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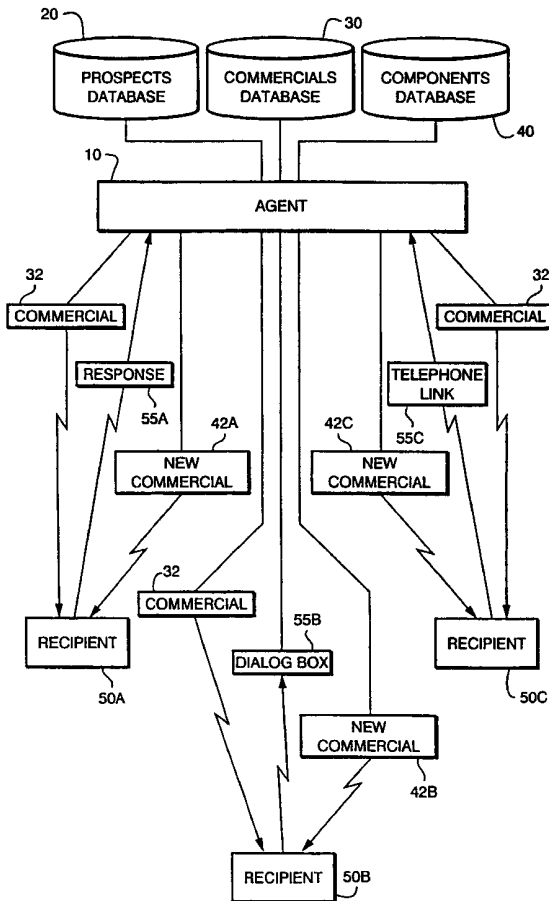
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[Continued on next page]

(54) Title: CREATION OF CUSTOM MESSAGES USING VIRTUAL PROSPECTING



(57) Abstract: A response (55A) of a recipient (50A) to a first electronic commercial (32) is tracked, and used to custom design a second commercial (42A). The second electronic commercial (42A) is then sent to the recipient (50A), and a response to the second commercial (42A) is again tracked. Manual intervention is contemplated at several points, including selection of the first commercial (32) and creation of second and subsequent custom commercials. The various commercials may advantageously comprise executable files, and an identification code, and are preferably communicated to the recipient as an attachment to an e-mail. Commercials may also advantageously include a hyperlink to a web site, and may initiate a substantially synchronous link such as telephone call or chat site between the recipient (50A) and a person causing the first electronic commercial (32) to be sent to the recipient (50A).

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**Published:**

- *with international search report*
- *with amended claims*

## CREATION OF CUSTOM MESSAGES USING VIRTUAL PROSPECTING

### Field of the Invention

The field of the invention is electronic direct marketing.

### 5 Background of the Invention

Virtual prospecting is the use of electronic direct media to deliver advertising messages to prospects. The process developed considerably since about 1995 with popularization of the Internet, and especially with widespread use of the rich media World Wide Web. More recently virtual prospecting was combined with electronic commercials  
10 (e-commercials) to provide highly targeted messages and sophisticated tracking (see PCT/US99/23816, filed 12 Oct. 1999).

There are numerous systems for tracking responses of recipients to electronic commercials. The tracking information in these systems is used for various purposes, notably to obtain additional information about the preferences for individual users. It is  
15 known to track subject matter preferences, for example, such as a preference for sports information over political information, or even one color over another. Preference profiles are utilized in selecting additional commercials or other advertising to send to the targeted recipients.

None of the known methods, however, utilize the tracking information to produce  
20 subsequent commercials on an individualized basis, sending out the individualized commercial, and then tracking the response to the individualized commercial. Thus, there is a need to provide methods and systems that accomplish that task.

### Summary of the Invention

Methods and systems of advertising are provided in which a first electronic  
25 commercial is sent to a recipient; a first response of the recipient to the first electronic commercial is tracked and used to create a second electronic commercial individualized at least in part on the response of the recipient to the commercial. The second electronic

commercial is then sent to the recipient, and a second response of the recipient to the second electronic commercial is again tracked. The steps can be repeated advantageously in many circumstances.

Although the entire process can be automated, preferred embodiments include  
5 manual operation at desirable points. Thus, it is contemplated that the step of sending the first electronic commercial to the recipient may include manually selecting the recipient from a list of prospective recipients, and/or manually selecting the first commercial from a list of available commercials. Selection may well be made at least in part upon a previously obtained marketing characteristic of the recipient. Manual input is also  
10 contemplated in assembling the second electronic commercial from a plurality of alternative components based in part upon a previously obtained marketing characteristic of the recipient.

