

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JH

ELECTRONIC IMAGING SYSTEMS
OF AMERICA, INC.,

Plaintiff,

vs.

MERLINONE, INC.,
a Delaware corporation,
TRIBUNE PUBLISHING COMPANY,
a Delaware corporation,
CHICAGO TRIBUNE COMPANY,
an Illinois corporation, and
TRIBUNE COMPANY,
a Delaware corporation,

Defendants.

07CV1490
JUDGE CASTILLO
MAG. JUDGE VALDEZ

Jury Trial Demanded

FILED

MAR 16, 2007 10

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Electronic Imaging Systems, Inc. ("eISA") through its undersigned attorneys complains against Defendants for infringement of United States Patent 7,099,837 entitled "System of Generating Billing Statements for Published Advertising" as follows.

PARTIES and JURISDICTION

1. Plaintiff eISA is an Illinois corporation having a principal place of business within this judicial district at 2260 Hicks Road, Rolling Meadows, IL 60008.
2. Defendant TRIBUNE COMPANY is a publicly-traded Delaware corporation licensed to conduct business in Illinois and having principal offices at 435 N. Michigan Avenue, Chicago, IL 60611.

3. Defendant TRIBUNE PUBLISHING COMPANY is a Delaware corporation licensed to conduct business in Illinois and having principal offices at 435 N. Michigan Avenue, Chicago, IL 60611.

4. Defendant CHICAGO TRIBUNE COMPANY is an Illinois corporation having principal offices at 435 N. Michigan Avenue, Chicago, IL 60611.

5. As used herein, the term "TRIBUNE COMPANIES" refers to Defendant TRIBUNE COMPANY, TRIBUNE PUBLISHING COMPANY, and TRIBUNE COMPANY.

6. Defendant MERLINONE, INC. ("MERLINONE") is a Delaware corporation having principal offices at 17 Whitney Road, Quincy, MA 02169.

7. MERLINONE performs services for and acts in concert with one or more of the TRIBUNE COMPANIES.

8. On belief, MERLINONE regularly directs invoices to advertising customers within this judicial district on behalf of one or more of the TRIBUNE COMPANIES.

9. The present action asserts a cause of action for patent infringement under the laws of the United States.

10. Jurisdiction is proper under 28 USC §§ 1331 and 1338(a).

11. Venue is proper under 28 USC § 1391(b) and (c) and § 1400(b).

BACKGROUND and OPERATIVE FACTS

12. Defendant TRIBUNE COMPANY is a conglomerate, multimedia corporation which on information and belief directly or through divisions or subsidiaries owns and publishes the *Chicago Tribune*, the *Los Angeles Times*, *Baltimore Sun*, and other newspapers.

13. The newspaper *Chicago Tribune* is published within this judicial district by defendant Chicago Tribune Company. The *Chicago Tribune* newspaper accepts and publishes advertising on behalf of advertising customers located within this judicial district and elsewhere.

Background of the Invention and Issuance of the EISA Patent

14. Most publishers, including defendants TRIBUNE COMPANIES, charge fees for printing advertisements in their newspapers and other publications. The publishers cause bills to be directed to their advertising customers for such printed advertisements. Publishers perform such billing either by themselves or in cooperation and concert with a service-provider billing agent, such as defendant MERLINONE.

15. For many decades, the traditional method of billing for newspaper advertisements was to prepare and send a printed bill to each advertising customer identifying the one or more dates of publication, an advertisement identifier, and the charges for its advertisements. Typically, each bill would list one or more line items. Along with each line item, to verify that the advertisement was actually published and therefore payment was due, the publisher or billing agent typically included a physical copy of the advertisement and/or a copy of the page or pages on which the advertisement was actually published. Such copies of the advertisements and page are known as "tear sheets." In the prior billing process, tear sheets were manually obtained by scavenging copies of the published newspaper and tearing out the sheet of paper on which the advertisement was published. This prior process was labor-intensive and resulted in physically bulky bills and considerable expense.

16. Inventors at eISA invented a new billing process that improved dramatically over the above-described manual process and filed a provisional patent application in late 1998 with the United States Patent and Trademark Office ("USPTO"). Within 12 months, they filed a first,

non-provisional, utility patent application on October 15, 1999 which they assigned to eISA and which issued as a first U.S. patent on January 7, 2003. That first patent is entitled, "Method for Electronically Merging Digitized Data System of Generating Billing Statements for Published Advertising."

17. Before that first patent issued, on December 3, 2002 eISA filed a second, non-provisional, utility patent application, designated as a continuation-in-part of the 1999 patent application, which matured into U.S. Patent 7,099,837 B1 ("the '837 patent," also called the "patent-in-suit") which the USPTO issued to eISA on August 29, 2006. The '837 patent is entitled "System of Generating Billing Statements for Published Advertising." A copy of the '837 patent is attached hereto as **Attachment 1**.

18. The '837 patent provided a substantial improvement over the above-described traditional method of billing for printed advertisements in newspapers and periodicals and instead involved using digital images of the advertisement and/or printed publication page containing the advertisement and linking at least one of them electronically to line items within an electronic bill so that the advertising customer could view an image of the advertisement or printed publication page containing the advertisement through the link and thereby confirm that the advertisement was actually published (and hence that payment is owed).

19. Before issuing the '837 patent to eISA, the USPTO patent examiner handling the application rejected the claims over prior art. However, eISA appealed the rejection to the USPTO Board of Patent Appeals and Interferences in Appeal No. 2005-1825. On October 19, 2005 the Board issued its ruling in favor of eISA, reversing the rejections of the patent examiner. A copy of the Board ruling of October 19, 2005 is attached hereto as **Attachment 2**.

20. In remanding to the patent examiner, the PTO Board stated, “The examiner should evaluate the [additional references that the examiner mentioned during the appeal process] to determine whether additional rejections are applicable. The examiner is, however, cautioned that in drafting such rejections the examiner should clearly explain how and where each limitation of the claims is taught in the references. Conclusory statements are not sufficient to establish a genuine issue of material fact in rejecting appellants’ claims.” (Att. 2, pp. 6-7.)

21. Following the Board’s reversal of October 19, 2005, the USPTO patent examiner caused a search to be made via the Scientific & Technical Information Center (“STIC”). On February 22, 2006, a representative of STIC transmitted to the patent examiner a report containing dozens of results of searching that STIC had found. The patent examiner indicated in manuscript on the report that she reviewed “all tagged references” in “2/06.” Subsequently, on March 29, 2006, the USPTO mailed a “Notice of Allowance.”

22. With the Notice of Allowance, the USPTO also sent a “Determination of Patent Term Adjustment under 35 U.S.C. 154(b)” which indicated that the patent term would be extended by 339 days. Following payment of the issue fee, the ‘837 patent-in-suit issued to the assignee, eISA.

23. The ‘837 patent contains four independent claims, all of them directed to a method of constructing a billing statement. Independent claim 1 provides as follows:

1. A method of constructing a billing statement for advertising customers placing advertisements in printed publications, comprising:

- a. creating a printed advertisement image for an advertising customer on a printed publication page in a publication with additional pages of images and text advertisement;
- b. establishing a unique customer identifier for the advertising customer;

- c. creating a first digital document representing at least the printed advertisement image with a unique advertisement identifier and associating the unique customer identifier with the advertisement identifier;
- d. creating a second digital document representing an invoice for printed advertisements and associating the unique customer identifier with the invoice and providing the advertising customer with the invoice; and
- e. enabling the advertising customer to access to the first digital document through the second digital document to view the advertisement image and verify publication of the advertisement.

24. Claim 1 sets forth a method in which an advertising customer is enabled to access a “first digital document” through a “second digital document.” (Claim 1, step e.) The second digital document is defined in step d. of Claim 1 as “representing an invoice for printed advertisements.” The “first digital document” is defined in step c. of Claim 1 as a digital document that represents “at least the printed advertisement image.” Hence, the advertising customer can access this “first digital document” through the (invoice) digital document “to view the advertisement image and verify publication of the advertisement.”

