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Marshall, Gerstein & Borun LLP (Google)
233 South Wacker Drive
6300 Willis Tower
Chicago, IL 60606-6357

EXAMINER	
SYROWIK, MATHEW RICHARD	

ART UNIT	PAPER NUMBER
3622	

NOTIFICATION DATE	DELIVERY MODE
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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.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mgbdocket@marshallip.com

Office Action Summary	Application No. 13/838,714	Applicant(s) NAGHDY ET AL.	
	Examiner Mathew Syrowik	Art Unit 3622	AIA (First Inventor to File) Status 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 *May 28, 2014*.

☐ 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) *1-3,6-16 and 19-28* 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5a) Of the above claim(s) _____ is/are withdrawn from consideration.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, 6-16 and 19-28* 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 or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

10)☒ The specification is objected to by the Examiner.

11)☒ The drawing(s) filed on *March 15, 2013* 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) Paper No(s)/Mail Date _____.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

4) ☐ Other: _____.

DETAILED ACTION

Status

1. In view of the updated examiner instructions in light of the Supreme Court decision *Alice Corporation Pty. Ltd. v. CLS Bank International, et al.* (*Alice Corp.*) and the "APPEAL BRIEF" filed on May 28, 2014 (hereinafter "Appeal Brief"), PROSECUTION IS HEREBY REOPENED. New grounds of rejection under are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

2. The current form of the claims is represented as filed in the amendment of October 15, 2013, which cancelled Claims 4-5, 17-18 and 29 and had Claims 1-3, 6-16 and 19-28 pending and presented for examination. Of the pending claims, Claims 1, 11, 22 and 27 are independent claims.

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

Information Disclosure Statement (IDS)

4. In an effort to help Applicant avoid problems with the duty of disclosure, Applicant is notified of 37 CFR 1.51(d): "Applicants are encouraged to file an information disclosure statement in nonprovisional applications."

5. Examiner notes that this patent application has been assigned to Google Inc. and that no IDS has been filed in this case.

Response to Appeal Brief

6. A Summary of the Response to Applicant's Appeal Brief:

- Applicant's Appeal Brief does not overcome the prior art rejection(s) under 35 U.S.C. §§ 102 or 103; therefore, the Examiner asserts/maintains the rejection(s), as provided below.
- Applicant's arguments are found to be not persuasive; please see Examiner's "Response to Argument(s)" provided below.

Drawings

7. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5). The following identified error(s) is provided by way of example and may not be inclusive of all errors present in the drawings. Applicant is requested to review the drawings for additional and similar errors present in the drawings albeit such errors may not have been specifically identified in this office action.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: **41**. 37 CFR 1.84(p)(5) states that reference a character mentioned in the description must appear in the drawings. Applicant's specification as originally filed, mentions reference numeral 41; however, reference numeral 41 does not appear in the drawings. Therefore, Applicant's drawings fail to comply with 37 CFR 1.84(p)(5). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid

abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The above-identified error is provided by way of example and may not be inclusive of all errors present in the drawings.

Specification Objection(s)

8. Applicant's disclosure is objected to because of the following informalities: inconsistent reference numeral designations. More specifically, reference numeral **80** has been used to identify, for instance, "a screen 80" (e.g., on page 13 of Applicants specification, paragraph [0030]), "device 80" (e.g., on line 2, page 14 of Applicants specification), as well as "a display 80" (e.g., on page 14 of Applicants specification, paragraph [0031]). Appropriate correction(s) is required.

Examiner's Note(s)

9. Examiner understands that Claims **16** and **19** have been accepted by Applicant to be effectively "Currently amended" in this office action to reflect the changes to Claims 16 and 19, as evidenced by Applicant's Appeal Brief at page 21, as well as Claims 16 and 19 containing notations (e.g., underlinings) on page 6 of Applicant's amendment dated October 15, 2013, thereby indicating Applicant's intention to amend Claims 16 and 19. See MPEP § 714.

10. Claim **27** recites optional or intended use language, "for display...on the display device" because such claim language is not required to be performed/used and, therefore, little if any patentable weight has been given to the optional or intended use language recited in Claim 27, in conformity with MPEP §

2111.04. Claim 28 depends from Claim 27, but does not resolve the above issues and inherit the optional or intended use language of the parent claim(s).

Claim Rejections - 35 USC § 101

11. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

12. Claims **1-3**, **6-16** and **19-28** are rejected under pre-AIA 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification" (MPEP § 2111). In view of this standard and based upon consideration of all of the relevant factors with respect to each claim as a whole, Claims 1-3, 6-16 and 19-28 are rejected as ineligible subject matter under pre-AIA 35 U.S.C. 101.

Claims **1-3**, **6-16** and **19-28** are rejected under § 101 because the claimed invention is directed to non-statutory subject matter. The rationale for this finding is that the claims, in the instant case, are directed toward the concept of determining advertisements to display to a user. However, determining advertisements to display to a user is a fundamental economic practice and/or a method of organizing human activities and, therefore, the claimed subject matter is drawn to an abstract idea. The claims do not recite limitations that are "significantly more" than the abstract idea because the claims do not recite an improvement to another technology or technical field, an improvement to the functioning of the computer itself, or meaningful limitations beyond generally linking the use of an abstract idea to a particular technological environment. Note that limitations recited in the instant claims are performed by the generically recited one or more processors or advertising server. The claim limitations are merely instructions to implement the abstract idea on a computer and require no more than a generic computer to perform generic computer functions that are well-understood, routine and conventional activities

previously known to the industry. Consequently, Claims 1-3, 6-16 and 19-28 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter."

Please note "Preliminary Examination Instructions in view of the Supreme Court Decision in *Alice Corporation Pty. Ltd. v. CLS Bank International, et al.*" dated June 25, 2014 (e.g., see http://www.uspto.gov/patents/announce/alice_pec_25jun2014.pdf).

Claim Rejections - 35 USC § 102

13. 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 –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. The Examiner notes the prior art made of record but not relied upon in the instant § 102 rejections, where recitation is provided as being pertinent to applicant's disclosure:

- U.S. Patent Application Publication No. 2010/0217525 of King et al. (hereinafter "*King*").

15. Claims **1**-**3**, **8**, **10**-**16**, **20** and **22**-**28** are rejected under pre-AIA 35 U.S.C. 102(b) as anticipated by U.S. Patent Application Publication No. 2009/0198607 of Badger et al. (hereinafter "*Badger*") or, in the alternative, under pre-AIA 35 U.S.C. 103(a) as obvious over *Badger* in view of U.S. Patent Application Publication No. 2006/0242017 of Libes et al. (i.e., "*Libes*"), as provided below under section heading §103 of this detailed action.

Regarding Claim **1**, *Badger* discloses a computer-implemented method of presenting an advertisement to a user on a display screen of a display device in conjunction with a map, comprising:

determining, with one or more processors, a geographical region associated with the map being displayed on the display device (e.g., *Badger* at ¶¶ [0005], [0020], [0027]–[0028], [0033]–[0035], [0040]–[0042], [0044] and [0060]; and Figures 2A-2C of *Badger*)**;**

determining, with one or more processors, one or more advertisers having at least one associated physical location within the geographical region associated with the map being displayed on the display device (e.g., *Badger* at ¶¶ [0022]–[0023], [0044], [0056] and [0062]; and Figures 2A-2C of *Badger*)**;**

performing, with one or more processors, an auction between the advertisers having at least one associated physical location within the geographical region associated with the map being displayed on the display device to determine an advertisement to display in conjunction with the map on the display device, wherein the determination of the winner of the auction is based in part on the distances of the associated physical locations from the location of the display device (e.g., *Badger* at ¶¶ [0005], [0020], [0042]–[0045], [0048]–[0051], [0056], [0062]–[0064], [0068], [0071]–[0074] and [0079]; Abstract of *Badger*; and Figures 2A-2C of *Badger*; also see *King* for "factors beyond monetization are included in placement…. satisfy a user request for a geo-location service might…include…factors other than monetization, such as factors akin to spatial relevance" such that "Once bidding is complete the advertisers are ranked according to a weighted distance" such as spatial distance or route length or travel time to a destination —*King* at ¶¶ [0024], [0030] and [0033])**; and**

displaying, with one or more processors, the advertisement of the winner of the auction on the display device in conjunction with the map (e.g., *Badger* at ¶¶ [0005]–[0007], [0024], [0026]–[0027], [0048] and [0081]; Abstract of *Badger*; and Figures 2A-2C of *Badger*)**.**

Regarding Claim **2**, *Badger* discloses the method of presenting an advertisement on a display screen of a display device in conjunction with a map of claim 1, wherein **displaying, with one or more processors, the advertisement includes displaying an advertisement icon on the display screen indicating the existence of an advertisement in conjunction with the map, and further displaying a complete advertisement on the display screen in response to a user selection of the**

advertisement icon (e.g., *Badger* at ¶¶ [0019], [0038], [0043], [0052] and [0054]; and Figures 2A-2C of *Badger*).

