

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC.
Petitioner

v.

AT HOME BONDHOLDERS' LIQUIDATING TRUST
Patent Owner

Case IPR No. Unassigned
U.S. Patent 6,286,045

DECLARATION OF PETER KENT

IPR of US Pat. No. 6,286,045

TABLE OF CONTENTS

I.	Overview.....	1
II.	My Background and Qualifications.....	2
III.	List of Documents Considered in Formulating My Opinion	4
IV.	Person of Ordinary Skill in the Art.....	5
V.	State of the Art.....	6
VI.	Overview of the '045 Patent.....	11
VII.	Overview of Prior Art References	13
VIII.	Claim Construction.....	15
	A. "Banner"	15
	B. "Best Suited"	16
	C. "Content General Banner Request"	17
	D. "Content Specific Banner Request"	19
IX.	Legal Principles	20
X.	Grounds of Unpatentability	24
	A. Ground 1: Angles and Merriman (20, 24-26, 28, 30, 31, 75, and 78).....	25
	B. Ground 2: Angles, Merriman, and Davis (21)	40
	C. Ground 3: Angles, Merriman, and Garland (22, 23, 29, 33, 43, 44, 47, 48, and 77).....	43
	D. Ground 4: Angles, Merriman, and HTTP1.0 (27, 59, 61-63, 72, and 73).....	51
	E. Ground 5: Wexler, and HTTP1.0 (20, 21, 24-28, 31, 33, 72, 75, 77, and 78).....	58
	F. Ground 6: Wexler, HTTP1.0, and Meeker (30, 59, 61-63, and 73).....	76
	G. Ground 7: Wexler, HTTP1.0, and Garland (22, 23, 29, 43, 44, and 47).....	82
	H. Ground 8: Wexler, HTTP1.0, Garland, and Meeker (48).....	88
XI.	Conclusion	89

I, Peter Kent, hereby declare as follows.

I. Overview

1. I am over the age of eighteen (18) and otherwise competent to make this declaration.

2. I have been retained as an expert witness on behalf of Google Inc. for the above-captioned *inter partes* review (IPR). I am being compensated for my time in connection with this IPR at my standard consulting rate, which is \$350 per hour. I understand that the petition for *inter partes* review involves U.S. Patent No. 6,286,045 ("the '045 patent", GOOG 1001), which resulted from U.S. Application No. 08/858,650 ("the '650 application"), filed on May 19, 1997, naming Michael John Griffiths and James David McElhiney as the inventors. I understand that the effective filing date of the '045 patent is May 19, 1997. I further understand that, according to USPTO records, the '045 patent is currently assigned to At Home Bondholders' Liquidating Trust ("Patentee").

3. In preparing this Declaration, I have reviewed the '045 patent and considered each of the documents cited herein, in light of general knowledge in the art. In formulating my opinions, I have relied upon my experience in the relevant art. I have also considered the viewpoint of a person of ordinary skill in the art (*i.e.*, a person of ordinary skill in the field of web-based information management

***Inter Partes Review of USPN 6,286,045
Declaration of Peter Kent (GOOG 1003)***

and delivery, defined further below in Section IV) prior to May 19, 1997. I am familiar with the technology at issue as of the May 19, 1997 effective filing date of the '045 patent. I am also familiar with the level of ordinary skill in the art with respect to the technology at issue as of the May 19, 1997 effective filing date.

II. My Background and Qualifications

4. Throughout the remainder of this declaration, I will refer to the field of network architecture and information delivery as the relevant field or the relevant art. In formulating my opinions, I have relied upon my training, knowledge, and experience in the relevant art. A copy of my current *curriculum vitae* is provided as GOOG 1004, and it provides a comprehensive description of my academic and employment history.

5. I had direct experience with banner advertising dating back to the mid-1990s and am very familiar with banner advertising mechanisms during that time frame. I am experienced with a variety of advertising systems from the mid-1990s to the present, all of which included various tools for counting ad impressions. Over the last 20 years, I worked with numerous systems that count hits of various kinds such as Google Analytics, Analog, AWStats, Webalizer, Urchin, and Webtrends.

*Inter Partes Review of USPN 6,286,045
Declaration of Peter Kent (GOOG 1003)*

6. I am knowledgeable with respect to clearing and blocking browser caches and cache-blocking mechanisms that ensure that the correct ad is displayed with various HTML meta tags, such as the pragma and cache-control tags. I began working with HTML in 1993 and have been involved in Web development in various roles since then.

7. In addition to authoring online-advertising portions of *Poor Richard's Web Site* in 1997, I authored *Pay Per Click Search Engine Marketing for Dummies* in 2005.

8. My other publications related to online advertising include *How to Make Money Online with eBay, Yahoo!, and Google*; *Poor Richard's Internet Marketing and Promotions: How to Promote Yourself, Your Business, Your Ideas Online*; and *The CDnow Story: Rags to Riches on the Internet*.

9. I have extensive online experience, dating back to 1984 (e.g., participating in bulletin boards and online services, designing CompuServe navigation tools, and creating web pages). I have been working on the Internet day-to-day since 1993. I also have been working in software development since 1981 and in cyberspace-software development since 1991.

10. I received a B.A. degree, in Geography/Geology, from University of Sheffield, United Kingdom, in 1978.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.