25. Claim 3 is a dependent claim dependent on claim 1 and adds a further feature calling for a “third digital document.” Claim 3 provides,

“3. The method of claim 1 further including the step of creating a third digital document representing the printed publication page image containing the advertisement image and associating the third digital document with the unique advertisement identifier and enabling the advertising customer to access to the third digital document through the second digital document.”

26. According to Claim 3, the “third digital document” represents a “printed publication page image containing the advertisement image.” A digital tear sheet that shows the

ad on the page of the publication would be an example of a third digital document. According to claim 3, the method associates the third digital document with the advertisement identifier. Further, according to claim 3, an advertising customer is able to access the third digital document (e.g., the digital tear sheet) through the second digital document (i.e., the electronic invoice).

27. Claims 6, 7 and 8 of the '837 patent are independent claims and also concern aspects of a method of constructing a billing statement.

Use of the '837 Patent Invention by eISA

28. EISA uses the invention(s) of its '837 patent-in-suit in its service called the AD/STAT System. EISA markets its AD/STAT System to publishers of newspapers and others.

29. Attached hereto as Attachment 3 is trade literature concerning eISA's AD/STAT System.

30. Newspapers such as the *Chicago Tribune* and the *Washington Post* use eISA's AD/STAT System for some of their advertisement billing.

Unauthorized Use of the '837 Patent Invention by Defendants

31. The TRIBUNE COMPANIES defendants are not licensed to use plaintiff's '837 patent.

32. MERLINONE is not licensed to use plaintiff's '837 patent.

33. On March 22, 2006, Defendant MERLINONE issued a press release which announced its "LiveInvoice" invoice. Attachment 4 hereto is a copy of that press release. In it, MERLINONE states:

MerlinOne announced LiveInvoice, an interactive invoice with click-to-pay electronic payment. LiveInvoice shows the invoice anLive [sic] Invoice is fully integrated with E-Sheets, electronic tearsheets. Each invoiced item is linked to its corresponding tearsheet to easily verify proof of publication.

Offering more than just an online invoice with electronic payment capability, Live Invoice provides a unique interface that enables an on-line dialog for any item in the invoice. This dialog creates a feedback loop between the advertiser and the newspaper. These logged communications are designed to quickly resolve billing disputes in order to reduce outstanding receivables.

Live Invpice [sic] utilizes the page data, ad data and customer data from the E-Sheets database. When its [sic] time to send invoices, the invoice content is generated from the paper's billing system and uploaded to the e-sheets system. The on-line invoice is a visual replica of the paper form currently used by the publication. Invoices and the comments are stored for later retrieval.

*** Logins must be via https. Links in emails do not do automatic logins. The recipient must manually login and then is taken to their [sic] invoices.

34. Attached hereto as **Attachment 5** is a printout of information from the MERLINONE web site (www.merlinone.com) concerning the MERLINONE "E-Sheets" Electronic Tearsheets service and the LiveInvoice Electronic Invoice service, both of which MERLINONE provides for one or more of the TRIBUNE COMPANIES, including for advertisements in the *Chicago Tribune* newspaper.

35. On information and belief, the TRIBUNE COMPANY entered into a contract to work with MERLINONE to create or host billing statements on behalf of one or more of the newspapers including, without limitation, the *Chicago Tribune*.

36. On information and belief, MERLINONE is now providing electronic billing statements for one or more newspapers published by the TRIBUNE COMPANIES. On information and belief, MERLINONE uses its "LiveInvoice" service in concert and combination with at least one of the TRIBUNE COMPANIES for billing for advertisements in at least the *Chicago Tribune*.

37. MERLINONE'S billing statements for the *Chicago Tribune* and other TRIBUNE COMPANIES publications are electronic and provide "proof of publication" using a link in the electronic billing statement to an image of the published advertisement alone or on a tear sheet image.

38. MERLINONE'S "LiveInvoice" service is a web-based service that allows an advertising customer of a newspaper or printed publication who has placed an advertisement in the publication to receive or access an electronic bill via the internet. Such electronic bill is a digital document. MERLINONE'S electronic bill includes one or more links in line items. The bill recipient or other person authorized to access the electronic bill is able to "click" on such a link to see a digital document representing at least the printed advertisement corresponding to that line item.

Concerted Action Between MERLINONE and Publishers

39. In the newspaper industry today, it is customary for the newspaper publisher to receive an advertisement for publishing from either the customer or an advertising agency working for the advertising customer. The publisher composes the ad for publication and prints it in its newspaper or other periodical.

40. Customarily in the newspaper industry today, the newspaper (*i.e.*, the publisher) establishes a customer identifier for each advertising customer and maintains the customer identifier information in one or more servers.

41. It is also customary in the newspaper industry today that the newspaper (*i.e.*, the publisher) provides an advertisement identifier for each advertisement and associates each advertisement identifier with a corresponding customer identifier.

42. On information and belief, there is a cooperative effort between MERLINONE and one or more of the TRIBUNE COMPANIES wherein the newspaper publisher provides advertising identifiers to MERLINONE for the billing process. In the cooperative effort, a customer identifier is associated with the advertisement identifier, which on information and belief includes an ad number.

43. On information and belief, MERLINONE processes invoices for publishers, posts electronic invoices to the MERLINONE web portal, and generates and sends email notifications to all designated recipients at accounts being invoiced.

44. MERLINONE'S LiveInvoice provides linking so that the recipient of the email announcing the invoice can link through the electronic invoice to see the digital tearsheet image showing the ad. On information and belief, the viewer can also access the ad image itself.

45. In hosting the billing for publishers, MERLINONE receives data from the publisher, assembles the bill, posts it to a MERLINONE internet site, notifies the appropriate recipients, and provides the bill to the recipients. As a result of hosting the billing for advertisements, advertising customers or their representatives pay the publisher for the advertisement.

46. Each of the aforesaid actions by MERLINONE and the TRIBUNE COMPANIES occurs in the United States.

FIRST CAUSE OF ACTION

(Patent Infringement by TRIBUNE COMPANIES)

47. EISA repeats and realleges the averments of paragraphs 1- 46.

48. MERLINONE is an agent of, and/or is working in concert with, one or more of the TRIBUNE COMPANIES in the billing for advertisements in one or more of their printed publications.

49. One or more of the TRIBUNE COMPANIES infringes or jointly infringes the '837 patent.

50. Plaintiff eISA has been harmed irreparably by said infringements.

51. Plaintiff eISA continues to be harmed by the ongoing infringements by Defendants because newspapers and other printed publications that eISA is ready and able to serve with its AD/STAT System are establishing relationships with MERLINONE or others to provide electronic billing services in competition with the services offered by eISA. EISA is losing market share and is being deprived of market opportunities which are reserved to its exclusive use by the '837 patent.

SECOND CAUSE OF ACTION

(Patent Infringement by MERLINONE)

52. EISA repeats and realleges the averments of paragraphs 1- 51.

53. MERLINONE is an agent of, and/or is working in concert with, one or more publishers of printed publications, including one or more of the TRIBUNE COMPANIES, in the billing for advertisements in their respective printed publications.

54. MERLINONE is offering for sale, selling, and using within the United States its "eInvoice" service which when used in the United States results in infringement of the '837 patent-in-suit.

55. EISA has not granted a license to MERLINONE or to any publishers under the '837 patent-in-suit.

56. MERLINONE acting in concert with one or more such publishers jointly infringes the '837 patent and is jointly and severally liable for such infringements.

57. Plaintiff eISA has been harmed irreparably by said infringements.

58. Plaintiff eISA continues to be harmed by the ongoing infringements by Defendants because newspapers and other printed publications that eISA is ready and able to serve with its AD/STAT System are establishing relationships with MERLINONE to provide electronic billing services in competition with the services offered by eISA. EISA is losing market share and is being deprived of market opportunities which are reserved to its exclusive use by the '837 patent.

WHEREFORE, eISA petitions this court to award relief at law and equity including but not limited to the following:

A. An adjudication that each defendant has infringed and continues to infringe the '837 patent-in-suit;

B. Preliminary and permanent injunctions against Defendants for their use of infringing services, pursuant to 35 USC §283;

C. An award of damages to Plaintiff to compensate it for defendants' infringements, together with interest and costs as fixed by the court, pursuant to 35 USC §284;

D. An award of treble damage for willful infringement by Defendants pursuant to 35 USC §284;

E. An award of attorney fees pursuant to 35 USC §285; and

F. Such further relief as the court may deem proper and just.

JURY TRIAL DEMAND

Plaintiff demands trial by jury of all issues that are properly triable to the jury.