The various commercials may advantageously comprise executable files, and an identification code, and are preferably communicated to the recipient as an attachment to  
15 an e-mail. Commercials may also advantageously include a hyperlink to a web site, and may initiate a substantially synchronous link such as telephone call or chat site between the recipient and a person causing the first electronic commercial to be sent to the recipient.

Various objects, features, aspects and advantages of the present invention will  
20 become more apparent from the following detailed description of preferred embodiments of the invention, along with the accompanying drawings in which like numerals represent like components.

### **Brief Description of The Drawings**

25 Fig. 1 is a schematic of a system according to the inventive subject matter.

Fig. 2 is a schematic of a commercial according to the inventive subject matter.

Fig. 3 is a custom commercial according to the inventive subject matter.

Fig. 4 is a flowchart of a preferred method according to the inventive subject matter.

### **Detailed Description**

5           In **Figure 1**, an agent 10 selects a list of prospects from a prospects database 20, and a canned commercial 32 from a commercials database 30. In this instance the commercial 32 is sent to three recipients 50A, 50B, and 50C. Recipient 55A responds to the commercial 32, possibly by doing nothing more than opening the commercial 32, or possibly by actively selecting an icon within the commercial 32. The responses 55A is  
10 transmitted back to the agent 10, who then uses the response 55A to custom select components (not shown) from the components database 40 to produce a second commercial 42A, which is then transmitted to recipient 50A.

          Recipient 50B also responds to commercial 32, in this case by opening a chat style dialog box 55B with agent 10. Recipient 50C also responds to commercial 32, by opening  
15 a telephone link 55C between the recipient 50C and the agent 10.

          Of course, steps in the process can be mixed with each other or repeated, so that the agent can have numerous interactions with individual recipients on a customized basis. For example, a third commercial (not shown) could be custom generated from the components database 40 based on a response (not shown) of recipient 50A to the custom  
20 commercial 42A. Similarly, agent 10 may send customized commercials 42B and 42C to recipients 50B and 50C based upon the interactions in the chat dialog box 55B and the telephone link 55C, respectively.

          Agent 10 can have all sorts of relationships to one or more advertisers. For example, agent 10 may be an inside or outside sales representative or customer service  
25 employee for an advertiser. Agent 10 may alternatively be employed by a marketing firm, or may be an independent contractor, distributor, and so forth. There may be any number of agents using the same databases 20, 30, 40, either in their entirety, or more likely using only subsets as controlled by a sales or other manager. Various agents may all be rigidly connected to a single mainframe in a local area network, they may be linked by a

virtual private network, or they may be linked only in the sense that they can access common data.

Agent 10 can be a natural person, or a machine. In machine embodiments, for example, agent 10 can be a media server.

5           The prospects database 20 may be publicly accessible, or more likely is a proprietary database. The same is true for the canned commercials database 30 and the components database 40. The databases 20, 30, 40 may independently be purchased, rented, leased, or borrowed by the agent 10, or they may be used under some other arrangement such as a commission or rebate structure. The canned commercials database  
10 30 and the components database 40 each preferably contain dozens, hundreds, or even thousands of rich media elements, including for example video and/or audio clips. Commercials such as 32, 42A, 42B, and 42C may be entirely devoted to a single vendor, but may also involve cross branding.

15           A preferred emphasis throughout the systems and methods discussed herein is achieving cost-effectiveness, and agent 10 will likely want to spend the most time with recipients that provide his or her with the most revenue. Also, while in some instances there may be only a single canned commercial available to agent 10 from the canned commercials database 30, listed on the commercials database 30, in most instances there will be a plurality of commercials, and agent 10 will try to select commercials appropriate  
20 for the targeted recipients. This may advantageously be accomplished using additional information present in the prospects database 20. For example, the agent 10 may understand that a given prospective recipient falls within a particular age or income range, or is a particular sex, and the selection of a commercial to send to that prospect may be made on that basis. It is also contemplated that an agent may select more than one  
25 commercial for a given recipient.

With current technology the commercials on the commercials database 30 are very likely to be canned commercials that differ from one another by language, content, medium or in some other manner. It is contemplated, however, that even these commercials can be dynamically customized to the prospect as set forth in PCT

application serial number US99/23781 filed on October 12, 1999, which is incorporated herein by reference.

