Under pre-AIA 35 U.S.C. 102, U.S.P.N. 5,933,811 qualifies as a prior art reference under 35 U.S.C. 102(e).

Claim of '335 Patent	Description of Feature in Claim	Prior Art Reference (USPN 5,933,811)
1. A method for providing an internet third party data channel, said third party data channel being established within an existing data channel between an internet server and an internet client, said third party data channel connecting a data source distinct from said internet server to said internet client, said method including the steps of:		Fig.4 [events E & F] col.18 ll.44-53 "When the consumer browser module 40 processes the advertising insert 56, the advertising insert 56 directs the consumer browser module to establish a communications link with the advertisement provider computer 18." third party channel is the link between the consumer browser module 40 and the advertisement provider computer 18 described at col.18 ll.44-53 The existing data channel is illustrated by events C & D in Fig.4. Also, col.18 ll.39-43 "In event C, the consumer computer establishes a communications link col.18 ll.44-53 communications link between the consumer browser module 40 and the advertisement provider computer 18 is the third party channel The advertisement computer 18 is the data source distinct from the internet server. The claimed internet server is the content provider computer 14. The internet client is the consumer browser module 40.

a) using a processing device distinct from said internet server for monitoring said existing data channel for a data communication having a predetermined property, said data communication having an intended recipient of one of said internet server and said internet client,		Figure 4[40] The consumer browser module 40 is the claimed control module. The consumer browser module monitors received electronic pages 32 for advertising insert 56. *see* col. 44-53. col.18 ll.36-43 “In event D, the content provider computer 14 sends the electronic page 32 to the consumer computer 14.”
b) upon detection of said data communication, performing:		col.18 ll.44-53 “In event E, the consumer computer 12 processes the advertisement insert 56 in the electronic page 32.”
b1) the step of accessing said data source to obtain third party data,		col.18 ll.44-53 “When the consumer browser module 40 processes the advertising insert 56, the advertising insert 56 directs the consumer browser module to establish a communications link with the advertisement provider computer 18.”
b2) a step selected from the group consisting of the step of modifying said data communication in response to said third party data and the step of replacing said data communication in response to said third party data to obtain a resultant data communication, and		col.8 ll.17-20 “the consumer computer 12 merges the electronic page 32 and the customized advertisement 30” Fig.3[312] col.8 ll.62-67 “the process combines the electronic page 32 from the content provider computer 14 and the customized advertisement 30 from the advertisement provider computer 18 into a displayable page” The combined/displayable page is the claimed resultant data communication.

b3) the step of sending said resultant data communication to said intended recipient.		col.8 ll.62-67 “once the combined page has been displayed to the consumer”
2. The method of claim 1, wherein said predetermined property of said data communication is the property that said data communication contains a predetermined data code.		col.18 ll.44-56 “the advertisement request 26 is an HTML tag which identifies the URL of the advertisement provider computer and the content provider script 64 existing in the advertisement provider computer 18.”
3. The method of claim 2, wherein said predetermined data code is a code selected from the group consisting of an application level protocol code, an application level protocol status code, an HTML tag and a HTTP code.		col.18 ll.44-56 “the advertisement request 26 is an HTML tag which identifies the URL of the advertisement provider computer and the content provider script 64 existing in the advertisement provider computer 18.”
4. The method of claim 3, wherein further predetermined data codes are used to control at least one of the creation, the usage and a predetermined property of said third party data channel.		col.18 ll.44-56 “the advertisement request 26 is an HTML tag which identifies the URL of the advertisement provider computer and the content provider script 64 existing in the advertisement provider computer 18.”
5. The method of claim 1, wherein said intended recipient of said data communication is said internet client.		Figure 4[event D] col.18 ll.41-43 “the content provider computer 14 sends the electronic page 32 to the consumer computer 14 [sic].”
6. The method of claim 1, wherein said processing device is distinct from said internet client.	Under claim differentiation, the ‘811 reference reads on the claims of the ‘335 patent. However, the ‘811 reference does not support that the processing device is distinct from said internet client - a secondary reference would need to be introduced to show that it would have been obvious to PHOSITA to have an intermediary modify the page.	
7. The method of claim 1, wherein said data source is independent from at least one of said internet server and said internet client.		The advertisement computer 18 is the data source distinct from the internet server and the consumer computer 12/browser module 40.