Respectfully submitted,



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Attached Exhibits

1. the '837 patent-in-suit
2. USPTO Board ruling of October 19, 2005 in the file history of the patent-in-suit
3. literature re eISA's AD/STAT System
4. MERLINONE press release, March 22, 2006
5. selected pages from MERLINONE website re MERLINONE "E-Sheets" and "LiveInvoice"

ATTACHMENT 1



US007099837B1

(12) **United States Patent**
Weibel et al.

(10) Patent No.: **US 7,099,837 B1**
(45) Date of Patent: **Aug. 29, 2006**

(54) **SYSTEM OF GENERATING BILLING STATEMENTS FOR PUBLISHED ADVERTISING**

6,167,382 A * 12/2000 Sparks et al. 705/26
6,173,271 B1 1/2001 Goodman et al.

FOREIGN PATENT DOCUMENTS

(75) Inventors: Willard J. Weibel, Malvern, PA (US);
Maria Elena Lopez, Hinsdale, IL (US);
John Metsig, Barrington, IL (US)

EP 745 947 12/1996
WO 97/24680 7/1997

OTHER PUBLICATIONS

(73) Assignee: **Electronic Imaging Systems of America, Inc.**, Rolling Meadows, IL (US)

Newspaper Back Office Process Now Available; PR Newswire, Jun. 23, 1998, p. 1.*
Media passage Announces Digital Tear Sheets; ClickzNews, Jun. 24, 1998.*

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 249 days.

* cited by examiner

Primary Examiner—Elaine Gort
(74) Attorney, Agent, or Firm—Pauley Petersen & Erickson

(21) Appl. No.: 10/308,869

(57) **ABSTRACT**

(22) Filed: Dec. 3, 2002

Related U.S. Application Data

(63) Continuation-in-part of application No. 09/418,744, filed on Oct. 15, 1999, now Pat. No. 6,505,173.

A method of constructing a billing statement for publishing industry advertising or the like starts with digitizing the advertisement and the publication page the advertisement is on and assigning a unique identifier to at least the advertisement in an information header associated with the published image of the advertisement copy. The publication page may also be uniquely identified apart from the advertisement and contain reference to the advertisements thereon in its information header. An invoice is generated which searches at least the publication page database to find both the advertisement and page documents. The advertisement and page documents are associated with the billing statement and linked so that they may be accessed by the client such that manual preparation of invoices with advertisement copy and tear sheets no longer needs to be done.

(51) Int. Cl. **G06F 17/60** (2006.01)

(52) U.S. Cl. 705/34; 705/30

(58) Field of Classification Search 705/34,
705/40; 707/104; 455/406, 408, 407; 348/114,
348/118

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

6,026,368 A 2/2000 Brown et al.

8 Claims, 3 Drawing Sheets

The form is a multi-section document. The top section is titled 'Electronic Imaging Systems' and 'USA Daily News'. It contains a header with 'No. 1, 1998' and '120 West Street, Ste. 302, Upper Merion, PA 19086'. Below this is a table with columns for 'ISSUE', 'DATE', 'PAGE', and 'PRICE'. The table contains several rows of data, including '1998-01-01', '1998-01-02', and '1998-01-03'. At the bottom of the form, there is a section for 'USA Daily' with a date field and a price field.

Electronic Imaging Systems
ESA Daily News

INVOICE NO.	October 1998	ISSUE DATE	Leo Burnett Sample
ISSUE AMOUNT	\$4,637.00	DUPLICATE	NO
ISSUE AT MONTH END	\$4,637.00	ISSUE	NO
		ISSUE	NO
		ISSUE	NO

PLEASE PRINT OR TYPE

ISSUE DATE	Nov. 1, 1998	ISSUE AMOUNT	Leo Burnett Sample
ISSUE AMOUNT	AGZ 4678	ISSUE AMOUNT	1323 Main Street, Ste 202
ISSUE AMOUNT	18-463	ISSUE AMOUNT	Hopewell, MA 02345

PLEASE PRINT OR TYPE

DATE	ISSUE NO.	ISSUE AMOUNT	ISSUE DATE	ISSUE AMOUNT
10/7	10290-2-7	Circuit City		\$4,637.00

STATEMENT OF ACCOUNT

ISSUE AMOUNT	\$4,637.00	ISSUE AMOUNT	\$4,637.00
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ESA Daily