The term "commercial" is used herein in a very broad sense to mean any message intending to motivate a recipient to take an action favorable to an advertiser. Commercials  
5 may be simple textual banner ads, but more preferably include rich-media graphics such as animation, a photograph or other image, or an audio tract. Still more preferred commercials include video and branding graphics. Especially preferred commercials will be those that communicate a value proposition communicated in 30 seconds or less. Currently the most preferred commercials include an audio tract, a video tract, branding  
10 graphics, and hyperlinks, all delivered in a single executable file. These and other embodiments are as described in PCT application serial no. US99/29639 filed on December 13, 1999 and Provision application serial no. 60/159049 filed on October 12, 1999, which are incorporated herein by reference. Still other preferred embodiments include "slide-show" commercials as described in PCT application serial no. US99/23822  
15 filed on October 12, 1999, which is incorporated herein by reference.

The term "advertisers" is used herein in the broadest possible sense, including any entity trying to impact the thinking or behavior of others. In many instances the desired impact will include motivating the recipient to purchase goods or services. In other instances the desired impact may be to cause the recipient to vote in a given manner in an  
20 election, or a poll. In still other instances the desired impact may be of a very general nature, perhaps increasing societal awareness of alcoholism.

A major advantage of electronic direct marketing is that it lends itself readily cross branding. An advertisement for vacation trips to the Bahamas may include logos for a fast food chain, or swim wear, or even television shows dealing with travel. Not only does a  
25 single message provide impression for each of the multiple marketers, but the inclusion of multiple, well-recognized brands may lend credibility to a new brand, or may lend a certain image of modernity to an older brand.

Mailing of one or more of the commercials 32, 42A, 42B, and 42C may be accomplished from the agent's own computer (not shown), but may alternatively be

made from a high volume electronic mailing company (not shown) that sends out perhaps hundreds of thousands or even millions of messages per month. An exemplary such company is ecommercial.com, Inc. based in Southern California, USA. The mailing company may or may not take part in initially producing the commercials, and may or  
5 may not take part in customizing the commercials. The mailing company would almost certainly charge for its services, most likely on an incremental basis as a function of the number of messages communicated to prospects, the length of the commercials, and so on. Because of the high traffic involved, the mailing company may advantageously employ outbound trafficking technologies such as those described in PCT application serial no.  
10 US99/22948 filed on October 12, 1999, and Provisional applications 60/158926, 60/158925, 60/158993 all filed on October 12, 1999, each of which is incorporated herein by reference.

Communication of one or more of the commercials 32, 42A, 42B, and 42C preferably takes place electronically via a public access network such as the Internet (not  
15 shown), but may additionally or alternatively take place by any suitable method. It is, for example, contemplated that such communication may take place, at least for some prospects, by e-mail, facsimile, or even physically carried postal type mail. A response may also occur through some medium other than that used to deliver the commercial. One simple example is where the commercial motivates the prospect to physically visit a retail  
20 store or other outlet to make a purchase.

One particularly advantageous method of responding involves the prospect engaging an icon, button, or other trigger that sends a message back to either the originating agent 10 or some other agent (not shown). The message may, for example, ask that the agent call the prospect on the telephone, or send additional information. A system  
25 that provides such phone response tracking is Instantcall™. As another example, the message may open a chat room type dialog between prospect and agent, such as that provided by Eyecontact™. Such responses are highly desirable because they initiate a substantially synchronous link between the prospect and the agent.

Tracking of recipient responses over time is also contemplated. Such information  
30 may be advantageously tabulated or in some other manner summarized, and provided back



to the initiating agent 10 to assist him or her in becoming more cost-effective. One particularly valuable type of information that can be provided to the agent 10 is a sorting of prospects by action. Such sortings allow the agent to allocate his or her time more efficiently, by prioritizing or taking different steps with respect to prospects as a function  
5 of the actions taken by the prospects.

A significant advantage to the above-described methods and systems is that they allow sales and marketing people to rapidly distinguish among suspects, prospects, qualified prospects, and intenders, and then act upon that information by sending out custom commercials or interacting in some other manner. This should be especially  
10 beneficial to insurance companies, health care providers, and other entities that market by on winnowing down multiple leads to focus on qualified prospects.

In **Figure 2** a standard commercial 32 selected from the commercials database 30 generally includes an audio-video display 110 with associated control buttons 112, icons 120 for selecting other audio-video clips to play in display 110, a questionnaire section  
15 130 that can be answered using buttons 132A, 132B, 134A, 134B, a chat button 140, and a telephone button 150. Many variations of all of these elements are known by themselves, and all such variations and combinations of variations are contemplated. For example, the questionnaire section 130 can be embodied in any manner, with any number of questions or statements, that can be answered in any suitable manner, such as by typing in an  
20 answer, selecting from a list, clicking on radio buttons, etc. The chat button 140 may open a dialog box such as that of dialog box 55B in Figure 1. The telephone button 150 may open a telephone connection such as that of telephone link 55C in Figure 1.