8. The method of claim 1, wherein data is only transmitted on said third party data channel when the data transmission rate of said server to said client is below a predetermined threshold.		Does not appear to be taught in the '811 reference
9. The method of claim 1, wherein said step b2) is selected from the group consisting of the step of including said third party data into said data communication, the step of modifying data contained in said data communication in response to said third party data, the step of removing data contained in said data communication in response to said third party data, the step of enriching data contained in said data communication in response to said third party data, and the step of replacing data contained in said data communication in res		col.8 ll.62-67 "the process combines the electronic page 32 from the content provider computer 14 and the customized advertisement 30 from the advertisement provider computer 18 into a displayable page"
10. A method for providing an internet third party data channel,	Fig. 1 [22]; 6 [22], col. 5 ll.1-5 ("A third party data source 20, for example a database, is connected to the processing device 18 by a data link 22. The data link 22 may be a physical line or a logical connection running via a network." col. 5 ll.34-37 "a (logical) third party data channel has been formed between the data source 20 and the client 12. This data channel comprises the data link 22 and the channel section 14." col. 8 ll.4-5 "data link 22 is a standard HTTP channel"	Fig.4 [events E & F] col.18 ll.44-53 "When the consumer browser module 40 processes the advertising insert 56, the advertising insert 56 directs the consumer browser module to establish a communications link with the advertisement provider computer 18."

said third party data channel being established within an existing data channel between an internet server and a display module of an internet browser,	Fig.6[22] col.8 ll.1-13 “upon detection of an error code, the data link 22 to the portal service is established”	third party channel is the link between the consumer browser module 40 and the advertisement provider computer 18 described at col.18 ll.44-53 The existing data channel is illustrated by events C & D in Fig.4. Also, col.18 ll.39-43 “In event C, the consumer computer establishes a communications link
said third party channel connecting a data source distinct from said internet server to said internet client, said method including the steps of:	Fig 6, third party channel is 22, data source distinct from said internet server is 20, internet server is server 10, and internet client is display module 64 of browser 60 see also col.8 ll.1-16	col.18 ll.44-53 communications link between the consumer browser module 40 and the advertisement provider computer 18 is the third party channel The advertisement computer 18 is the data source distinct from the internet server. The claimed internet server is the content provider computer 14. The internet client is the consumer browser module 40.
a) using a control module of said internet browser for monitoring said existing data channel for a data communication having a predetermined property,	col.8 ll.1-15 “control module 62 monitors the incoming data on the channel 16 [for an error code]”	Figure 4[40] The consumer browser module 40 is the claimed control module. The consumer browser module monitors received electronic pages 32 for advertising insert 56. *see* col. 44-53.
said data communication having an intended recipient of one of said internet server and said internet client,	col.8 ll.1-15 incoming data for browser 60	col.18 ll.36-43 “In event D, the content provider computer 14 sends the electronic page 32 to the consumer computer 14.”
b) upon detection of said data communication, performing:	col.8 ll.1-13 “upon detection of an error code, the data link 22 to the portal service is established”	col.18 ll.44-53 “In event E, the consumer computer 12 processes the advertisement insert 56 in the electronic page 32.”

b1) the step of accessing said data source to obtain third party data,	col.8 ll.1-13 “upon detection of an error code, the data link 22 to the portal service is established”	col.18 ll.44-53 “When the consumer browser module 40 processes the advertising insert 56, the advertising insert 56 directs the consumer browser module to establish a communications link with the advertisement provider computer 18.”
b2) a step selected from the group consisting of the step of modifying said data communication in response to said third party data and the step of replacing said data communication in response to said third party data to obtain a resultant data communication, and	The Markush grouping suggests that it is either 1) the step of modifying said data communication in response to said third party data . . . to obtain a resultant data communication, OR 2) the step of replacing said data communication in response to said third party data to obtain a resultant data communication. For invalidation purposes, the claim is interpreted as 1) above.	col.8 ll.17-20 “the consumer computer 12 merges the electronic page 32 and the customized advertisement 30” Fig.3[312] col.8 ll.62-67 “the process combines the electronic page 32 from the content provider computer 14 and the customized advertisement 30 from the advertisement provider computer 18 into a displayable page” The combined/displayable page is the claimed resultant data communication.
b3) the step of sending said resultant data communication to said intended recipient.	col.8 ll.1-15 “the data obtained from the portal service is communicated to the display module 64 via the channel section 14, and it is shown to the user in the regular browser window on a CRT screen.”	col.8 ll.62-67 “once the combined page has been displayed to the consumer”
11. The method of claim 10, wherein said predetermined property of said data communication is the property that said data communication contains a predetermined data code.		col.18 ll.44-56 “the advertisement request 26 is an HTML tag which identifies the URL of the advertisement provider computer and the content provider script 64 existing in the advertisement provider computer 18.”
12. The method of claim 11, wherein said predetermined code is a code selected from the group consisting of an application level protocol code, an application level protocol status code, an HTML tag, and a HTTP code.		col.18 ll.44-56 “the advertisement request 26 is an HTML tag which identifies the URL of the advertisement provider computer and the content provider script 64 existing in the advertisement provider computer 18.”

