

OTHER ART			
Examiner Initials	Item	Author	Title Date Pertinent Pages Etc.
	1		Defendants' Amended Invalidity Contentions Pursuant to Local Rule 3-6; Civil Action No. 2-06CV-42 (DF); February 6, 2012.
	2		Claim Charts from Defendants' Amended Invalidity Contentions; Civil Action No. 2-06CV-42 (DF), comparing claims of Ross et al. U.S. Patent 6,629,135 to various references; February 6, 2012.
	3		Claim Charts from Defendants' Amended Invalidity Contentions; Civil Action No. 2-06CV-42 (DF), comparing claims of Ross et al. U.S. Patent 6,993,572 to various references; February 6, 2012.
	4		Claim Charts from Defendants' Amended Invalidity Contentions; Civil Action No. 2-06CV-42 (DF), comparing claims of Ross et al. U.S. Patent 7,818,399 to various references; February 6, 2012.
	5	Edwards, et al.	"Making Money In Cyberspace"; September 1998.
	6		Archived web pages at www.wilsonweb.com; February 7, 1998.
	7		Archived web page at www.wilsonweb.com; June 26, 1998.
	8	Wilson, Ralph	"Review of ShopSite Manager 3.1"; Web Commerce Today; Issue 2; September 15, 1997.
	9		Screen images from www.wilsonweb.com, showing "Review of ShopSite Manager 3.1"; from Web Commerce Today; Issue 2; September 15, 1997.
	10	Wilson, Ralph	"How ViaWeb and ShopSite Pro Incorporate Affiliate Program Software; Web Commerce Today; Issue 8, March 15, 1998 (as posted on www.wilsonweb.com)
	11		Archived web page at astrology.net; October 29, 1996.
	12		Archived web pages at www.viamail.com; March 29, 1997.
	13		Archived web page at www.austads.com; May 20, 1998.
	14		"The CDnow Story", pages 172-176, referring to history in November 1994, March 1997, and "early in 1998."
	15		Screen image from Barry's Temple of Godzilla; www.godzillatemple.com, showing CDnow.com; September 24, 1998.
	16		Screen image from rollingstone.com, showing links to CDnow, September 24, 1998.
	17	Halper, Mark	Archived web page at www.businessweek.com, dated June 15, 1997, showing "Cyberstorefronts for Rookies"; October 12, 2008.
	18		Archived web page at www.fredericks.com; July 21, 1997.
	19		Pages from Publishers Weekly, U.S. Copyright Office, and Phoenix Public Library, showing publication of Edwards' "Making Money in Cyberspace"; August 10, 1998.

Examiner: Yogesh Garg/ Date Considered: 09/29/2012

EXAMINER: Initial if reference considered whether or not citation is in conformance with MPEP 608.01. **DDR Holdings, LLC Ex. 2010**

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_____	402	Archived web page at www.fredericks.com; April 18, 1997.

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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /Y.G./

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Examiner: /YOGESH C GARG/ Date Considered: 11/09/2016

EXAMINER: Initial if reference considered whether or not citation is in conformance with MPEP 609. Draw

Comparison of U.S. Patent No. 6,629,135 and **U.S. Patent No. 6,330,575 to Moore ("Moore '575")**

The Court's claim construction order [DI 309], the claim interpretations Plaintiff appears to be asserting and the alleged applications of citations to one or more products of Defendants' products in Plaintiff's Amended Infringement Contentions served January 23, 2012, the o. 6,330,575 to Moore anticipates and/or renders obvious, alone or in combination with other prior art identified in Defendants' alidity Contentions, the asserted claims as described in part below.

Claim Language of U.S. Patent No. 6,629,135	Relevant Disclosure in U.S. Patent No. 6,330,575 ("Moore '575")
<p>the e-commerce outsourcing process providing a website in communication with a visitor computer with context sensitive, transparent e-commerce support pages, comprising the steps</p>	<p>Briefly, according to the invention a method for designing a Web page, to be hosted on a Web page server, comprises: providing an object-oriented, template-driven interface for a customer to utilize in the design of the Web page. This allows the customer, through the use of the interface, to design the Web page. The method also comprises the step of publishing the Web page at a destination of the customer's choosing.</p> <p>Briefly, in accordance with another aspect of the invention, a method for designing a Web page for use in a distributed electronic commerce system is provided. The commerce system comprises a Web page server and a second server which are electrically coupled to each other, and the Web page server hosts the Web page. The method comprises: creating a link to the second server; designing the Web page such that the link can be embedded into the Web page; and embedding the link into the Web page.</p>
<p>capturing a look and feel description associated with a host website;</p>	<p>Moore '575, 3:23-39.</p> <p>The Development Tool is object-oriented and template-driven, and it enables its customer, which is the merchant, to design a web site in only a few minutes and does not require any special Internet knowledge from the merchant. The Development Tool breaks the design process down into four steps. The first is to select a Web site category. The second is to collect optional page header and footer information. The third is to choose the defaults for the background color or image and for the page style. The fourth is to fill in the content of each page.</p>