FIG. 1

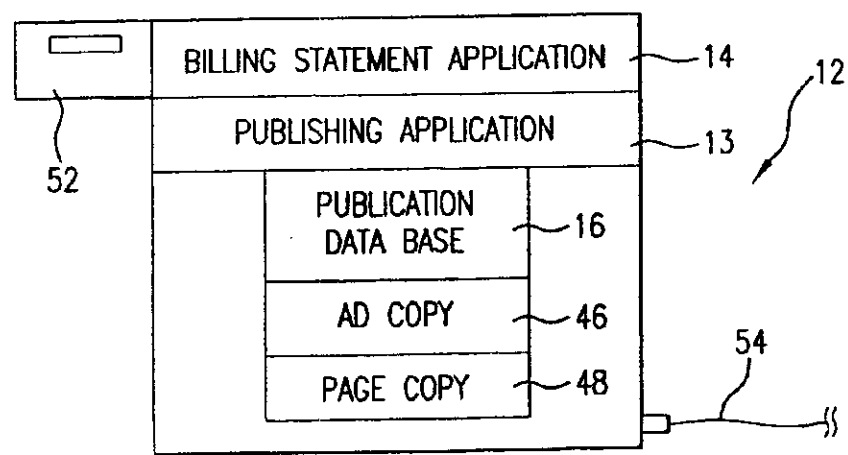


FIG. 2

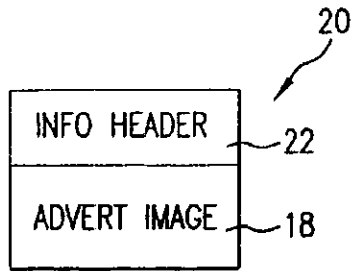


FIG. 3

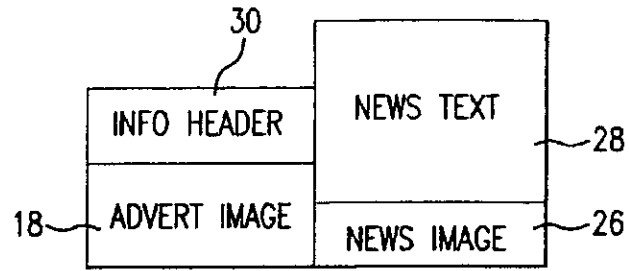


FIG. 4

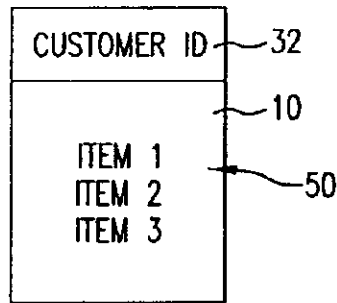


FIG. 5

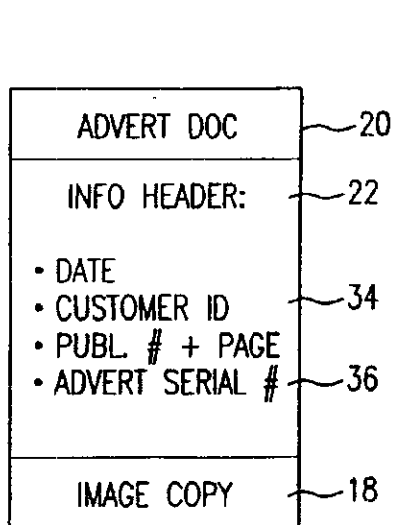


FIG. 6

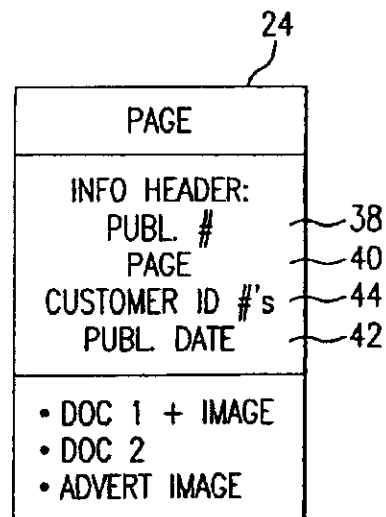


FIG. 7

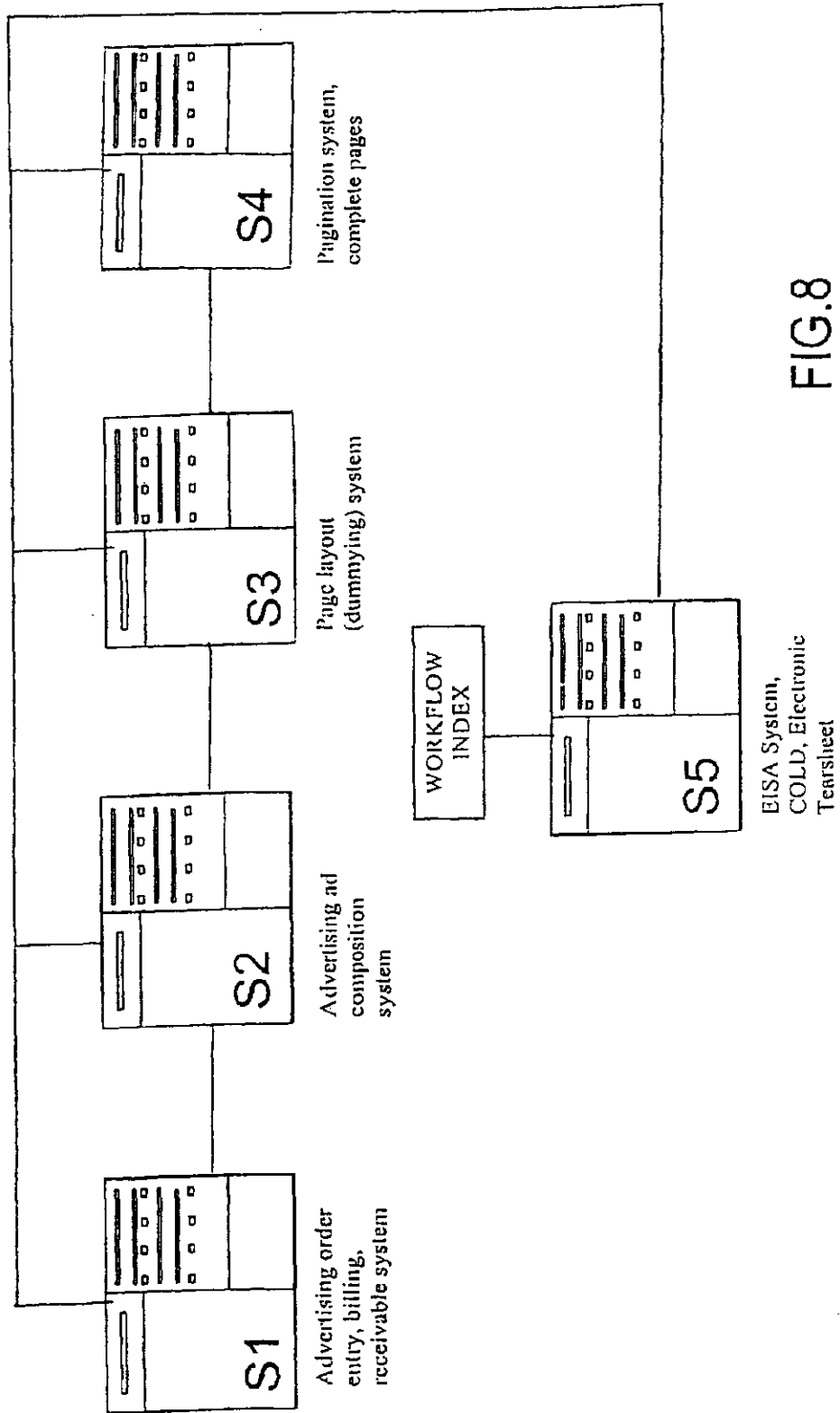


FIG.8

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SYSTEM OF GENERATING BILLING STATEMENTS FOR PUBLISHED ADVERTISING

This application is a continuation-in-part of U.S. appli- 5
cation Ser. No. 09/418,744 filed 15 Oct. 1999 now U.S. Pat.
No. 6,505,173.

BACKGROUND OF THE INVENTION

1. Field of the Invention

The present invention relates to means for creating a 5
billing statement for a publishing business automatically and
digitally with links to associated advertising copy and the
published page containing such advertising copy.

2. Discussion of Related Art

Publishers of periodicals and dailies derive significant 10
revenue from printing advertisements in their publications.
Traditionally, the method of billing the advertiser, or cus-
tomer, for the publication of the customer's advertisement is
to send a billing sheet, or statement, listing the date of 15
publication, an advertisement identifier, and the charge for
the advertisement. Along with each billing line item is
included a copy of the advertisement and a copy of the actual
page or pages on which the advertisement was published. 20
These hard copies of the advertisements and page are often
called tearsheets. The tearsheets were, in the past, manually
created by persons who gathered the physical tearsheets and
attached them to the billing statements, resulting in a great
expenditure of labor. Also, the billing statement created in 25
this way can become physically bulky and unnecessarily
hard to handle and expensive to deliver to the customer.

Therefore, there exists a need to automate this billing 30
process and digitize it to make for easier storage, retrieval,
and delivery.

SUMMARY OF THE INVENTION

The present invention provides for automated creation, 40
and if desired, removable storage and delivery of billing
statements for published advertisements. A method accord-
ing to the present invention requires that the advertisement
copy and the page on which it is published, if different, both
be put in a digital document format such as tiff, jpeg, pdf, or
the like; and assigned unique customer, or advertiser, iden- 45
tifiers, such as serial numbers, identifying numbers, unique
names, or the like associated with the document. The adver-
tisement copy and the page may contain cross referenced
indicators. For example, the information header on the
advertisement copy may contain information on its page
location, while the page document information header may
contain information on each customer having an advertise-
ment thereon.

The advertisement copy and page files of images and their 50
associated information headers are created; whether by
original composition on a digital publishing system or
through later digitization by scanning or the like; and stored
in a first, or first and second publications searchable data- 55
base. A billing statement application is then overlaid on, or
interfaced with, the publication's databases in order to
match the unique identifiers of the customers in the state-
ment application to the unique customer identifiers in the
publications databases. A search and retrieve command is
sent to identify each advertisement and its associated page,
within a particular date range and for a particular publica- 60
tion, if the publication database file structure makes this
necessary. Copies of the digital documents representing the

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published advertisement copy and its associated page are 5
linked, or referenced, to the billing document line items and
stored as files within the billing statement application.
Access from one of the digital documents to any other of its
associated digital documents is enabled, e.g., in the manner
of hypertext links, so that the publisher and the party being
billed may select, display, and examine any document, in
essence creating an electronic billing statement and tearsheet
system without the need for manual labor.

10 In some aspects of the invention, the present invention
may be used to interface with each of the publisher's
electronic applications and databases to access, retrieve, and
coordinate the processes necessary to accomplish electronic
management of the production and billing process to the
15 client.

The billing statement, and each associated advertisement 20
copy and page image, may then be electronically accessed
through links to one another for viewing and verification and
may be transmitted electronically or stored on removable
digital storage media such as diskettes or CD-Roms as
desired for permanent record and shipping to the customer.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a billing statement document according to the 25
present invention.

FIG. 2 illustrates a computer system for running a billing
system according to the present invention.

FIG. 3 illustrates an advertisement, or ad copy, retrievable 30
by the present invention.

FIG. 4 illustrates the publication page on which the
advertisement copy appears.

FIG. 5 schematically illustrates the digital billing state-
ment, or invoice of the present invention document.