13. The method of claim 12, wherein further predetermined data codes are used to control at least one of the creation, use and a predetermined property of said third party data channel.		col.18 ll.44-56 “the advertisement request 26 is an HTML tag which identifies the URL of the advertisement provider computer and the content provider script 64 existing in the advertisement provider computer 18.”
14. The method of claim 10, wherein said data source is distinct from at least one of said internet server and said internet browser.		The advertisement computer 18 is the data source distinct from the internet server and the consumer computer 12/browser module 40.
15. The method of claim 10, wherein said data source is independent from at least one of said internet server and said internet browser.		The advertisement computer 18 is the data source distinct from the internet server and the consumer computer 12/browser module 40.
16. The method of claim 10, wherein said third party data obtained in step b1) is influenced by at least said predetermined data code.		col.18 ll.44-56 “the advertisement request 26 is an HTML tag which identifies the URL of the advertisement provider computer and the content provider script 64 existing in the advertisement provider computer 18.”
17. The method of claim 10, wherein said step b2) is selected from the group consisting of the step of including said third party data into said data communication, the step of modifying data contained in said data communication in response to said third party data, the step of removing data contained in said data communication in response to said third party data, the step of enriching data contained in said data communication in response to said third party data, and the step of replacing data contained in said data communication in response to said third party data.		col.8 ll.62-67 “the process combines the electronic page 32 from the content provider computer 14 and the customized advertisement 30 from the advertisement provider computer 18 into a displayable page”

18. An apparatus for providing an internet third party data channel, said third party data channel being established within an existing data channel between an internet server and an internet client, said third party data channel connecting a data source distinct from said internet server to said internet client, said apparatus comprising:		Fig.4 [events E & F] col.18 ll.44-53 “When the consumer browser module 40 processes the advertising insert 56, the advertising insert 56 directs the consumer browser module to establish a communications link with the advertisement provider computer 18.” third party channel is the link between the consumer browser module 40 and the advertisement provider computer 18 described at col.18 ll.44-53 The existing data channel is illustrated by events C & D in Fig.4. Also, col.18 ll.39-43 “In event C, the consumer computer establishes a communications link col.18 ll.44-53 communications link between the consumer browser module 40 and the advertisement provider computer 18 is the third party channel The advertisement computer 18 is the data source distinct from the internet server. The claimed internet server is the content provider computer 14. The internet client is the consumer browser module 40.

a processing device distinct from said internet server for monitoring said existing data channel for a data communication having a predetermined property, said data communication having an intended recipient of one of said internet server and said internet client,		Figure 4[40] The consumer browser module 40 is the claimed control module. The consumer browser module monitors received electronic pages 32 for advertising insert 56. *see* col. 44-53. col.18 ll.36-43 “In event D, the content provider computer 14 sends the electronic page 32 to the consumer computer 14.”
said processing device being adapted, upon detection of said data communication, to access said data source to obtain third party data, to execute a step selected from the group consisting of the step of modifying said data communication in response to said third party data and the step of replacing said data communication in response to said third party data to obtain a resultant data communication, and to send said resultant data communication to said intended recipient.		col.18 ll.44-53 “In event E, the consumer computer 12 processes the advertisement insert 56 in the electronic page 32.” col.8 ll.17-20 “the consumer computer 12 merges the electronic page 32 and the customized advertisement 30” Fig.3[312] col.8 ll.62-67 “the process combines the electronic page 32 from the content provider computer 14 and the customized advertisement 30 from the advertisement provider computer 18 into a displayable page” The combined/displayable page is the claimed resultant data communication. col.8 ll.62-67 “once the combined page has been displayed to the consumer”
19. The apparatus of claim 18, wherein said apparatus is an apparatus selected from the group consisting of an internet router and an internet proxy and an internet filter.		Does not appear to be taught in the ‘811 reference

20. The apparatus of claim 18, wherein said predetermined property of said data communication is the property that said data communication contains a predetermined data code.		col.18 ll.44-56 “the advertisement request 26 is an HTML tag which identifies the URL of the advertisement provider computer and the content provider script 64 existing in the advertisement provider computer 18.”
21. The apparatus of claim 20, wherein said predetermined data code is a code selected from the group consisting of an application level protocol code, an application level protocol status code, an HTML tag and a HTTP code.		col.18 ll.44-56 “the advertisement request 26 is an HTML tag which identifies the URL of the advertisement provider computer and the content provider script 64 existing in the advertisement provider computer 18.”
22. The apparatus of claim 18, wherein said intended recipient of said data communication is said internet client.		Figure 4[event D] col.18 ll.41-43 “the content provider computer 14 sends the electronic page 32 to the consumer computer 14 [sic].”
23. The apparatus of claim 18, wherein said processing device is distinct from said internet client.	Under claim differentiation, the ‘811 reference reads on the claims of the ‘335 patent. However, the ‘811 reference does not support that the processing device is distinct from said internet client - a secondary reference would need to be introduced to show that it would have been obvious to PHOSITA to have an intermediary modify the page.	
24. The apparatus of claim 18, wherein data is only transmitted on said third party data channel when the data transmission rate of said server to said client is below a predetermined threshold.		Does not appear to be taught in the ‘811 reference