All citations in this chart are to U.S. Patent No. 6,330,575 by Victor S. Moore and Glen R. Walters (filed March 31, 1998, issued 1, 2001). [DFNDT0000181-0000207]

Comparison of U.S. Patent No. 6,629,135 and **U.S. Patent No. 6,330,575 to Moore ("Moore '575")**

Claim No.	Claim Language of U.S. Patent No. 6,629,135	Relevant Disclosure in U.S. Patent No. 6,330,575 ("Moore '575")
		<p>Moore '575, 10:44-53.</p> <p>The first step is to select a category. The category is selected from a list of ten industries such as automotive, dining, and education. Referring to FIG. 6, there is shown a screen 600 containing a list of possible industries to choose from in the Development Tool. Alternate embodiments could employ different industries and a different number of choices. The list 600 also illustrates the simplicity of the merchant interface. The selected category is used by the Development Tool to preselect the image libraries and page style libraries that will be used in the fourth step. The Development Tool thus simplifies for the merchant the processes of finding appropriate clip art and page styles.</p> <p>The second step is to create the default header and footer. The page header and footer are typically used for the company name and logo. An email address and a link URL are also commonly included. As with many of the features of the Development Tool, the field size may be adjusted and images may be loaded. In this case, the height of the header, for example, may need to be increased in order to accommodate a particular company logo. Referring to FIG. 7, there is shown a screen 700 in which the merchant is prompted to enter the information for the header and the footer. The screen 700 further illustrates the simplicity of the merchant interface.</p> <p>The third step is to select the default background, which may be a color or an image, and page style. The Development Tool simplifies the process of choosing by offering grids of selections. The color grid, or pallet, contains 16 different colors. This color pallet can be used or the merchant can define his own. Similarly, a grid of clip art images is available for the merchant to choose from for background images. These default conditions for each page constitute a template, and begin to illustrate the template-driven nature of the Development Tool. The default background may be separately changed by the merchant for any</p>

Comparison of U.S. Patent No. 6,629,135 and **U.S. Patent No. 6,330,575 to Moore ("Moore '575")**

Claim Language of U.S. Patent No. 6,629,135	Relevant Disclosure in U.S. Patent No. 6,330,575 ("Moore '575")
	<p>particular page.</p> <p>Page styles allocate certain portions of each page to text, images, multimedia, etc. The style thus provides a template for all of the different content-related objects ("style components") that will appear on a page. Although the position and sizes of the style components are defined by the style, they can be changed by the merchant for any page. Referring to FIG. 8, there is shown a screen 800 which prompts the merchant to select a background and a style for the page. Page styles are further elaborated in FIG. 9, and FIG. 10 shows one style or template in isolation.</p> <p>The fourth step is to fill in the content for each of the style components. As shown, for example, in FIG. 10, each of the style components must be filled in. To do this, the merchant clicks on the style component and the Development Tool presents a "dialog" box which steps the merchant through the choices necessary to fill in the style component. FIGS. 11-13 show dialog boxes for image, text, and multimedia style components, respectively. For images, the merchant is presented with a selection, but may use other images as well. It is common for a merchant to scan logos and images that the merchant wants to use on his Web site. Any style component can also have a URL attached to it, and the dialog box allows the merchant to select this option.</p> <p>Each page created by the merchant can, as mentioned earlier, be modified. Style components can be added, deleted, moved, resized, etc. Another feature of the Development Tool is that it presents the page just as a Web customer will see it. This feature, called WYSIWYG for "what you see is what you get" allows the merchant to see, without publishing and browsing, what the published page will look like when it is published. Additionally, the Development Tool also provides a previewing option which uploads all of the pages and allows the merchant to view the entire Web site with a Web browser.</p>

Comparison of U.S. Patent No. 6,629,135 and **U.S. Patent No. 6,330,575 to Moore ("Moore '575")**

