

# EXHIBIT 13

2/29



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/419,621	04/21/2003	Alain Delpuch	5266-06201	2305

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EXAMINER

BUI, KIEU OANH T

ART UNIT PAPER NUMBER

2611

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/419,621	ALAIN DELPUCH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	KIEU-OANH T BUI	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1-3</u> .   | 6) <input type="checkbox"/> Other: ____.                                    |

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## DETAILED ACTION

### *Claim Rejections - 35 USC 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --  
 (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

2. Claims 1-7, 11-16, and 20-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Ben-Shaul et al. (U.S. Patent Pub No. 2002/0010798 A1/or “Ben” for short).

Regarding claim 1, Ben discloses “a method comprising: receiving one or more directives, wherein said directives are indicative of an audio, video and/or graphic presentation requiring a set of resources; determining from said directives that acquisition of a subset of said resources are a prerequisite to the presenting of said presentation; and prohibiting the presenting of said presentation until said subset of resources are acquired”, i.e., Ben discloses a content and application delivery system that a user or a web client (as illustrated in Figs. 6-7) can receive one or more directives which indicative of audio, video and/or graphics presentation—content delivery from web servers to the user via a TV browser for local news and local sports and etc. (page 3/section 0027, page 5/sect. 0051, page 22/sect. 0221 & 0231, and page 24/sect. 0256 & 0263), the system has directive director 122 (Fig. 12, and page 35/section 0431 & 0432) has a control over the content delivery to the user based on service profile and other directives that can

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either authorize or disable the service/ content delivery for presentation at the user's location if subset of resources are not acquired, for instance, the user is not subscribed so that some of required directives for billing is not acquired, the service is unauthorized or disabled (page 27/from section 0314 to section 0324).

As for claim 2, Ben discloses "wherein said subset of resources are indicated using directives selected from the group consisting of: a markup language, a scripting language, and a style sheet" (page 14/sections 0195, 0196, 0197 for all of these features for CDSL, XML, and XML style sheet language).

As for claim 3, Ben discloses "wherein said directives are received by a proxy server in an interactive television system" (page 37/section 0477 to section 0480 as the content marker as interactive tool to use in GUI editor and TV system –page 24/sect. 0256; and edge server 48 acts as a proxy server).

As for claim 4, Ben also discloses "wherein said determining is performed by said proxy server, and wherein said method further comprises said proxy server conveying signals which correspond to said subset of resources to a remote client device", i.e., the edge server directs the right subset of resources to the remote client device (page 24/section 0260 to page 25/section 0268 for redirecting contents and resources to the client).

As for claim 5, Ben discloses further "comprising said client device acquiring said subset of resources in response to detecting said signals", i.e., the client can obtain a subset of resources with the use of directive editor 122 for filtering and detecting the appropriate content from the edge server (page 35/section 0431 to page 36/section 0435).

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