Regarding Claim **3**, *Badger* discloses the method of presenting an advertisement on a display screen of a display device in conjunction with a map of claim 1, wherein **performing, with one or more processors, an auction between the advertisers having at least one associated physical location within the geographical region associated with the map being displayed on the display device to determine an advertisement to display in conjunction with the map on the display device includes determining the winner of the auction based on a price that each advertiser is willing to pay for the viewing of an advertiser advertisement and on a predicted rate at which a user will select a particular advertisement icon of an advertiser when displayed on the display screen** (e.g., *Badger* at ¶¶ [0005], [0042]–[0045], [0048], [0052], [0056], [0062]–[0064] and [0071]–[0074]; and Figures 2A-2C of *Badger*).

Regarding Claim **8**, *Badger* discloses the method of presenting an advertisement on a display screen of a display device in conjunction with a map of claim 1, wherein **performing, with one or more processors, an auction between the advertisers having at least one associated physical location within the geographical region associated with the map being displayed on the display device includes limiting the auction to only advertisers having at least one associated physical location within the geographical region associated with the map being displayed on the display device** (e.g., *Badger* at ¶¶ [0022]–[0023], [0056]–[0057] and [0073]; and Figures 2A-2C of *Badger*).

Regarding Claim **10**, *Badger* discloses the method of presenting an advertisement on a display screen of a display device in conjunction with a map of claim 1, further including, **in response to a change in the geographical region displayed on the map, repeating the steps of determining, with one or more processors, one or more advertisers having at least one associated physical location within the geographical region associated with the map being displayed on the display device,**

performing, with one or more processors, an auction between the advertisers having at least one associated physical location within the geographical region associated with the map being displayed on the display device to determine an advertisement to display in conjunction with the map on the display device, and displaying, with one or more processors, the advertisement of the winner of the auction on the display device in conjunction with the map (e.g., *Badger* at ¶¶ [0005]–[0007], [0022]–[0027], [0040]–[0045], [0048], [0056], [0062]–[0064], [0071]–[0074] and [0081]; and Figures 2A-2C of *Badger*).

Regarding Claim **11**, *Badger* discloses an advertisement display system for presenting an advertisement to a user on a display screen of a display device in conjunction with a map, comprising:

a map database server including a first routine stored on a non-transitory computer readable memory, that executes on one or more processors to determine a geographical region associated with a map displayed on the display device (e.g., *Badger* at ¶¶ [0005], [0007], [0020], [0023], [0026]–[0028], [0033]–[0035], [0040]–[0042], [0044] and [0060]; and Figures 1 and 2A-2C of *Badger*);

an advertising server that includes a second routine stored on a non-transitory computer readable memory, that executes on one or more processors to access a database to determine one or more advertisers having at least one associated physical location within the geographical region associated with the map being displayed on the display device and that includes a third routine stored on a non-transitory computer readable memory, that executes on one or more processors to perform an auction between the advertisers determined to have at least one associated physical location within the geographical region associated with the map displayed on the display device to determine an advertisement to display in conjunction with the map on the display device, wherein the third routine determines the winner of the auction at least in part based on the distances between the associated physical locations and the location of a display device (e.g., *Badger* at ¶¶ [0005], [0008], [0020], [0022]–[0023], [0042]–[0051], [0056], [0062]–[0064], [0068], [0071]–[0074] and [0079]; Abstract of *Badger*; and Figures 1 and 2A-2C of *Badger*; also see *King*

for "factors beyond monetization are included in placement.... satisfy a user request for a geo-location service might...include...factors other than monetization, such as factors akin to spatial relevance" such that "Once bidding is complete the advertisers are ranked according to a weighted distance" such as spatial distance or route length or travel time to a destination —*King* at ¶¶ [0024], [0030] and [0033])**; and**

a display device communicatively coupled to the map database server and the advertising server that includes a fourth routine stored on a non-transitory computer readable memory, that executes on one or more processors to display the advertisement of the winner of the auction on the display device in conjunction with the map (e.g., Figures 1 and 2A-2C of *Badger*; Abstract of *Badger*; and *Badger* at ¶¶ [0005]–[0007], [0020], [0024], [0026]–[0027], [0038], [0048] and [0081])**.**

Regarding Claim **12**, *Badger* discloses the advertisement display system of claim 11, wherein **the map database server provides map data to the display device and wherein the display device displays the provided map data on a display screen** (e.g., Figures 1 and 2A-2C of *Badger*; Abstract of *Badger*; and *Badger* at ¶¶ [0005]–[0006], [0022]–[0023], [0026]–[0027], [0029], [0038], [0042]–[0048], [0056], [0060], [0062]–[0065] and [0071]–[0074])**.**

Regarding Claim **13**, *Badger* discloses the advertisement display system of claim 12, wherein **the advertising server provides the advertisement to the display device to be displayed on the display screen in conjunction with the map** (e.g., Figures 1 and 2A-2C of *Badger*; Abstract of *Badger*; and *Badger* at ¶¶ [0005], [0022]–[0024], [0042]–[0048], [0056], [0062]–[0064] and [0071]–[0074])**.**

Regarding Claim **14**, *Badger* discloses the advertisement display system of claim 11, wherein **the map database server is communicatively coupled to the advertising server and provides map data to the advertising server defining the geographical region associated with the map data sent to the display device** (e.g., *Badger* at ¶¶ [0022]–[0023], [0026], [0042], [0056]–[0057] and [0064]–[0065]; and Figures 1 and 2A-2C of *Badger*)**.**

Regarding Claim **15**, *Badger* discloses the advertisement display system of claim 11, wherein **the advertising server provides an advertising icon to the display device and the display device displays the advertising icon and wherein the advertising server provides an advertisement to the display device and the display device displays the advertisement when the user selects the advertising icon** (e.g., Figures 1 and 2A-2C of *Badger*; and *Badger* at ¶¶ [0019], [0038], [0043], [0052] and [0054]).

Regarding Claim **16**, *Badger* discloses the advertisement display system of claim 11, wherein **the advertising server includes a memory that stores a price that each advertiser is willing to pay for the viewing of an advertiser advertisement and stores a predicted rate at which a user will select a particular advertisement displayed on the display screen, and wherein the third routine performs the auction between the advertisers having at least one associated physical location within the geographical region associated with the map being displayed on the display device to determine an advertisement to display in conjunction with the map on the display device by determining the winner of the auction based on the price that each advertiser is willing to pay for the viewing of an advertiser advertisement and the predicted rate at which a user will select a particular advertisement displayed on the display screen** (e.g., Figures 1 and 2A-2C of *Badger*; and *Badger* at ¶¶ [0005], [0042]–[0045], [0048], [0052], [0056], [0062]–[0064] and [0071]–[0074]).

Regarding Claim **20**, *Badger* discloses the advertisement display system of claim 11, wherein **the third routine limits the auction to only advertisers having at least one associated physical location within the geographical region associated with the map displayed on the display device** (e.g., *Badger* at ¶¶ [0022]–[0023], [0056]–[0057] and [0073]; and Figures 1 and 2A-2C of *Badger*).

Regarding Claim **22**, *Badger* discloses a computer-implemented method of performing an auction for the placement of advertisements, comprising:

storing, in one or more databases on a non-transitory computer readable memory, information regarding multiple advertisers including, for each advertiser, an advertisement, a price the advertiser is willing to pay for the advertisement and an indication of one or more physical locations associated with the advertiser (e.g., Figures 1 and 2A-2C of *Badger*; Abstract of *Badger*; and *Badger* at ¶¶ [0005], [0022]–[0023], [0042]–[0048], [0056], [0062]–[0064] and [0071]–[0074]);

determining, with one or more processors, the boundaries of a geographical region associated with a map displayed on a display device (e.g., *Badger* at ¶¶ [0005], [0020], [0027]–[0028], [0033]–[0035], [0040]–[0042], [0044] and [0060]; and Figures 2A-2C of *Badger*);

determining, with one or more processors, one or more advertisers who have an associated physical location within the boundaries of the geographical region associated with the map displayed on a display device based on the stored information regarding the multiple advertisers (e.g., Figures 2A-2C of *Badger*; and *Badger* at ¶¶ [0022]–[0023], [0044], [0056] and [0062]);

performing, with one or more processors, an auction between the one or more advertisers determined to have an associated physical location within the boundaries of the geographical region associated with the map displayed on a display device using the price each of the determined advertisers is willing to pay for the advertisement, the auction determining a winner based in part of the price each of the determined advertisers is willing to pay for the advertisement and further based in part on the distance between the associated physical locations of the advertisers and the location of the display device (e.g., Abstract of *Badger*; *Badger* at ¶¶ [0005], [0020], [0042]–[0045], [0048]–[0052], [0056], [0062]–[0064], [0068], [0071]–[0074] and [0079]; and Figures 2A-2C of *Badger*; also see *King* for "factors beyond monetization are included in placement…. satisfy a user request for a geo-location service might…include…factors other than monetization, such as factors akin to spatial relevance" such that "Once bidding is complete the advertisers are ranked according to a weighted distance" such as spatial distance or route length or travel time to a destination —*King* at ¶¶ [0024], [0030] and [0033]);

sending, over a communications network and with one or more processors, the advertisement of the winner of the auction to a display device (e.g., Abstract of *Badger*; *Badger* at ¶¶ [0005]–[0007], [0024], [0026]–[0027], [0048] and [0081]; and Figures 2A-2C of *Badger*)**; and**

displaying, with one or more processors, the advertisement of the winner of the auction on the display device (e.g., Abstract of *Badger*; Figures 1 and 2A-2C of *Badger*; and *Badger* at ¶¶ [0005]–[0007], [0020], [0024], [0026]–[0027], [0038], [0048] and [0081])**.**