In accordance with the inventive subject matter, standard commercial 32 can be transmitted to recipients 50A, 50B, 50C, and each of these recipients responds as  
25 discussed above. **Figure 3** shows a custom commercial 42A created by agent 10 from components in the components database 40. In this example the agent 10 included a custom text message 43, custom selected icons 44, a new display 45 with control , another chat button 47, another telephone link buttons 48, and another questionnaire portion 49. Those skilled in the art, of course, will immediately recognize that there are innumerable

alternative styles and contents for custom commercial 42A, just as there are for standard commercial 32.

In **Figure 4** a method 200 of advertising comprises: sending a first electronic commercial to a recipient 210; tracking a first response of the recipient to the first  
5 electronic commercial 220; creating a second electronic commercial individualized at least in part on the response of the recipient to the commercial 230; sending the second electronic commercial to the recipient 240; and tracking a second response of the recipient to the second electronic commercial 250.

Thus, specific embodiments and applications of virtual prospecting have been  
10 disclosed. It should be apparent, however, to those skilled in the art that many more modifications besides those already described are possible without departing from the inventive concepts herein. The inventive subject matter, therefore, is not to be restricted except in the spirit of the appended claims. Moreover, in interpreting both the specification and the claims, all terms should be interpreted in the broadest possible manner consistent  
15 with the context. In particular, the terms “comprises” and “comprising” should be interpreted as referring to elements, components, or steps in a non-exclusive manner, indicating that the referenced elements, components, or steps may be present, or utilized, or combined with other elements, components, or steps that are not expressly referenced.

## CLAIMS

What is claimed is:

1. A method of advertising, comprising:  
sending a first electronic commercial to a recipient;  
5 tracking a first response of the recipient to the first electronic commercial;  
creating a second electronic commercial individualized at least in part on the  
response of the recipient to the commercial;  
sending the second electronic commercial to the recipient; and  
tracking a second response of the recipient to the second electronic commercial.
- 10 2. The method of claim 1 wherein the step of sending the first electronic commercial  
to the recipient includes manually selecting the recipient from a list of prospective  
recipients.
3. The method of claim 1 wherein the step of sending the first electronic commercial  
to the recipient includes selecting the first commercial from a list of available  
15 commercials.
4. The method of claim 1 wherein the step of sending the first electronic commercial  
to the recipient includes assembling the first electronic commercial from a plurality  
of alternative components based at least in part upon a previously obtained  
marketing characteristic of the recipient.
- 20 5. The method of claim 1 wherein the step of creating a second electronic commercial  
includes assembling the second electronic commercial from a plurality of  
alternative components based in part upon a previously obtained marketing  
characteristic of the recipient.
- 25 6. The method of claim 1 wherein the step of sending the first electronic commercial  
to the recipient includes assembling the first electronic commercial from a plurality  
of alternative components based at least in part upon a first previously obtained  
marketing characteristic of the recipient, and the step of creating a second  
electronic commercial includes assembling the second electronic commercial from

the plurality of alternative components based in part upon a second previously obtained marketing characteristic of the recipient.

7. The method of claim 1 wherein both the first electronic commercial and the second electronic commercial are executable files.
- 5 8. The method of claim 1 wherein the commercial includes an identification code.
9. The method of claim 1 wherein the commercial is communicated to the recipient as an attachment to an e-mail.
10. The method of claim 1 wherein the commercial includes a hyperlink to a web site.
11. The method of claim 1 wherein the step of tracking includes determining whether  
10 the first electronic commercial is opened.
12. The method of claim 1 wherein the step of tracking includes initiating a substantially synchronous link between the recipient and a person causing the first electronic commercial to be sent to the recipient.
13. The method of claim 12 wherein the substantially synchronous link comprises a  
15 telephone call.
14. The method of claim 12 wherein the substantially synchronous link comprises a chat site.
15. The method of claim 1 wherein at least one of the steps of sending a first electronic commercial to a recipient and creating a second electronic commercial  
20 individualized at least in part on the response of the recipient to the commercial are executed automatically by an electronic agent.

