EXHIBIT I

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,803	08/03/2001	Andrew M. Ritchie	1561-77	7837

23117 7590 09/17/2003

NIXON & VANDERHYE, PC
1100 N GLEBE ROAD
8TH FLOOR
ARLINGTON, VA 22201-4714

EXAMINER	
RONES, CHARLES	

ART UNIT	PAPER NUMBER
2175	8

DATE MAILED: 09/17/2003

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

PTO 90C (Rev. 07-01)

Office Action Summary	Application No.	Applicant(s)	
	09/920,803	RITCHIE ET AL.	
	Examiner	Art Unit	
	Charles L. Rones	2175	

– 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 MONTH(S) 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 the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- 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 *26 June 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ 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

4)☒ Claim(s) *2-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ 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).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

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

a)☐ All b)☐ Some * c)☐ None of:

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.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) ☐ Other:

DETAILED ACTION

Amendment

The amendment timely filed on June 26, 2003 was entered subject to rule 1.26B. The first amendment cancelled claims 2-20 and added claims 21-40. At that time, only claim 1 was present in the application, not claims 2-20. Later claim 1 was cancelled. Therefore under Rule 1.26B claims 21-40 will be treated as claims 2-21, since 1 had been cancelled. In all future responses, please refer to pending claims as claims 2-21.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 2-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Wolff U.S. Patent No. 5,848,413 ('Wolff').

Wolff discloses:

As to claim 2,

identifying means for identifying requests from browsing devices that define a request for specified content data; data storage means storing content data; See 1:15-30; and processing means configured to:

(a) select content data from said storage means in dependence of the content data specified in a request received by said identifying means; See 5:47-67; 6:30-57; 7:6-61;

(b) receive format identifiers; See 5:47-67; 6:30-57; 7:6-61;

(c) execute a first set of functions to generate viewable data comprising said selected content data and first formatting data when a first formal identifier is received; See 5:47-67; 6:30-57; 7:6-61; and

(d) execute a second set of functions to generate viewable data comprising said selected content data and second formatting data when a second format identifier is received, whereby viewable data is served to a browser for display with a format which depends upon the particular format identifier received by the processing means; See 5:47-67; 6:30-57; 7:6-61.

As to claim 3,

wherein said format identifiers are received from browsing devices with said requests for specified content data, such that viewable data is served to a browsing device for display with a first format when a first format identifier is received from said browsing device, and a second format when a second format identifier is received from said browsing device; See 5:47-67; 6:30-57; 7:6-61; 9:28-67.

As to claim 4,

wherein said data storage means comprises a graphics database, whereby viewable data including graphics is served to a browsing device for display with a format which depends upon the particular format identifier received by the processing means; See 5:47-67; 6:30-57; 7:6-61; 9:28-67.

As to claim 5,

read specified user data from said user database, such that said specified user data corresponds to a received user identifier; See 5:47-67; 6:30-57; 7:6-61; 9:28-67; and

select content data in dependence of said read data; See 5:47-67; 6:30-57; 7:6-61; 9:28-67.

As to claim 6,

wherein said information relating to user preferences is identified by users; See 4:55-67 5:4-23.

As to claim 8,

a user database comprising information serving to user preferences and a text database which has an index; See 4:55-67 5:4-23;

said identifying means is further configured to receive a user identifier with said request for specified content data; See 5:47-67; 6:30-57; 7:6-61; 9:28-67; and

said processing means is configured to:

read data from said user database in response to a received user identifier; See 5:47-67; 6:30-57; 7:6-61; 9:28-67;

and

adjust the index of said text database in response to said user information, such that said selected content data is dependent upon a received user identifier; See 5:47-67; 6:30-57; 7:6-61; 9:28-67.