Regarding Claim **23**, *Badger* discloses the method of performing, with one or more processors, an auction of claim 22, further including **storing, in one or more databases on a non-transitory computer readable memory, as part of the information regarding an advertiser, a predicted rate at which a user will select the advertisement of the advertiser when displayed on the display screen and wherein performing, with one or more processors, an auction includes using the predicted rate at which a user will select the advertisement of the advertiser when displayed on the display screen and determining the winner based on a combination of the price each of the determined advertisers is willing to pay for the advertisement and the predicted rate at which a user will select the advertisement of the advertisers when displayed on the display screen** (e.g., Figures 1 and 2A-2C of *Badger*; and *Badger* at ¶¶ [0005], [0042]–[0045], [0048], [0052], [0056], [0062]–[0064] and [0071]–[0074])**.**

Regarding Claim **24**, *Badger* discloses the method of performing, with one or more processors, an auction of claim 22, further including **obtaining or receiving a physical location of the display device on which the advertisement is to be displayed and calculating a distance between the physical location of the display device on which the advertisement is to be displayed and one or more of the physical locations associated with the advertiser within the boundaries of the geographical region associated with the map displayed on the display device** (e.g., *Badger* at ¶¶ [0008], [0020], [0048]–[0051], [0064], [0068] and [0079])**.**

Regarding Claim **25**, *Badger* discloses the method of performing, with one or more processors, an auction of claim 24, further including **determining a weighting factor for the determined distance between the physical location of the display device on which the advertisement is to be displayed and one of the physical locations associated with one of the advertisers within the boundaries of the geographical region associated with the map displayed on the display device and determining the winner of the auction by combining the weighting factor for the one of the advertisers with the price the one of the advertisers is willing to pay for the advertisement** (e.g., *Badger* at ¶¶ [0008], [0048]–[0050], [0056], [0064] and [0068]).

Regarding Claim **26**, *Badger* discloses the method of performing, with one or more processors, an auction of claim 25, including **storing, in one or more databases on a non-transitory computer readable memory, as part of the information regarding an advertiser, one or more filtering criteria used in the auction, and wherein performing, with one or more processors, the auction includes filtering the advertisers who have geographical locations within the geographical boundary associated with the map displayed on the display device based on the one or more filtering criteria** (e.g., *Badger* at ¶¶ [0045]–[0048] and [0073]).

Regarding Claim **27**, *Badger* discloses a computer system for performing an auction for the placement of an advertisement on a display device, comprising:

a data collection unit that includes one or more processors that collects advertising data from each of a multiplicity of advertisers willing to participate in an advertising auction, the data collection unit collecting, for each of the multiplicity of advertisers, an advertisement for display on the display device, a price the advertiser is willing to pay for the display of the advertisement on the display device and an indication of a geographical location of one or more physical sites associated with each of the multiplicity of advertisers (e.g., Figures 1 and 2A-2C of *Badger*; *Badger* at ¶¶ [0005], [0018], [0020], [0022]–[0023], [0042]–[0048], [0052], [0056], [0062]–[0064], [0071]–[0074] and [0078]–[0079]; and Abstract of *Badger*);

a data storage unit that includes one or more databases on a non-transitory computer readable memory that stores the advertisement, the price the advertiser is willing to pay for the display of the advertisement on the display device and the indications of the geographical locations of the one or more physical sites associated with the advertiser for each of the multiplicity of advertisers (e.g., *Badger* at ¶¶ [0005], [0009], [0018], [0022]–[0023], [0042]–[0048], [0050], [0052], [0056], [0062]–[0064], [0071]–[0074] and [0078]–[0079]; Abstract of *Badger*; and Figures 1 and 2A-2C of *Badger*)**; and**

an auction unit that includes one or more processors that performs an advertisement auction between one or more of the advertisers having a physical site within a specified geographical region as determined from the indications of the geographical location of the one or more physical sites associated with the advertisers as stored in the data storage unit, using the price each of the advertisers is willing to pay for the display of the advertisement on the display device and the distance between the display device and the physical sites associated with the advertisers to determine a winner of the auction (e.g., *Badger* at ¶¶ [0005], [0008], [0018], [0020], [0022]–[0023], [0042]–[0052], [0056], [0062]–[0064], [0068], [0071]–[0074] and [0078]–[0079]; and Figures 1 and 2A-2C of *Badger*; also see *King* for "factors beyond monetization are included in placement.... satisfy a user request for a geo-location service might...include...factors other than monetization, such as factors akin to spatial relevance" such that "Once bidding is complete the advertisers are ranked according to a weighted distance" such as spatial distance or route length or travel time to a destination —*King* at ¶¶ [0024], [0030] and [0033])**.**

Regarding Claim **28**, *Badger* discloses the system for performing an auction of claim 27, wherein **the auction unit that includes one or more processors limits the auction to those advertisers that have an associated physical site within the specified geographical region as determined from the data storage unit** (e.g., Figures 1 and 2A-2C of *Badger*; and *Badger* at ¶¶ [0022]–[0023], [0056]–[0057] and [0073]) **that includes one or more databases on a non-transitory computer readable memory.**

Claim Rejections - 35 USC § 103

16. The following is a quotation of pre-AIA 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.

17. The Examiner notes the prior art made of record but not relied upon in the instant § 103 rejections, where recitation is provided as being pertinent to applicant's disclosure:

- U.S. Patent Application Publication No. 2010/0217525 of King et al. (hereinafter "*King*").

18. Claims **1-3**, **8**, **10-16**, **20** and **22-28** are alternatively rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2009/0198607 of Badger et al. (hereinafter "*Badger*") in view of U.S. Patent Application Publication No. 2006/0242017 of Libes et al. (hereinafter "*Libes*").

Regarding Claim **1**, *Badger* discloses a computer-implemented method of presenting an advertisement to a user on a display screen of a display device in conjunction with a map, comprising:

determining, with one or more processors, a geographical region associated with the map being displayed on the display device (e.g., *Badger* at ¶¶ [0005], [0020], [0027]–[0028], [0033]–[0035], [0040]–[0042], [0044] and [0060]; and Figures 2A-2C of *Badger*);

determining, with one or more processors, one or more advertisers having at least one associated physical location within the geographical region associated with the map being displayed on the display device (e.g., *Badger* at ¶¶ [0022]–[0023], [0044], [0056] and [0062]; and Figures 2A-2C of *Badger*);

performing, with one or more processors, an auction between the advertisers having at least one associated physical location within the geographical region associated with the map

being displayed on the display device to determine an advertisement to display in conjunction with the map on the display device, wherein the determination of the winner of the auction is based in part on the associated physical locations and the display device (e.g., *Badger* at ¶¶ [0005], [0020], [0042]–[0045], [0048]–[0051], [0056], [0062]–[0064], [0068], [0071]–[0074] and [0079]; Abstract of *Badger*; and Figures 2A-2C of *Badger*; also see *King* for "factors beyond monetization are included in placement.... satisfy a user request for a geo-location service might...include...factors other than monetization, such as factors akin to spatial relevance" such that "Once bidding is complete the advertisers are ranked according to a weighted distance" such as spatial distance or route length or travel time to a destination —*King* at ¶¶ [0024], [0030] and [0033])**; and**