**AMENDED CLAIMS**

[received by the International Bureau on 17 November 2000 (17.11.00);  
original claim 1 amended; remaining claims unchanged (1 page)]

1. A method of advertising, comprising:  
sending a first individualized electronic commercial to a recipient;  
tracking a first response of the recipient to the first electronic commercial;  
creating a second electronic commercial individualized at least in part on the  
response of the recipient to the commercial;  
sending the second electronic commercial to the recipient; and  
tracking a second response of the recipient to the second electronic commercial.
2. The method of claim 1 wherein the step of sending the first electronic commercial to the recipient includes manually selecting the recipient from a list of prospective recipients.
3. The method of claim 1 wherein the step of sending the first electronic commercial to the recipient includes selecting the first commercial from a list of available commercials.
4. The method of claim 1 wherein the step of sending the first electronic commercial to the recipient includes assembling the first electronic commercial from a plurality of alternative components based at least in part upon a previously obtained marketing characteristic of the recipient.
5. The method of claim 1 wherein the step of creating a second electronic commercial includes assembling the second electronic commercial from a plurality of alternative components based in part upon a previously obtained marketing characteristic of the recipient.
6. The method of claim 1 wherein the step of sending the first electronic commercial to the recipient includes assembling the first electronic commercial from a plurality of alternative components based at least in part upon a first previously obtained marketing characteristic of the recipient, and the step of creating a