35 FIG. 6 schematically illustrates the digital advertisement
copy document and information statement.

FIG. 7 schematically illustrates the digital publication
page containing the advertisement copy and an information
header thereof.

40 FIG. 8 schematically illustrates an aspect of the present
invention whereby independent machines or multiple plat-
forms typical of a publisher's infrastructure are coordinated
to electronically provide traditional publishing industry bill-
ing services.

DESCRIPTION OF PREFERRED EMBODIMENTS

Referencing FIGS. 1 and 2, a billing statement template 50
10 is contained in the server of a computer system 12 within
a billing statement application 14. The computer system 12
further contains a publication database 16 generally associ-
ated with an electronic publishing/composition application
13 for the digital construction of stories, text, pictures,
advertisements, and the like making up a publication such as
a newspaper or magazine.

As seen in FIG. 3, an advertisement image copy 18 55
comprising text, pictorial images, and the like; is contained
in a digital advertisement document 20 which also contains
an information header 22 containing a customer identifier,
such as a unique name, number, or the like associated with
60 the customer paying for the publication of the image copy
18.

Referencing FIG. 4, the advertisement image copy 18, 65
when it is to be published, is digitally placed within a page
site 24 of a publication, along with other images 26, text files
28, and the like which make up that page 24 of the

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publication. The page site 24 contains an information header 30 containing such information as the publication name, date, page number, document file identifiers, advertiser customer identifier listings, etc.

Referencing FIG. 5, the billing statement or invoice 10 has a customer identifier 32 which may be the same as a customer identifier 34 in the publication database 16 or the two customer identifiers may be cross referenced in the billing statement application 14.

Referencing FIG. 6, the digital advertisement document 20 contains an information header 22 with all relevant information such as the customer identifier 34 and an advertisement copy serial number 36 identifying the particular image 18 of the advertisement which is preferably a separate file within the advertisement document 20.

Referencing FIG. 7, the page site 24 is a document, or group of cross referenced documents, with an information header 30 detailing the publication number 38, the page number 40, publication date 42, and a list of the customers identifiers 44 for the advertisements placed on that page.

With the information headers as shown in FIGS. 6 and 7, a search and retrieve routine can be initiated from the billing statement application 14 for an individual customer by specifying a customer identifier and any qualifying ranges for the billing cycle such as a date range, publication volume numbers, etc. The customer identifiers may be cross matched as necessary between the billing statement application and the publishing application through the use of look up tables, a precompiled and referenced association table, or the like. The search will then take place in the publication database either in the advertisement copy information headers database 46 or the page site information headers database 48, or both, depending on how the publication application has allotted the customer identifiers and linked the associated advertisement images between the advertisement copy database and the page site database. Each instance of a customer identifier number "hit", or retrieval, will have an associated advertisement copy number and data identifier associated therewith. Each instance of a customer's advertisement being published then is listed as a line item, logo 50, on the billing statement 10. Copies of the digital advertisement document 20 and the page site 24 are retrieved, cross referenced to the line items 50 and the billing statement 10, and stored in, or with, the billing statement application 14 and in addition may be printed to removable storage 52 or downloaded as by telephone line 54 to the customer's information systems (not shown). It is desirable in each embodiment of the invention that the display of the associated billing, advertisement, and page documents be linked so that any one of the documents may be accessed and displayed from a display of its related documents.

Referring to FIG. 8, there is shown a system of independent machines or multiple platforms typical of a publisher's infrastructure which is then coordinated by aspects of the present invention to electronically provide traditional billing services.

Server S1 is digital system used by a publisher for its advertising order entry functions including advertising order entry, billing, and an accounts receivable system. The advertising order entry Server S1 may be a stand alone machine with a unique software platform and contains digital applications and storage specific to the Server S1 functions. Such server systems are known in the art. On Server S1, an advertisement, also referred to as an "ad", can be scheduled, information about the ad entered, e.g., the run date, placement request, size, proof request, color, and other information specific to this ad. The ad specific information can be

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retrieved from the Server S1 database using the customer identifier, e.g., the account number, this ad is entered under.

Server S2 is digital system used by a publisher for its Advertising ad composition functions. The advertising ad composition Server S2 may, like Server S1, also be a stand alone machine with a unique software platform which contains digital applications and storage specific to the Server S2 functions. Such server systems are known in the art. Ad identifier information can be sent from Server S1 to create a file containing the information needed to compose the ad, e.g., the ad number, size, run date, proof request, color, etc. Text for the ad may be entered, and artwork can be scanned or retrieved from an archive or database of the Server S2. Server S2 allows the ad to be composed, output for proofing, and have corrections made and, when the ad is completed and ready for publication, the ad is marked as suitable to publish. Server S2 may archive ads for use in later publications.

Server S3 is digital system used by a publisher for its page layout functions. The advertising ad composition Server S3 may, like Server S1 and Server S2, also be a stand alone machine with a unique software platform which contains digital applications and storage specific to the Server S3 functions. Such server systems are known in the art. Ad information is sent from Server S1 or S2 or both, e.g., the ad number, size, position request, section request, publication, run date, etc. for use in the page layout function. The software of Server S3 may contain rules specific to the publisher regarding ad placement whereby the system automatically places ads on pages based on rules and algorithms, which the layout person has the ability to override. When all ads are placed satisfactorily, a file can be sent to S1 containing the ad number, publication, section, page number, date, and the work order status for the ad can be updated in Server S1. Information about each page can also sent to Server S4, described below, defining the geometry of each page in the publication. This information may include the ad number, page number, section, date, and the co-ordinates for the ad to fit on the page.

Server S4 is digital system used by a publisher for its pagination system functions. The advertising ad composition Server S4 may, like Servers S1-S3, also be a stand alone machine with a unique software platform which contains digital applications and storage specific to the Server S4 pagination system functions. Such server systems are known in the art. Server S4 receives information from S3 on the page geometry of the ads. A pagination terminal operator places news material, photos, charts, etc. on the page in open positions that the layout system (Server S3) has reserved for news, or editorial, material. When all ads, news, etc., are positioned on the page, a PDF file of the complete page can be created and stored on Server S4. The PDF file can be stored on Server S4 for short term archiving and the PDF file can be output to an imaging device that creates a page negative used to produce printing plates.

Server S5 is a digital system according to the present invention which can be used by a publisher for coordinating each of its billing system, advertising ad composition, page layout, and pagination functions of Servers S1-S4. Server S5 can also be a stand alone machine with a unique software platform which contains digital applications and storage specific to its functions.

Server S5 is where a Workflow Index is created that accesses, receives, and coordinates information from Servers S1-S4. The Workflow Index file will contain information to allow the present invention to access information about the publication and billing processes contained on other

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servers. In the present example, Server S1 provides scheduling and billing information, Server S2 provides the finished composed ad and information necessary to send an electronic proof of the ad, Server S3 provides page number and other information necessary to retrieve the fully composed page to create the electronic tearsheet, and Server S4 provides a digital representation of page or ad images, e.g., in PDF format, of the composed page. The Workflow Index through the establishment of links between each associated part of a billing statement and tearsheet system contained on the other servers, may thus enable a user to generate access and display the digitally formatted documents necessary to accomplish an effective electronic billing statement for published material.

The workflow index further provides linkage between each billing statement component, and enables a system user to access any billing statement component from another billing statement component and view said components through an I/O interface, such as a printer or viewing screen of the user (not shown), according to the present invention. For example, Server S5 may further allow functions including the viewing of an entire publication page by clicking on a displayed ad number on a billing statement screen or the viewing of an individual ad by clicking on a displayed ad number on a billing statement screen. A client who is remote from the publisher, such as an advertising agency or an advertiser, may be granted access to view statements, individual ads, and page displays by a secure internet connection. Access to digital publication pages and ads can be provided even before a billing statement is produced, by accessing the digital publication pages or ads through the Workflow Index. Electronic mail notification may be sent to advertisers or agencies that a digital publication page is available for viewing or the present invention can provide for the electronic mailing of digital publication page or ad images, e.g., in compressed PDF format, along with any other necessary or desired identifying information. Electronic watermarks may be provided on each page for authenticity verification.

