 (<i>e.g.</i>, 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.</p>

<p>Claim 10 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	 <p data-bbox="856 1117 1598 1149">Fingerhut.com Home Page with Qualtrics Comment Card</p> <p data-bbox="541 1190 1900 1404">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</p>

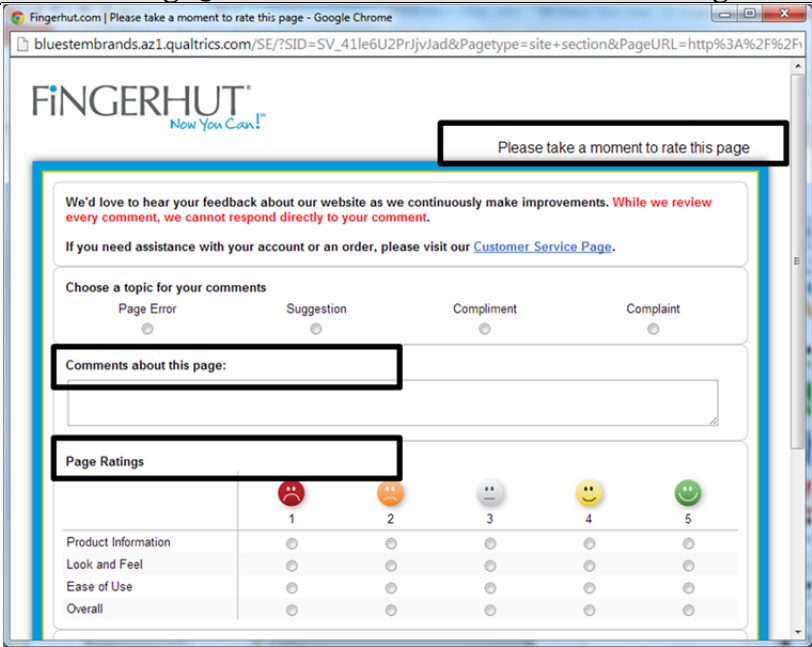
<p>Claim 10 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>“Ease of Use” ratings allows the user to rate at least one characteristic of the particular web page as a whole. Each of these numerical rating scales 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.</p> <div data-bbox="743 412 1493 1008" data-label="Image"> </div> <p style="text-align: center;">Qualtrics Comment Card from Fingerhut.com.</p> <p>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.</p>

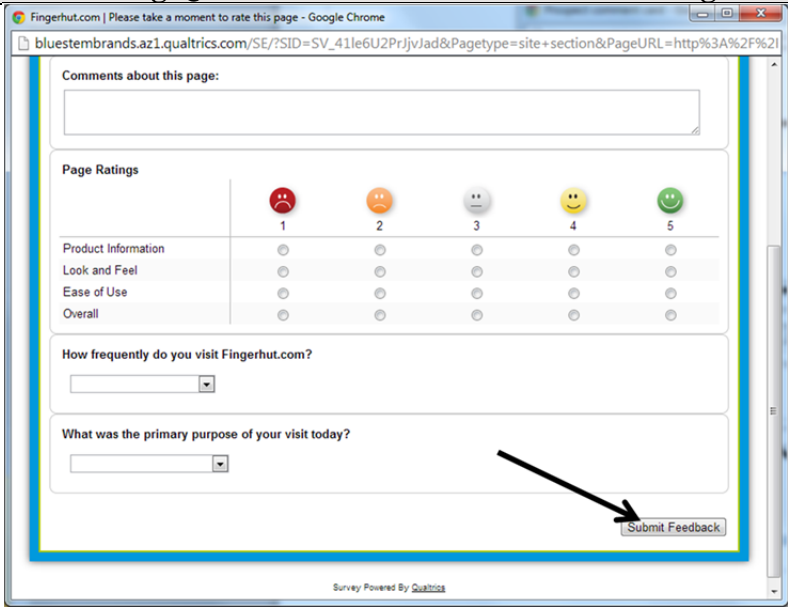
<p>Claim 10 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	 <p style="text-align: center;">Qualtrics Comment Card from Fingerhut.com.</p> <p>OpinionLab contends that this element is literally present. However, 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.</p> <p>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.</p>
<p>receive the page-specific user feedback</p>	<p>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</p>

Open-ended
Comments

<p>Claim 10 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
<p>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,</p>	<p>particular web page.</p> <p>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.</p> <div data-bbox="743 776 1709 1377" style="text-align: center;"> </div> <p>Qualtrics Comment Card from Fingerhut.com.</p>

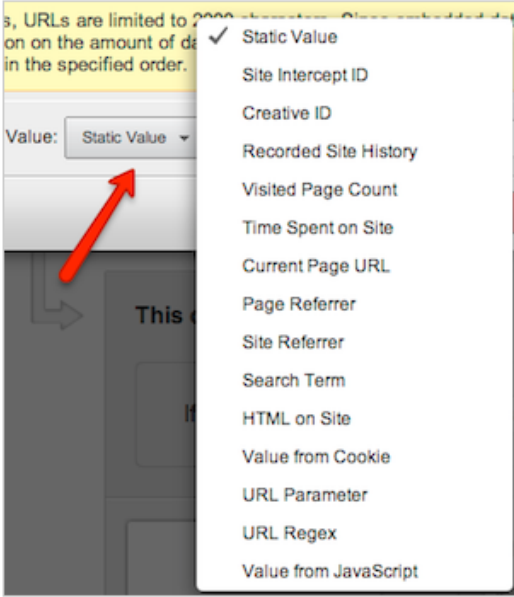
<p>Claim 10 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>Further, the “Comments about this page” text box of the Comment Card shown below allows the user to provide open-ended comments concerning the particular web page without any limitation as to substance.</p> <div data-bbox="743 412 1499 1013" data-label="Image"> </div> <p style="text-align: center;">Qualtrics Comment Card from Fingerhut.com.</p> <p>The associated text (<i>e.g.</i>, “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.</p>

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 <p data-bbox="926 911 1524 943">Qualtrics Comment Card from Fingerhut.com.</p> <p data-bbox="541 984 1873 1052">The user may then submit page-specific feedback to Qualtrics (as the feedback vendor for Fingerhut) by selecting the “Submit Feedback” button.</p>

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 <p data-bbox="932 868 1520 901">Qualtrics Comment Card from Fingerhut.com</p> <p data-bbox="541 943 1892 1193">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:</p> <p data-bbox="541 1193 1289 1230">“PageURL=http%3A%2F%2Fwww.fingerhut.com%2F”.⁹</p> <p data-bbox="541 1271 1829 1302">As can be seen from the source code of the Qualtrics Comment Card below, the particular web page,</p>

⁹ The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_41e6U2PrJvJad&Pagetype=site+section&PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4.

<p>Claim 10 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>identified by the “Referer” label, is also embedded within the Qualtrics Comment Card itself.</p> <div data-bbox="615 342 1839 524" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <pre> <FORM id="Page" NAME="Page" METHOD="POST" ENCTYPE="multipart/form-data" > <INPUT id='SurveyID' TYPE='HIDDEN' NAME='SurveyID' VALUE='SV_411e6U2FrJjvJad'> <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/'> </pre> </div> <p style="text-align: center;">Qualtrics Comment Card from Fingerhut.com – Source Code</p> <p>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:</p> <div data-bbox="772 711 1682 935" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>Using other built-in Embedded Data fields</p> <p>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.</p> <p>The following built-in Embedded Data fields can be added for your survey:</p> <p style="text-align: center;">...</p> <div data-bbox="814 976 1644 1133" style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>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.</p> </div> </div> <p style="text-align: center;"><i>Excerpted from Qualtrics, “Embedded Data,” available at http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/</i></p>

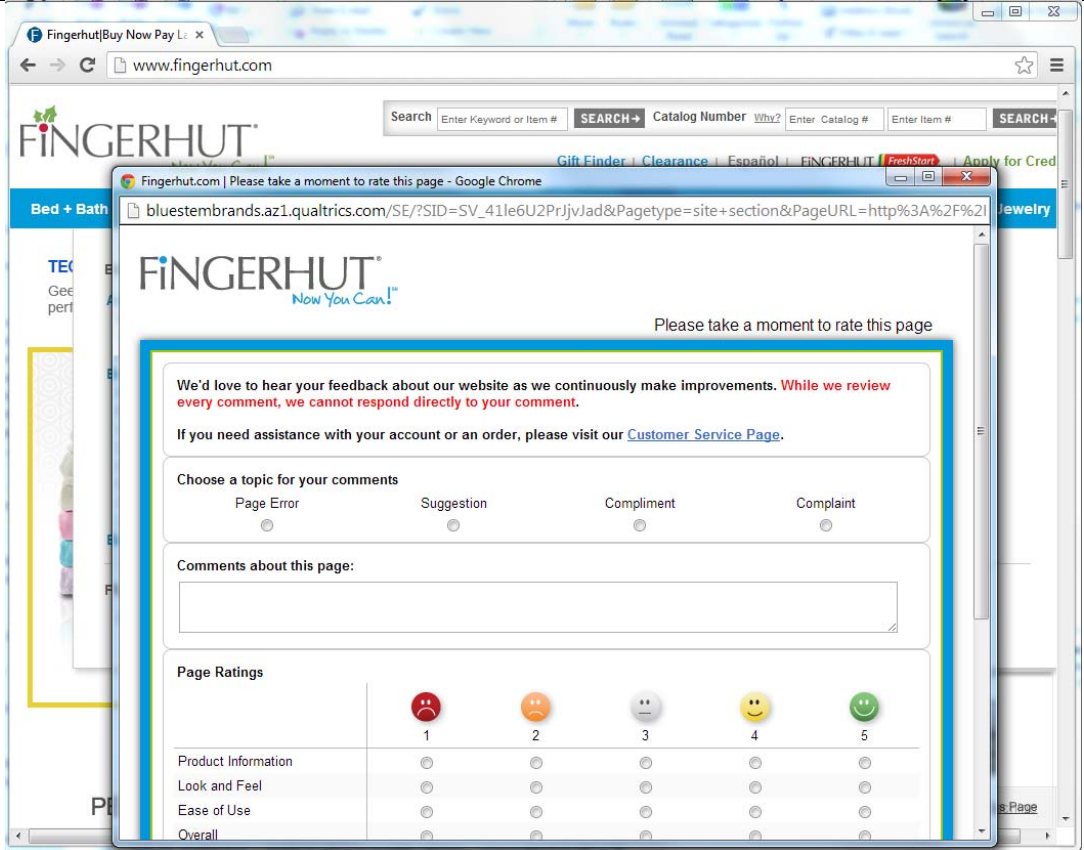
Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>But what if you want dynamic Embedded Data, such as a field storing which page the visitor was viewing when they saw the Creative? For scenarios like this, simply click Static Value to open a menu of additional Embedded Data value options.</p>  <p>The screenshot shows a dropdown menu for 'Value:' with 'Static Value' selected. A red arrow points to the dropdown arrow. The menu lists the following options: Static Value (checked), 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, and Value from JavaScript.</p> <p><i>Excerpted from Qualtrics, “Embedded Data,” available at http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/</i></p> <p><i>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.”).</i></p> <p>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</p>

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>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.</p> <p>Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example:</p> <ul style="list-style-type: none"> • “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
	<p>fact, we recommend it.” Qualtrics, “Site Intercept,” available at http://qualtrics.com/site-intercept/.</p> <ul style="list-style-type: none"> • “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/. <p>The page-specific feedback concerning the particular web page may also be reported to an interested party.</p> <p>For example, Qualtrics describes a variety of reporting mechanisms to an interested party, such as a website owner like Fingerhut:</p> <ul style="list-style-type: none"> • “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.

OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

<p align="center">Claim 10 of U.S. Patent 8,041,805</p>	<p align="center">Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>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/.</p> <p>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.</p> <p>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.</p>
<p>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</p>	<p>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.</p> <p>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.</p>

<p>Claim 10 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	 <p style="text-align: center;">Fingerhut.com Home Page with Qualtrics Comment Card</p> <p>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.</p>

OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

<p align="center">Claim 10 of U.S. Patent 8,041,805</p>	<p align="center">Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>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.</p>
<p>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;</p>	<p>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.</p> <p>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:</p> <ul style="list-style-type: none"> • “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

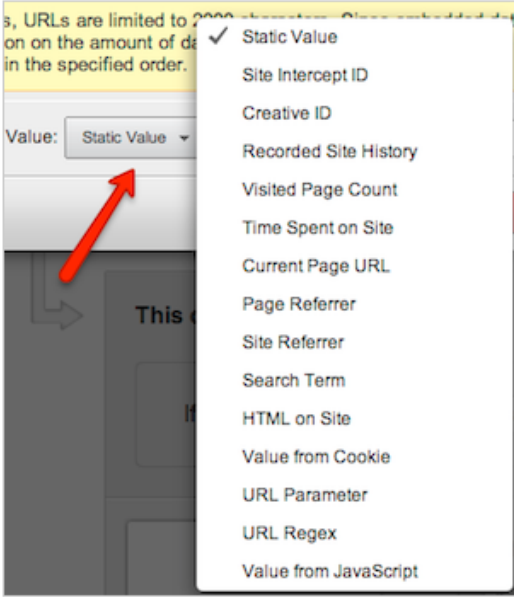
Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>http://qualtrics.com/research-suite/survey-analysis-reporting/.</p> <ul style="list-style-type: none"> • “Custom Reports: * Track the data you care about. * Customize 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/. <p>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.</p> <div data-bbox="821 743 1629 1385" data-label="Image"> <p>The screenshot shows a web browser window displaying a Qualtrics comment card. At the top, it says 'FINGERHUT Now You Can!'. Below that is a box with the text 'Please take a moment to rate this page'. The main content area contains the following text: 'We'd love to hear your feedback about our website as we continuously make improvements. While we review every comment, we cannot respond directly to your comment. If you need assistance with your account or an order, please visit our Customer Service Page.' Below this is a section titled 'Choose a topic for your comments' with four radio buttons: 'Page Error', 'Suggestion', 'Compliment', and 'Complaint'. Underneath is a text input field labeled 'Comments about this page:'. Below that is a 'Page Ratings' section with a 5-point scale (1-5) and five categories: 'Product Information', 'Look and Feel', 'Ease of Use', and 'Overall'. Each category has a corresponding radio button for each rating level.</p> </div> <p>Qualtrics Comment Card from Fingerhut.com.</p>

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>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</p> <p>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.</p> <div data-bbox="613 743 1839 927" style="border: 1px solid black; padding: 10px; margin: 10px auto; width: fit-content;"> <pre> <FORM id="Page" NAME="Page" METHOD="POST" ENCTYPE="multipart/form-data" > <INPUT id='SurveyID' TYPE='HIDDEN' NAME='SurveyID' VALUE='SV_411e6U2PrJjvJad'> <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/'> </pre> </div> <p style="text-align: center;">Qualtrics Comment Card from Fingerhut.com – Source Code</p> <p>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:</p>

¹⁰ The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_411e6U2PrJjvJad&Pagetype=site+section&PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4.

OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<div data-bbox="772 269 1682 493" style="border: 1px solid black; padding: 5px;"> <p>Using other built-in Embedded Data fields</p> <p>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.</p> <p>The following built-in Embedded Data fields can be added for your survey:</p> </div> <p style="text-align: center;">...</p> <div data-bbox="810 529 1642 690" style="border: 1px solid black; padding: 5px;"> <p>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.</p> </div> <p style="text-align: center;"><i>Excerpted from Qualtrics, “Embedded Data,” available at</i> http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/</p>

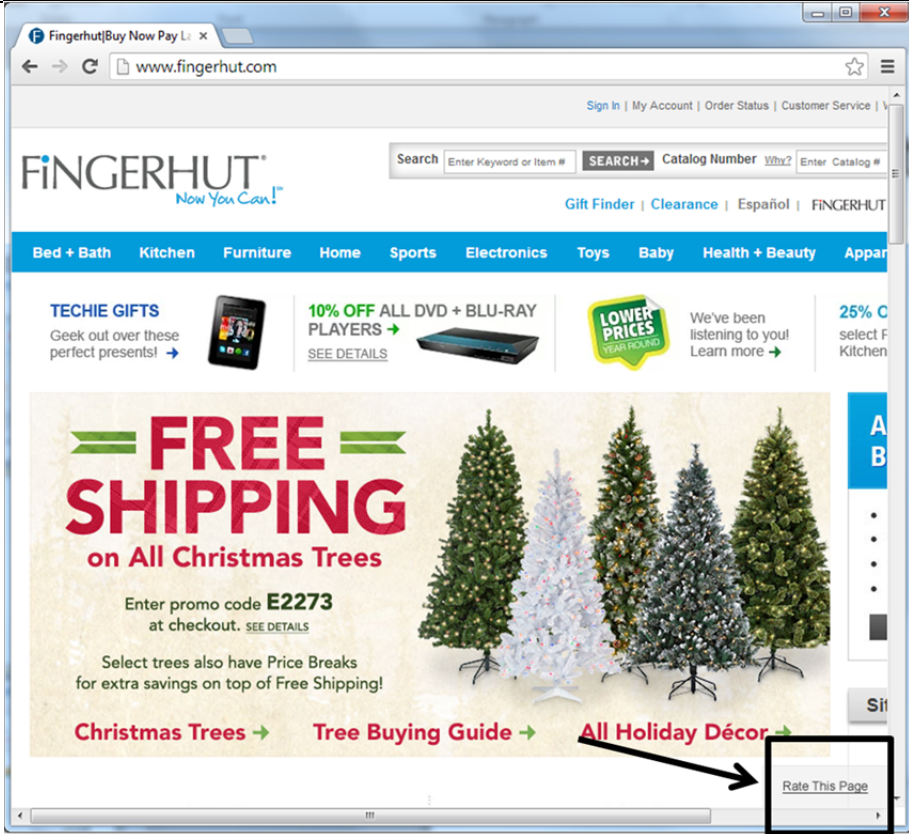
<p>Claim 10 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>But what if you want dynamic Embedded Data, such as a field storing which page the visitor was viewing when they saw the Creative? For scenarios like this, simply click Static Value to open a menu of additional Embedded Data value options.</p>  <p><i>Excerpted from Qualtrics, “Embedded Data,” available at http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/</i></p> <p><i>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.”).</i></p> <p>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</p>

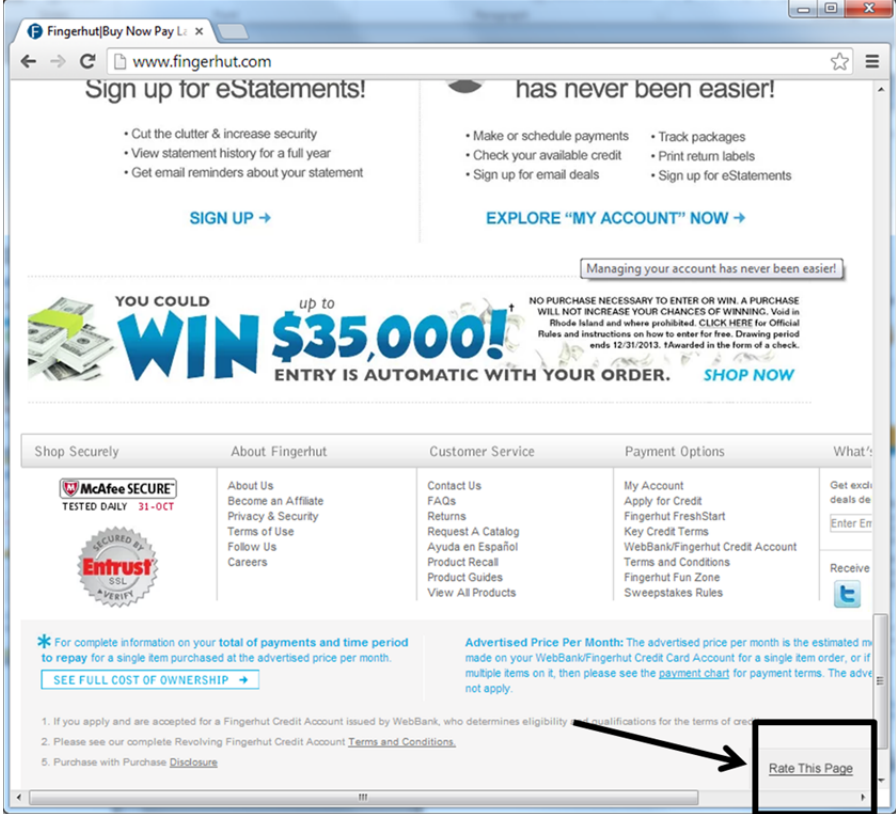
Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>knowledge of the page-specific nature of the feedback, the Qualtrics feedback solutions including Comment Cards system ultimately collects, analyzes, and reports all feedback as it concerns the particular web page regardless of whether the user explicitly identifies the feedback as concerning the particular web page.</p> <p>Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example:</p> <ul style="list-style-type: none"> • “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

OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

<p align="center">Claim 10 of U.S. Patent 8,041,805</p>	<p align="center">Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>fact, we recommend it.” Qualtrics, “Site Intercept,” <i>available at</i> http://qualtrics.com/site-intercept/.</p> <ul style="list-style-type: none"> • “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,” <i>available at</i> http://qualtrics.com/site-intercept/. <p>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.</p> <p>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.</p>
<p>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.</p>	<p>The “Feedback” icon (<i>i.e.</i>, the “first element”) remains viewable within a browser window, at least prior to the user selection, regardless of user scrolling.</p> <p>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 (<i>e.g.</i>, Fingerhut.com) is not entirely viewable to the user.</p>

OpinionLab, Inc.'s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

Claim 10 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 <p data-bbox="1129 1101 1325 1133">Fingerhut.com.</p> <p data-bbox="541 1172 1801 1240">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.</p>

<p>Claim 10 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	 <p>Fingerhut.com – bottom portion of the web page.</p> <p>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.</p>

OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

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.

Claim 11 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
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.	<p>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.</p> <p>For example, the Qualtrics feedback solutions including Comment Cards software is incorporated into and included within the HTML code of each particular web page (<i>e.g.</i>, 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. <i>See, e.g.:</i></p> <ul style="list-style-type: none"> • Feedback Link. <i>See</i> Qualtrics, “Feedback Link,” available at http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/ • Slider. <i>See</i> Qualtrics, “Slider,” available at http://qualtrics.com/university/site-intercept/creatives/passive-creatives/slider/ • Site Intercept. <i>See</i> 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.”)

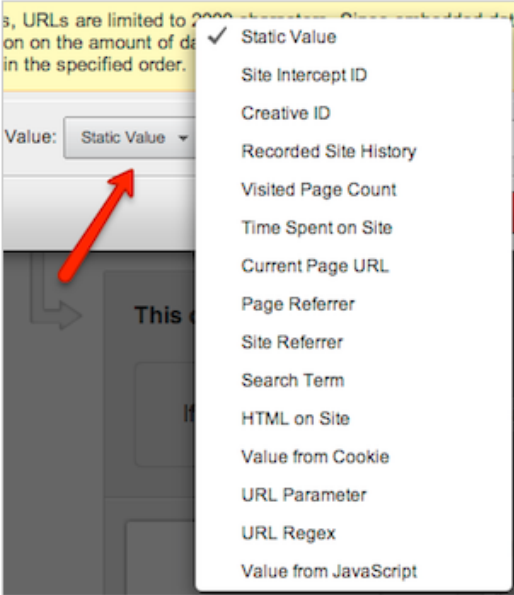
Claim 11 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<ul style="list-style-type: none"> • Anonymous Survey Links. See Qualtrics, “Anonymous Survey Links,” available at http://qualtrics.com/university/researchsuite/distributing/basic-distribution/anonymous-survey-link/ • 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/ <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>

<p>Claim 14 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
<p>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.</p>	<p>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.</p> <p>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.</p> <div data-bbox="741 808 1705 1404" style="text-align: center;"> <p>The screenshot shows a web browser window displaying a feedback form from Fingerhut.com. The form includes a title 'Please take a moment to rate this page', a message about feedback, and a section for 'Page Ratings'. This section contains a table with five columns representing ratings from 1 to 5, each with a corresponding emoji (sad face, neutral, neutral, happy, very happy). Below this are rows for 'Product Information', 'Look and Feel', 'Ease of Use', and 'Overall', each with a radio button for each rating level. A callout box labeled 'Subjective Ratings' has an arrow pointing to the '4' rating option in the 'Page Ratings' section.</p> </div>

<p>Claim 14 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>																														
	<p style="text-align: center;">Qualtrics Comment Card from Fingerhut.com.</p> <p>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.</p> <div data-bbox="842 448 1602 1052" data-label="Image"> <p>The screenshot shows a Qualtrics comment card overlaid on a browser window. At the top, it says 'Please take a moment to rate this page'. Below that, there is a text box for comments with the instruction: 'We'd love to hear your feedback about our website as we continuously make improvements. While we review every comment, we cannot respond directly to your comment. If you need assistance with your account or an order, please visit our Customer Service Page.' There are four radio buttons for 'Choose a topic for your comments': Page Error, Suggestion, Compliment, and Complaint. Below the text box is a 'Page Ratings' section with a 5-point scale (1-5) represented by smiley faces. At the bottom, there is a table for rating specific categories:</p> <table border="1"> <thead> <tr> <th></th> <th>1</th> <th>2</th> <th>3</th> <th>4</th> <th>5</th> </tr> </thead> <tbody> <tr> <td>Product Information</td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> </tr> <tr> <td>Look and Feel</td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> </tr> <tr> <td>Ease of Use</td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> </tr> <tr> <td>Overall</td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> </tr> </tbody> </table> </div> <p style="text-align: center;">Qualtrics Comment Card from Fingerhut.com.</p> <p>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</p>		1	2	3	4	5	Product Information	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Look and Feel	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Ease of Use	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Overall	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	1	2	3	4	5																										
Product Information	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>																										
Look and Feel	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>																										
Ease of Use	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>																										
Overall	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>																										

Claim 14 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>particular web page for feedback, the URL appears as: “PageURL=http%3A%2F%2Fwww.fingerhut.com%2F”.¹¹</p> <p>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.</p> <div data-bbox="611 488 1835 670" style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <pre> <FORM id="Page" NAME="Page" METHOD="POST" ENCTYPE="multipart/form-data" > <INPUT id='SurveyID' TYPE='HIDDEN' NAME='SurveyID' VALUE='SV_411e6U2PrJjvJad'> <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/'> </pre> </div> <p style="text-align: center;">Qualtrics Comment Card from Fingerhut.com – Source Code</p> <p>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:</p> <div data-bbox="768 854 1677 1081" style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>Using other built-in Embedded Data fields</p> <p>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.</p> <p>The following built-in Embedded Data fields can be added for your survey:</p> <p style="text-align: center;">...</p> </div> <div data-bbox="806 1122 1640 1279" style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>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.</p> </div> <p style="text-align: center;"><i>Excerpted from Qualtrics, “Embedded Data,” available at</i></p>

¹¹ The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_411e6U2PrJjvJad&Pagetype=site+section&PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4

<p>Claim 14 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/</p> <div data-bbox="695 339 1749 1068" style="border: 1px solid black; padding: 10px;"> <p>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.</p>  </div> <p><i>Excerpted from Qualtrics, “Embedded Data,” available at http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/</i></p> <p><i>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.”).</i></p> <p>In addition, this page-specificity of the feedback is apparent because it is provided in response to the user</p>


Claim 14 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>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.</p> <p>Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example:</p> <ul style="list-style-type: none"> • “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,” <i>available at</i> 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,” <i>available at</i> 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,” <i>available at</i> 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,” <i>available at</i> 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), <i>available at</i> 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

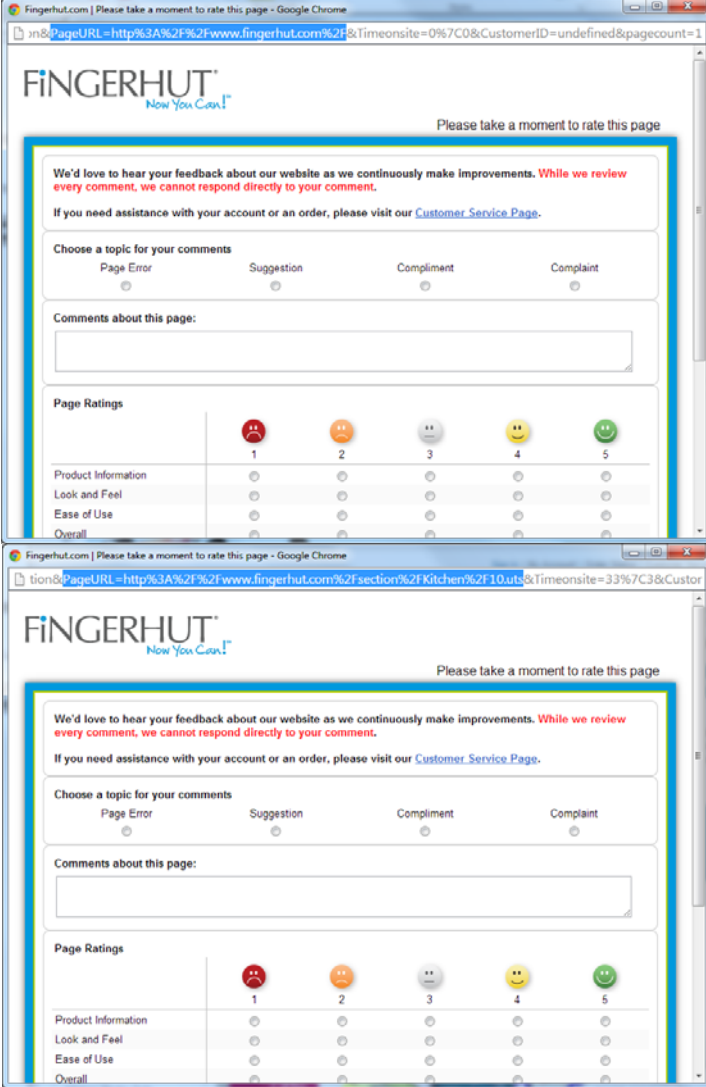
OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

Claim 14 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>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,” <i>available at</i> http://qualtrics.com/site-intercept/.</p> <ul style="list-style-type: none"> • “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,” <i>available at</i> http://qualtrics.com/site-intercept/. <p>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.</p> <p>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.</p>

Claim 17 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
<p>17. The media of claim 10, wherein the plurality of particular web pages comprises substantially all web pages of the website.</p>	<p>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.</p> <p>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.</p>

Claim 17 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 <p data-bbox="1121 1101 1318 1133">Fingerhut.com.</p> <p data-bbox="533 1174 1864 1240">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.”</p>

Claim 17 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 <p data-bbox="1045 1083 1394 1117">Fingerhut.com – “Kitchen”</p> <p data-bbox="533 1154 1665 1188">See Fingerhut, “Kitchen,” available at http://www.fingerhut.com/section/Kitchen/10.uts.</p> <p data-bbox="533 1227 1902 1336">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.</p>


<p>Claim 17 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	 <p>Fingerhut.com and “Kitchen” Comment Cards</p>

OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

Claim 17 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>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.</p> <p>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.</p>

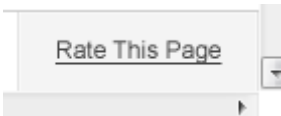
Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
<p>18. A method comprising:</p>	<p>Multiple web pages on Fingerhut’s website include and utilize a method for receiving page-specific feedback concerning a particular 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.</p>

OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

<p>Claim 18 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	 <p>The screenshot shows the Fingerhut.com homepage. At the bottom right of the page, there is a small button labeled 'Rate This Page'. A black arrow points from the text 'All Holiday Décor' to this button, which is enclosed in a black rectangular box. The website header includes the Fingerhut logo, search bars, and navigation menus for various product categories like Bed + Bath, Kitchen, Furniture, etc. A large promotional banner for 'FREE SHIPPING on All Christmas Trees' is visible in the center.</p> <p style="text-align: center;">Fingerhut.com</p>
<p>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</p>	<p>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.</p> <p>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</p>

OpinionLab, Inc.'s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
from the user,	<p>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.</p> <div data-bbox="842 594 1598 1286" data-label="Image">A screenshot of the Fingerhut.com website homepage. The browser address bar shows 'www.fingerhut.com'. The page features a navigation menu with categories like 'Bed + Bath', 'Kitchen', 'Furniture', 'Home', 'Sports', 'Electronics', 'Toys', 'Baby', 'Health + Beauty', and 'Appar'. There are several promotional banners, including one for 'FREE SHIPPING on All Christmas Trees' with a promo code 'E2273'. In the bottom right corner, there is a small icon labeled 'Rate This Page' which is highlighted with a black box and an arrow pointing to it from the text below.</div> <p>Fingerhut.com.</p> <p>A more detailed image of this “Feedback” icon is shown below, soliciting the customer to “Rate This</p>