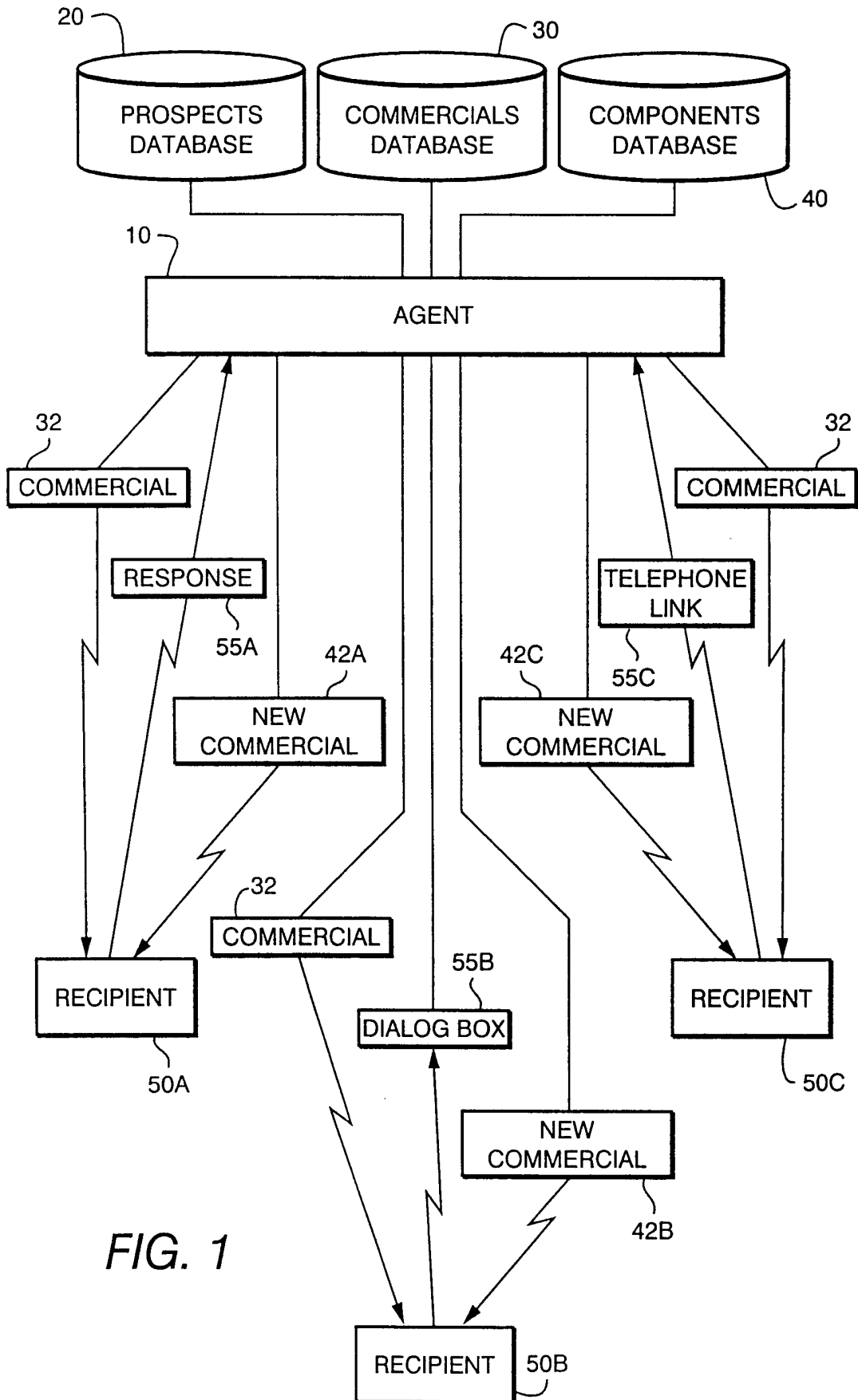


FIG. 1

FIG. 2

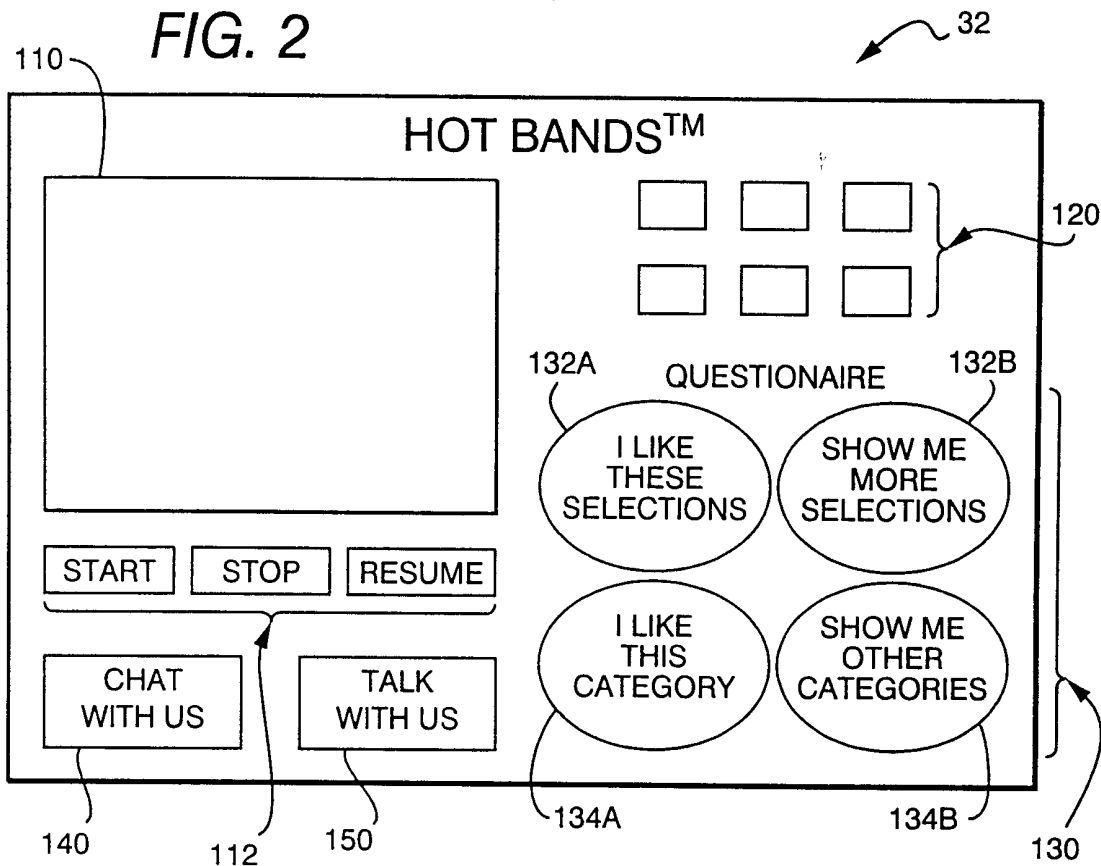
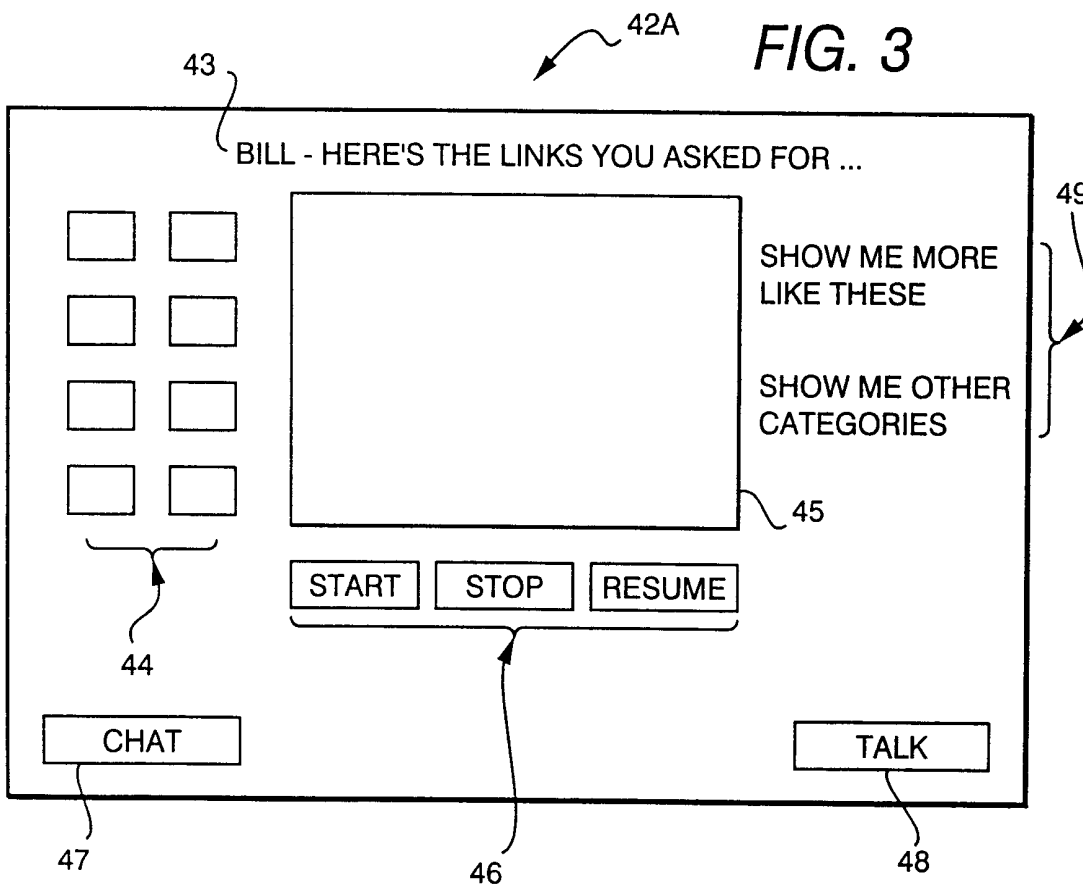