Server S5 further allows digital archiving of the publisher's billing components including the billing statement, the page copy and the ad copy. Thus all billing components may be archived and recorded, such as by a computer output to a laser disk (COLD) system.

Server S5 may further allow an electronic proofing process between the publisher and the remote client by providing software and hardware functionality to electronically mail notice to the client that a proof image of an ad or a page is ready to access or provide for electronic mailing of a digital representation of page or ad images of the proof. Further the present invention may automatically generate electronic mail to a remote client at a set time of day based on indicators in the Workflow Index. Such remote communications are desirably accomplished by secure internet access.

While referred to as files, documents, and sites, it will be appreciated that there are myriad ways to cross reference, store, and process the relevant image blocks going into the advertisement copy and page site make up. The examples of the Preferred Embodiment are intended to be illustrative only and the invention herein is limited only by the appended claims.

We claim:

1. A method of constructing a billing statement for advertising customers placing advertisements in printed publications, comprising:

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- a. creating a printed advertisement image for an advertising customer on a printed publication page in a publication with additional pages of images and text advertisement;
 - b. establishing a unique customer identifier for the advertising customer;
 - c. creating a first digital document representing at least the printed advertisement image with a unique advertisement identifier and associating the unique customer identifier with the advertisement identifier;
 - d. creating a second digital document representing an invoice for printed advertisements and associating the unique customer identifier with the invoice and providing the advertising customer with the invoice; and
 - e. enabling the advertising customer to access to the first digital document through the second digital document to view the advertisement image and verify publication of the advertisement.
2. The method of claim 1 further including the step of forwarding the first digital document representing at least the printed advertisement image and the second digital document representing an invoice for printed advertisements to the advertising customer.
3. The method of claim 1 further including the step of creating a third digital document representing the printed publication page image containing the advertisement image and associating the third digital document with the unique advertisement identifier and enabling the advertising customer to access to the third digital document through the second digital document.
4. The method of claim 1 further including the step of creating a third digital document representing the printed publication page image containing the advertisement image and associating the third digital document with the unique advertisement identifier and enabling the advertising customer to access to the third digital document through the first digital document.
5. The method of claim 1 further including the step of creating a third digital document representing the printed publication page image containing the advertisement image and associating the third digital document with the unique advertisement identifier and enabling the advertising customer to access to any of the first, second, and third digital documents through any of the first, second, and third digital documents.
6. A method of constructing a billing statement for advertising customers placing advertisements in printed publications with additional pages of images and text advertisement, comprising:
- a. creating a printed advertisement image for an advertising customer on a printed publication page in a publication with additional pages of images and text advertisement;
 - b. establishing a unique customer identifier for the advertising customer;
 - c. creating a first digital document representing at least one of the printed advertisement image or the printed publication page with a unique advertisement identifier, and associating the customer identifier with the unique advertisement identifier;
 - d. creating a second digital document representing an invoice having a line item billing for advertisements of the advertising customer and associating the unique customer identifier, with the invoice and providing the advertising customer with the invoice; and
 - e. enabling the advertising customer to access to the first digital document through a line item of the invoice to

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view the first digital document in human readable form and verify publication of the advertisement.

7. A method of constructing a billing statement for advertising customers placing advertisements in printed publications with additional pages of images and text advertisement, comprising:

- a. establishing a unique customer identifier for an advertising customer;
- b. creating a first digital document representing a printed and published advertisement image for the advertising customer with a unique advertisement identifier and associating the unique customer identifier with the unique advertisement identifier;
- c. creating a second digital document representing a printed and published publication page image containing the printed and published advertisement image as the published publication page image appears in a publication with additional pages of images and text advertisement and associating the second digital document with the unique advertisement identifier;
- d. creating a third digital document representing an invoice for printed and published advertisements including a form for specifying an identifier range for invoiced printed and published advertisements with the invoice and providing the advertising customer with the invoice and the form;
- e. finding the first digital document by searching the unique customer identifier in a first database and copying the first digital document to an invoice database;
- f. finding the second digital document and copying the second digital document to the invoice database;
- g. storing the first and second digital documents in a common file associated with the third digital document; and
- h. enabling the advertising customer to access at least one of the first and second digital documents through the third digital document to view the first digital document in human readable form and verify publication of the advertisement.

8. A method of constructing a billing statement for advertising customers placing advertisements in printed publications with additional pages of images and text advertisement, comprising:

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- a. establishing a unique customer identifier for an advertising customer to be billed;
- b. creating a digital billing invoice document and associating the digital billing invoice document with the unique customer identifier and storing the digital billing invoice document in an invoice file and providing the advertising customer with the invoice;
- c. creating a printed advertisement image for the advertising customer on a printed publication page;
- d. creating a digital advertisement document representing the printed advertisement image with a unique advertisement identifier and associating the unique customer identifier with the unique advertisement identifier and storing the digital advertisement document in an advertisement database;
- e. creating a digital publication page representing the printed publication page in a publication with additional pages of images and text advertisement, with the digital advertisement document thereon, and having a unique page identifier; and associating the unique page identifier with the unique advertisement identifier and storing the digital publication page document in a publication page database;
- f. enabling the advertising customer to search for the digital advertisement document in the advertisement database according to the customer identifier, identifying the digital advertisement document according to the customer identifier, and displaying the identified digital advertisement document in human readable form;
- g. enabling the advertising customer to search for the digital publication page associated with the digital advertisement document in the publication page database and displaying the identified digital advertisement document in human readable form; and
- h. enabling the advertising customer to cross reference the billing invoice, advertisement, and publication page digital documents from the invoice file to view the first digital document in human readable form and verify publication of the advertisement.

* * * * *

ATTACHMENT 2

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

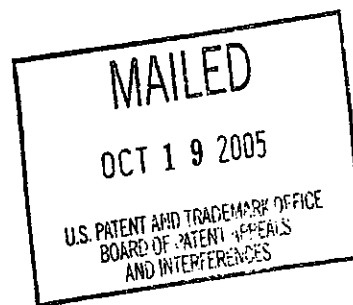
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WILLARD J. WEIBEL, MARIA ELENA LOPEZ and JOHN METSIG

Appeal No. 2005-1825
Application No. 10/308,869

ON BRIEF



Before HAIRSTON, MACDONALD and NAPPI, **Administrative Patent Judges.**

NAPPI, **Administrative Patent Judge.**

DECISION ON APPEAL

This is a decision on the appeal under 35 U.S.C. § 134 from the examiner's rejection of claims 8 through 13, 15 and 16. For the reasons stated *infra* we reverse the examiner's rejection of these claims.

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Application No. 10/308,869

The Invention

The invention relates to a method for automatically creating, storing and delivering billing statements for published advertisements. Advertisement copy and the page on which it is published are made into digital documents. These documents contain indicators identifying the advertiser and page location. A billing statement is created which matches the customer with the advertisements. The billing statement is linked to the digital documents representing the published advertisement copy and its associated page. See pages 3 and 4 of appellants' specification.

Claim 8¹ is representative of the invention and is reproduced below:

8. A method of constructing a billing statement for advertising customers placing advertisements in printed publications, comprising:

a. creating a printed advertisement image for the advertising customer on a printed publication page in a publication with additional pages of images and text advertisement;

b. establishing a unique customer identifier for the advertising customer;

c. creating a first digital document representing at least the printed advertisement image with a unique advertisement identifier and associating the unique customer identifier with the advertisement identifier;

d. creating a second digital document representing an invoice for printed advertisements and associating the unique customer identifier with the invoice and providing the advertising customer with the invoice;

e. enabling the advertising customer to access to the first digital document through the second digital document to view the advertisement image and verify publication of the advertisement.

¹We note that the copy of the claims in appendix A of the brief, does not correspond to claims submitted in the amendment dated January 26, 2004.

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Application No. 10/308,869

Reference

The reference relied upon by the examiner is:

Sparks et al. (Sparks) 6,167, 382 December 26, 2000

Rejections at Issue

Claims 8 through 13, 15 and 16 stand rejected under 35 U.S.C. § 103 as being unpatentable over Applicants' Background of the Invention in view of Sparks.