displaying, with one or more processors, the advertisement of the winner of the auction on the display device in conjunction with the map (e.g., *Badger* at ¶¶ [0005]–[0007], [0024], [0026]–[0027], [0048] and [0081]; Abstract of *Badger*; and Figures 2A-2C of *Badger*), but *Badger* arguably fails to explicitly disclose the winner being based on the distances of the associated physical locations from the location of the display device albeit *Badger* does disclose its "auction can...be based on...factors such as...user specific data" (e.g., *Badger* at ¶¶ [0064] and [0073]) and "[o]ne type of user specific data is...Map direction data...available if a user device 110...requests driving directions from the map server...providing the user device 110 with turn by turn driving directions...from a start location to an end location. The start location...can facilitate selection of advertisements 103 relevant to the user devices...by correlating the start location...to...potential interests" (e.g., *Badger* at ¶ [0049]), such that "advertisement server 104 can give *preference* to the advertisement bids associated with...businesses [such as "gas stations near the start location" that the device is interested in] when auctioning the advertisement spaces 206 along the path" (e.g., *Badger* at ¶ [0050]). Thus, *Badger* "consider[s] the quality of each advertisement...when auctioning the advertisement space", which "can be determined by...whether the advertiser 102 is related to the map space 202 to be presented (e.g., a retail location in the map space 202), to name a few" (e.g., *Badger* at ¶¶ [0048] and [0051]). Nonetheless, *Libes* discloses targeting mobile advertisements based on location/distance of the mobile user device to a specific geographic business location, wherein the winner of the auction is based in part on the distances of the

associated physical locations from the location of the display device (e.g., *Libes* at ¶¶ [0043]–[0048], [0059], [0162]–[0164] and [0234]). Therefore, it would have been obvious to one skilled in the art, at the time of the applicant's invention, to incorporate the winner being based on the distances of the associated physical locations from the location of the display device, as taught by *Libes*, into the method/system disclosed by *Badger*, which is directed toward auctioning map space for one or more content/advertisement items based on a number of factors including, for example, advertisement bids, advertisement quality, map direction data, geographic locations of businesses, et cetera (e.g., *Badger* at ¶¶ [0048]–[0050], [0056], [0064] and [0068]), because such incorporation would be applying a known technique to a known device (method, or product) ready for improvement to yield predictable results (see MPEP § 2143).

Claim **2** is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over *Badger* in view of *Libes* as applied to Claim 1 above and *Badger* teaching wherein **displaying, with one or more processors, the advertisement includes displaying an advertisement icon on the display screen indicating the existence of an advertisement in conjunction with the map, and further displaying a complete advertisement on the display screen in response to a user selection of the advertisement icon** (e.g., *Badger* at ¶¶ [0019], [0038], [0043], [0052] and [0054]; and Figures 2A-2C of *Badger*).

Claim **3** is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over *Badger* in view of *Libes* as applied to Claim 1 above and *Badger* teaching wherein **performing, with one or more processors, an auction between the advertisers having at least one associated physical location within the geographical region associated with the map being displayed on the display device to determine an advertisement to display in conjunction with the map on the display device includes determining the winner of the auction based on a price that each advertiser is willing to pay for the viewing of an advertiser advertisement and on a predicted rate at which a user will select a particular advertisement icon of an advertiser when displayed on the display screen** (e.g., *Badger*

at ¶¶ [0005], [0042]–[0045], [0048], [0052], [0056], [0062]–[0064] and [0071]–[0074]; and Figures 2A-2C of *Badger*).

Claim **8** is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over *Badger* in view of *Libes* as applied to Claim 1 above and *Badger* teaching wherein **performing, with one or more processors, an auction between the advertisers having at least one associated physical location within the geographical region associated with the map being displayed on the display device includes limiting the auction to only advertisers having at least one associated physical location within the geographical region associated with the map being displayed on the display device** (e.g., *Badger* at ¶¶ [0022]–[0023], [0056]–[0057] and [0073]; and Figures 2A-2C of *Badger*).

Claim **10** is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over *Badger* in view of *Libes* as applied to Claim 1 above and *Badger* teaching **in response to a change in the geographical region displayed on the map, repeating the steps of determining, with one or more processors, one or more advertisers having at least one associated physical location within the geographical region associated with the map being displayed on the display device, performing, with one or more processors, an auction between the advertisers having at least one associated physical location within the geographical region associated with the map being displayed on the display device to determine an advertisement to display in conjunction with the map on the display device, and displaying, with one or more processors, the advertisement of the winner of the auction on the display device in conjunction with the map** (e.g., *Badger* at ¶¶ [0005]–[0007], [0022]–[0027], [0040]–[0045], [0048], [0056], [0062]–[0064], [0071]–[0074] and [0081]; and Figures 2A-2C of *Badger*).

Regarding Claim **11**, *Badger* discloses an advertisement display system for presenting an advertisement to a user on a display screen of a display device in conjunction with a map, comprising:

a map database server including a first routine stored on a non-transitory computer readable memory, that executes on one or more processors to determine a geographical region associated with a map displayed on the display device (e.g., *Badger* at ¶¶ [0005], [0007], [0020], [0023], [0026]–[0028], [0033]–[0035], [0040]–[0042], [0044] and [0060]; and Figures 1 and 2A-2C of *Badger*)**;**

an advertising server that includes a second routine stored on a non-transitory computer readable memory, that executes on one or more processors to access a database to determine one or more advertisers having at least one associated physical location within the geographical region associated with the map being displayed on the display device and that includes a third routine stored on a non-transitory computer readable memory, that executes on one or more processors to perform an auction between the advertisers determined to have at least one associated physical location within the geographical region associated with the map displayed on the display device to determine an advertisement to display in conjunction with the map on the display device, wherein the third routine determines the winner of the auction at least in part based on the associated physical locations and a display device (e.g., *Badger* at ¶¶ [0005], [0008], [0020], [0022]–[0023], [0042]–[0051], [0056], [0062]–[0064], [0068], [0071]–[0074] and [0079]; Abstract of *Badger*; and Figures 1 and 2A-2C of *Badger*; also see *King* for "factors beyond monetization are included in placement…. satisfy a user request for a geo-location service might…include…factors other than monetization, such as factors akin to spatial relevance" such that "Once bidding is complete the advertisers are ranked according to a weighted distance" such as spatial distance or route length or travel time to a destination —*King* at ¶¶ [0024], [0030] and [0033])**; and**

a display device communicatively coupled to the map database server and the advertising server that includes a fourth routine stored on a non-transitory computer readable memory, that executes on one or more processors to display the advertisement of the winner of the auction on the display device in conjunction with the map (e.g., Figures 1 and 2A-2C of *Badger*; Abstract of *Badger*; and *Badger* at ¶¶ [0005]–[0007], [0020], [0024], [0026]–[0027], [0038], [0048] and [0081]), but *Badger* arguably fails to explicitly disclose the winner of the auction being at least in part based on the

distances between the associated physical locations and the location of the display device albeit *Badger* does disclose its "auction can…be based on…factors such as…user specific data" (e.g., *Badger* at ¶¶ [0064] and [0073]) and "[o]ne type of user specific data is…Map direction data…available if a user device 110…requests driving directions from the map server…providing the user device 110 with turn by turn driving directions…from a start location to an end location. The start location…can facilitate selection of advertisements 103 relevant to the user devices…by correlating the start location…to…potential interests" (e.g., *Badger* at ¶ [0049]), such that "advertisement server 104 can give *preference* to the advertisement bids associated with…businesses [such as "gas stations near the start location" that the device is interested in] when auctioning the advertisement spaces 206 along the path" (e.g., *Badger* at ¶ [0050]). Thus, *Badger* "consider[s] the quality of each advertisement…when auctioning the advertisement space", which "can be determined by…whether the advertiser 102 is related to the map space 202 to be presented (e.g., a retail location in the map space 202), to name a few" (e.g., *Badger* at ¶¶ [0048] and [0051]). Nonetheless, *Libes* discloses targeting mobile advertisements based on location/distance of the mobile user device to a specific geographic business location, wherein the auction winner is at least in part based on the distances between the associated physical locations and the location of a display device (e.g., *Libes* at ¶¶ [0043]–[0048], [0059], [0162]–[0164] and [0234]). Therefore, it would have been obvious to one skilled in the art, at the time of the applicant's invention, to incorporate the winner of the auction being at least in part based on the distances between the associated physical locations and the location of the display device, as taught by *Libes*, into the method/system disclosed by *Badger*, which is directed toward auctioning map space for one or more content/advertisement items based on a number of factors including, for example, advertisement bids, advertisement quality, map direction data, geographic locations of businesses, et cetera (e.g., *Badger* at ¶¶ [0048]–[0050], [0056], [0064] and [0068]), because such incorporation would be applying a known technique to a known device (method, or product) ready for improvement to yield predictable results (see MPEP § 2143).