<p>Claim 18 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>Page.”</p> <div data-bbox="1081 337 1360 451" style="text-align: center;">  </div> <p style="text-align: center;">Fingerhut.com Feedback Icon</p> <p>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.</p>

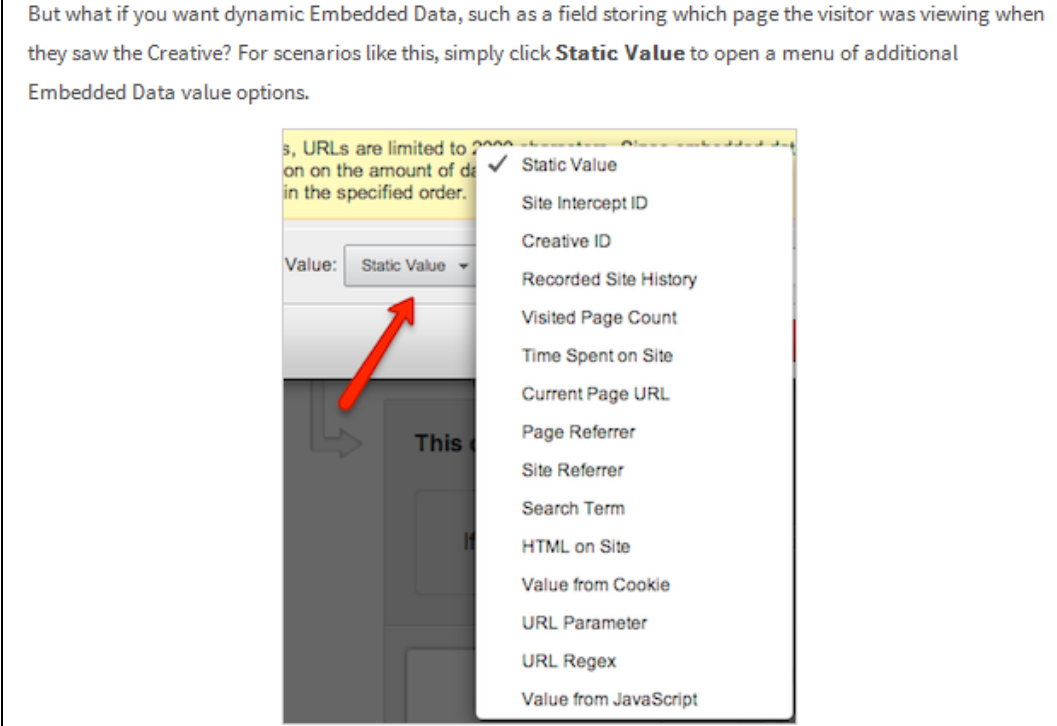
<p>Claim 18 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<div data-bbox="737 267 1486 862" data-label="Image"> </div> <div data-bbox="1501 378 1703 461" data-label="Text"> <p>Subjective Ratings</p> </div> <div data-bbox="919 865 1518 898" data-label="Caption"> <p>Qualtrics Comment Card from Fingerhut.com.</p> </div> <div data-bbox="527 938 1879 1008" data-label="Text"> <p>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.</p> </div>

<p>Claim 18 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<div data-bbox="730 266 1491 867" data-label="Image"> </div> <p data-bbox="919 870 1516 906">Qualtrics Comment Card from Fingerhut.com.</p> <p data-bbox="527 943 1898 1015">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.</p>

<p>Claim 18 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<div data-bbox="835 264 1596 870" data-label="Image"> </div> <p data-bbox="919 873 1516 906" style="text-align: center;">Qualtrics Comment Card from Fingerhut.com.</p> <p data-bbox="527 946 1915 1239">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</p> <p data-bbox="527 1276 1820 1308">As can be seen from the source code of the Qualtrics Comment Card below, the particular web page,</p>

¹² The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_411e6U2PrJvJad&Pagetype=site+section&PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4.

<p>Claim 18 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>identified by the “Referer” label, is also embedded within the Qualtrics Comment Card itself.</p> <div data-bbox="611 342 1835 521" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <pre> <FORM id="Page" NAME="Page" METHOD="POST" ENCTYPE="multipart/form-data" > <INPUT id='SurveyID' TYPE='HIDDEN' NAME='SurveyID' VALUE='SV_411e6U2PrJjvJad'> <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/'> </pre> </div> <p style="text-align: center;">Qualtrics Comment Card from Fingerhut.com – Source Code</p> <p>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:</p> <div data-bbox="768 708 1677 935" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>Using other built-in Embedded Data fields</p> <p>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.</p> <p>The following built-in Embedded Data fields can be added for your survey:</p> <p style="text-align: center;">...</p> <div data-bbox="806 972 1635 1131" style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>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.</p> </div> </div> <p style="text-align: center;"><i>Excerpted from Qualtrics, “Embedded Data,” available at http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/</i></p>

<p>Claim 18 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>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.</p>  <p><i>Excerpted from Qualtrics, “Embedded Data,” available at http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/</i></p> <p><i>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.”).</i></p> <p>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</p>

Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>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.</p> <p>Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example:</p> <ul style="list-style-type: none"> • “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/.

OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

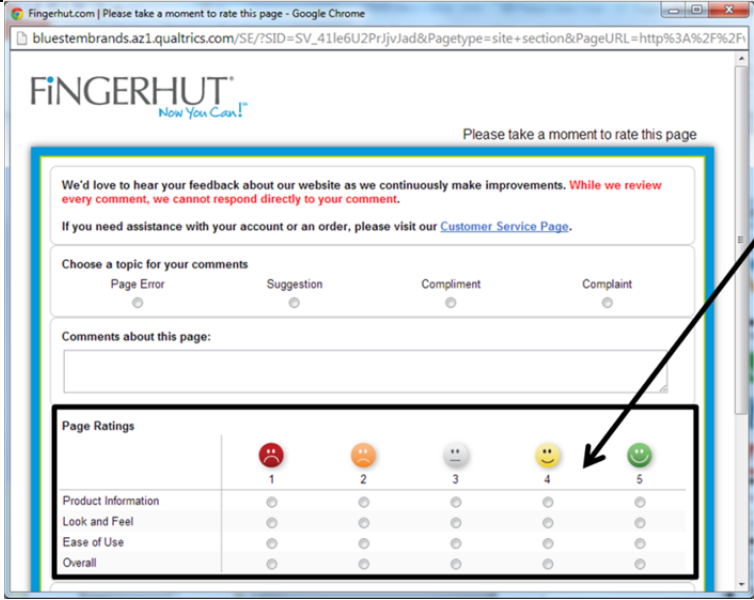
<p align="center">Claim 18 of U.S. Patent 8,041,805</p>	<p align="center">Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<ul style="list-style-type: none"> • “Feedback: Whether you use the built-in feedback creative or not, gathering accurate 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,” <i>available at</i> http://qualtrics.com/site-intercept/. <p>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.</p> <p>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.</p>
<p>the user-selectable element appearing identically and behaving consistently on each of the plurality of particular web pages; and</p>	<p>The “Feedback” icon appears identically and behaves consistently on each of the plurality of particular web pages.</p> <p>For example, many of the web pages on the Fingerhut website include a “Feedback” icon (<i>i.e.</i>, 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).</p>

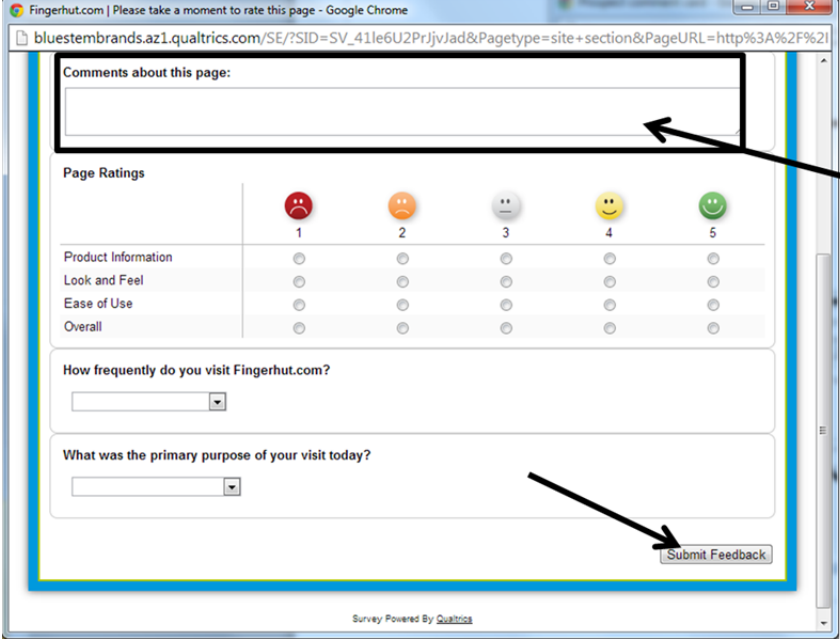
Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 <p data-bbox="1121 1101 1318 1133">Fingerhut.com.</p> <p data-bbox="533 1174 1892 1279">A substantially similar icon appears identically and behaves consistently on most, if not all, Fingerhut web pages implementing the Qualtrics feedback solutions including Comment Cards, including the Fingerhut web page for “Kitchen.”</p>

<p>Claim 18 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	 <p style="text-align: center;">Fingerhut.com – “Kitchen”</p> <p>See Fingerhut, “Kitchen,” available at http://www.fingerhut.com/section/Kitchen/10.uts.</p> <p>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</p>

OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>element.</p> <p>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.</p>
<p>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,</p>	<p>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.</p> <p>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.</p>

Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 <p data-bbox="919 862 1516 894">Qualtrics Comment Card from Fingerhut.com.</p>

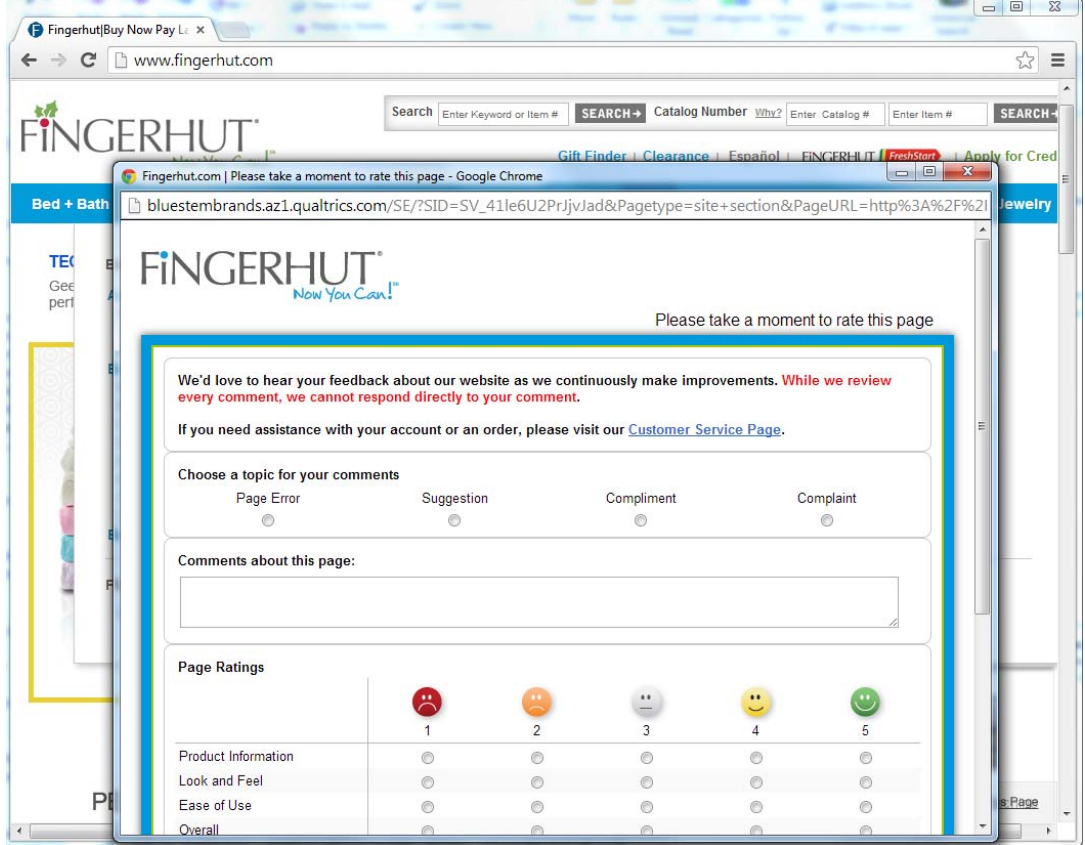
<p>Claim 18 of U.S. Patent 8,041,805</p>	<p align="center">Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	 <p align="center">Qualtrics Comment Card from Fingerhut.com.</p> <p>The page-specific feedback concerning the particular web page may also 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:</p> <ul style="list-style-type: none"> • “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-

OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

<p align="center">Claim 18 of U.S. Patent 8,041,805</p>	<p align="center">Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>suite/survey-analysis-reporting/.</p> <ul style="list-style-type: none"> • “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.” <i>See</i> 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.” <i>See</i> 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.” <i>See</i> Qualtrics, “Enterprise Feedback Management,” available at http://qualtrics.com/research-suite/enterprise-feedback-management/. <p>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.</p> <p>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.</p>
<p>the page-specific user feedback concerning the particular webpages</p>	<p>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.</p>

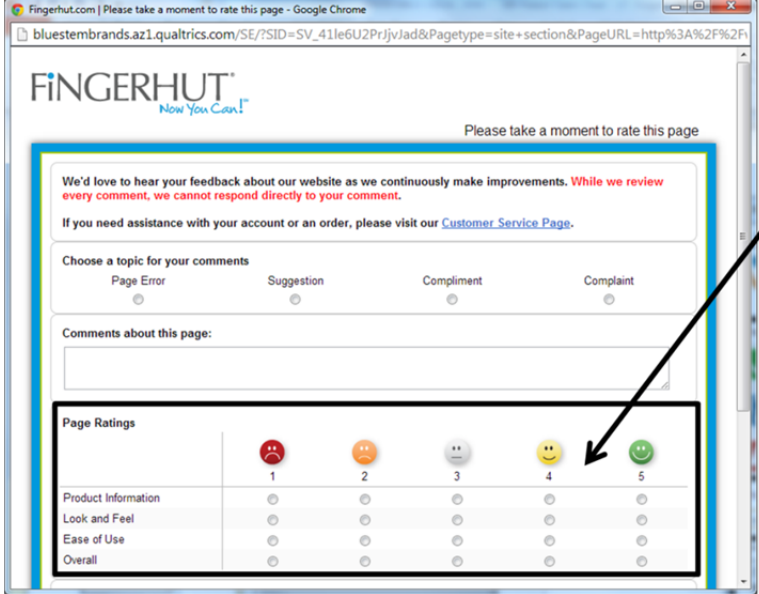
OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

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

<p>Claim 18 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>																														
	 <p>The screenshot shows the Fingerhut.com website with a Qualtrics comment card overlaid. The comment card contains the following text: 'Please take a moment to rate this page', 'We'd love to hear your feedback about our website as we continuously make improvements. While we review every comment, we cannot respond directly to your comment.', and 'If you need assistance with your account or an order, please visit our Customer Service Page.' Below this is a section for 'Choose a topic for your comments' with radio buttons for 'Page Error', 'Suggestion', 'Compliment', and 'Complaint'. There is a text input field for 'Comments about this page:' and a 'Page Ratings' section with five smiley face icons (1-5) and a table for rating various aspects of the page.</p> <table border="1" data-bbox="840 909 1617 1104"> <thead> <tr> <th>Page Ratings</th> <th>1</th> <th>2</th> <th>3</th> <th>4</th> <th>5</th> </tr> </thead> <tbody> <tr> <td>Product Information</td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> </tr> <tr> <td>Look and Feel</td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> </tr> <tr> <td>Ease of Use</td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> </tr> <tr> <td>Overall</td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> </tr> </tbody> </table> <p>Fingerhut.com Home Page with Qualtrics Comment Card</p> <p>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.</p>	Page Ratings	1	2	3	4	5	Product Information	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Look and Feel	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Ease of Use	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Overall	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Page Ratings	1	2	3	4	5																										
Product Information	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>																										
Look and Feel	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>																										
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OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>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.</p>
<p>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,</p>	<p>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.</p> <p>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.</p>

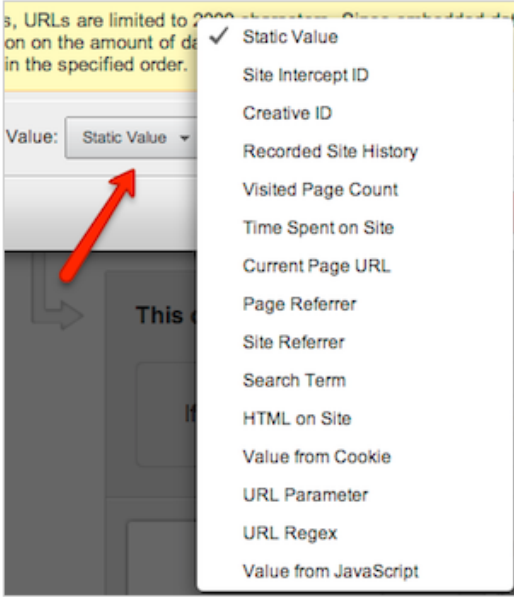
Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 <p data-bbox="919 865 1516 898">Qualtrics Comment Card from Fingerhut.com.</p> <p data-bbox="527 938 1879 1008">Further, the “Comments about this page” text box of the Comment Card shown below allows the user to provide open-ended comments concerning the particular web page without any limitation as to substance.</p>

<p>Claim 18 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<div data-bbox="737 269 1493 865" data-label="Image"> </div> <p data-bbox="919 873 1516 906" style="text-align: center;">Qualtrics Comment Card from Fingerhut.com.</p> <p data-bbox="531 946 1896 1015">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.</p>

<p>Claim 18 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<div data-bbox="814 264 1627 906" data-label="Image"> </div> <p data-bbox="919 911 1518 943" style="text-align: center;">Qualtrics Comment Card from Fingerhut.com.</p> <p data-bbox="527 982 1915 1274"> 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 </p>

¹³ The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_411e6U2PrJvJad&Pagetype=site+section&PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4.