Claim No.	Claim Language of U.S. Patent No. 6,629,135	Relevant Disclosure in U.S. Patent No. 6,330,575 ("Moore '575")
		<p>When the pages are all created, the Development Tool allows the merchant to upload or publish the Web pages to a site specified by the merchant.</p> <p>Moore '575, 10:59-11:64. See also Figs. 6-13.</p>
8(b)	<p>providing the host website with a link for inclusion within a page on the host website for serving to a visitor computer, wherein the provided link correlates the host website with a selected commerce object; and</p>	<p>Briefly, in accordance with another aspect of the invention, a method for designing a Web page for use in a distributed electronic commerce system is provided. The commerce system comprises a Web page server and a second server which are electrically coupled to each other, and the Web page server hosts the Web page. The method comprises: creating a link to the second server; designing the Web page such that the link can be embedded into the Web page; and embedding the link into the Web page.</p> <p>Moore '575, 3:23-39.</p>
8(c)	<p>upon receiving an activation of the provided link from the visitor computer, serving to the visitor computer an e-commerce supported page with a look and feel corresponding to the captured look and feel description of the host website associated with the provided link and with content based on the commerce object associated with the provided link.</p>	<p>The Web storefront 106 acts as the virtual store for the customer 114, and contains whatever information the merchant has built into the Web-site (e.g. pictures, prices, search engines, etc.). There is provided, according to the present invention, a Development Tool for designing the Web storefront 106. This tool greatly simplifies the task of creating the Web storefront initially and of modifying it and updating it. The Tool also ensures that the operation with the Transaction Server 202 is seamless for the customer 114.</p> <p>The Tool derives much of its utility from the fact that it contains a series of templates, tailored to different industries, for creating pages. The fields on these templates can be filled with text, or with images from clip art (also included with the tool) or can be tailored to suit a specific merchant's needs. The task is greatly simplified by the inclusion of a prompting mode in which the tool will actually step a user through the process. As an additional tailoring feature, the tool can be adapted to whatever "look and feel" the customer may desire. The customer may</p>

Comparison of U.S. Patent No. 6,629,135 and U.S. Patent No. 6,330,575 to Moore ("Moore '575")

Claim Language of U.S. Patent No. 6,629,135	Relevant Disclosure in U.S. Patent No. 6,330,575 ("Moore '575")
	want to match the look and feel to that of other applications that the customer uses, or may simply feel more comfortable with another look and feel.
	Moore '575, 5:27-48.
	The customer, using a browser, goes to the Store Server and begins shopping, that is, browsing the content of the Web storefront 502. When the customer finds a product that the customer would like to buy, he selects that product 504. The Store Server then jumps to the Store Builder Server by using a Uniform Resource Locator ("URL") 506. The URL, called a price URL, contains all of the relevant information on the product, and all the information necessary to build a "Buy Page." The relevant product information includes a picture of the product, the product's price, and a description of the product.
	Moore '575, 6:12-22.
	See also Figs. 6-16.

- 5 -

Comparison of U.S. Patent No. 6,629,135 and U.S. Patent No. 6,490,567 to Gregory ("Gregory '567")¹

Based upon the Court's claim construction order [DI 309], the claim interpretations Plaintiff appears to be asserting and the alleged applications of those interpretations to one or more products of Defendants' products in Plaintiff's Amended Infringement Contentions served January 23, 2012, the U.S. Patent No. 6,490,567 to Gregory anticipates and/or renders obvious, alone or in combination with other prior art identified in Defendants' Amended Infringement Contentions, the asserted claims as described in part below.

Claim No.	Claim Language of U.S. Patent No. 6,629,135	Relevant Disclosure in U.S. Patent No. 6,490,567 ("Gregory '567")
8	An e commerce outsourcing process providing a host website in communication with a visitor computer with context sensitive, transparent e commerce support pages, comprising the steps of:	Distributed electronic commerce is conducted over a network by substantially separating transaction functionality from merchant content. Electronic commerce transaction functionality is provided by a commerce server having a commerce database. The commerce server stores merchant and purchaser profile data and merchant content summaries on the commerce database. The purchaser browses and searches for product and merchant information using the commerce server, and is provided with more detailed information stored at a separate merchant content server system. The purchaser selects products to purchase, and a purchase order is sent to the commerce server. The commerce server initiates the settlement of accounts between the merchant and purchaser, and initiates order fulfillment for the selected product. The separation of transaction functionality and merchant content onto separate servers under the control of a commerce service provider and a merchant, respectively, provides a more efficient and effective way of carrying out electronic commerce over a network.
		Gregory '567, Abstract.
8(a)	capturing a look and feel description associated with a host website;	
8(b)	providing the host website with a link for inclusion within a page on the host website for serving to a visitor computer, wherein the provided link correlates the host website with a selected commerce object; and	A purchaser requests the commerce server to send shopping information. The purchaser browses or searches for products on the commerce server, and data regarding products and merchants is retrieved from the commerce database. At the purchaser's request for more information on a product or merchant, the commerce server refers the purchaser to an appropriate merchant content server, which contains much more detailed

