

Quotes cited in Petition from Petitioner Exhibits 1004 and 1006 (Digital River SSS references) compared to quotes from Digital River art reviewed by examiner during prosecution

Quote in Petition [source]	Quotes from Digital River references seen by examiner on the
<p>1) "As a client of Digital River, you will become part of the Digital River Network. Network members will be able to link between each other's sites so that complimentary products can be bundled, and the consumer experience enhanced; not to mention the added opportunity for sales revenue. Digital River can also provide assistance in increasing site traffic, the sites' sales impact, and even design modifications." [Petition, p. 16 (citing Ex. 1004, p. 3)]</p>	<p>1-a) "Digital River Network": - Technology Solutions to Electronic Transactions (1998 Digital River paper): <i>"Digital River enables the sale and download of software from thousands of users, including a large network of independent dealers."</i> (p. 1); <i>"Combining our rich history with the Digital River network of dealers and vendors allows us to offer complementary products and coordinate special offers."</i> (p. 4); <i>"Through its network of dealers and developers"</i> (p. 6) - DigitalRiver.com website (Dec. 1997) (Ex. 1006, pages seen by examiner): <i>"As our client you also become part of the Digital River Network, ... your products will appear on the sites of all the dealers who are part of the Digital River Network."</i> (p. 5) - Marketing Software on the Internet (1998 Digital River white paper): <i>"Digital River enables the sale and download of software from thousands of users, including a large network of independent dealers."</i> (p. 3) - Form S-1, Amendment No. 4 (Digital River SEC filing, August 1998): <i>"...the Company's network of online retailer clients," "End-users will purchase products over the company's network..."</i> (p. 3); <i>"through the Company's extensive network of online retailers."</i> (p. 32) - Digital River – The Journey Continues (1998 brochure): <i>"The Digital River retail network provides..."</i> (p. 4); <i>"The world's largest network of online retailers"</i> (p. 5) 1-b) "products can be bundled": - Digital River – The Journey Continues (1998 brochure): <i>"Develop and test special offers, pricing changes, promotions and programs..."</i> <i>"Digital River created several test offer packages, for an upgrade offer..."</i></p>

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	<p><i>bundled offering</i> that exceeded the control results by more than 100% <i>"The world's largest online database of software products to expand y and for potential bundling and cross-selling"</i> (p. 8)</p> <p>- Form S-1, Amendment No. 4 (Digital River SEC filing, Aug <i>"These services include ... the presentation of complementary produc or other programs designed to increase average order sized based on a profile."</i> (p. 33)</p> <p>1-c) "added opportunity for sales revenue": - Digital River – The Journey Continues (1998 brochure): <i>"The Digital River retail network provides increased sales opportuniti software applications and digital products", "Increase your online sa River partnership", "reap the benefits of increased sales and revenues sales exponentially" (p. 4); "significantly increase sales", "Digital R make your sales skyrocket" (p. 5); "Gain new revenues", "targeted ca in increased online sales" (p. 6); "Complete e-commerce and marketin you increase sales", "world's largest retailer network to increase expo your products", "gain incremental revenue with little or no investme sales, revenues and profitability through Digital River's marketing a merchandising"(p. 9)</i></p> <p>- Marketing Software on the Internet (1998 Digital River whi <i>"Software developers and dealers who have developed online sales site have experienced substantial sales increases." (p. 5); "reap the benefi sales and revenues..." (p. 8)</i></p> <p>- DigitalRiver.com website (Dec. 1997) (Ex. 1006, pages seen l <i>"...your customer's ... sales revenue increased."</i> (p. 5)</p>
<p>2) "...an integrated back-end commerce system tailored just to your site so your customers will feel</p>	<p>"customers will feel that they've never left your page" - Marketing Software on the Internet: A White Paper (1998 D <i>"When customers visiting one of the many Web sites enhanced with</i></p>

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<p>that they've never left your page." [Petition, pp. 17, 24, 29 (citing Ex. 1004, p. 3)]</p> <p>AND</p> <p>"You know the problem: Web sites are usually born to communicate company news and answer product questions, and in most cases, they do that pretty well. The stickler is, potential customers have to leave your site to buy your products. So there you are. Your site's just delivered your best sales presentation ever and they can't buy. They've got to call, e-mail, or find a distributor." [Petition, p. 18 (citing Ex. 1006, p. 3)]</p>	<p>functionality click on the product descriptions, they are transparently Digital River site.", "There's no sensation of being suddenly hustled location.", "The entire transaction takes place in the selling environment client, surrounded by the look and feel of the developer's or dealer's id</p> <p>"To create the seamless transition between an existing website and D database of products, the first step is to create the look and feel of the</p> <p>"Arrays of products are chosen for fulfillment within the look and fee</p> <p>- Digital River – The Journey Continues (1998 brochure):</p> <p>"Your e-commerce site will retain the look and feel of your Web site."</p> <p>- DigitalRiver.com website (April 1997) (Exhibit 1005):</p> <p>"Digital River's Secure Sales System (SSS) brings together software dealers enabling them to sell and deliver product via the Internet. They provide all digital delivery, security, collections and reporting of the s Throughout this process it will appear to the consumer as if the trans processed by the manufacturer or dealer while the Digital River SSS transaction 'behind the scenes'." (pp. 1-2)</p> <p>- DigitalRiver.com website (Dec. 1997) (Ex. 1006, pages seen l</p> <p>"...the entire transaction takes place in the selling environment you' surrounded by the look and feel of your identity...", "There's no sens suddenly hustled off to another location."</p> <p>- Form S-1, Amendment No. 4 (Digital River SEC filing, Aug</p> <p>"Using its CNS platform, the Company creates Web stores for its cli look and feel of such clients' own Web sites." (pp. 3, 28); "The end-u transferred to a Web store hosted on Digital River's CNS, which repl feel of the client Web site." (p. 32)</p>
<p>3) (selling products directly off your site can be a) "huge pain in the butt" [Petition, p. 17, Exhibit 1004, p. 2]</p>	<p>(selling directly from your site is a) "huge pain in the</p> <p>- Digital River – The Journey Continues (1998 brochure):</p> <p>"Companies frequently consider building</p>

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	<p><i>their own software e-commerce solution. But they quickly discover that the development and ongoing support are substantially greater than the price paid for the solution.</i></p> <p><i>"More time to focus on your core competency while leaving the details of system management to Digital River" (p. 8); "Savings on the research and development required for you to develop your own e-commerce system" (p. 9)</i></p> <p>- DigitalRiver.com website (Dec. 1997) (Ex. 1006, pages seen by examiner)</p> <p><i>"You do what you do best: develop and market digital products. We do what we do best: make sure that when your customer says 'yes,' the transaction and delivery are made immediately, with no hassles." (p. 6)</i></p>
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