<p>Claim 18 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>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.</p> <div data-bbox="611 375 1835 560" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <pre> <FORM id="Page" NAME="Page" METHOD="POST" ENCTYPE="multipart/form-data" > <INPUT id='SurveyID' TYPE='HIDDEN' NAME='SurveyID' VALUE='SV_411e6U2PrJjvJad'> <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/'> </pre> </div> <p style="text-align: center;">Qualtrics Comment Card from Fingerhut.com – Source Code</p> <p>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:</p> <div data-bbox="768 743 1677 971" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>Using other built-in Embedded Data fields</p> <p>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.</p> <p>The following built-in Embedded Data fields can be added for your survey:</p> <p style="text-align: center;">...</p> </div> <div data-bbox="806 1008 1635 1167" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>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.</p> </div> <p style="text-align: center;"><i>Excerpted from Qualtrics, “Embedded Data,” available at http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/</i></p>

Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>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.</p>  <p><i>Excerpted from Qualtrics, “Embedded Data,” available at http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/</i></p> <p><i>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.”).</i></p> <p>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</p>

Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>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.</p> <p>Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example:</p> <ul style="list-style-type: none"> • “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/.

OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

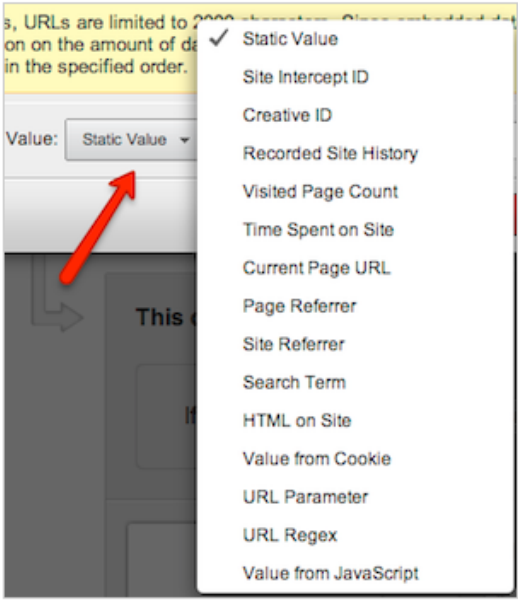
<p align="center">Claim 18 of U.S. Patent 8,041,805</p>	<p align="center">Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<ul style="list-style-type: none"> • “Feedback: Whether you use the built-in feedback creative or not, gathering accurate 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,” <i>available at</i> http://qualtrics.com/site-intercept/. <p>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.</p> <p>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.</p>
<p>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</p>	<p>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.</p> <p>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:</p> <ul style="list-style-type: none"> • “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

<p>Claim 18 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
<p>particular web pages;</p>	<p>customization.” See Qualtrics, “About Viewing Reports,” available at http://qualtrics.com/university/researchsuite/reporting/view-reports/about-viewing-reports/.</p> <ul style="list-style-type: none"> • “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/. <p>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.</p>

<p>Claim 18 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<div data-bbox="814 264 1627 906" data-label="Image"> </div> <p data-bbox="919 911 1518 943" style="text-align: center;">Qualtrics Comment Card from Fingerhut.com.</p> <p data-bbox="527 982 1915 1274"> 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”.¹⁴ </p>

¹⁴ The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_411e6U2PrJvJad&Pagetype=site+section&PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4.


<p>Claim 18 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>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.</p> <div data-bbox="611 375 1835 561" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <pre> <FORM id="Page" NAME="Page" METHOD="POST" ENCTYPE="multipart/form-data" > <INPUT id='SurveyID' TYPE='HIDDEN' NAME='SurveyID' VALUE='SV_411e6U2PrJjvJad'> <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/'> </pre> </div> <p style="text-align: center;">Qualtrics Comment Card from Fingerhut.com – Source Code</p> <p>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:</p> <div data-bbox="768 743 1677 971" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>Using other built-in Embedded Data fields</p> <p>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.</p> <p>The following built-in Embedded Data fields can be added for your survey:</p> <p style="text-align: center;">...</p> </div> <div data-bbox="806 1008 1635 1167" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>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.</p> </div> <p style="text-align: center;"><i>Excerpted from Qualtrics, “Embedded Data,” available at http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/</i></p>

<p>Claim 18 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>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.</p>  <p><i>Excerpted from Qualtrics, “Embedded Data,” available at http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/</i></p> <p><i>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.”).</i></p> <p>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</p>

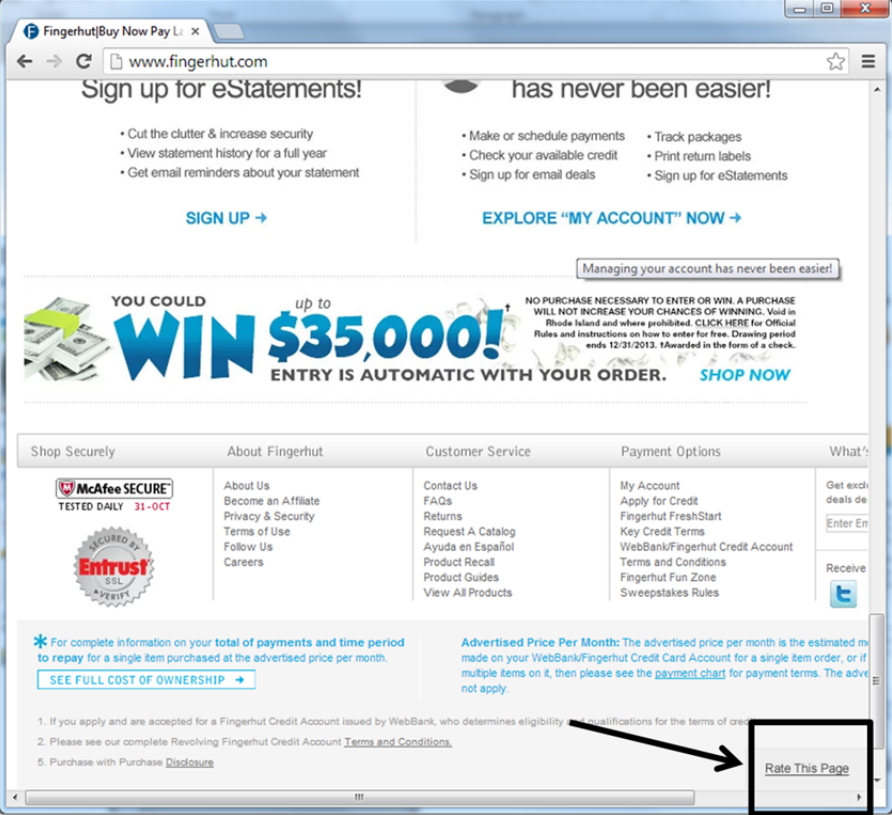
Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>knowledge of the page-specific nature of the feedback, the Qualtrics feedback solutions including Comment Cards system ultimately collects, analyzes, and reports all feedback as it concerns the particular web page regardless of whether the user explicitly identifies the feedback as concerning the particular web page.</p> <p>Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example:</p> <ul style="list-style-type: none"> • “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/.

OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

<p align="center">Claim 18 of U.S. Patent 8,041,805</p>	<p align="center">Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<ul style="list-style-type: none"> • “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,” <i>available at</i> http://qualtrics.com/site-intercept/. <p>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.</p> <p>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.</p>
<p>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.</p>	<p>The “Feedback” icon (<i>i.e.</i>, the “user-selectable element”) remains viewable within a browser window, at least prior to the user selection, regardless of user scrolling.</p> <p>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 (<i>e.g.</i>, Fingerhut.com) is not entirely viewable to the user.</p>

Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 <p data-bbox="1121 1101 1318 1133">Fingerhut.com.</p> <p data-bbox="533 1174 1793 1239">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.</p>

OpinionLab, Inc.'s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

Claim 18 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 <p>Fingerhut.com – bottom portion of the web page.</p> <p>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.</p>

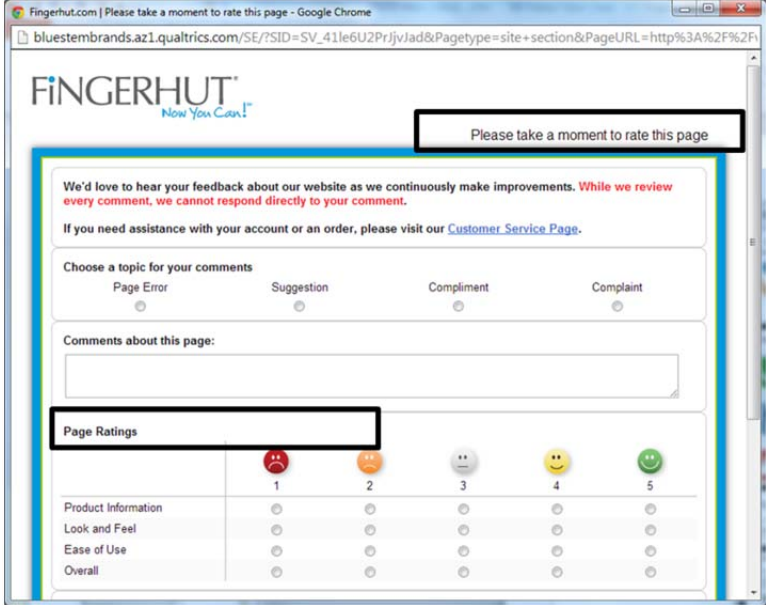
OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

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.

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.	<p>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.</p> <p>For example, the Qualtrics feedback solutions including Comment Cards software is incorporated into and included within the HTML code of each particular web page (<i>e.g.</i>, 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. <i>See, e.g.</i>:</p> <ul style="list-style-type: none"> • Feedback Link. <i>See</i> Qualtrics, “Feedback Link,” available at http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/ • Slider. <i>See</i> Qualtrics, “Slider,” available at http://qualtrics.com/university/site-intercept/creatives/passive-creatives/slider/ • Site Intercept. <i>See</i> 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.”)

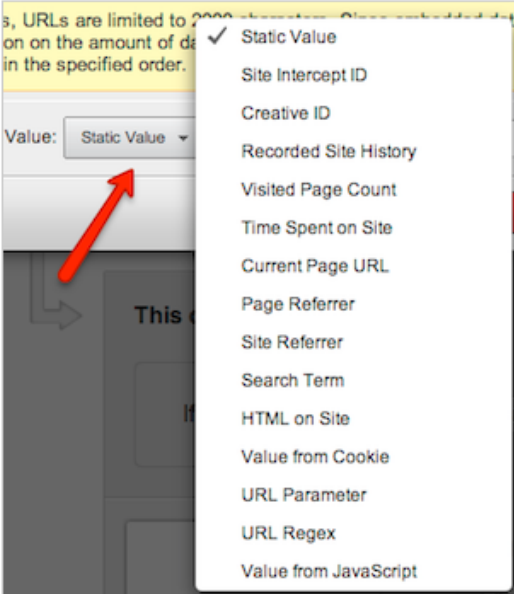
<p>Claim 19 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<ul style="list-style-type: none"> • Anonymous Survey Links. <i>See</i> Qualtrics, “Anonymous Survey Links,” <i>available at</i> http://qualtrics.com/university/researchsuite/distributing/basic-distribution/anonymous-survey-link/ • In-Page Pop-Ups. <i>See</i> Qualtrics, “In-Page Pop-Up,” <i>available at</i> http://qualtrics.com/university/researchsuite/distributing/more-distribution-methods/in-page-pop-up/ • Website Feedback via Feedback Link. <i>See</i> Qualtrics, “Website Feedback,” <i>available at</i> http://qualtrics.com/university/researchsuite/distributing/more-distribution-methods/website-feedback/ <p>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. <i>See</i> Qualtrics Comment Card from Fingerhut.com –Source Code <i>available at</i> http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_411e6U2PrJjvJad&Pagetype=site+section&PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4.</p> <p>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.</p> <p>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.</p> <p>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.</p>

<p>Claim 22 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
<p>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.</p>	<p>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.</p> <p>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.</p> <div data-bbox="739 808 1705 1403" style="text-align: center;"> <p>The screenshot shows a web browser window with the URL 'bluestembrands.az1.qualtrics.com/SE/?SID=SV_41le6U2PrJvJad&Pagetype=site+section&PageURL=http%3A%2F%2F...'. The page title is 'FINGERHUT Now You Can!'. Below the title, there is a section titled 'Please take a moment to rate this page'. The text reads: 'We'd love to hear your feedback about our website as we continuously make improvements. While we review every comment, we cannot respond directly to your comment. If you need assistance with your account or an order, please visit our Customer Service Page.' There are four radio buttons for 'Choose a topic for your comments': Page Error, Suggestion, Compliment, and Complaint. Below that is a text input field for 'Comments about this page:'. The 'Page Ratings' section is highlighted with a black box and contains a table with five columns representing ratings 1 through 5, each with a corresponding smiley face icon (1: sad, 2: neutral, 3: neutral, 4: happy, 5: very happy). Below the 'Page Ratings' section are four rows of radio buttons for 'Product Information', 'Look and Feel', 'Ease of Use', and 'Overall'. An arrow points from a box labeled 'Subjective Ratings' to the 4 rating option in the 'Page Ratings' section.</p> </div>

<p>Claim 22 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards Qualtrics Comment Card from Fingerhut.com.</p>
	<p>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.</p>  <p>Qualtrics Comment Card from Fingerhut.com.</p> <p>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</p>

Claim 22 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>particular web page for feedback, the URL appears as: “PageURL=http%3A%2F%2Fwww.fingerhut.com%2F”.¹⁵</p> <p>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.</p> <div data-bbox="611 488 1835 670" style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <pre> <FORM id="Page" NAME="Page" METHOD="POST" ENCTYPE="multipart/form-data" > <INPUT id='SurveyID' TYPE='HIDDEN' NAME='SurveyID' VALUE='SV_411e6U2PrJjvJad'> <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/'> </pre> </div> <p style="text-align: center;">Qualtrics Comment Card from Fingerhut.com – Source Code</p> <p>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:</p> <div data-bbox="768 854 1677 1081" style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>Using other built-in Embedded Data fields</p> <p>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.</p> <p>The following built-in Embedded Data fields can be added for your survey:</p> <p style="text-align: center;">...</p> </div> <div data-bbox="806 1118 1640 1278" style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>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.</p> </div> <p style="text-align: center;"><i>Excerpted from Qualtrics, “Embedded Data,” available at</i></p>