Claim **12** is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over *Badger* in view of *Libes* as applied to Claim 11 above and *Badger* teaching wherein **the map database server provides map data to the display device and wherein the display device displays the provided map data on a display screen** (e.g., Figures 1 and 2A-2C of *Badger*; Abstract of *Badger*; and *Badger* at ¶¶ [0005]–[0006], [0022]–[0023], [0026]–[0027], [0029], [0038], [0042]–[0048], [0056], [0060], [0062]–[0065] and [0071]–[0074]).

Claim **13** is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over *Badger* in view of *Libes* as applied to Claim 12 above and *Badger* teaching wherein **the advertising server provides the advertisement to the display device to be displayed on the display screen in conjunction with the map** (e.g., Figures 1 and 2A-2C of *Badger*; Abstract of *Badger*; and *Badger* at ¶¶ [0005], [0022]–[0024], [0042]–[0048], [0056], [0062]–[0064] and [0071]–[0074]).

Claim **14** is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over *Badger* in view of *Libes* as applied to Claim 11 above and *Badger* teaching wherein **the map database server is communicatively coupled to the advertising server and provides map data to the advertising server defining the geographical region associated with the map data sent to the display device** (e.g., *Badger* at ¶¶ [0022]–[0023], [0026], [0042], [0056]–[0057] and [0064]–[0065]; and Figures 1 and 2A-2C of *Badger*).

Claim **15** is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over *Badger* in view of *Libes* as applied to Claim 11 above and *Badger* teaching wherein **the advertising server provides an advertising icon to the display device and the display device displays the advertising icon and wherein the advertising server provides an advertisement to the display device and the display device displays the advertisement when the user selects the advertising icon** (e.g., Figures 1 and 2A-2C of *Badger*; and *Badger* at ¶¶ [0019], [0038], [0043], [0052] and [0054]).

Claim **16** is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over *Badger* in view of *Libes* as applied to Claim 11 above and *Badger* teaching wherein **the advertising server includes a memory that stores a price that each advertiser is willing to pay for the viewing of an advertiser advertisement and stores a predicted rate at which a user will select a particular advertisement displayed on the display screen, and wherein the third routine performs the auction between the advertisers having at least one associated physical location within the geographical region associated with the map being displayed on the display device to determine an advertisement to display in conjunction with the map on the display device by determining the winner of the auction based on the price that each advertiser is willing to pay for the viewing of an advertiser advertisement and the predicted rate at which a user will select a particular advertisement displayed on the display screen** (e.g., Figures 1 and 2A-2C of *Badger*; and *Badger* at ¶¶ [0005], [0042]–[0045], [0048], [0052], [0056], [0062]–[0064] and [0071]–[0074]).

Claim **20** is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over *Badger* in view of *Libes* as applied to Claim 11 above and *Badger* teaching wherein **the third routine limits the auction to only advertisers having at least one associated physical location within the geographical region associated with the map displayed on the display device** (e.g., *Badger* at ¶¶ [0022]–[0023], [0056]–[0057] and [0073]; and Figures 1 and 2A-2C of *Badger*).

Regarding Claim **22**, *Badger* discloses a computer-implemented method of performing an auction for the placement of advertisements, comprising:

storing, in one or more databases on a non-transitory computer readable memory, information regarding multiple advertisers including, for each advertiser, an advertisement, a price the advertiser is willing to pay for the advertisement and an indication of one or more physical locations associated with the advertiser (e.g., Figures 1 and 2A-2C of *Badger*; Abstract of *Badger*; and *Badger* at ¶¶ [0005], [0022]–[0023], [0042]–[0048], [0056], [0062]–[0064] and [0071]–[0074]);

determining, with one or more processors, the boundaries of a geographical region associated with a map displayed on a display device (e.g., *Badger* at ¶¶ [0005], [0020], [0027]–[0028], [0033]–[0035], [0040]–[0042], [0044] and [0060]; and Figures 2A-2C of *Badger*)**;**

determining, with one or more processors, one or more advertisers who have an associated physical location within the boundaries of the geographical region associated with the map displayed on a display device based on the stored information regarding the multiple advertisers (e.g., Figures 2A-2C of *Badger*; and *Badger* at ¶¶ [0022]–[0023], [0044], [0056] and [0062])**;**

performing, with one or more processors, an auction between the one or more advertisers determined to have an associated physical location within the boundaries of the geographical region associated with the map displayed on a display device using the price each of the determined advertisers is willing to pay for the advertisement, the auction determining a winner based in part of the price each of the determined advertisers is willing to pay for the advertisement and further based in part on the associated physical locations of the advertisers and the display device (e.g., Abstract of *Badger*; *Badger* at ¶¶ [0005], [0020], [0042]–[0045], [0048]–[0052], [0056], [0062]–[0064], [0068], [0071]–[0074] and [0079]; and Figures 2A-2C of *Badger*; also see *King* for "factors beyond monetization are included in placement.... satisfy a user request for a geo-location service might...include...factors other than monetization, such as factors akin to spatial relevance" such that "Once bidding is complete the advertisers are ranked according to a weighted distance" such as spatial distance or route length or travel time to a destination —*King* at ¶¶ [0024], [0030] and [0033])**;**

sending, over a communications network and with one or more processors, the advertisement of the winner of the auction to a display device (e.g., Abstract of *Badger*; *Badger* at ¶¶ [0005]–[0007], [0024], [0026]–[0027], [0048] and [0081]; and Figures 2A-2C of *Badger*)**; and**

displaying, with one or more processors, the advertisement of the winner of the auction on the display device (e.g., Abstract of *Badger*; Figures 1 and 2A-2C of *Badger*; and *Badger* at ¶¶ [0005]–[0007], [0020], [0024], [0026]–[0027], [0038], [0048] and [0081]), but *Badger* arguably fails to explicitly disclose determining the winner based on distance between the associated physical locations of the

advertisers and the location of the display device albeit *Badger* does disclose its "auction can…be based on…factors such as…user specific data" (e.g., *Badger* at ¶¶ [0064] and [0073]) and "[o]ne type of user specific data is…Map direction data…available if a user device 110…requests driving directions from the map server…providing the user device 110 with turn by turn driving directions…from a start location to an end location. The start location…can facilitate selection of advertisements 103 relevant to the user devices…by correlating the start location…to…potential interests" (e.g., *Badger* at ¶ [0049]), such that "advertisement server 104 can give *preference* to the advertisement bids associated with…businesses [such as "gas stations near the start location" that the device is interested in] when auctioning the advertisement spaces 206 along the path" (e.g., *Badger* at ¶ [0050]). Thus, *Badger* "consider[s] the quality of each advertisement…when auctioning the advertisement space", which "can be determined by…whether the advertiser 102 is related to the map space 202 to be presented (e.g., a retail location in the map space 202), to name a few" (e.g., *Badger* at ¶¶ [0048] and [0051]). Nonetheless, *Libes* discloses targeting mobile advertisements based on location/distance of the mobile user device to a specific geographic business location, including determining the winner based on distance between the associated physical locations of the advertisers and the location of the display device (e.g., *Libes* at ¶¶ [0043]–[0048], [0059], [0162]–[0164] and [0234]). Therefore, it would have been obvious to one skilled in the art, at the time of the applicant's invention, to incorporate determining the winner based on distance between the associated physical locations of the advertisers and the location of the display device, as taught by *Libes*, into the method/system disclosed by *Badger*, which is directed toward auctioning map space for one or more content/advertisement items based on a number of factors including, for example, advertisement bids, advertisement quality, map direction data, geographic locations of businesses, et cetera (e.g., *Badger* at ¶¶ [0048]–[0050], [0056], [0064] and [0068]), because such incorporation would be applying a known technique to a known device (method, or product) ready for improvement to yield predictable results (see MPEP § 2143).

Claim **23** is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over *Badger* in view of *Libes* as applied to Claim 22 above and *Badger* teaching **storing, in one or more databases on a**

non-transitory computer readable memory, as part of the information regarding an advertiser, a predicted rate at which a user will select the advertisement of the advertiser when displayed on the display screen and wherein performing, with one or more processors, an auction includes using the predicted rate at which a user will select the advertisement of the advertiser when displayed on the display screen and determining the winner based on a combination of the price each of the determined advertisers is willing to pay for the advertisement and the predicted rate at which a user will select the advertisement of the advertisers when displayed on the display screen (e.g., Figures 1 and 2A-2C of *Badger*; and *Badger* at ¶¶ [0005], [0042]–[0045], [0048], [0052], [0056], [0062]–[0064] and [0071]–[0074]).