¹ Unless noted, all citations in this chart are to U.S. Patent No. 6,490,567 by James McKanna Gregory (filed January 15, 1997, issued December 3, 2002). [DFNDT0000145-0000163]

- 1 -

Comparison of U.S. Patent No. 6,629,135 and U.S. Patent No. 6,490,567 to Gregory ("Gregory '567")

Claim Language of U.S. Patent No. 6,629,135	Relevant Disclosure in U.S. Patent No. 6,490,567 ("Gregory '567")
	information about the product and merchant than is available from the commerce database.
	While browsing or searching the merchant content server, the purchaser may select one or more products for purchase. When the purchaser indicates he is ready to effectuate such a transaction, data concerning the selected product or products are sent to the commerce server. The data include information sufficient to identify the product, purchaser and selling merchant. The commerce server communicates with an external payment system to debit the purchaser's account and credit the merchant's account, effectuating the sale. The commerce server also generates a fulfillment message that ensures product delivery to the purchaser.
	Gregory '567, 2:48-67.
	See also 13-14, <i>infra</i> .
on receiving an activation of the provided link on the visitor computer, serving to the visitor computer an e commerce supported page with a look and feel corresponding to the captured look and feel description of the host website associated with the provided link and with content based on the commerce object associated with the provided link.	"The present invention thus advantageously provides a convenient and efficient way for a purchaser to shop over a network through simple and easy to understand interfaces. An embodiment of such an interface is shown in FIG. 11." Gregory '567, 7:54-57.
	A purchaser may choose to view product and merchant information by predetermined category, such as home appliances 113, outdoor gear 114, or electronics 115. Alternatively, the purchaser may wish to carry out a search of the commerce database. Such a search may be boolean, e.g., HIKING AND (BOOTS OR SHOES). In another embodiment, the search is in a natural language format as is known in the art, e.g., I NEED HIKING BOOTS FOR BACKPACKING.
	An embodiment of a screen responsive to such a natural language inquiry is shown in FIG. 12. Here, the response is shown according to the names of merchants 121, 122, 123 and 124 who sell hiking boots. In

- 2 -

Comparison of U.S. Patent No. 6,629,135 and U.S. Patent No. 6,490,567 to Gregory ("Gregory '567")

Claim No.	Claim Language of U.S. Patent No. 6,629,135	Relevant Disclosure in U.S. Patent No. 6,490,567 ("Gregory '567")
		another embodiment, the response is shown in accordance with hiking boots products listed in the commerce database. In the embodiment shown in FIG. 12, tokens are displayed for each merchant indicating the types of payment accepted by the merchant 125 and the number of days in the merchant's money-back guarantee 126. This is merely meant to be exemplary of the types of information that could be supplied to the purchaser at this stage. Other types of information such as warranty information and service telephone numbers could also be included.
		Upon selecting a merchant from the screen shown in FIG. 12, the purchaser is referred by the commerce server to the content server on which the selected merchant has placed his merchant content. In one embodiment in which the present invention is implemented on the Internet, the URL of the merchant is contained in a table in the commerce database that cross-references it to the merchant identifier in the product data structure. In another embodiment, the network address of the content server is included in the product data structure as an additional field.
		Upon accessing the content server, the purchaser is presented with an electronic version of the merchant's store. Such stores are well known in the art as websites on the World Wide Web (WWW). The purchaser is able to search and browse among products offered by the merchant; learn detailed information regarding the merchant's return policy; learn about forms of payment accepted by the merchant; and order products. An example of a product screen at a content server is shown in FIG. 13. The picture of the boot 131 may be animated, and the boot could be slowly turned so all sides may be viewed. Audio accompanies the picture, describing the advantageous features of the boot. This is supplemented with textual information 132, as well as information about the boot's available sizes 133, weight 134, suggested retail price 135, offer price 136, and offer expiration date 137. If the purchaser wants to select the boot for purchase, the purchaser selects the Buy This button

- 3 -

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