¹⁵ The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_411e6U2PrJjvJad&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
	<p data-bbox="632 272 1814 302">http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/</p> <div data-bbox="695 339 1749 1068"><p data-bbox="722 347 1738 448">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.</p><p>The screenshot shows a dropdown menu with the following options: Static Value (checked), 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, and Value from JavaScript. A red arrow points to the 'Static Value' option.</p></div> <p data-bbox="625 1076 1822 1143"><i>Excerpted from Qualtrics, “Embedded Data,” available at http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/</i></p> <p data-bbox="533 1187 1902 1328"><i>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.”).</i></p> <p data-bbox="533 1369 1881 1396">In addition, this page-specificity of the feedback is apparent because it is provided in response to the user</p>

Claim 22 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>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.</p> <p>Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example:</p> <ul style="list-style-type: none"> • “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

OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

Claim 22 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>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,” <i>available at</i> http://qualtrics.com/site-intercept/.</p> <ul style="list-style-type: none"> • “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,” <i>available at</i> http://qualtrics.com/site-intercept/. <p>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.</p> <p>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.</p>

Claim 25 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
<p>25. The method of claim 18, wherein the plurality of particular web pages comprises substantially all web pages of the website.</p>	<p>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.</p> <p>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.</p>

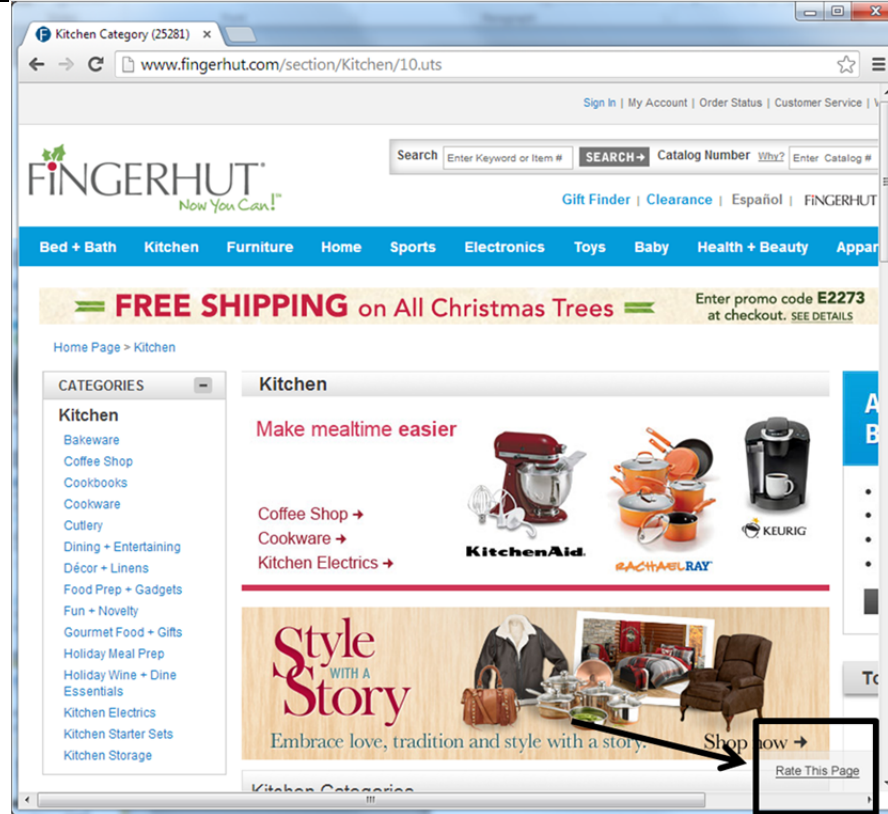
OpinionLab, Inc.'s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

Claim 25 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 <p data-bbox="1121 1101 1318 1133">Fingerhut.com.</p> <p data-bbox="533 1174 1864 1243">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.”</p>

OpinionLab, Inc.'s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

Claim 25 of
U.S. Patent 8,041,805

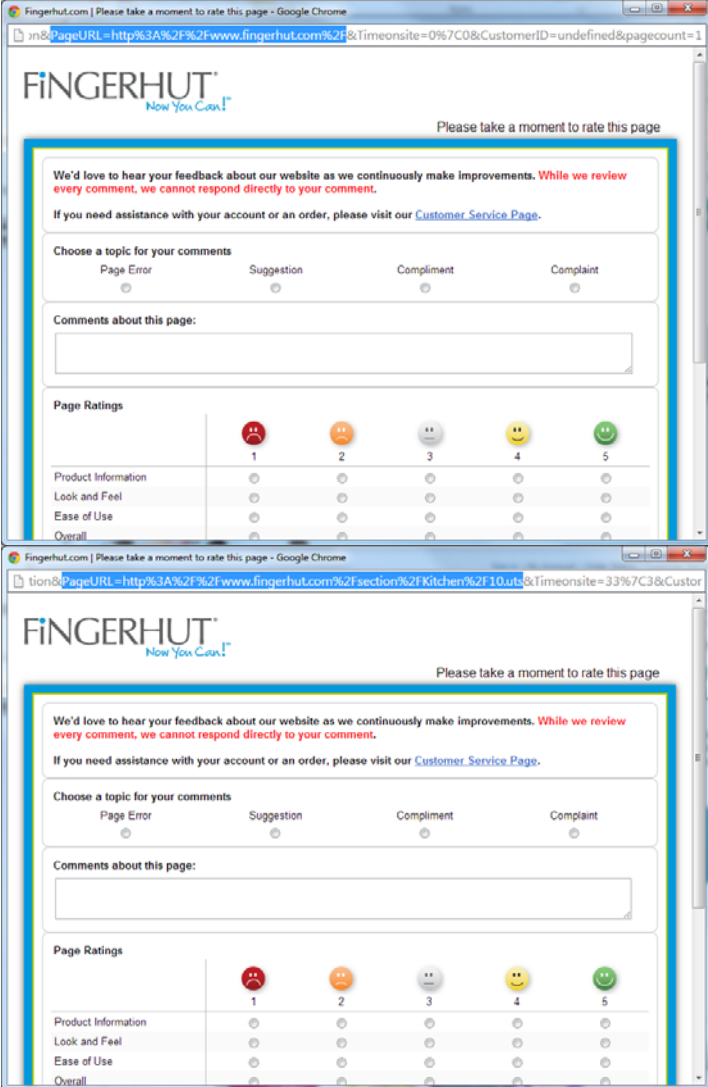
Accused Instrumentality
Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards



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.


<p>Claim 25 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	 <p data-bbox="919 1354 1520 1386">Fingerhut.com and "Kitchen" Comment Cards</p>

OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805


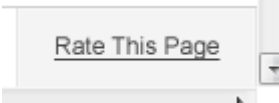
Claim 25 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be literally present, OpinionLab contends that, 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.</p> <p>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.</p>

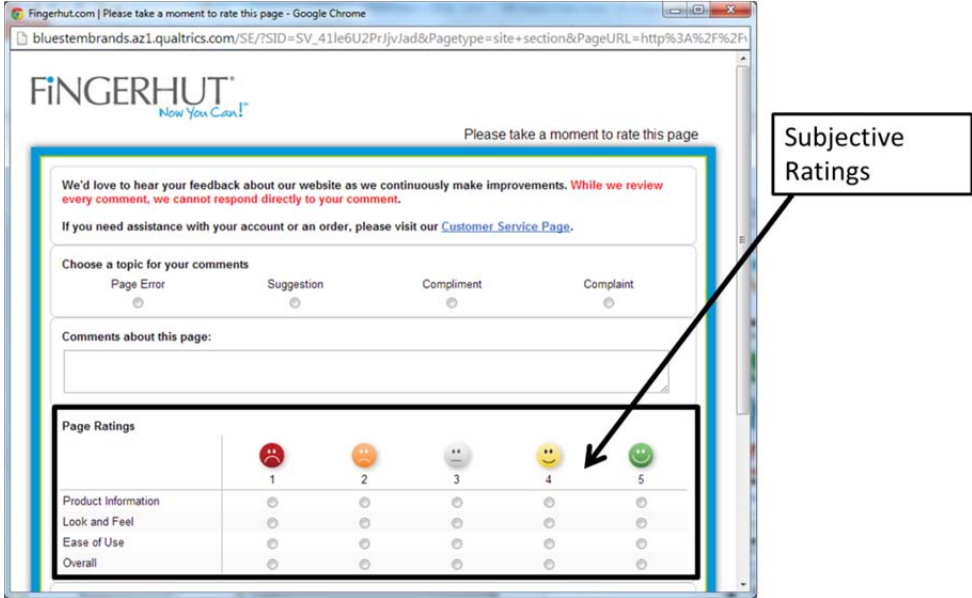
Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
<p>26. A method comprising:</p>	<p>Multiple web pages on Fingerhut’s website include and utilize a method for receiving page-specific feedback concerning a particular 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.</p>

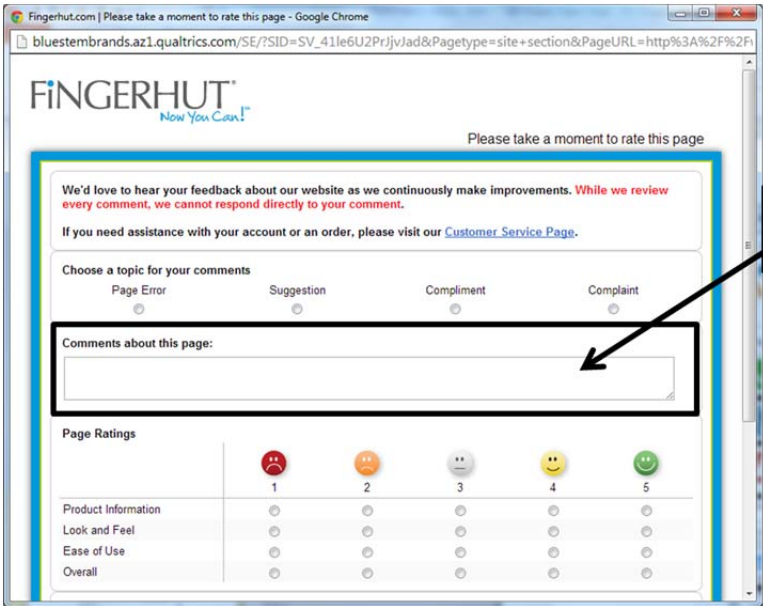
OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

<p>Claim 26 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	 <p style="text-align: center;">Fingerhut.com</p>
<p>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,</p>	<p>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 (<i>e.g.</i>, 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.</p> <p>For example, multiple web pages on the Fingerhut website (such as the Fingerhut home page) include a “Feedback” icon (<i>i.e.</i>, 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</p>

OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>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.</p> <div data-bbox="842 412 1598 1101">A screenshot of the Fingerhut.com homepage. The browser address bar shows 'www.fingerhut.com'. The page features a navigation menu with categories like 'Bed + Bath', 'Kitchen', 'Furniture', 'Home', 'Sports', 'Electronics', 'Toys', 'Baby', 'Health + Beauty', and 'Appar'. Below the navigation are promotional banners for 'TECHIE GIFTS', '10% OFF ALL DVD + BLU-RAY PLAYERS', and 'LOWER PRICES'. The main content area features a large banner for 'FREE SHIPPING on All Christmas Trees' with a promo code 'E2273'. At the bottom of this banner, there are links for 'Christmas Trees', 'Tree Buying Guide', and 'All Holiday Décor'. A 'Rate This Page' button is located in the bottom right corner of the banner area, highlighted with a black box and an arrow pointing to it from the 'All Holiday Décor' link.</div> <p>Fingerhut.com.</p> <p>A more detailed image of this “Feedback” icon is shown below, soliciting the customer to “Rate This Page.”</p> <div data-bbox="1083 1289 1360 1391">A close-up image of the 'Rate This Page' button, which is a small, rectangular button with the text 'Rate This Page' in a simple font.</div>

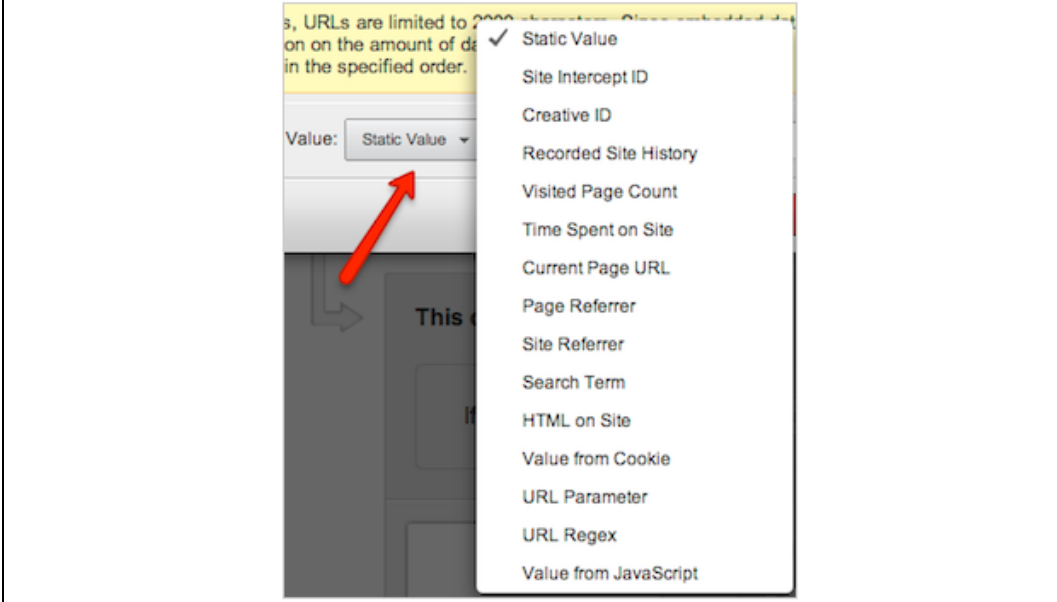
<p>Claim 26 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p style="text-align: center;">Fingerhut.com Feedback Icon</p> <p>Upon user selection of the “Feedback” icon, the Qualtrics Comment Card is displayed to 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.</p> <div style="text-align: center;">  <p style="text-align: center;">Qualtrics Comment Card from Fingerhut.com.</p> </div> <p>Further, the “Comments about this page” text box of the Comment Card shown below allows the user to</p>

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p data-bbox="533 271 1881 305">provide open-ended comments concerning the particular web page without any limitation as to substance.</p> <div data-bbox="737 337 1495 938"></div> <p data-bbox="1501 521 1703 607">Open-ended Comments</p> <p data-bbox="926 943 1518 977">Qualtrics Comment Card from Fingerhut.com.</p> <p data-bbox="533 1016 1896 1086">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.</p>

<p>Claim 26 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<div data-bbox="835 269 1598 870" data-label="Image"> </div> <p data-bbox="919 873 1516 906" style="text-align: center;">Qualtrics Comment Card from Fingerhut.com.</p> <p data-bbox="527 946 1915 1239">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</p> <p data-bbox="527 1276 1820 1308">As can be seen from the source code of the Qualtrics Comment Card below, the particular web page,</p>

¹⁶ The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_411e6U2PrJvJad&Pagetype=site+section&PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4.

<p>Claim 26 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>identified by the “Referer” label, is also embedded within the Qualtrics Comment Card itself.</p> <div data-bbox="611 342 1835 521" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <pre> <FORM id="Page" NAME="Page" METHOD="POST" ENCTYPE="multipart/form-data" > <INPUT id='SurveyID' TYPE='HIDDEN' NAME='SurveyID' VALUE='SV_411e6U2PrJjvJad'> <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/'> </pre> </div> <p style="text-align: center;">Qualtrics Comment Card from Fingerhut.com – Source Code</p> <p>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:</p> <div data-bbox="768 711 1677 935" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>Using other built-in Embedded Data fields</p> <p>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.</p> <p>The following built-in Embedded Data fields can be added for your survey:</p> <p style="text-align: center;">...</p> <div data-bbox="806 976 1635 1133" style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>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.</p> </div> </div> <p style="text-align: center;"><i>Excerpted from Qualtrics, “Embedded Data,” available at http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/</i></p>


<p>Claim 26 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>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.</p>  <p><i>Excerpted from Qualtrics, “Embedded Data,” available at http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/</i></p> <p><i>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.”).</i></p> <p>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</p>

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>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.</p> <p>Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example:</p> <ul style="list-style-type: none"> • “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/.

OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

<p align="center">Claim 26 of U.S. Patent 8,041,805</p>	<p align="center">Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<ul style="list-style-type: none"> • “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,” <i>available at</i> http://qualtrics.com/site-intercept/. <p>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.</p> <p>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.</p>
<p>the first element appearing identically and behaving consistently on each of the plurality of particular web pages;</p>	<p>The “Feedback” icon appears identically and behaves consistently on each of the plurality of particular web pages.</p> <p>For example, many of the web pages on the Fingerhut website include a “Feedback” icon (<i>i.e.</i>, 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).</p>

OpinionLab, Inc.'s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

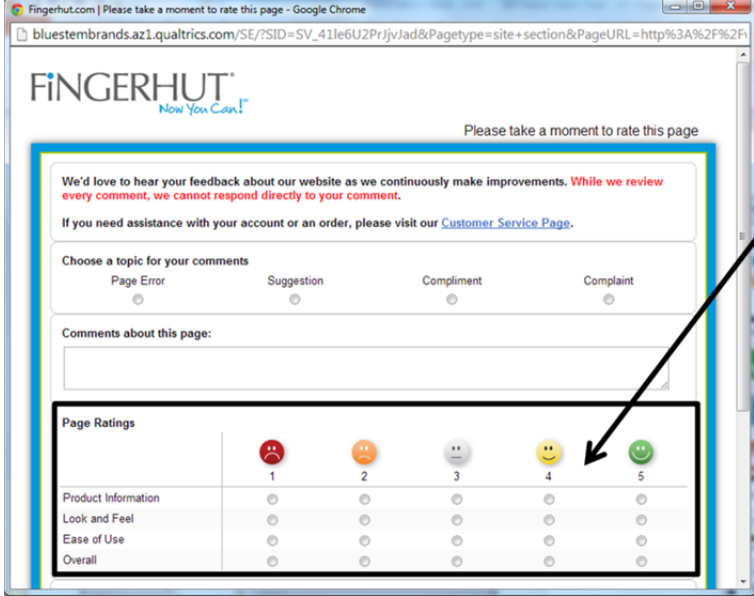
Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 <p data-bbox="1121 1101 1318 1133">Fingerhut.com.</p> <p data-bbox="533 1174 1892 1279">A substantially similar icon appears identically and behaves consistently on most, if not all, Fingerhut web pages implementing the Qualtrics feedback solutions including Comment Cards, including the Fingerhut web page for “Kitchen.”</p>

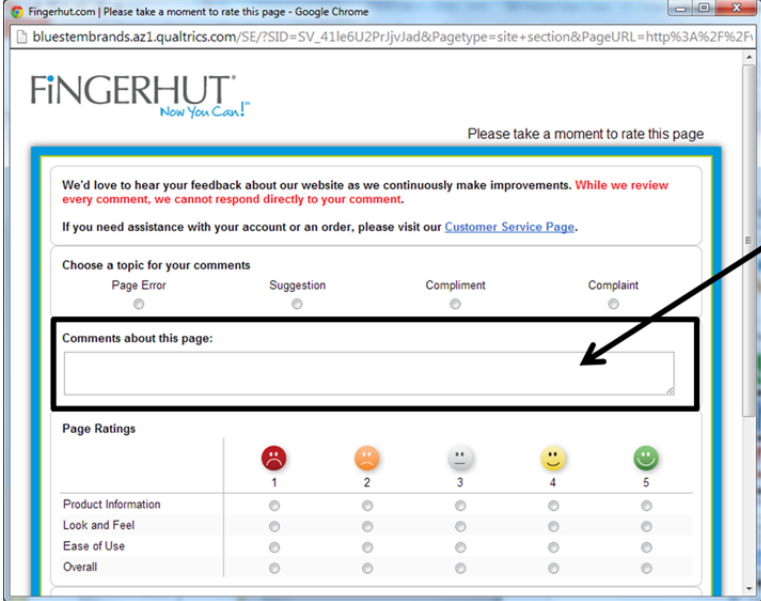
OpinionLab, Inc.'s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 <p data-bbox="1045 1084 1394 1117">Fingerhut.com – “Kitchen”</p> <p data-bbox="533 1154 1665 1187">See Fingerhut, “Kitchen,” available at http://www.fingerhut.com/section/Kitchen/10.uts.</p> <p data-bbox="533 1230 1915 1399">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</p>

OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

<p align="center">Claim 26 of U.S. Patent 8,041,805</p>	<p align="center">Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>element.</p> <p>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.</p>
<p>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,</p>	<p>Most, if not all, web pages on the Fingerhut website implementing Qualtrics feedback solutions including Comment Cards include and use a “second element” (<i>i.e.</i>, the Comment Card as a whole or a portion thereof) that is displayed in response to user selection of the first element (<i>i.e.</i>, 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.</p> <p>For example, upon the user accessing the particular web page and selecting the “Feedback” icon (<i>i.e.</i>, the “first element”), the Qualtrics Comment Card shown below is displayed. The “second element” depicted below (<i>e.g.</i>, 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.</p>

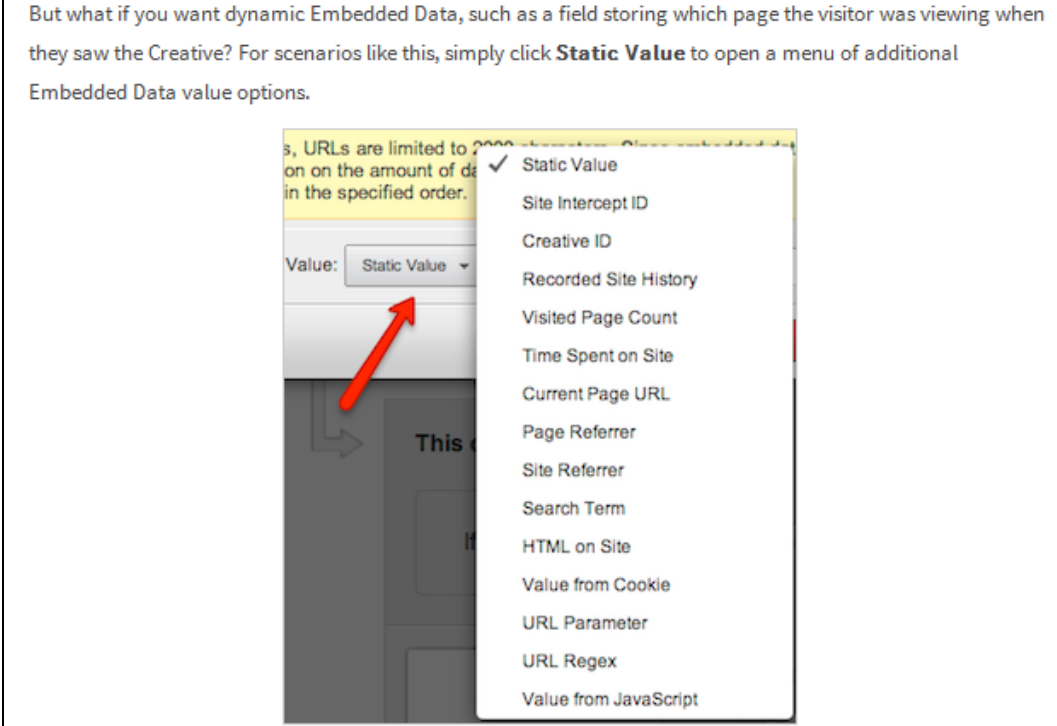
Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 <p data-bbox="919 865 1518 898">Qualtrics Comment Card from Fingerhut.com.</p> <p data-bbox="527 938 1881 1008">Further, the “Comments about this page” text box of the Comment Card shown below allows the user to provide open-ended comments concerning the particular web page without any limitation as to substance.</p>

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 <p data-bbox="919 873 1518 906">Qualtrics Comment Card from Fingerhut.com.</p> <p data-bbox="533 946 1898 1011">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.</p>

<p>Claim 26 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<div data-bbox="814 264 1627 906" data-label="Image"> </div> <p data-bbox="919 911 1518 943" style="text-align: center;">Qualtrics Comment Card from Fingerhut.com.</p> <p data-bbox="527 982 1915 1274"> 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 </p>

¹⁷ The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_411e6U2PrJvJad&Pagetype=site+section&PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4.

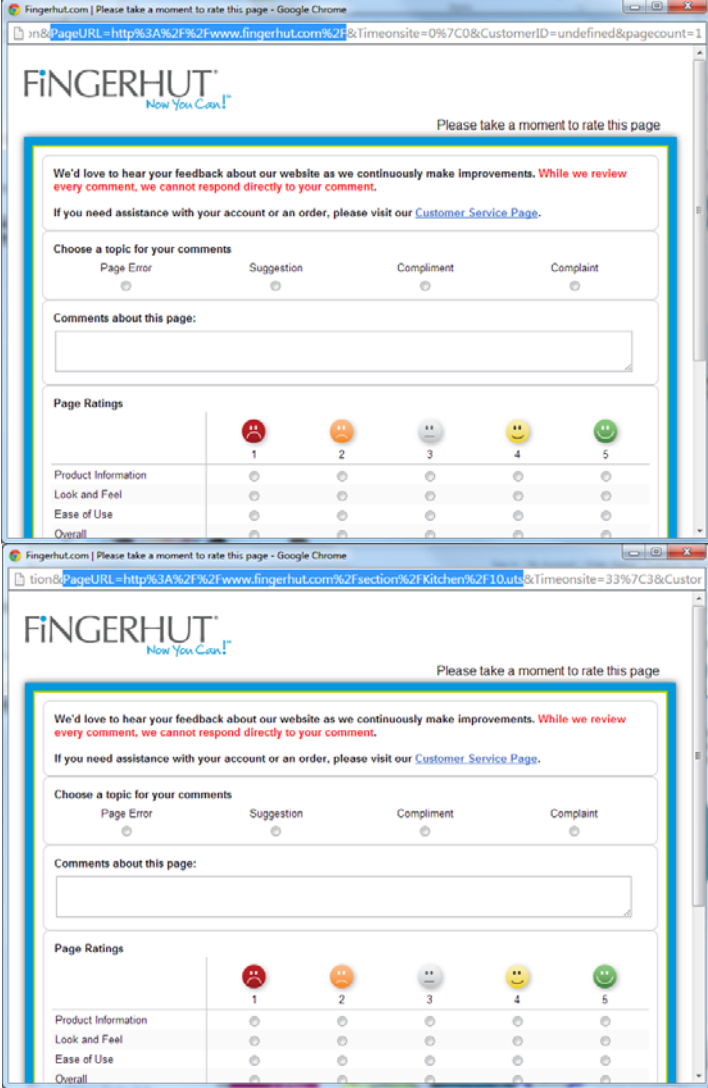
<p>Claim 26 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>As can be seen from the source code of the Qualtrics Comment Card below, the particular web page, identified by the “Referer” label, is also embedded within the Qualtrics Comment Card itself.</p> <div data-bbox="611 375 1835 558" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <pre> <FORM id="Page" NAME="Page" METHOD="POST" ENCTYPE="multipart/form-data" > <INPUT id='SurveyID' TYPE='HIDDEN' NAME='SurveyID' VALUE='SV_411e6U2PrJjvJad'> <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/'> </pre> </div> <p style="text-align: center;">Qualtrics Comment Card from Fingerhut.com – Source Code</p> <p>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:</p> <div data-bbox="768 743 1677 971" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>Using other built-in Embedded Data fields</p> <p>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.</p> <p>The following built-in Embedded Data fields can be added for your survey:</p> <p style="text-align: center;">...</p> </div> <div data-bbox="806 1008 1635 1167" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>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.</p> </div> <p style="text-align: center;"><i>Excerpted from Qualtrics, “Embedded Data,” available at http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/</i></p>

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>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.</p>  <p><i>Excerpted from Qualtrics, “Embedded Data,” available at http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/</i></p> <p><i>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.”).</i></p> <p>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</p>

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>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.</p> <p>Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example:</p> <ul style="list-style-type: none"> • “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/.

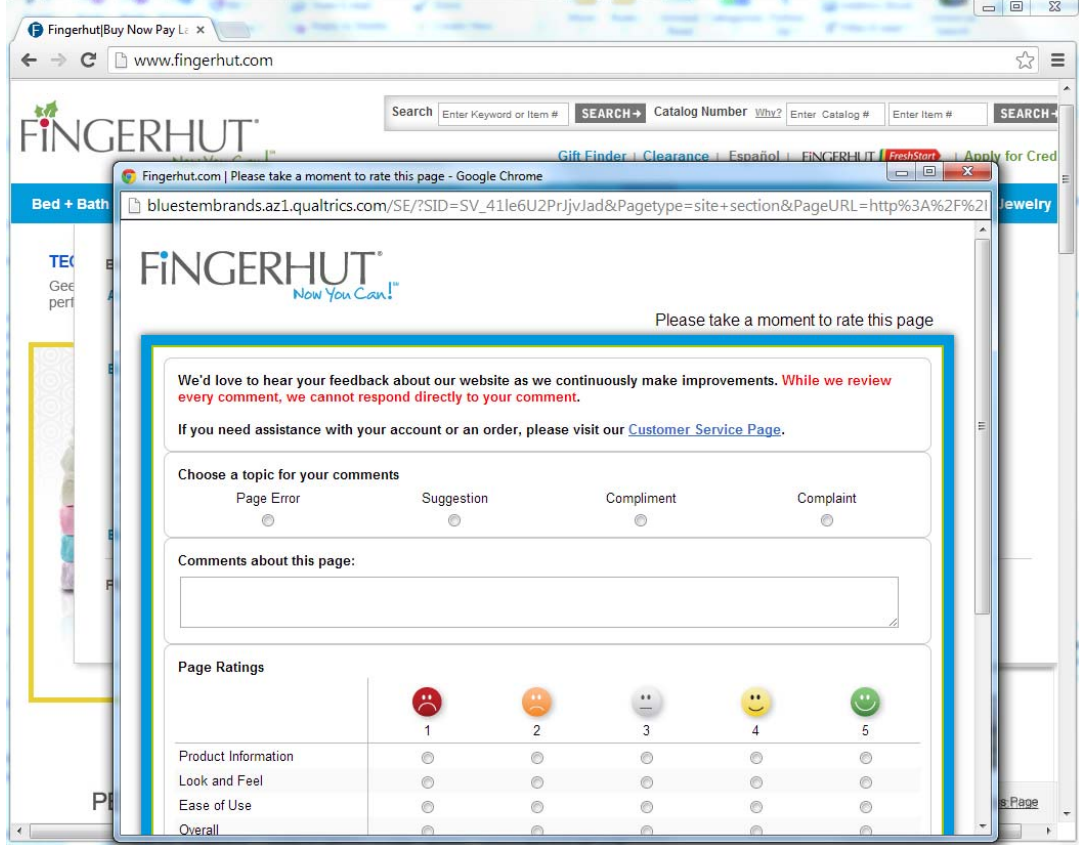
OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

<p align="center">Claim 26 of U.S. Patent 8,041,805</p>	<p align="center">Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<ul style="list-style-type: none"> • “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,” <i>available at</i> http://qualtrics.com/site-intercept/. <p>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.</p> <p>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.</p>
<p>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;</p>	<p>The second element (<i>i.e.</i>, 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.</p> <p>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.</p>