Claim **24** is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over *Badger* in view of *Libes* as applied to Claim 22 above and *Libes* teaching **obtaining or receiving a physical location of the display device on which the advertisement is to be displayed and calculating a distance between the physical location of the display device on which the advertisement is to be displayed and one or more of the physical locations associated with the advertiser within the boundaries of the geographical region associated with the map displayed on the display device** (e.g., *Libes* at ¶¶ [0043]–[0048], [0059], [0162]–[0164] and [0234]; also see *Badger* at ¶¶ [0008], [0020], [0048]–[0051], [0064], [0068] and [0079]).

Claim **25** is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over *Badger* in view of *Libes* as applied to Claim 24 above and *Libes* teaching **determining a weighting factor for the determined distance between the physical location of the display device on which the advertisement is to be displayed and one of the physical locations associated with one of the advertisers within the boundaries of the geographical region associated with the map displayed on the display device and determining the winner of the auction by combining the weighting factor for the one of the advertisers with the price the one of the advertisers is willing to pay for**

the advertisement (e.g., *Libes* at ¶¶ [0043]–[0048], [0059], [0162]–[0164] and [0234]; also see *Badger* at ¶¶ [0008], [0048]–[0050], [0056], [0064] and [0068]).

Claim **26** is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over *Badger* in view of *Libes* as applied to Claim 25 above and *Badger* teaching **storing, in one or more databases on a non-transitory computer readable memory, as part of the information regarding an advertiser, one or more filtering criteria used in the auction, and wherein performing, with one or more processors, the auction includes filtering the advertisers who have geographical locations within the geographical boundary associated with the map displayed on the display device based on the one or more filtering criteria** (e.g., *Badger* at ¶¶ [0045]–[0048] and [0073]; also see *Libes* at ¶¶ [0043]–[0048], [0059], [0162]–[0164] and [0234]).

Regarding Claim **27**, *Badger* discloses a computer system for performing an auction for the placement of an advertisement on a display device, comprising:

a data collection unit that includes one or more processors that collects advertising data from each of a multiplicity of advertisers willing to participate in an advertising auction, the data collection unit collecting, for each of the multiplicity of advertisers, an advertisement for display on the display device, a price the advertiser is willing to pay for the display of the advertisement on the display device and an indication of a geographical location of one or more physical sites associated with each of the multiplicity of advertisers (e.g., Figures 1 and 2A-2C of *Badger*; *Badger* at ¶¶ [0005], [0018], [0020], [0022]–[0023], [0042]–[0048], [0052], [0056], [0062]–[0064], [0071]–[0074] and [0078]–[0079]; and Abstract of *Badger*);

a data storage unit that includes one or more databases on a non-transitory computer readable memory that stores the advertisement, the price the advertiser is willing to pay for the display of the advertisement on the display device and the indications of the geographical locations of the one or more physical sites associated with the advertiser for each of the multiplicity of advertisers (e.g., *Badger* at ¶¶ [0005], [0009], [0018], [0022]–[0023], [0042]–[0048],

[0050], [0052], [0056], [0062]–[0064], [0071]–[0074] and [0078]–[0079]; Abstract of *Badger*; and Figures 1 and 2A-2C of *Badger*); **and**

an auction unit that includes one or more processors that performs an advertisement auction between one or more of the advertisers having a physical site within a specified geographical region as determined from the indications of the geographical location of the one or more physical sites associated with the advertisers as stored in the data storage unit, using the price each of the advertisers is willing to pay for the display of the advertisement on the display device and the physical sites associated with the advertisers to determine a winner of the auction (e.g., *Badger* at ¶¶ [0005], [0008], [0018], [0020], [0022]–[0023], [0042]–[0052], [0056], [0062]–[0064], [0068], [0071]–[0074] and [0078]–[0079]; and Figures 1 and 2A-2C of *Badger*; also see *King* for "factors beyond monetization are included in placement.... satisfy a user request for a geo-location service might...include...factors other than monetization, such as factors akin to spatial relevance" such that "Once bidding is complete the advertisers are ranked according to a weighted distance" such as spatial distance or route length or travel time to a destination —*King* at ¶¶ [0024], [0030] and [0033]), but *Badger* arguably fails to explicitly disclose using the distance between the display device and the physical sites associated with the advertisers to determine the winner of the auction albeit *Badger* does disclose its "auction can...be based on...factors such as...user specific data" (e.g., *Badger* at ¶¶ [0064] and [0073]) and "[o]ne type of user specific data is...Map direction data...available if a user device 110...requests driving directions from the map server...providing the user device 110 with turn by turn driving directions...from a start location to an end location. The start location...can facilitate selection of advertisements 103 relevant to the user devices...by correlating the start location...to...potential interests" (e.g., *Badger* at ¶ [0049]), such that "advertisement server 104 can give *preference* to the advertisement bids associated with...businesses [such as "gas stations near the start location" that the device is interested in] when auctioning the advertisement spaces 206 along the path" (e.g., *Badger* at ¶ [0050]). Thus, *Badger* "consider[s] the quality of each advertisement...when auctioning the advertisement space", which "can be determined by...whether the advertiser 102 is related to the map space 202 to be presented (e.g., a retail location in the map space 202), to name a few" (e.g., *Badger* at

¶¶ [0048] and [0051]). Nonetheless, *Libes* discloses targeting mobile advertisements based on location/distance of the mobile user device to a specific geographic business location, including using the distance between the display device and the physical sites associated with the advertisers to determine the auction winner (e.g., *Libes* at ¶¶ [0043]–[0048], [0059], [0162]–[0164] and [0234]). Therefore, it would have been obvious to one skilled in the art, at the time of the applicant's invention, to incorporate using the distance between the display device and the physical sites associated with the advertisers to determine the winner of the auction, as taught by *Libes*, into the method/system disclosed by *Badger*, which is directed toward auctioning map space for one or more content/advertisement items based on a number of factors including, for example, advertisement bids, advertisement quality, map direction data, geographic locations of businesses, et cetera (e.g., *Badger* at ¶¶ [0048]–[0050], [0056], [0064] and [0068]), because such incorporation would be applying a known technique to a known device (method, or product) ready for improvement to yield predictable results (see MPEP § 2143).

Claim **28** is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over *Badger* in view of *Libes* as applied to Claim 27 above and *Badger* teaching wherein **the auction unit that includes one or more processors limits the auction to those advertisers that have an associated physical site within the specified geographical region as determined from the data storage unit that includes one or more databases on a non-transitory computer readable memory** (e.g., Figures 1 and 2A-2C of *Badger*; and *Badger* at ¶¶ [0022]–[0023], [0056]–[0057] and [0073]; also see *Libes* at ¶¶ [0043]–[0048], [0059], [0162]–[0164] and [0234]).

19. Claims **6-7** and **19** are rejected under 35 U.S.C. 103(a) as obvious over U.S. Patent Application Publication No. 2009/0198607 of Badger et al. (hereinafter "*Badger*") as applied to respective Claims 1 and 11 above, or alternatively *Badger* as applied to respective Claims 1 and 11 above in view of U.S. Patent Application Publication No. 2006/0242017 of Libes et al. (hereinafter "*Libes*"), as provided below.

Regarding Claim **6**, *Badger* discloses, or alternatively *Badger* in view of *Libes* teaches, the method of presenting an advertisement on a display screen of a display device in conjunction with a map of claim 1, wherein **determining, with one or more processors, the winner of the auction based in part on the distances of the associated physical locations from the location of the display device includes using a price each advertiser is willing to pay for the viewing of an advertisement, determining an advertisement selection factor based on the distance of the display device from the associated physical location of an advertiser within the geographical region associated with the map being displayed on the display device and combining the advertisement selection factor with the price to determine the winner of the auction** (e.g., *Badger* at ¶¶ [0008], [0048]–[0051], [0056], [0064] and [0068]), but *Badger*, or alternatively *Badger* in view of *Libes*, arguably fails to explicitly disclose/teach that the advertisement selection factor is a multiplier. However, per a KSR "obvious to try" rationale, there are a limited number of mathematical operation types *Badger* (or *Badger* in view of *Libes*) could implement to determine/use its advertisement selection factor, which is based on distance of the display device from the associated physical location of an advertiser, among which includes multiplication (i.e., product), division (i.e., ratio), addition, subtraction, or one or more combinations thereof. Therefore, it would have been obvious to one skilled in the art, at the time of the applicant's invention, to incorporate determining a multiplier based on the distance of the display device from the associated physical location of an advertiser within the geographical region associated with the map being displayed on the display device and combining the multiplier with the price to determine the winner of the auction, into the method/system disclosed by *Badger,* or alternatively taught by *Badger* in view of *Libes*, which is directed toward auctioning map space for one or more content/advertisement items based on a number of factors including, for example, advertisement bids, advertisement quality, map direction data, geographic locations of businesses, et cetera (e.g., *Badger* at ¶¶ [0048]–[0050], [0056], [0064] and [0068]), because such incorporation would be "Obvious to try" – choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success (see MPEP § 2143).