Opinion

We have carefully considered the subject matter on appeal, the rejection advanced by the examiner and the evidence of obviousness relied upon by the examiner as support for the rejection. We have, likewise, reviewed and taken into consideration, in reaching our decision, appellants' arguments set forth in the briefs, along with the examiner's rationale in support of the rejection and arguments in rebuttal set forth in the examiner's answer. With full consideration being given to the subject matter on appeal, the examiner's rejection and the arguments of appellants and examiner, for the reasons stated *infra*, we will not sustain the examiner's rejection of claims 8 through 13, 15 and 16 under 35 U.S.C. § 103.

Appellants argue on pages 8 and 9 of the brief:

Independent Claims 8, 13, 15 and 16 also further clearly specify a unique system that provides the advertising customer with the invoice for his published advertisement and enables the customer to access through the invoice a digital document representing his published advertisement (or the publication page it is on, or both) in human readable form and thus verify the publication of the advertisement. The present invention thus clearly defines over the teachings of

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Application No. 10/308,869

Sparks, which neither teaches or suggests the claimed methods for constructing billing statements.

The examiner responds on page 6 of the answer:

In response to appellant's [sic, appellants'] argument that the combination does not enable a customer access to the publication through their invoice, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Examiner has combined the references using the viewing of publications via the invoice as disclosed in the Applicant's BACKGROUND OF THE INVENTION and modified this hard copy version to be electronic thru the teachings of Sparks et al which teaches electronic documents and invoicing.

We are not convinced by the examiner's arguments and find that the examiner has not carried the burden of proving the claims unpatentable. In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of establishing a *prima facie* case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). *See also In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984). The Examiner can satisfy this burden by showing that some objective teaching in the prior art or knowledge generally available to one of ordinary skill in the art suggests the claimed subject matter. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Only if this initial burden is met does the burden of coming forward with evidence or argument shift to the Appellants. *Oetiker*, 977 F.2d at 1445, 24 USPQ2d at 1444. *See also Piasecki*, 745 F.2d at 1472, 223 USPQ at 788. An obviousness analysis commences with a review and consideration of all the pertinent

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evidence and arguments. "In reviewing the [E]xaminer's decision on appeal, the Board must necessarily weigh all of the evidence and arguments." *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). "[T]he Board must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency's conclusion." *In re Lee*, 277 F.3d 1338, 1344, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002). When determining obviousness, "[t]he factual inquiry whether to combine references must be thorough and searching." *Lee*, 277 F.3d at 1343, 61 USPQ2d at 1433, *citing McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1351-52, 60 USPQ2d 1001, 1008 (Fed. Cir. 2001). "It must be based on objective evidence of record." *Id.* "Broad conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence.'" *In re Dembiczak*, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617. "Mere denials and conclusory statements, however, are not sufficient to establish a genuine issue of material fact." *Dembiczak*, 175 F.3d at 999, 50 USPQ2d at 1617, *citing McElmurry v. Arkansas Power & Light Co.*, 995 F.2d 1576, 1578, 27 USPQ2d 1129, 1131 (Fed. Cir. 1993). The Federal Circuit states that, "[t]he mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." *In re Fritch*, 972 F.2d 1260, 1266 n.14, 23 USPQ2d 1780, 1783-84 n.14 (Fed. Cir. 1992), *citing In re Gordon*, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984). In addition, our reviewing court stated, that when making an obviousness rejection based on combination, "there must be some motivation, suggestion or teaching of the

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Application No. 10/308,869

desirability of making the specific combination that was made by Applicant" in *Lee*, 277 F.3d at 1343, 61 USPQ2d at 1433 (quoting *In re Dance*, 160 F.3d 1339, 1343, 48 USPQ2d 1635, 1637 (Fed. Cir. 1998)).

We consider the examiner's assertions in the statement of the rejection and the response to arguments section of the answer to be nothing more than broad conclusory statements regarding the teachings of the references. The examiner has provided no analysis, including specific cites to columns of text, of the references identifying which features of Sparks correspond the claim features. For example, as appellants have argued, the examiner has not shown how the references individually or in combination teach the limitation of "enabling the advertising customer to access to the first digital document [printed advertisement image] through the second digital document [invoice] to view the advertisement image and verify publication of the advertisement."

Accordingly, we will not sustain the examiner's rejection of claims 8 through 13, 15 and 16.

Other Issues

In response to appellants' appeal brief, the examiner cited two new references, but did not rely upon these references in rejecting the claims. Accordingly, we have not considered these references in conjunction with a rejection of the claims. However, we have reviewed the references and consider them to be relevant to the claimed subject matter. The examiner should evaluate the references to determine whether additional rejections are applicable. The examiner is, however, cautioned that in drafting such rejections the examiner should clearly explain how and where each limitation of the

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Application No. 10/308,869

PAULEY PETERSEN & ERICKSON
2800 WEST HIGGINS ROAD
SUITE 365
HOFFMAN ESTATES, IL 60195

ATTACHMENT 3

Original Electronic Tearsheet Solution[®]

NEW REDUCTIONS!
Ladies' Spring Dresses

1/2 PRICE

Juniors • Misses • Petite • The Dillard's Woman

- Kasper • Meggy London
- Donna Morgan • David Warren
- Jessica Howard • Positive Attitude
- Kim Richards • Leslie Fay
- Scott McChesnok • Hilli
- Betty A. Adam • And More

Dillard's

Taiwan's president to sample Americana during stopover

Alabama woman loses weight with exercise

PATIO COVERS • CARPORTS
BUY NOW & SAVE
10% OFF • 1/3 OFF

NEW REDUCTIONS!
Ladies' Spring Dresses

1/2 PRICE

Juniors • Misses • Petite • The Dillard's Woman

- Kasper • Meggy London
- Donna Morgan • David Warren
- Jessica Howard • Positive Attitude
- Kim Richards • Leslie Fay
- Scott McChesnok • Hilli
- Betty A. Adam • And More

Dillard's

Featuring the
NEW and EXCLUSIVE
-OLÉ™
eISA On-Line Editing
System for
Statements!

The AD/STAT[®] System*

Electronic Imaging Systems of America (eISA) introduces AD/STAT, the original system which allows you to electronically match a composed or digitized ad with its corresponding statement, insertion order and the news page on which the ad is located! This unique process eliminates the need for costly, time-consuming manually created tearsheets—and provides instant access to statement and ad information.

For more information contact John Metsig at:

800-646-5431 or jmetsig@eisaimage.com

Instant retrieval of:

- Statement
- Insert Order
- Ad
- Ad Tearsheet

Web-based and/or LAN/WAN

E-delivery

Proof of ad delivery system

Allows "auto-merge" and electronic printing and mailing

Electronic format allows for easy re-printing, faxing or e-mailing

Allows for optimum storage, security and disaster recovery

WORKFLOW-compatible



Electronic Imaging Systems of America, Inc.
2260 Hicks Road, Suite 405 • Rolling Meadows, Illinois 60008 • P 847.530.0955 • F 847.530.7925
www.eisaimage.com

*U.S. Patent Numbers 6,505,173 and 7,099,837

ATTACHMENT 4

MerlinOne

Store it. Find it. Manage it. Share it.

Contact: MerlinOne, Inc.

David Farrell
17 Whitney Road
Quincy, MA 02169
www.merlinone.com 617-328-6645 (o)
dfarrell@merlinone.com 617-595-7092 (m)

NEWS RELEASE

March 22, 2006

**LiveInvoice: the revolutionary interactive on-line invoice
Helps resolve payment delays, click-and-pay electronic bill payment**

Quincy, MA, March 22 – MerlinOne announced LiveInvoice, an interactive invoice with click-to-pay electronic payment. LiveInvoice shows the invoice and Live Invoice is fully integrated with E-Sheets, electronic tearsheets. Each invoiced item is linked to its corresponding tearsheet to easily verify proof of publication.

Offering more than just an online invoice with electronic payment capability, Live Invoice provides a unique interface that enables an on-line dialog for any item in the invoice. This dialog creates a feedback loop between the advertiser and the newspaper. These logged communications are designed to quickly resolve billing disputes in order to reduce outstanding receivables.