25. The apparatus of claim 18, wherein said step for obtaining said resultant data communication is selected from the group consisting of the step of including said third party data into said data communication, the step of modifying data contained in said data communication in response to said third party data, the step of removing data contained in said data communication in response to said third party data, the step of enriching data contained in said data communication in response to said third party data, and the step of replacing data contained in said data communication in response to said third party data.		col.8 ll.62-67 “the process combines the electronic page 32 from the content provider computer 14 and the customized advertisement 30 from the advertisement provider computer 18 into a displayable page”

26. A computer program product for execution by a general purpose computer for providing an internet third party data channel, said third party data channel being established within an existing data channel between an internet server and a display module of an internet browser running on said general purpose computer, said third party data channel connecting a data source distinct from said internet browser to said display module, said computer program product including instructions for making said general purpose computer perform the steps of:		Fig.4 [events E & F] col.18 ll.44-53 “When the consumer browser module 40 processes the advertising insert 56, the advertising insert 56 directs the consumer browser module to establish a communications link with the advertisement provider computer 18.” third party channel is the link between the consumer browser module 40 and the advertisement provider computer 18 described at col.18 ll.44-53 The existing data channel is illustrated by events C & D in Fig.4. Also, col.18 ll.39-43 “In event C, the consumer computer establishes a communications link col.18 ll.44-53 communications link between the consumer browser module 40 and the advertisement provider computer 18 is the third party channel The advertisement computer 18 is the data source distinct from the internet server. The claimed internet server is the content provider computer 14. The internet client is the consumer browser module 40.
a) monitoring said existing data channel for an incoming data communication having a predetermined property;		Figure 4[40] The consumer browser module 40 is the claimed control module. The consumer browser module monitors received electronic pages 32 for advertising insert 56. *see* col. 44-53.

b) upon detection of said data communication, performing:		col.18 ll.44-53 “In event E, the consumer computer 12 processes the advertisement insert 56 in the electronic page 32.”
b1) the step of accessing said data source to obtain third party data,		col.18 ll.44-53 “When the consumer browser module 40 processes the advertising insert 56, the advertising insert 56 directs the consumer browser module to establish a communications link with the advertisement provider computer 18.”
b2) a step selected from the group consisting of the step of modifying said data communication in response to said third party data and the step of replacing said data communication in response to said third party data to obtain a resultant data communication, and		col.8 ll.17-20 “the consumer computer 12 merges the electronic page 32 and the customized advertisement 30” Fig.3[312] col.8 ll.62-67 “the process combines the electronic page 32 from the content provider computer 14 and the customized advertisement 30 from the advertisement provider computer 18 into a displayable page” The combined/displayable page is the claimed resultant data communication.
b3) the step of sending said resultant data communication to said display module.		col.8 ll.62-67 “once the combined page has been displayed to the consumer”
27. The computer program product of claim 26, wherein said computer program product is one of said internet browser, a module of said internet browser, a plugin for said internet browser and an auxiliary program for said internet browser.		Figure 4[40] col.6 ll.1-15; col.10 ll.32-59

28. The computer program product of claim 26, wherein said predetermined property of said data communication is the property that said data communication contains a predetermined data code.		col.18 ll.44-56 “the advertisement request 26 is an HTML tag which identifies the URL of the advertisement provider computer and the content provider script 64 existing in the advertisement provider computer 18.”
29. The computer program product of claim 28, wherein said predetermined data code is a code selected from the group consisting of an application level protocol code, an application level protocol status code, an HTML tag and a HTTP code.		col.18 ll.44-56 “the advertisement request 26 is an HTML tag which identifies the URL of the advertisement provider computer and the content provider script 64 existing in the advertisement provider computer 18.”
30. The computer program product of claim 26, wherein said step b2) is selected from the group consisting of the step of including said third party data into said data communication, the step of modifying data contained in said data communication in response to said third party data, the step of removing data contained in said data communication in response to said third party data, the step of enriching data contained in said data communication in response to said third party data, and the step of replacing data contained in said data communication in response to said third party data.		col.8 ll.62-67 “the process combines the electronic page 32 from the content provider computer 14 and the customized advertisement 30 from the advertisement provider computer 18 into a displayable page”
31. The computer program product of claim 26, wherein said computer program product is stored on a computer readable data carrier.		Fig. 2[12]