Claim **7** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Badger*, or alternatively *Badger* in view of *Libes*, as applied to Claim 6 above and *Badger*, or alternatively *Badger* in view of *Libes*, teaching wherein **determining, with one or more processors, the winner of the auction includes filtering the advertisers that participate in the auction based on one or more filtering criteria specified by the advertisers and used in the auction** (e.g., *Badger* at ¶¶ [0045]–[0048] and [0073]).

Regarding Claim **19**, *Badger* discloses, or alternatively *Badger* in view of *Libes* teaches, the advertisement display system of claim 11, wherein **the third routine determines an advertisement selection factor based on the distance of the display device from the associated physical location of an advertiser within the geographical region associated with the map displayed on the display device and combines the advertisement selection factor with the price that the advertiser is willing to pay for viewing of the advertisement to determine the winner of the auction** (e.g., *Badger* at ¶¶ [0008], [0048]–[0050], [0056], [0064] and [0068]), but *Badger* (or alternatively *Badger* in view of *Libes*) arguably fails to explicitly disclose/teach that the advertisement selection factor is a multiplier. However, per a KSR "obvious to try" rationale, there are a limited number of mathematical operation types *Badger* (or *Badger* in view of *Libes*) could implement to determine/use its advertisement selection factor, which is based on distance of the display device from the associated physical location of an advertiser, among which includes multiplication (i.e., product), division (i.e., ratio), addition, subtraction, or one or more combinations thereof. Therefore, it would have been obvious to one skilled in the art, at the time of the applicant's invention, to incorporate wherein the third routine determines a multiplier based on the distance of the display device from the associated physical location of an advertiser within the geographical region associated with the map displayed on the display device and combines the multiplier with the price that the advertiser is willing to pay for viewing of the advertisement to determine the winner of the auction into the method/system disclosed by *Badger,* or alternatively taught by *Badger* in view of *Libes*, which is directed toward auctioning map space for one or more content/advertisement items based on a number of factors including, for example, advertisement bids, advertisement quality, map direction data, geographic locations of businesses, et cetera (e.g., *Badger* at ¶¶ [0048]–[0050], [0056], [0064] and

[0068]), because such incorporation would be "Obvious to try" – choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success (see MPEP § 2143).

20. Claims **9** and **21** are rejected under 35 U.S.C. 103(a) as obvious over *Badger*, or alternatively *Badger* in view of *Libes,* as applied to respective Claims 1 and 11 above, and in view of U.S. Patent No. 8,310,443 issued to Pan (hereinafter "*Pan*").

Regarding Claim **9**, *Badger* discloses, or alternatively *Badger* in view of *Libes* teaches, the method of presenting an advertisement on a display screen of a display device in conjunction with a map of claim 1, wherein **displaying, with one or more processors, the advertisement includes displaying an advertisement icon on the display screen indicating the existence of an advertisement in conjunction with the map** (e.g., Figures 2A-2C of *Badger*; and *Badger* at ¶¶ [0019], [0038], [0043], [0052] and [0054]), but *Badger* (or *Badger* in view of *Libes*) arguably fails to explicitly disclose/teach tracking, with one or more processors, an amount of time the advertisement icon has been displayed on the display device without a user selecting the icon, and presenting a different advertisement icon on the display screen of the display device after a predetermined amount of time. *Pan* teaches tracking, with one or more processors, the amount of time the advertisement icon has been displayed on the display device without a user selecting the icon, and presenting a different advertisement icon on the display screen of the display device after a predetermined amount of time (e.g., Claim 1 of *Pan*; *Pan* at Col. 2, lines 15-27; and *Pan* at Col. 6, lines 5-7 and 55-65). Therefore, it would have been obvious to one skilled in the art, at the time of the applicant's invention, to incorporate tracking, with one or more processors, the amount of time the advertisement icon has been displayed on the display device without a user selecting the icon, and presenting a different advertisement icon on the display screen of the display device after a predetermined amount of time, as taught by *Pan*, into the method/system disclosed by *Badger*, or alternatively taught by *Badger* in view of *Libes*, which is directed toward selecting and providing new advertisements (e.g., *Badger* at ¶ [0041]) and tracking and using advertising statistics as a factor in determining which advertisements to select for presenting advertisements on a display device (e.g.,

Badger at ¶¶ [0007], [0018] and [0052]–[0053]), because such incorporation would be applying a known technique to a known device (method, or product) ready for improvement to yield predictable results (see MPEP § 2143).

Regarding Claim **21**, *Badger* discloses, or alternatively *Badger* in view of *Libes* teaches, the advertisement display system of claim 11, wherein **the display device displays the advertisement by displaying an advertisement icon on the display screen indicating the existence of an advertisement in conjunction with the map** (e.g., Figures 2A-2C of *Badger*; and *Badger* at ¶¶ [0019], [0038], [0043], [0052] and [0054]), but *Badger* (or *Badger* in view of *Libes*) arguably fails to explicitly disclose/teach wherein the display device includes a tracking routine that tracks the amount of time the advertisement icon has been displayed on the display device without a user selecting the icon and the fourth routine presents a different advertisement icon on the display screen of the display device after a predetermined amount of time. *Pan* teaches a display device including a tracking routine that tracks an amount of time an advertisement icon has been displayed on the display device without a user selecting the icon and a fourth routine presenting a different advertisement icon on a display screen of the display device after a predetermined amount of time (e.g., Claim 1 of *Pan*; *Pan* at Col. 2, lines 15-27; and *Pan* at Col. 6, lines 5-7 and 55-65). Therefore, it would have been obvious to one skilled in the art, at the time of the applicant's invention, to incorporate wherein the display device includes a tracking routine that tracks the amount of time the advertisement icon has been displayed on the display device without a user selecting the icon and the fourth routine presents a different advertisement icon on the display screen of the display device after a predetermined amount of time, as taught by *Pan*, into the method/system disclosed by *Badger*, or alternatively taught by *Badger* in view of *Libes*, which is directed toward selecting and providing new advertisements (e.g., *Badger* at ¶ [0041]) and tracking and using advertising statistics as a factor in determining which advertisements to select for presenting advertisements on a display device (e.g., *Badger* at ¶¶ [0007], [0018] and [0052]–[0053]), because such incorporation would be applying a known technique to a known device (method, or product) ready for improvement to yield predictable results (see MPEP § 2143).

Response to Argument(s)

21. Applicant's arguments in the Appeal Brief have been fully considered and are not persuasive. Examiner notes further recitation above to *Badger* in an effort to assist Applicant given Applicant's amendments and arguments in the Appeal Brief.

22. Applicant's Argument(s) in the Appeal Brief

a) (Pages 11-13) Regarding each of the independent claims, Applicant argues that "...claims 1, 11, 22, and 27 each recite an auction where the winner is determined based...on the distance from the user's display device to physical locations associated with advertisers", and that "Badger does not disclose determining the winner of an auction based in part on the distances of physical locations associated with advertisers involved in the auction from the location of a display device, as indicated in independent claims 1, 11, 22 and 27."

b) (Pages 13-15) With continuing reference to the independent claims, Applicant asserts that *Badger* does not disclose use of the "*current* location of the display, which is opposite of the currently claimed advertising method" (emphasis added). Similarly, Applicant asserts on page 14 of the Appeal Brief that the advertisements of *Badger* are "more tailored to a user's *future* interests" (emphasis added) since the advertisements of *Badger* are not "most relevant to the user's *current* interests based on the user's *current* location" (emphases added). Finally, Applicant submits that "[t]he claimed invention uses 'distance...from the location of the display device' to determine the winner of the auction" (bottom of page 14 of Appeal Brief).

23. Examiner's Response to Applicant's Argument(s)

a) Examiner respectfully disagrees. As a preliminary matter, Examiner agrees with Applicant's statements in the Appeal Brief that:

(1) "Badger discloses...an advertising auction performed in...context of a map routing application, in which the 'selection of advertisements... [is

performed] by correlating path data to…potential interests' using map direction data" (page 13 of Appeal Brief);

(2) "…Badger discloses using a distance to the advertiser location from some point along a path to determine which advertisers participate in the auction" (page 13 of Appeal Brief); and

(3) Badger can select " 'content items (e.g., advertisements) for auction that are relevant... [by being] located near the start location, end location or otherwise near the path.' Badger, par. [0068]" (page 14 of Appeal Brief).