Live Invoice utilizes the page data, ad data and customer data from the E-Sheets database. When its time to send invoices, the invoice content is generated from the paper's billing system and uploaded to the e-sheets system. The on-line invoice is a visual replica of the paper form currently used by the publication. Invoices and the comments are stored for later retrieval.

E-Sheets is well known for its superior security provisions. Security

procedures for LiveInvoice are of an even higher level than E-Sheets. The data upload is either by sFTP or by using encrypted zip files. Logins must be via https. Links in emails do not do automatic logins. The recipient must manually login and then is taken to their invoice.

About MerlinOne - MerlinOne, Inc. (<http://www.merlinone.com>) is a leading provider of content management solutions. The Merlin Content Manager has major installations at *The New York Times*, *The Washington Post*, *Chicago Tribune*, *USA Today*, *The Boston Globe*, and the White House. E-Sheets® is the industries' foremost electronic tearsheet service. MerlinOne technology helps companies manage photos, text, graphics, PDFs & multi-media content.

###

Attachment 4

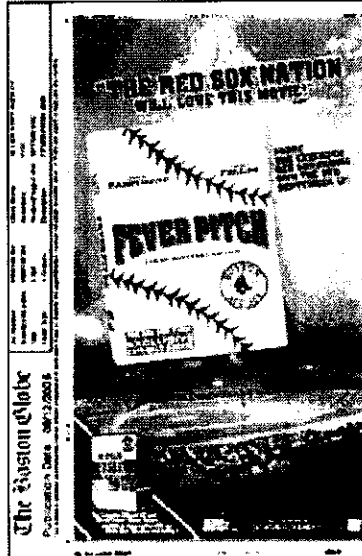
ATTACHMENT 5

E-Sheets - Electronic Tearsheets

Faster Delivery, Faster Payments, Lower Costs

Paper tearsheets are slow and labor intensive to make, expensive to ship and store. The age-old tearsheet practice probably goes back to Ben Franklin. But that is all starting to change.

E-Sheets lets publishers provide on-line electronic tearsheets to their advertising customers the morning of publication. One click on the email notification link and you see today's ads. Click again to see facing/backing pages, or view the full-size PDF page. Print the page on your desktop or even use an on-screen tool to measure the ad. With E-Sheets, agencies and advertisers get fast and easy confirmation, publishers save production labor, material and shipping costs, and business managers can confirm and approve payment with one click on an electronic invoice. The whole process from ad-run to payment is dramatically shortened, and with a fast ROI.



E-Sheets is already changing business at leading papers and major markets across the US.

Do electronic tearsheets work? Here is just one example:

"During their pilot test, The Hartford Courant tracked a 33% improvement in collections due to electronic tearsheets. That improvement continued during Hartford's roll-out of the system to their advertisers. Based on these savings Tribune expects a double-digit return on their investment in E-Sheets."

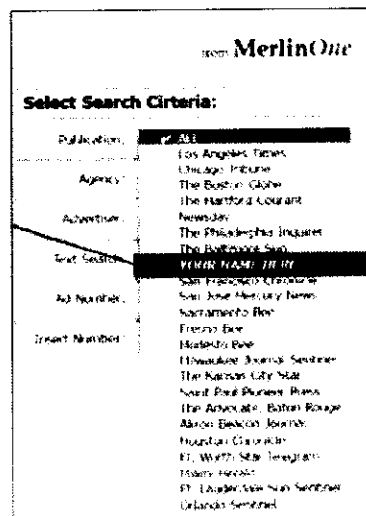
- From Tribune's white paper on E-Sheets, March 2005 (ask us for a copy)

E-Sheets is Now Hosting

Over 70,000,000 ads
 Over 7,000,000 PDF pages
 From over 1,500,000 advertisers and 37,000 agencies

Only E-Sheets can put you *HERE*

Verify the tearsheet on the morning of publication
 Huge number of advertisers and agencies already using E-Sheets
 Convenient single one-stop log-in for national and regional advertisers to view an ad campaign across major markets
 Hosted - no hardware, software to buy or maintain
 Years of back pages & tearsheets at your fingertips



Cuts costs material, labor and shipping for a fast ROI

Secure and controlled access to content
Foundation for LiveInvoice, AdReady ad verification, and LiveEdition on-line paper

A corporate standard at Tribune, and used at major metros like the Los Angeles Times, Chicago Tribune, Boston Globe, The Kansas City Star, Houston Chronicle, Fort Worth Star-Telegram, The Philadelphia Inquirer, San Francisco Chronicle, Miami Herald, Atlanta Journal-Constitution, as well as small and independent papers.

LiveInvoice - Electronic Invoice

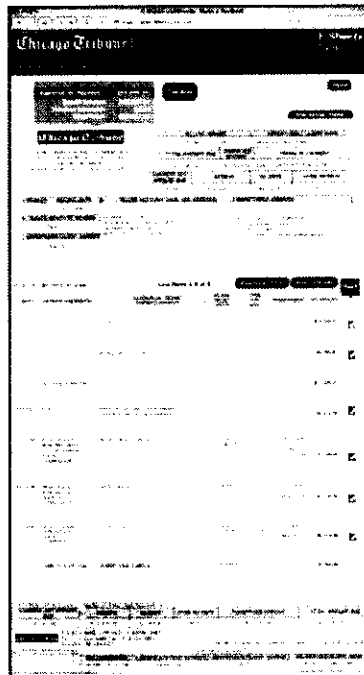
The revolutionary interactive on-line invoice that helps resolve payment delays

The LiveInvoice option creates an on-line replica of the publication's paper invoice. Each line item links to its corresponding E-Sheet electronic tearsheet page to verify compliance. Click the "pay now" button and you access the screen that executes funds transfer or credit card payment.

But LiveInvoice takes a significant step further with a built-in electronic dialog and feedback loop between advertiser and publisher. Each invoiced line-time can be discussed individually for fast, efficient resolution of billing questions and disputes. No more reason to hold up an entire invoice over a single disputed item. A commented "paper trail" documents every item. If an invoice is partially paid, everyone can finally see what items the payment applies to.

Electronic payments: Fast, Easy, and Secure

Electronic invoices saves time and cost
Fully integrated with E-Sheets
Can link each ad billed to the tearsheet
Can verify receipt of invoice
Interactive dialog for dispute resolution
Electronic payment: "click-and-pay"
Receive payments quicker with less customer support effort

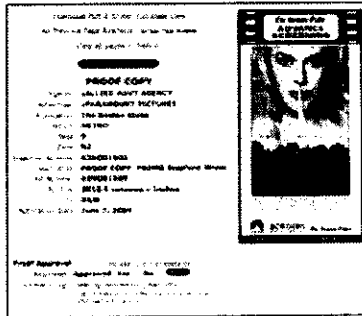


Ad Ready

Manage press ready ads in one integrated system

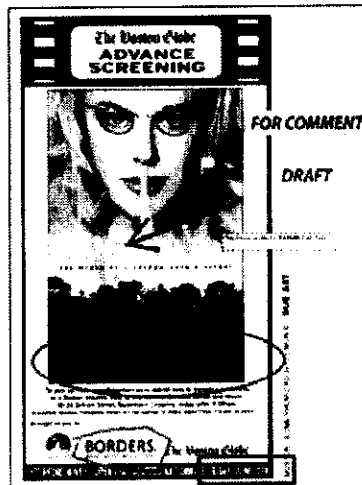
With the AdReady option, ad proof verification is fully integrated into the E-Sheets electronic tearsheet environment.

When a newspaper has an ad to be proofed, it uploads the ad PDF to the hosted site. Once notified by e-mail, the advertiser can view the ad, download, print, mark-up the artwork and finally approve the ad or not, with comments about the status. System activity for viewing, comments and status is logged for each ad, providing a record of the advertiser, in effect, "signing-off" on the ad when approved. Once the ad is published, there are links between the approved ad and the published E-Sheet page. Advertisers and the paper can log into the system via the Internet to view the status of all their ads in process.



One streamlined process from ad approval, to tearsheet, to invoice and payment

- On-Line access to ads and approval status
- Fully integrated with E-Sheets
- Link between approved ad and published page
- System activity logged to create "sign-off" record
- Creates ad library, with fully text searchable content
- Built-in deadline management
- Faster turnaround, more process control



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