Invalidity of Claim 11 of U.S. Pat. No. 9,373,261 based on AMAZON.COM

<table>
<thead>
<tr>
<th>U.S. Pat. No. 9,373,261 – Claim 11</th>
<th>ECT's Infringement Allegations</th>
<th>Prior Art – Amazon.com</th>
</tr>
</thead>
<tbody>
<tr>
<td>An automated notification system, comprising: one or more transceivers designed to communicate data; one or more memories; one or more processors; and computer program code stored in the one or more memories and executed by the one or more processors, the computer program code comprising:</td>
<td>Brownies uses an automated order confirmation and shipment (&quot;automated notification&quot;) to send customers updated shipment information when products are being prepared for picked up [sic] and when products are shipped.</td>
<td>Amazon.com uses an automated order confirmation and shipment (&quot;automated notification&quot;) to send customers updated shipment information when products are being prepared for picked up [sic] and when products are shipped.</td>
</tr>
<tr>
<td>code that enables a first party associated with a personal communication device (PCD) to input or select authentication information for use in connection with a subsequent notification communication session involving advance notice of a delivery or pickup of a good or service at a stop location by a mobile thing (MT); Brownies automated notification systems comprises, one or more memories, one or more processors, and computer program code that is stored within one or more memories and executed by one or more processors, Brownies's computer program code comprises:</td>
<td>Brownies online code allows mobile customers to input personalized authentication information to be used at a future time when products are picked up and notifications emails are sent back to the customer.</td>
<td>Amazon.com automated notification systems comprises, one or more memories, one or more processors, and computer program code that is stored within one or more memories and executed by one or more processors, Amazon.com’s computer program code comprises:</td>
</tr>
<tr>
<td>Brownies stores authentication information including a combination of these items; customer billing information such as billing person’s name (&quot;Pete Sirianni&quot;), billing address, billing telephone number and the billing</td>
<td>Amazon.com online code allows mobile customers to input personalized authentication information to be used at a future time when products are picked up and notifications emails are sent back to the customer.</td>
<td>Amazon.com stores authentication information including a combination of these items; customer billing information such as billing person’s name (&quot;Pete Sirianni&quot;), billing address, billing telephone number and the billing</td>
</tr>
</tbody>
</table>
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person’s email address ("siriannip07@aol.com") are all used to authenticate the Brownies communications about their product being picked-up and shipped is an email from Brownies [sic]. When customers need to respond and enter account, login or different credit card(s) information they know the actual Brownies website is authentic/safe/trusted by viewing and responding to the message contents.

person’s email address ("siriannip07@aol.com") are all used to authenticate the Amazon.com communications about their product being picked-up and shipped is an email from Amazon.com [sic]. When customers need to respond and enter account, login or different credit card(s) information they know the actual Amazon.com website is authentic/safe/trusted by viewing and responding to the message contents.
<table>
<thead>
<tr>
<th>Code Description</th>
<th>Brownies Action</th>
<th>Amazon.com Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Storage of authentication information code</td>
<td>Brownies uses code to capture and store customer authentication information...</td>
<td>Amazon.com uses code to capture and store customer authentication information...</td>
</tr>
<tr>
<td>Code that monitors location or travel information in connection with the MT;</td>
<td>Brownies uses computer program code to monitor products when moved...</td>
<td>Amazon.com uses computer program code to monitor products when moved...</td>
</tr>
<tr>
<td>Code that causes initiation of the notification communication session to the PCD</td>
<td>Brownies uses computer program code to determine and initiate notifications...</td>
<td>Amazon.com uses computer program code to determine and initiate notifications...</td>
</tr>
<tr>
<td>with the one or more transceivers, in advance of arrival of the MT at the stop</td>
<td>to mobile users (personal communication devices) using transceivers such as...</td>
<td>to mobile users (personal communication devices) using transceivers such as...</td>
</tr>
<tr>
<td>location, based at least in part upon the location or travel information</td>
<td>email and electronic communication systems, when products are...</td>
<td>email and electronic communication systems, when products are...</td>
</tr>
<tr>
<td>associated with the MT;</td>
<td>shipment, pulled from inventory, at fulfillment, at loading areas, picked up...</td>
<td>shipment, pulled from inventory, at fulfillment, at loading areas, picked up...</td>
</tr>
<tr>
<td>Code that, during the notification communication session, provides the</td>
<td>Brownies computer program code retrieves the authentication information</td>
<td>Amazon.com computer program code retrieves the authentication information</td>
</tr>
<tr>
<td>authentication information to the PCD that</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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indicates to the first party that the notification communication session was initiated by an authorized source; and

including customer billing information such as billing person’s name (“Pete Sirianni”), billing address, billing telephone number and the billing person’s email address (“siriannip07@aol.com) to confirm/authenticate the shipment confirmation email was initiated by Brownies (the authorized source), and

including customer billing information such as billing person’s name (“Pete Sirianni”), billing address, billing telephone number and the billing person’s email address (“siriannip07@aol.com) to confirm/authenticate the shipment confirmation email was initiated by Amazon.com (the authorized source), and

code that, during the notification communication session, enables the first party to select whether or not to engage in a communication session with a second party having access to particulars of the pickup or

Brownies computer program code sends shipment confirmation emails and embeds links within the notification to allow customers to get account

Amazon.com computer program code sends shipment confirmation emails and embeds links within the notification to allow customers to get account
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delivery.

information, edit shipment information, shipment tracking information, to the website and to customer service representatives – for additional information about the product(s).

information, edit shipment information, shipment tracking information, to the website and to customer service representatives – for additional information about the product(s).