Examiner asserts that auction winner of *Badger* can be determined based on the distance from the user's display device to physical locations associated with advertisers since "the location of the display device" as recited in independent Claims 1, 11 and 22, or "from the user's display device" as argued by Applicant, is arguably a "start location" per *Badger* at ¶¶ [0049]–[0050] because in the context of a user device requesting driving directions from a map server of *Badger*, the "start location" of *Badger* would be reasonably understood to one skilled in the art, at the time of the applicant's invention, as being where the device requesting the directions is located. Furthermore, one skilled in the art would understand a "start location" of driving directions as being the starting location of the user device that is requesting directions to assist with driving from start to end, and according to MPEP § 2123, *Badger* is relevant as prior art for all it contains and "[a] reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill the art". An example in *Badger* illustrates that "if a user device…requests driving directions…the user device…might be interested in gas stations near the *start location*" (emphasis added) and, therefore, "…preference [is given] to the advertisement bids associated with these businesses when auctioning the advertisement" (e.g., *Badger* at ¶ [0050]) since these bids are associated with "businesses…located near the start location" (e.g., *Badger* at ¶ [0068]). Therefore, the auction winner of *Badger* is determined based on the distance from the user's display device (i.e., "start location" per *Badger* at ¶¶ [0049]–[0050]) to physical locations associated with advertisers.

Examiner notes new rejections to Claims 1-3, 8, 10-16, 20 and 22-28 under pre-AIA 35 U.S.C. §103 as being unpatentable over *Badger* in view of *Libes*, as an alternative basis of unpatentability (see §103 claim rejections above).

b) Examiner agrees with Applicant submission that the independent claims, as currently presented, recite a "distance". However, none of the independent claims requires that the recited "distance" be a current distance — Claims 1, 11, 22 and 27 are silent regarding whether the recited distance is an actual/current distance or an intended/future distance and, therefore, "distance" as recited in the independent claims, is understood as being temporally independent. Thus, the "distance" recited in Claims 1, 11, 22 and 27 encompasses not only actual/current distances, but also intended/future distances between the location of the display device and locations/sites associated with advertisers. In addition, the Examiner notes that the term "distance" recited in the independent claims is not required to be based on any "current" physical location associated with an advertiser. Likewise, the Examiner notes that the "distance" recited in the independent claims is not required to be based on any "current" user's display device location. Consequently, Examiner notes that Applicant's attempt to distinguish Applicant's independent claims, as currently presented, from *Badger* based on "user's *current* interests based on the user's *current* location" (emphases added to quoted phrase on page 14 of Appeal Brief) is unfounded and not germane to the actual claim limitations recited in each of the independent claims. According to MPEP § 2173.05(q), "[a]lthough a claim should be interpreted in light of the specification disclosure, it is generally considered improper to read limitations contained in the specification into the claims. See *In rePrater*, 415 F.2d 1393, 162 USPQ 541 (CCPA 1969) and *In re Winkhaus*, 527 F.2d 637, 188 USPQ 129 (CCPA 1975), which discuss the premise that one cannot rely on the specification to impart limitations to the claim that are not recited in the claim." Consequently, Examiner respectfully disagrees with Applicant's effort to distinguish from *Badger* by submitting that *Badger* does not disclose use of the "*current* location of the display" (see page 14 of Appeal Brief) and that the advertisements of *Badger* are not "most

relevant to the user's *current* interests based on the user's *current* location" (emphases added to quoted portion of the Appeal Brief on page 14) since the "distance" recited in the independent claims is neither required to be based on any "current" physical location associated with an advertiser, nor required to be based on any "current" user's display device location.

Nonetheless, Examiner notes that the "start location" of the requested map driving directions of *Badger* would be reasonably understood to one skilled in the art, at the time of the applicant's invention, as being a current device location since *Badger* is relevant as prior art for all it contains and "[a] reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill the art, including nonpreferred embodiments" —MPEP § 2123. For example, "if a user device…requests driving directions…the user device 110 might be interested in gas stations near the start location" and, therefore, "…preference [is given] to the advertisement bids associated with these businesses when auctioning the advertisement" (e.g., *Badger* at ¶ [0050]) since these bids are associated with "businesses…located near the start location" (e.g., *Badger* at ¶ [0068]). Therefore, auction winner of *Badger* is determined based on the distance from the location of the display device to physical locations associated with advertisers. In addition, Examiner notes new rejections to Claims 1-3, 8, 10-16, 20 and 22-28 under pre-AIA 35 U.S.C. §103 as being unpatentable over *Badger* in view of *Libes*, as an alternative basis of unpatentability (see §103 claim rejections above).

24. In the Appeal Brief filed on May 28, 2014 (i.e., pages 11 and 15), Applicant references the reasons noted/presented above with reference to independent Claims 1, 11, 22 and 27 as the reason(s) supporting patentability, under 37 C.F.R. 1.111(b), of Claims 2-3, 6-10, 12-16, 19-21, 23-26 and 28, which depend from respective independent Claims 1, 11, 22 and 27 and include the limitations therein.

25. Examiner notes that Claims 1-3, 8, 10-16, 20 and 22-28 are rejected under §103 over *Badger* in view of *Libes*, as an alternative basis of unpatentability.

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S. Patent Application Publication No. 2010/0138294 of Bussmann et al. (hereinafter "*Bussmann*") for "advertising content and bid are associated with a specific bounded geographic area defined in a geographic region…advertising content is sent to devices located within, or within some distance adjacent to, the bounded area. Next… receiving a request from a device for advertising content associated with the bounded area. Then…sending advertising content associated with the top N bids to the device for presentation to a user of the device….In this manner, advertising publishers…bid a specific price to pay for the distribution of advertising content in a specified geographic area, and the highest bidder or bidders win priority to have advertising content items presented to a device user over other lower bidders." —*Bussmann* at ¶ [0010].
- U.S. Patent Application Publication No. 2005/0027705 of Sadri et al. (hereinafter "*Sadri*") for "identifying items within an area covered by the map" and "displaying interactive icons on the map at locations corresponding to the locations of the items" —Abstract of *Sadri*; and advertiser icons to be displayed on a map are determined by time —*Sadri* at ¶ [0071].
- U.S. Patent Application Publication No. 2008/0086356 of Glassman et al. (hereinafter "*Glassman*") for using location information, such as a bounding area defined by a map, as well as information indicating a user interest to determine ads that are narrowed in an auction to generate a set of ads to be rendered in association with the map. —*Glassman* at ¶ [0010]; "ads may be rendered in a window including the map" —*Glassman* at ¶ [0011]; and "map may include graphical elements (e.g., push pin or marker icons), associated with the ads, denoting the location of the advertiser on the map….upon selection of …the ad and/or the graphical element, expanded information may be rendered in association with the ad and/or the graphical element, or in place of the ad and/or graphical element." —*Glassman* at ¶ [0012].

- U.S. Patent Application Publication No. 2010/0217525 of King et al. (hereinafter "*King*") for delivering sponsored location labels based on geographic user/device location —*King* at ¶¶ [0021]–[0023]; and "user requesting a geo-service from a particular location. Even though there might be only a single winner (sponsor) of the spontaneous auction, that sponsor's advertisements are not necessarily selected. Other relevance factors criteria possibly considering a range of user data might be included in any filtering and scoring operations in order to resolve to a set of most relevant results (and not necessarily only results prescribed by the highest bidder) to return to the user." —*King* at ¶¶ [0022]; "even though a particular advertiser becomes the *highest* bidder in an auction for placement…it still remains to select from among a group of advertisements to be placed" and "Once bidding is complete the advertisers are ranked according to a weighted distance" such as, for example, "spatial distance is the length of the route…. time to travel to a destination can be considered a form of spatial distance" —*King* at ¶¶ [0041], [0024] and [0033]; "factors beyond monetization are included in placement…. satisfy a user request for a geo-location service might reasonably include one or more factors other than monetization, such as factors akin to spatial relevance…. For example, Bob's Cafe might be the highest bidder in a particular auction, and from one perspective reasonably so because Bob's Cafe is located 'just across the river'. However, if the user requesting geo-location services…cannot easily reach Bob's Cafe…. monetary relevance factors can be combined with other relevance factors intended to result in highly relevant placements within the context of the geo-services application." —*King* at ¶¶ [0030].
- U.S. Patent No. 5,682,525 issued to Bouve et al. (hereinafter "*Bouve*") for tagging an advertisement to a display as an association with a selected item(s) of interest located by a map —Abstract of *Bouve*; and Figures 2 and 12 of *Bouve*.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mathew Syrowik whose telephone number is 313-446-4862. The examiner can normally

be reached on Monday through Thursday 7:30 AM to 6:00 PM EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric W. Stamber can be reached on 571-272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information of published applications may be obtained from either Private PAIR or Public PAIR. Status information of unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M.R.S./
Patent Examiner, Art Unit 3622

/Scott D Gartland/
Primary Examiner, Art Unit 3622

/Eric W Stamber/
Supervisory Patent Examiner, Art Unit 3622