

# ALICE'S PREY: ULTRAMERCIAL INC.

Case No. 09-CV-6918

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## US PATENT NO. 7346545

Briefly, the broadest independent claim is directed to a method for distributing copyrighted media products over the Internet using a facilitator (eg. YouTube) where the consumer receives a copyrighted media product at no cost in exchange for viewing an advertisement, and the advertiser pays for the copyrighted content.

## WHAT'S NOVEL

An ordered combination of the claimed process for exchanging IP protected MEDIA content for free with a precondition of necessarily viewing sponsor's ad.

## ABSTRACT? WHY?

Abstract: Claims are directed to an abstract idea, which is "that one can use [an] advertisement as an exchange or currency."

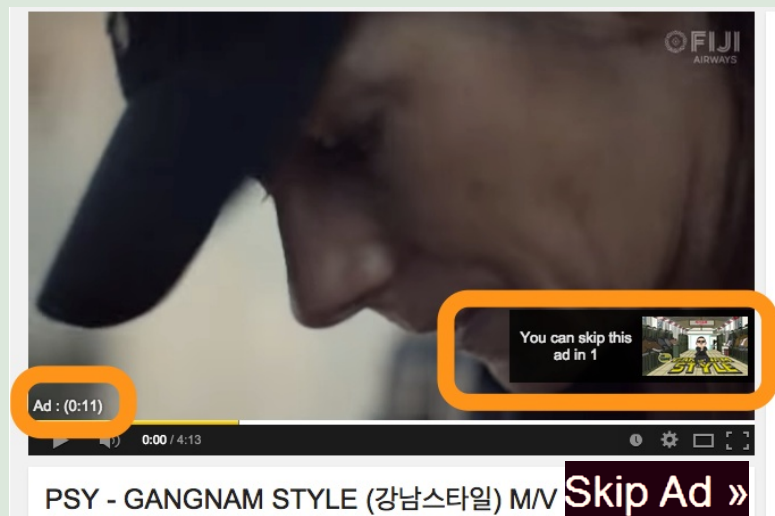
Why: It's not tied to a specific device or machine to perform claimed process, rather uses general computers + claims do not transform any article into a different state or thing + none of claimed steps "recites significantly more than simply describ[ing] an abstract method."

## BROADEST INDEPENDENT CLAIM

1. A method for distribution of products over the Internet via a facilitator, said method comprising the steps of:
  - a first step of receiving, from a content provider, media products that are covered by intellectual property rights protection and are available for purchase, wherein each said media product being comprised of at least one of text data, music data, and video data;
  - a second step of selecting a sponsor message to be associated with the media product, said sponsor message being selected from a plurality of sponsor messages, said second step including accessing an activity log to verify that the total number of times which the sponsor message has been previously presented is less than the number of transaction cycles contracted by the sponsor of the sponsor message;
  - a third step of providing the media product for sale at an Internet website;
  - a fourth step of restricting general public access to said media product;
  - a fifth step of offering to a consumer access to the media product without charge to the consumer on the precondition that the consumer views the sponsor message;
  - a sixth step of receiving from the consumer a request to view the sponsor message, wherein the consumer submits said request in response to being offered access to the media product;
  - a seventh step of, in response to receiving the request from the consumer, facilitating the display of a sponsor message to the consumer;
  - an eighth step of, if the sponsor message is not an interactive message, allowing said consumer access to said media product after said step of facilitating the display of said sponsor message;
  - a ninth step of, if the sponsor message is an interactive message, presenting at least one query to the consumer and allowing said consumer access to said media product after receiving a response to said at least one query;
  - a tenth step of recording the transaction event to the activity log, said tenth step including updating the total number of times the sponsor message has been presented; and
  - an eleventh step of receiving payment from the sponsor of the sponsor message displayed.

## ANALOGY

Ex. Facilitator: YouTube | Media Product: YouTube Videos | Sponsor Message: Ad | Consumer Agrees to view Ad for viewing Media Product for Free: You can Skip this ad in 1 sec | Interactive Message: SKIP NOW | Receiving Response to Query: User Clicking on SKIP AD



## KEY TAKEAWAYS

1. Business Method claims are often abstract and are directed to an entrepreneurial objective (rather than a technical one), such as methods for increasing revenue, minimizing economic risk, or structuring commercial transactions.



Court articulated that Ultramericals' claims "only describes the abstract idea of showing an advertisement before delivering free content."

"If judges to be believed then why didn't the court invalidate the claims under 102 as anticipated by every television network, show, or movie ever broadcast or shown????"