Your order reads as follows:

Customer No: 55825338
Order Invoice #: 10

Order Status:

Entry Date: 8/29/2011
Sales ID: 85040
Priority Code: 
Pay Method: 

Bill To:
Pete Sireanni
2563 Cherry Hill Lane
Hermitage, PA 16148-2989

Phone: (561) 399-8043

Order Totals:

1.5209 | Shop: brownies.com
Cotton Center Blvd. Suite 100
Phoenix, AZ 85040

Delivery Confirmation

Order Status >
Forwarded Message from: auto-c...@amazon.com

Thank you for ordering from Amazon.com!

Your order information appears below. If you need to get in touch with us about your order, send an e-mail message to ord...@amazon.com (or just reply to this message).

-- Amazon.com Customer Service

-----------------------------------------------
Your order reads as follows:

E-mail address:   b...@webmail.trin.com

Ship to:
Southlake
Texas
76092
Tel:   817-

Billing address:
Southlake
Texas
76092
Tel:   817-

-----------------------------------------------
1 "Son of Fury"
John Cromwell(Director), et al; VHS Tape; @ $17.99 each
(Usually ships in 2-3 days)

Gift Wrap: None Selected

Gift Message: None

1 "Rhythm on the Range"
Norman Taurog(Director), et al; VHS Tape; @ $13.99 each
(Usually ships in 2-3 days)

Gift Wrap: None Selected

Gift Message: None

Will ship via: Standard Shipping (3-7 business days)
As an Amazon.com customer, you'll occasionally receive e-mail updates about important functionality changes to the Web site, new Amazon.com services, and special offers we believe would be beneficial to you. We hope you'll find these updates interesting and informative. But if you'd rather not receive them, please visit your Amazon.com Communication Preferences page:

http://www.amazon.com/communications

Please note that you can view the status of your account, examine your orders, cancel unshipped orders, change your e-mail address or password, or update your subscriptions to our Personal Notification Services at any time through the "Your Account" link on the navigation bar.

http://www.amazon.com/your-account

Thank you for shopping at Amazon.com!
Bill, the ad has been changed since this morning!
here is the confirmation text from Amazon that I received:

Thank you for ordering from Amazon.com. Your purchase information appears below.

To see the latest information about your order, or to cancel or modify a pending order, just click the "Your Account" link in the top right corner of any page on our Web site or visit:

   http://www.amazon.com/your-account

If you ordered several items to be delivered to the same address, we may send them to you in separate boxes to give you the speediest service. Rest assured: This will not affect your shipping charges.

Thanks for shopping at Amazon.com!

        -- Amazon.com Customer Service

-----------------------------------------------

Your purchase reads as follows:

E-mail Address:   jiml...@abq.com
Billing Address:  
                  Albuquerque, NM 87105
                  United States
Telephone:        (505)

Subtotal:         $ 39.00
Shipping & Handling:   $ 2.98
Total before tax:    $ 41.98
Tax:               $ 0.00
Purchase Total:     $ 41.98

==============================================

Order #1: (Order #002-1809778-5932810)

Jim Lynch
Albuquerque, NM 87105
United States

Shipping method: Standard Shipping
Shipping preference: Ship when all items are available.

1 "Compaq iPAQ USB Cradle with Charger" Electronics; @ $39.00 each
Usually available in 24 hours

Would your friends enjoy shopping at Amazon.com? We'd love to send
them a $5 gift certificate to give us a try--and we'll send you a $5
gift certificate for every friend who becomes a customer! Enter their
e-mail addresses using the URL below, and we'll take it from there:

http://www.amazon.com/cs-refer-a-friend

Manage all your orders online. Access "Your Account"
(http://www.amazon.com/your-account), and you can:

* Track the status of this order
* Combine open orders to save on shipping
* Change the payment option for this order
* Change the shipping option or address
* Cancel unshipped items from this order

If you still need to get in touch with us about your order, send an
e-mail message to ord...@amazon.com (or just reply to this message).

As an Amazon.com customer, you'll occasionally receive e-mail updates
about important functionality changes to the Web site, new Amazon.com
services, and special offers we believe would be beneficial to you.
We hope you'll find these updates interesting and informative. But if
you'd rather not receive them, please visit your Amazon.com
Communication Preferences page:

http://www.amazon.com/communications

Thanks again for shopping at Amazon.com!

"Bill Castello" <bcas...@uswest.net> wrote in message
news:u3jGAEQKAHA.248@cppssbbsa04...
> Hmmmmmm,
> > I won't claim to be a lawyer, but this thread intrigued me. I read the
> ad
> > and nowhere did I see that it had or mentioned a charger. Below, in a
> > section called "Editorial Review" it mentions charging, but that is *not*
> > part of the ad. The logic stated in this thread says that the ad is
> > misleading, but I can't agree. If I were defending Amazon and/or Compaq
> in
> > this case, I think it would be simple, the review does say Sync and
Charge,
> but not the Advertisement. If the Review of something else on the site says
> "This is a MUST have for all iPaq owners" are you going to buy it sight
> unseen? I highly doubt it. I think they would beat a lawsuit based on
> that
> alone, or else nobody could review anything ever again for fear of
> misrepresenting. If Mr Ebert likes a movie and gives it a thumbs up, but
> I
> hate it, can I sue him for misleading me?
> > Anyhow, this isn't meant to be a flame of anyone, and I'm no lawyer. I
> just like to read everything before I buy. I usually cruise the other
> hardware sellers to see if they have similar items before I settle on one.
> >
> > I also cannot for the life of me see where either Amazon or Compaq
> should
> feel obligated to give a charger away for this. :(  
> >
> > Anyhow, that's just my 2 hundredths of a dollar.
> >
> > --
> Bill Castello
> > -------
> ArkenStone Software
> In the software business since.... Tuesday
> PocketPC Page: http://home.earthlink.net/~wcastello/index.htm
> >