FIG. 3



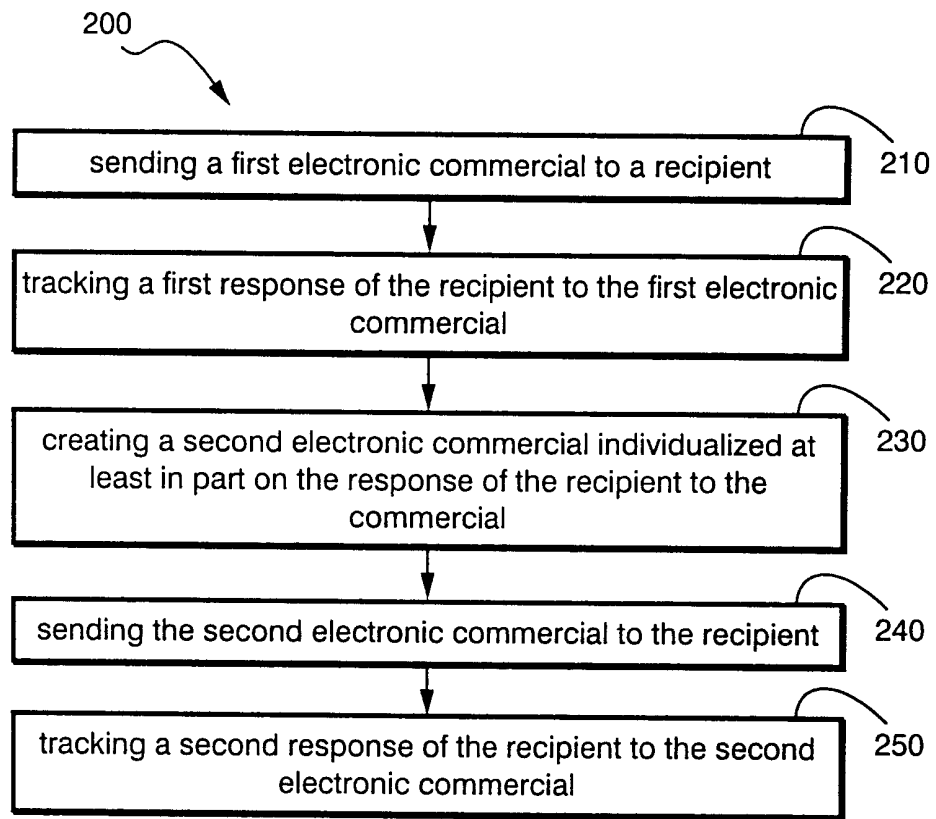


FIG. 4



**INTERNATIONAL SEARCH REPORT**

International application No.