As to claim 9,

said serving device further comprises a user database comprising information relating to user preferences, and a graphics database which has an index; See 4:55-67 5:4-23;

said identifying means is further configured to receive a user identifier with said request for specified content data; See 5:47-67; 6:30-57; 7:6-61; 9:28-67; and

said processing means is configured to:

read data from said user database in response to a received user identifier; See 5:47-67; 6:30-57; 7:6-61; 9:28-67; and

adjust the index of said graphics database in response to said user information, such that said selected content data is dependent upon a received user identifier; See 5:47-67; 6:30-57; 7:6-61; 9:28-67.

As to claim 10,

wherein said serving device further comprises: a function database comprising a plurality of sets of functions including said first set of functions and said second set of functions; See 5:47-67; 6:30-57; 7:6-61; 9:28-67; and

a user database comprising information relating to user preferences, wherein said identifying means is configured to receive a user identifier with said request for specified content data; See 4:55-67 5:4-23; 5:47-67; 6:30-57; 7:6-61; 9:28-67; and

said processing means is configured to:

(a) read user preference information from said user database in response to a received user identifier; See 5:47-67; 6:30-57; 7:6-61; 9:28-67; and

(b) select a set of functions from said function database in dependence upon said received format identifier and said read user information; See 5:47-67; 6:30-57; 7:6-61; 9:28-67.

As to claim 11,

a user database comprising information relating to user preferences; See 4:55-67 5:4-23; and

a function database containing a plurality of sets of functions and an index, said identifying means is configured to receive a user identifier with said request for specified content data; See 5:47-67; 6:30-57; 7:6-61; 9:28-67; and

said processing means is configured to:

read specific user preference information from said user database in response to a received user identifier; See 5:47-67; 6:30-57; 7:6-61; 9:28-67;

adjust the relationship between said index and said sets of functions within said function database in response to said specific user preference information; See 4:55-67 5:4-23; and

select a set of functions from said function storage means in dependence upon said received format identifier, whereby said selected set of functions depends upon said specific user information; See 5:47-67; 6:30-57; 7:6-61; 9:28-67.

As to claim 12,

wherein said data storage means storing content data is a content database and said serving device further comprises a separate function database comprising a plurality of sets of functions including said first set of functions and said second set of functions, whereby said content database may be edited before said processing means

combines said content data with formatting data to generate viewable data; See 5:47-67; 6:30-57; 7:6-61; 9:28-67.

As to claim 13,

wherein said viewable data is HTML, (hypertext markup language) data, and said first and second formatting data comprise of HTML tags; See 5:47-67; 6:30-57; 7:6-61; 9:28-67.

As to claim 14,

(a) storing content in a storage means; See 5:47-67; 6:30-57; 7:6-61; 9:28-67;

(b) identifying requests from browsing devices at an identifying means that define a request for specified content data; See 5:47-67; 6:30-57; 7:6-61; 9:28-67; and

(c) selecting content data from said storage means in dependence of the content data specified in a request received by said identifying means; See 5:47-67; 6:30-57; 7:6-61; 9:28-67;

(d) receiving format identifiers; See 5:47-67; 6:30-57; 7:6-61; 9:28-67

(e) executing a first set of functions to generate viewable data comprising said selected content data and first formatting data when a first format identifier is received; See 5:47-67; 6:30-57; 7:6-61; 9:28-67; and

(f) executing a second set of functions to generate viewable data comprising said selected content data and second formatting data when a second format

identifier is received, whereby viewable data is served to a browser for display with a format which depends upon the particular format identifier received by the processing means; See 5:47-67; 6:30-57; 7:6-61; 9:28-67.

