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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/734,294	04/12/2007	Sihem Amer Yahia	12729-243 (Y02108US00)	9765
56020	7590	08/19/2014	EXAMINER	
BGL/Yahoo! Overture			DURAN, ARTHUR D	
P.O. BOX 10395			ART UNIT	PAPER NUMBER
CHICAGO, IL 60610			3682	
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			08/19/2014	PAPER

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

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

<b>Office Action Summary</b>	<b>Application No.</b> 11/734,294	<b>Applicant(s)</b> YAHIA ET AL.	
	<b>Examiner</b> ARTHUR DURAN	<b>Art Unit</b> 3682	<b>AIA (First Inventor to File) Status</b> No

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

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 7/29/14.  
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims\*

- 5) ☒ Claim(s) 1-3,5-9,13-17,19-21,24,27 and 32-39 is/are pending in the application.  
5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 1-3, 5-9, 13-17, 19-21, 24, 27, 32-39 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

\* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see [http://www.uspto.gov/patents/init\\_events/pph/index.jsp](http://www.uspto.gov/patents/init_events/pph/index.jsp) or send an inquiry to [PPHfeedback@uspto.gov](mailto:PPHfeedback@uspto.gov).

#### Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

#### Certified copies:

- a) ☐ All b) ☐ Some\*\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
- 3) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.

The present application is being examined under the pre-AIA first to invent provisions.

### **DETAILED ACTION**

Claims 1-3, 5-9, 13-17, 19-21, 24, 27, 32-39 have been examined.

### **Response to Arguments**

Applicant's arguments with respect to the claims have been considered but are moot in view of the grounds of rejection. Note the new citations and motivation to combine Gottfurcht and Schiavi with Zinn in a 103 rejection. Also, Examiner notes the following.

On 7/29/14, Applicant amended the independent claims:

“receiving bids from advertisers on a keyword;

designating the query as one of a channel query or a non-channel query;

in response to the query being designated as a channel query:...

in response to the query being designated as a non-channel query:

determining whether to display an advertisement based on the keyword and a bid by an advertiser on the keyword;”.

And, Applicant's Remarks address these amended claims.

However, the prior art discloses receiving bids from advertisers on a keyword (Zinn, [26,36]; Gottfurcht, [87, 88]; Schiavi, [58]).

Zinn does not explicitly disclose designating the query as one of a channel query or a non-channel query. Examiner notes that for guidance on how to interpret these

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features and bidding on an ad channel, Examiner turns to Applicant's Spec at ([46, 51] and Fig. 9 and [20, 71]). Based on Applicant's Spec, Examiner interprets bidding on a channel to function as a bid to be the advertiser for a page or for a domain for the page. However, Gottfurcht discloses the query being designated as a keyword query OR channel/category query (Gottfurcht, "[88]...An advertiser or seller may select a set of search keywords or hierarchy categories that a product is to be listed under or an advertisement to be displayed in connection with that keyword or category when it is input or selected by a user 2101."). And, Schiavi discloses the query being designated as a keyword OR channel/whole site query (Schiavi "[58]... or bid on rights to associate their advertisements and other information with categories or keywords of the meta data. The ad rights can be broad, limited, and/or extend down to fine-grained levels depending on such factors as value, variety, and popularity, and as new product (tag) information becomes available. Subscriber management tools based on APIs used by the Service can be provided to the advertisers and vendors to subscribe, pay for, or bid on new categories, keywords, or rights levels."; "[60]... A vendor or advertiser can bid either globally for the duration of video or ad, or more fine-grained for just certain video frame(s), or a certain video producer. For example, the sports equipment company Nike could choose to bid for: [0061] a. Ads for all frames that contain Nike "Air Jordan".TM. sneakers. [0062] b. Ads for Kane West video showing Kane West wearing Nike "Air Jordan" sneakers. [0063] c. Ads for playback of Kane West video from a video site."). Hence, a keyword or channel query is designated by the bidding advertiser.

Therefore, the prior art discloses of Gottfurcht and Schiavi discloses designating the

query as one of a channel query or a non-channel query. Hence, it is obvious that Zinn can add designating the query as a channel or non-channel query to Zinn's non-channel (keyword) queries. One would be motivated to do this to better provide bidding of interest to the advertiser (as in Gottfurcht and Schiavi). Gottfurcht and Schiavi further discloses in response to the query being designated as a channel query, processing the query as a channel query (see citations in rejection).

The prior art further discloses in response to the query being designated as a non-channel query (see Gottfurcht and Schiavi citations preceding for determining between channel and non-channel query): determining whether to display an advertisement based on the keyword and a bid by an advertiser on the keyword (Zinn, [26,36]; Gottfurcht, [87, 88]; Schiavi, [58, 60]).

Hence, the prior art renders obvious these features.

### ***Priority***

Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. as follows.

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the

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