PCT/US00/08114

**A. CLASSIFICATION OF SUBJECT MATTER**  
 IPC(6) : G06F 17/60  
 US CL : 705/14  
 According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**  
 Minimum documentation searched (classification system followed by classification symbols)  
 U.S. : 705/14, 10, 26, 27, 1

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)  
 East, Dialog, Proquest Direct

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5,933,811 A (ANGLES et al) 03 August 1999 (03.08.1999) See Col. 2, lines 45-50; Col. 3, lines 1-30 and 54-65; Col. 4, lines 5-16; Col. 8, lines 10-20 and 55-60; Col. 9, lines 3-55; Col. 15 line 43-Col. 16 line 15; Col. 20, lines 10-37 and 64-67, Figure 1	1, 3-6, 8, 10-13
Y	US 5,796,952 A (DAVIS et al) 18 August 1998 (18.08.1998) See Col. 4, lines 33-37; Col. 4 line 64-Col. 5 line3; Col. 13 line 54-Col. 15 line 5; Col. 18, lines 45-60	2, 7, 9, 14-15
Y	US 5,974,398 A (HANSON et al) 26 October 1999 (26.10.1999) See Col. 3, lines 1-40; Col. 5, lines 10-16 and 45-52; Col. 5 line 65-Col. 6 line 5; Col. 6, lines 25-45; Col. 7, lines 5-10; Col. 8, lines 25-44; Col. 10, lines 19-40	1-7, 10-14
Y	US 5,948,061 A (MERRIMAN et al) 07 September 1999 (07.09.1999) See Col. 1, lines 58-63; Col. 2, lines 25-35; Col. 3, lines 18-24; Col. 3 line 50-Col. 4 line 11; Col. 4, lines 50-55, Col. 5 line 40-Col. 6 line 48; Col. 6 line 60-Col. 7 line 20	1, 3-7, 9, 11-13, 15
Y	US 5,948,061 A (MERRIMAN et al) 07 September 1999 (07.09.1999) See Col. 1, lines 58-63; Col. 2, lines 25-35; Col. 3, lines 18-24; Col. 3 line 50-Col. 4 line 11; Col. 4, lines 50-55, Col. 5 line 40-Col. 6 line 48; Col. 6 line 60-Col. 7 line 20	1, 3-8, 10-15
Y	US 5,913,040 A (RAKAVY et al) 15 June 1999 (15.06.1999) See Col. 8, lines 60-67; Col. 10, lines 12-20	1, 7
Y	US 5,918,014 A (ROBINSON) 29 June 1999 (29.06.1999) See Col. 1, lines 40-45; Col. 3, lines 3-15; Col. 4, lines 40-67; Col. 9, lines 28-30; Col. 16, lines 12-25	1, 8, 15
Y, E	US 6,055,510 A (HENRICK et al) 25 April 2000 (25.04.2000) See Col. 3, lines 13-25 and 45-50	1, 3, 9-10

Further documents are listed in the continuation of Box C.  See patent family annex.

* Special categories of cited documents:		
"A" document defining the general state of the art which is not considered to be of particular relevance	"T"	later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
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"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y"	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"O" document referring to an oral disclosure, use, exhibition or other means		
"P" document published prior to the international filing date but later than the priority date claimed	"&"	document member of the same patent family

Date of the actual completion of the international search: 01 June 2000 (01.06.2000)  
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 Authorized officer: Emanuel T Voeltz, Telephone No. (703)305-9700

*Rugenia Zagan*

**INTERNATIONAL SEARCH REPORT**

International application No.

PCT/US00/08114

C (Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 5,778,367 A (WESINGER, JR et al) 07 July 1998 (07.07.1998) See entire document	1-15
Y	Altia Inc., "Altia Design Propels Into Multimedia Market Creating Animations for Internet Ads", Dialog File 813:PR Newswire, 3 pages, 19 August 1996	1, 9
A	DoubleClick, "DoubleClick Debuts New Tool for Testing Creative on the Web", Dialog File 613:PR Newswire, 2 pages, 20 May 1996	1-15
A	RUSSO, MICHAEL, "E-Mail Marketing for the Roofing Contractor", RSI, Roofing, Siding & Insulation, Vol. 77, Issue 3, pg 14, 3 pages, March 2000	1-15