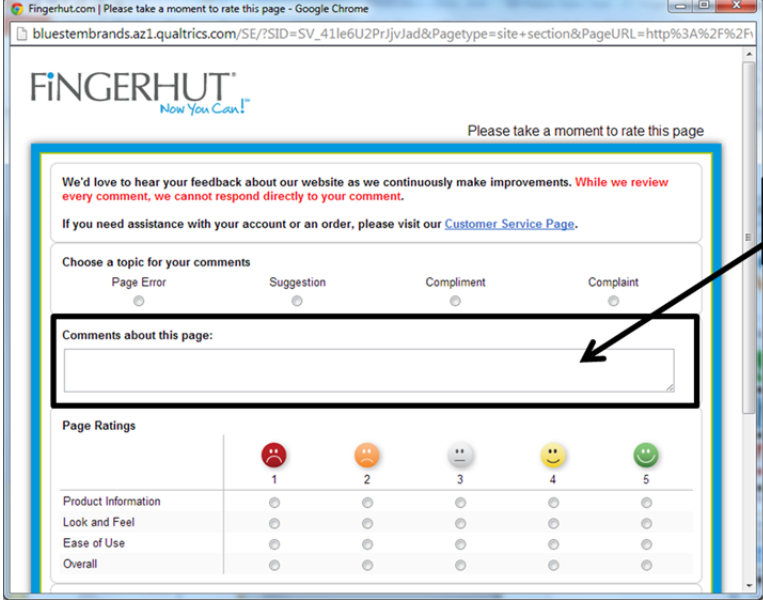
<p>Claim 26 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	 <p>The image displays two screenshots of the Fingerhut.com website, both featuring Qualtrics feedback forms. The top screenshot shows a general feedback form with a 5-point rating scale and categories like Product Information, Look and Feel, Ease of Use, and Overall. The bottom screenshot shows a similar form for a 'Kitchen' section. Both forms include a text input field for comments and a 'Please take a moment to rate this page' prompt.</p> <p>Fingerhut.com and "Kitchen" Comment Cards</p>

OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

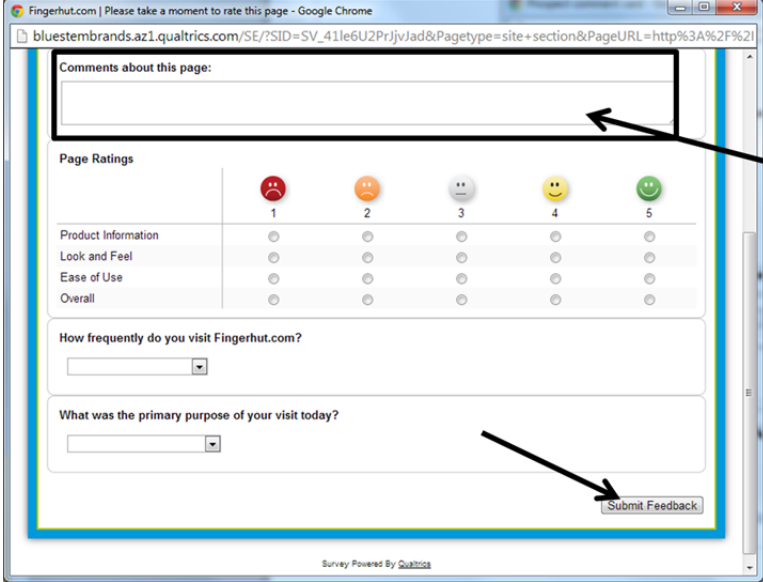
<p align="center">Claim 26 of U.S. Patent 8,041,805</p>	<p align="center">Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>OpinionLab contends that this element is literally present. However, to the extent that the element is found to not be 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.</p> <p>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.</p>
<p>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</p>	<p>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.</p> <p>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 (<i>e.g.</i>, 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.</p>

<p>Claim 26 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	 <p data-bbox="850 1120 1585 1153">Fingerhut.com Home Page with Qualtrics Comment Card</p> <p data-bbox="535 1193 1900 1404">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,”</p>

<p>Claim 26 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>“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.</p> <div data-bbox="737 412 1486 1008" data-label="Image"> </div> <p style="text-align: center;">Qualtrics Comment Card from Fingerhut.com.</p> <p>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.</p>

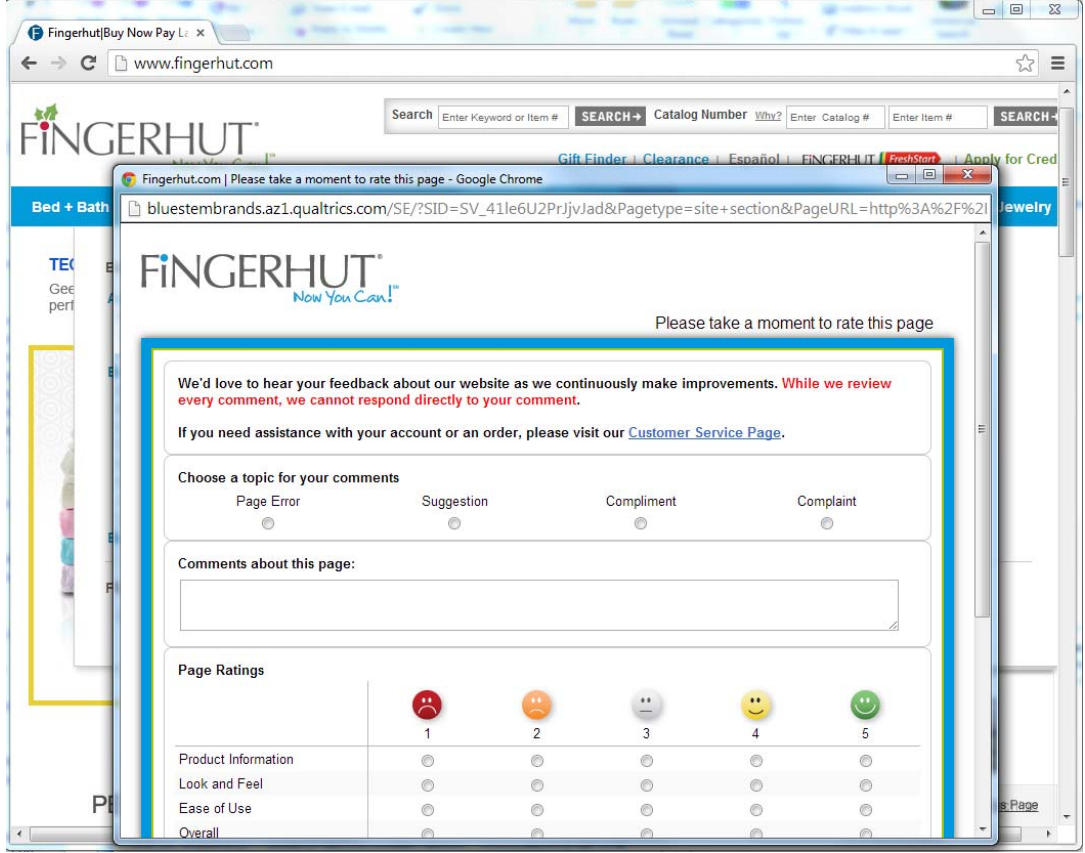
<p>Claim 26 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	 <p data-bbox="1501 451 1703 532">Open-ended Comments</p> <p data-bbox="926 873 1516 906">Qualtrics Comment Card from Fingerhut.com.</p> <p data-bbox="533 946 1913 1157">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.</p> <p data-bbox="533 1203 1818 1305">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.</p>
<p>using software associated with the</p>	<p>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</p>

<p>Claim 26 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
<p>second element to receive the page-specific user feedback,</p>	<p>user feedback.</p> <p>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.</p> <div data-bbox="737 594 1703 1190" data-label="Image"> <p>The image shows a screenshot of a Qualtrics Comment Card overlaid on a browser window displaying the Fingerhut website. The card has a white background with a blue border. At the top, it says 'Please take a moment to rate this page'. Below this, there is a message: 'We'd love to hear your feedback about our website as we continuously make improvements. While we review every comment, we cannot respond directly to your comment.' A link for 'Customer Service Page' is provided. The 'Choose a topic for your comments' section has four radio buttons: 'Page Error', 'Suggestion', 'Compliment', and 'Complaint'. Below that is a text box for 'Comments about this page:'. The 'Page Ratings' section features five smiley face icons representing ratings from 1 (sad) to 5 (happy). A callout box with the text 'Subjective Ratings' and an arrow points to the 4th smiley face icon. Below the ratings is a table for rating specific categories: Product Information, Look and Feel, Ease of Use, and Overall, each with five radio buttons.</p> </div> <p>Qualtrics Comment Card from Fingerhut.com.</p>

<p>Claim 26 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	 <p style="text-align: center;">Qualtrics Comment Card from Fingerhut.com.</p> <p>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.</p> <p>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.</p>
<p>the page-specific user feedback concerning the</p>	<p>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.</p>

OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

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.

<p>Claim 26 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>																														
	 <p>The screenshot shows the Fingerhut.com website with a Qualtrics comment card overlaid. The comment card contains the following text: 'Please take a moment to rate this page', 'We'd love to hear your feedback about our website as we continuously make improvements. While we review every comment, we cannot respond directly to your comment.', and 'If you need assistance with your account or an order, please visit our Customer Service Page.' Below this is a section for 'Choose a topic for your comments' with radio buttons for 'Page Error', 'Suggestion', 'Compliment', and 'Complaint'. There is also a text input field for 'Comments about this page:' and a 'Page Ratings' section with five smiley face icons (1-5) and a table for rating various aspects of the page.</p> <table border="1" data-bbox="840 909 1617 1104"> <thead> <tr> <th>Page Ratings</th> <th>1</th> <th>2</th> <th>3</th> <th>4</th> <th>5</th> </tr> </thead> <tbody> <tr> <td>Product Information</td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> </tr> <tr> <td>Look and Feel</td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> </tr> <tr> <td>Ease of Use</td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> </tr> <tr> <td>Overall</td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> </tr> </tbody> </table> <p>Fingerhut.com Home Page with Qualtrics Comment Card</p> <p>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.</p>	Page Ratings	1	2	3	4	5	Product Information	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Look and Feel	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Ease of Use	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Overall	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Page Ratings	1	2	3	4	5																										
Product Information	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>																										
Look and Feel	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>																										
Ease of Use	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>																										
Overall	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>																										

OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

<p align="center">Claim 26 of U.S. Patent 8,041,805</p>	<p align="center">Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>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.</p>
<p>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,</p>	<p>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.</p> <p>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.</p>

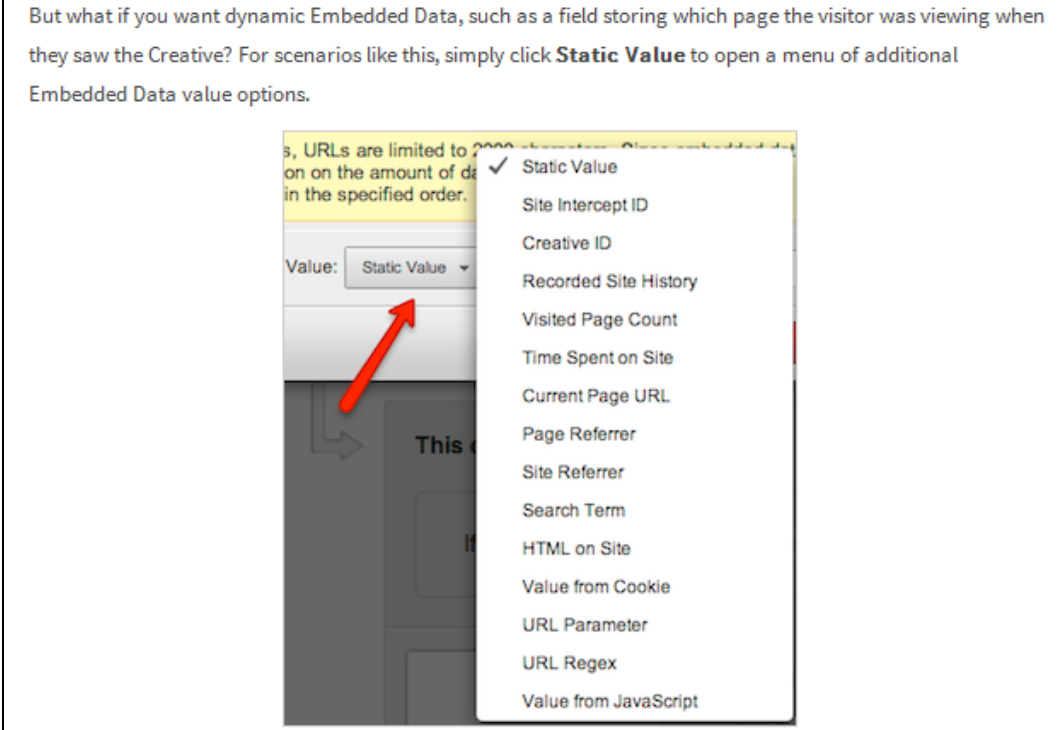
<p>Claim 26 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<div data-bbox="737 267 1486 860" style="text-align: center;"> </div> <div data-bbox="1501 378 1703 461" style="border: 1px solid black; padding: 5px; display: inline-block;"> <p>Subjective Ratings</p> </div> <div data-bbox="919 862 1520 899" style="text-align: center;"> <p>Qualtrics Comment Card from Fingerhut.com.</p> </div> <p data-bbox="533 938 1879 1008">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.</p>

<p>Claim 26 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<div data-bbox="737 269 1495 865" data-label="Image"> </div> <p data-bbox="919 873 1516 906">Qualtrics Comment Card from Fingerhut.com.</p> <p data-bbox="533 946 1892 1011">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.</p>

<p>Claim 26 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<div data-bbox="814 264 1627 906" data-label="Image"> </div> <p data-bbox="919 911 1518 943" style="text-align: center;">Qualtrics Comment Card from Fingerhut.com.</p> <p data-bbox="527 982 1915 1274"> 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 </p>

¹⁸ The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_411e6U2PrJvJad&Pagetype=site+section&PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4.

<p>Claim 26 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>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.</p> <div data-bbox="611 375 1835 561" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <pre> <FORM id="Page" NAME="Page" METHOD="POST" ENCTYPE="multipart/form-data" > <INPUT id='SurveyID' TYPE='HIDDEN' NAME='SurveyID' VALUE='SV_411e6U2PrJjvJad'> <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/'> </pre> </div> <p style="text-align: center;">Qualtrics Comment Card from Fingerhut.com – Source Code</p> <p>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:</p> <div data-bbox="768 743 1677 972" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>Using other built-in Embedded Data fields</p> <p>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.</p> <p>The following built-in Embedded Data fields can be added for your survey:</p> <p style="text-align: center;">. . .</p> </div> <div data-bbox="806 1008 1635 1170" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>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.</p> </div> <p style="text-align: center;"><i>Excerpted from Qualtrics, “Embedded Data,” available at http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/</i></p>

<p>Claim 26 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>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.</p>  <p><i>Excerpted from Qualtrics, “Embedded Data,” available at http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/</i></p> <p><i>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.”).</i></p> <p>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</p>

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>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.</p> <p>Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example:</p> <ul style="list-style-type: none"> • “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/.

<p>Claim 26 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<ul style="list-style-type: none"> • “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,” <i>available at http://qualtrics.com/site-intercept/</i>. <p>The page-specific feedback concerning the particular web page may also be reported to an interested party.</p> <p>For example, Qualtrics describes a variety of reporting mechanisms to an interested party, such as a website owner like Fingerhut:</p> <ul style="list-style-type: none"> • “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

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<p align="center">Claim 26 of U.S. Patent 8,041,805</p>	<p align="center">Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>Qualtrics, “Enterprise Feedback Management,” available at http://qualtrics.com/research-suite/enterprise-feedback-management/.</p> <p>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.</p> <p>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.</p>
<p>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;</p>	<p>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.</p> <p>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:</p> <ul style="list-style-type: none"> • 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/.