As to claim 15,

identifying means for identifying requests from browsing devices that define a request for specified content data; See 5:47-67; 6:30-57; 7:6-61; 9:28-67;

data storage means storing content data; See 5:47-67; 6:30-57; 7:6-61; 9:28-67;

function storage means storing executable functions; and processing means configured to:

(a) select content data from said data storage means in dependence upon the content data specified in a request received by said identifying means; See 5:47-67; 6:30-57; 7:6-61; 9:28-67;

(b) receive format identifiers; See 5:47-67; 6:30-57; 7:6-61; 9:28-67;

(c) select a set of functions from said function storage means in dependence upon a received format identifier; See 5:47-67; 6:30-57; 7:6-61; 9:28-67; and

(d) execute said set of functions to generate viewable data comprising said selected content data and formatting data; See 5:47-67; 6:30-57; 7:6-61; 9:28-67.

As to claim 16,

wherein said format identifier is received via said identifying means with said request for specified content data, whereby viewable data is served to a browser for

display with a format which depends upon the particular format identifier received from said browser; See 5:47-67; 6:30-57; 7:6-61; 9:28-67.

As to claim 17,

wherein said data storage means comprises a graphics database storing graphics data and said execution of said function results in graphics data being read from said graphics database, thereby generating viewable data which includes graphics; See 5:47-67; 6:30-57; 7:6-61; 9:28-67.

As to claim 18,

further comprising a user database comprising information relating to user preferences, wherein said identifying means is configured to receive a user identifier with said request for specified content data, and said processing means is configured to: read user preference information from said user database in response to a received user identifier; See 5:47-67; 6:30-57; 7:6-61; 9:28-67; and

select a set of functions from said function storage means in dependence upon said received format identifier and said read user information; See 5:47-67; 6:30-57; 7:6-61; 9:28-67.

As to claim 19,

wherein said viewable data is HTML (hypertext markup language) data, and said formatting data comprise of HTML tags; See 5:47-67; 6:30-57; 7:6-61; 9:28-67.

As to claim 20,

(a) identifying requests from browsing devices that define a request for specified content data; See 5:47-67; 6:30-57; 7:6-61; 9:28-67;

(b) storing content data within data storage means; See 5:47-67; 6:30-57; 7:6-61; 9:28-67;

storing executable functions within function storage means; See 5:47-67; 6:30-57; 7:6-61; 9:28-67; and

(c) selecting content data from said data storage means in dependence upon the content data specified in a request from a browsing device; See 5:47-67; 6:30-57; 7:6-61; 9:28-67;

(d) receiving format identifiers; See 5:47-67; 6:30-57; 7:6-61; 9:28-67;

(e) selecting a set of functions from said function storage means in dependence upon a received format identifier; See 5:47-67; 6:30-57; 7:6-61; 9:28-67; and

(f) executing said set of functions to generate viewable data comprising said selected content data and formatting data; See 5:47-67; 6:30-57; 7:6-61; 9:28-67.

As to claim 21,

(a) select content data from said database in dependence of the content data specified in a request received by said identifying means; See 5:47-67; 6:30-57; 7:6-61; 9:28-67;

(b) receive format identifiers; See 5:47-67; 6:30-57; 7:6-61; 9:28-67;

(c) execute a first set of functions to generate second HTML data comprising said selected content data and first formatting data when a first format identifier is received; See

(d) execute a second set of functions to generate second HTML data comprising said selected content data and second formatting data when a second format identifier is received, whereby HTML data is served to a browser for display with a format which depends upon the particular format identifier received by the processing means; See 5:47-67; 6:30-57; 7:6-61; 9:28-67.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff U.S. Patent No. 5,848,413 ('Wolff').

Wolff discloses the claimed invention except for wherein said information relating to user preferences is determined from a history of usage by users. It would have been obvious to one having ordinary skill in the art at the time the invention was made to

provide wherein said information relating to user preferences is determined from a history of usage by users since it was known in the art that using cookies or user logging user's usage to come up with user preferences would enable target marketing of merchandise, as well as, making quicker access to areas of interest by users.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles L. Rones whose telephone number is 703-306-3030. The examiner can normally be reached on Monday-Thursday 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.

Charles L. Rones

Charles L. Rones
Primary Examiner
Art Unit 2175

September 10, 2003