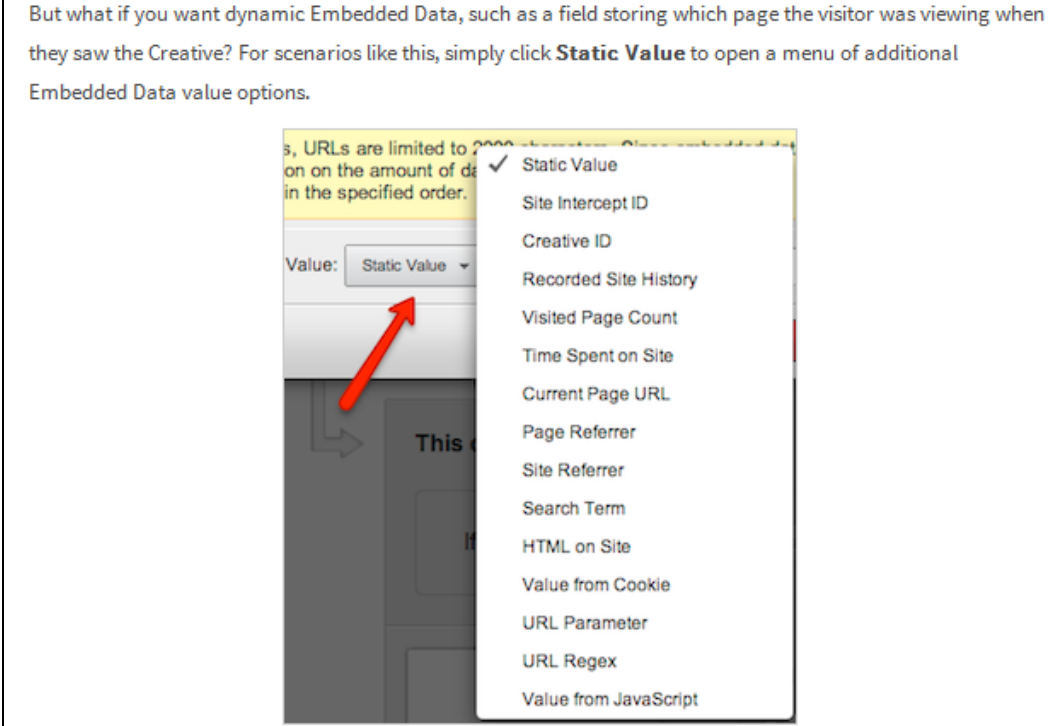
OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

<p align="center">Claim 26 of U.S. Patent 8,041,805</p>	<p align="center">Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<ul style="list-style-type: none"> • “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/. <p>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.</p>

<p>Claim 26 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<div data-bbox="814 264 1623 906" data-label="Image"> </div> <p data-bbox="919 911 1518 943" style="text-align: center;">Qualtrics Comment Card from Fingerhut.com.</p> <p data-bbox="527 982 1915 1274"> 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 </p>

¹⁹ The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_411e6U2PrJvJad&Pagetype=site+section&PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4.

<p>Claim 26 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>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.</p> <div data-bbox="611 375 1835 561" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <pre> <FORM id="Page" NAME="Page" METHOD="POST" ENCTYPE="multipart/form-data" > <INPUT id='SurveyID' TYPE='HIDDEN' NAME='SurveyID' VALUE='SV_411e6U2PrJjvJad'> <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/'> </pre> </div> <p style="text-align: center;">Qualtrics Comment Card from Fingerhut.com – Source Code</p> <p>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:</p> <div data-bbox="768 743 1677 972" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>Using other built-in Embedded Data fields</p> <p>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.</p> <p>The following built-in Embedded Data fields can be added for your survey:</p> <p style="text-align: center;">. . .</p> </div> <div data-bbox="806 1008 1635 1170" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>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.</p> </div> <p style="text-align: center;"><i>Excerpted from Qualtrics, “Embedded Data,” available at http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/</i></p>


<p>Claim 26 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>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.</p>  <p><i>Excerpted from Qualtrics, “Embedded Data,” available at http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/</i></p> <p><i>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.”).</i></p> <p>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</p>

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>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.</p> <p>Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example:</p> <ul style="list-style-type: none"> • “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/.

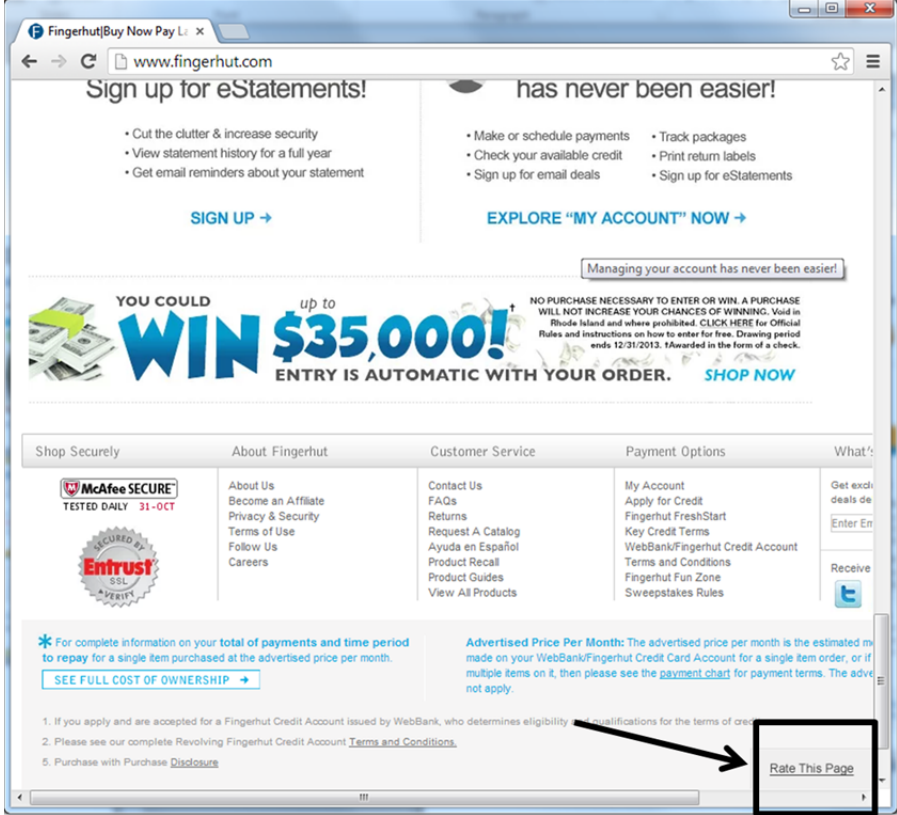
OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

<p align="center">Claim 26 of U.S. Patent 8,041,805</p>	<p align="center">Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<ul style="list-style-type: none"> • “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,” <i>available at</i> http://qualtrics.com/site-intercept/. <p>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.</p> <p>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.</p>
<p>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.</p>	<p>The “Feedback” icon (<i>i.e.</i>, the “first element”) remains viewable within a browser window, at least prior to the user selection, regardless of user scrolling.</p> <p>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 (<i>e.g.</i>, Fingerhut.com) is not entirely viewable to the user.</p>

OpinionLab, Inc.'s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 <p data-bbox="1121 1101 1318 1133">Fingerhut.com.</p> <p data-bbox="533 1174 1793 1239">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.</p>

OpinionLab, Inc.'s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

Claim 26 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 <p>Fingerhut.com – bottom portion of the web page.</p> <p>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.</p>

OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

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.	<p>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.</p> <p>For example, the Qualtrics feedback solutions including Comment Cards software is incorporated into and included within the HTML code of each particular web page (<i>e.g.</i>, 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. <i>See, e.g.:</i></p> <ul style="list-style-type: none"> • Feedback Link. <i>See</i> Qualtrics, “Feedback Link,” available at http://qualtrics.com/university/site-intercept/creatives/passive-creatives/feedback-link/ • Slider. <i>See</i> Qualtrics, “Slider,” available at http://qualtrics.com/university/site-intercept/creatives/passive-creatives/slider/ • Site Intercept. <i>See</i> 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.”)

<p>Claim 27 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<ul style="list-style-type: none"> • Anonymous Survey Links. <i>See</i> Qualtrics, “Anonymous Survey Links,” <i>available at</i> http://qualtrics.com/university/researchsuite/distributing/basic-distribution/anonymous-survey-link/ • In-Page Pop-Ups. <i>See</i> Qualtrics, “In-Page Pop-Up,” <i>available at</i> http://qualtrics.com/university/researchsuite/distributing/more-distribution-methods/in-page-pop-up/ • Website Feedback via Feedback Link. <i>See</i> Qualtrics, “Website Feedback,” <i>available at</i> http://qualtrics.com/university/researchsuite/distributing/more-distribution-methods/website-feedback/ <p>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. <i>See</i> Qualtrics Comment Card from Fingerhut.com –Source Code <i>available at</i> http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_411e6U2PrJjvJad&Pagetype=site+section&PageURL=http%3A%2F%2Fwww.fingerhut.com%2F&Timeonsite=0%7C0&CustomerID=undefined&pagecount=4.</p> <p>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.</p> <p>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.</p> <p>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.</p>

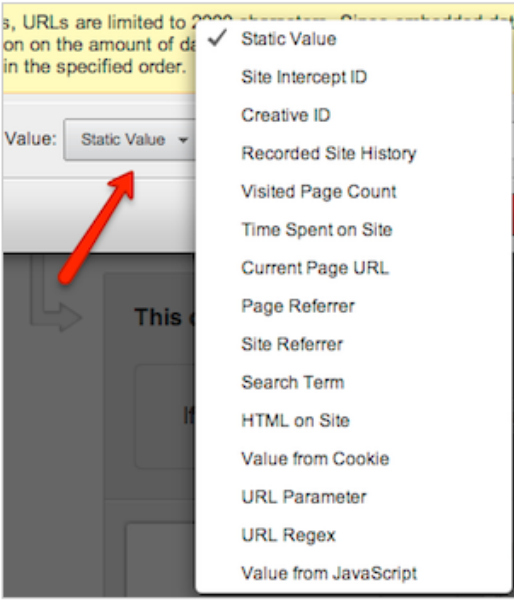
<p>Claim 30 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
<p>30. The method of claim 26, wherein each page-specific subjective rating comprises one of: a page-specific subjective rating of the particular web page as a whole; and a specific page-specific subjective rating of at least one characteristic of the particular web page as a whole.</p>	<p>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.</p> <p>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.</p> <div data-bbox="739 738 1491 1339" data-label="Image"> </div> <p style="text-align: center;">Qualtrics Comment Card from Fingerhut.com.</p>

Claim 30 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards																														
	<p>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.</p> <div data-bbox="842 375 1602 979" data-label="Image"> <p>The screenshot shows a Qualtrics Comment Card on the Fingerhut.com website. At the top, it says 'Please take a moment to rate this page'. Below this, there is a text box for comments with the text: 'We'd love to hear your feedback about our website as we continuously make improvements. While we review every comment, we cannot respond directly to your comment. If you need assistance with your account or an order, please visit our Customer Service Page.' There are four radio buttons for 'Choose a topic for your comments': Page Error, Suggestion, Compliment, and Complaint. Below the text box is a 'Page Ratings' section with a 5-point smiley face scale. At the bottom, there is a table for rating various aspects of the page:</p> <table border="1"> <thead> <tr> <th></th> <th>1</th> <th>2</th> <th>3</th> <th>4</th> <th>5</th> </tr> </thead> <tbody> <tr> <td>Product Information</td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> </tr> <tr> <td>Look and Feel</td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> </tr> <tr> <td>Ease of Use</td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> </tr> <tr> <td>Overall</td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> <td><input type="radio"/></td> </tr> </tbody> </table> </div> <p>Qualtrics Comment Card from Fingerhut.com.</p> <p>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</p>		1	2	3	4	5	Product Information	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Look and Feel	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Ease of Use	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Overall	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	1	2	3	4	5																										
Product Information	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>																										
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²⁰ The full URL for the fingerhut.com Comment Card is: http://bluestembrands.az1.qualtrics.com/SE/?SID=SV_411e6U2PrJvJad&Pagetype=site+section&

OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

Claim 30 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>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.</p> <div data-bbox="611 414 1835 597" style="border: 1px solid black; padding: 10px;"> <pre> <FORM id="Page" NAME="Page" METHOD="POST" ENCTYPE="multipart/form-data" > <INPUT id='SurveyID' TYPE='HIDDEN' NAME='SurveyID' VALUE='SV_411e6U2PrJvJad'> <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/'> </pre> </div> <p style="text-align: center;">Qualtrics Comment Card from Fingerhut.com – Source Code</p> <p>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:</p> <div data-bbox="768 781 1677 1008" style="border: 1px solid black; padding: 10px;"> <p>Using other built-in Embedded Data fields</p> <p>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.</p> <p>The following built-in Embedded Data fields can be added for your survey:</p> <p style="text-align: center;">. . .</p> </div> <div data-bbox="806 1045 1638 1205" style="border: 1px solid black; padding: 10px;"> <p>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.</p> </div> <p style="text-align: center;"><i>Excerpted from Qualtrics, “Embedded Data,” available at http://qualtrics.com/university/researchsuite/advanced-building/survey-flow/embedded-data/</i></p>

Claim 30 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>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.</p>  <p><i>Excerpted from Qualtrics, “Embedded Data,” available at http://qualtrics.com/university/site-intercept/intercepts/intercept-options/embedded-data/</i></p> <p><i>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.”).</i></p> <p>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</p>

Claim 30 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<p>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.</p> <p>Qualtrics confirms that its feedback solutions allow end-users to provide user feedback, for example:</p> <ul style="list-style-type: none"> • “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/.

OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805


Claim 30 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	<ul style="list-style-type: none"> • “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,” <i>available at http://qualtrics.com/site-intercept/</i>. <p>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.</p> <p>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.</p>

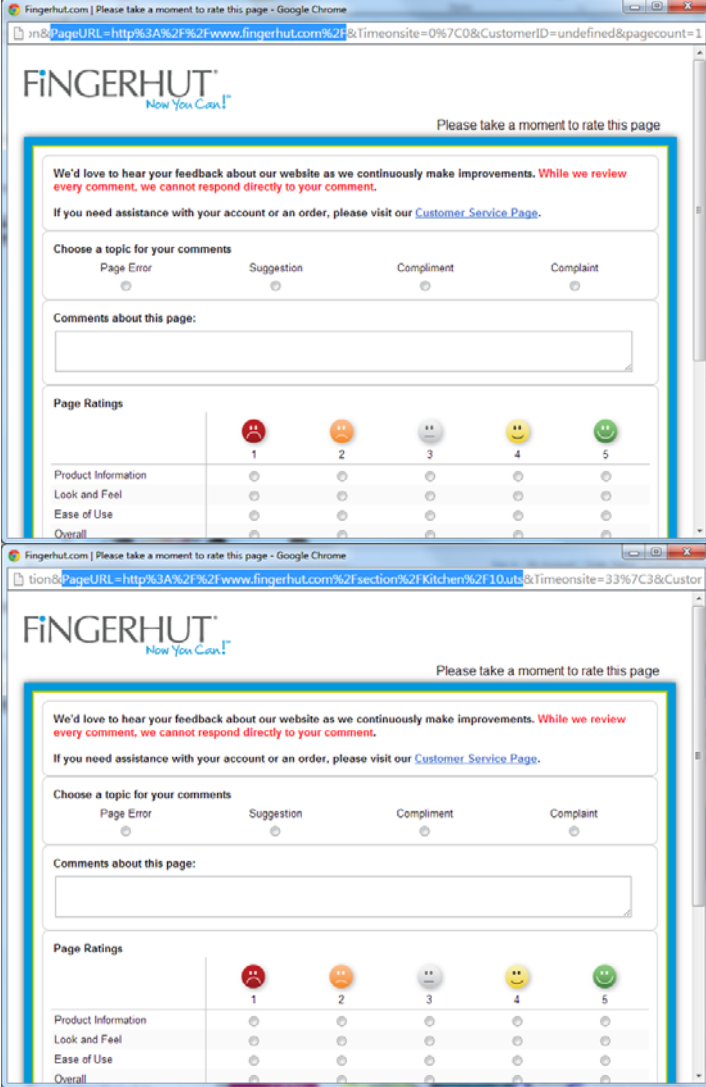
Claim 33 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
<p>33. The method of claim 26, wherein the plurality of particular web pages comprises substantially all web pages of the website.</p>	<p>On information and belief, substantially 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.</p> <p>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.</p>

OpinionLab, Inc.'s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

Claim 33 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 <p data-bbox="1121 1101 1318 1133">Fingerhut.com.</p> <p data-bbox="533 1174 1864 1242">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.”</p>

OpinionLab, Inc.'s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

Claim 33 of U.S. Patent 8,041,805	Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards
	 <p data-bbox="1045 1084 1394 1117">Fingerhut.com – “Kitchen”</p> <p data-bbox="533 1154 1665 1187">See Fingerhut, “Kitchen,” available at http://www.fingerhut.com/section/Kitchen/10.uts.</p> <p data-bbox="533 1227 1902 1336">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.</p>

<p>Claim 33 of U.S. Patent 8,041,805</p>	<p>Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	 <p>Fingerhut.com and “Kitchen” Comment Cards</p>

OpinionLab, Inc.’s Initial Infringement Contentions (Case No. 1:13-cv-01574), Ex. A-6 – U.S. Patent 8,041,805

<p align="center">Claim 33 of U.S. Patent 8,041,805</p>	<p align="center">Accused Instrumentality Fingerhut.com Utilizing Qualtrics Feedback Solutions Including Comment Cards</p>
	<p>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.</p> <p>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.</p>

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