EXHIBIT 2



Case 5:15-cv-02008-EJD Document 91-3 Filed 04/27/16 Page 2 of 23



Express Mail No. <u>E1218004697US</u>
Attorney Docket No. 4942.02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Inventor:

Thomas R. Wolzien

Serial No.:

09/054740

Group Art Unit: 2711

Filed:

April 3, 1998

Examiner: J. Miller

For: MEDIA ONLINE SERVICE ACCESS SYSTEM AND METHOD

AFFIDAVIT UNDER 37 CFR 1.131

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

- I, Thomas R. Wolzien being duly sworn, depose and state:
 - 1. I am the inventor or claims 18-29 of the above-identified patent application.
 - 2. Prior to January 10, 1996, I conceived the idea of a system linking addresses of online information providers, which may be one or more addresses of web-pages on the Internet, with television broadcasts or pre-recorded video or audio programs to allow viewers to call up additional information by loading the addressed information from an on line service. A description and diagrams of embodiments of the invention was prepared by me, signed by me and notarized, and mailed to the U.S. Patent and Trademark Office ("Patent Office") as a Disclosure Document on September 15, 1995 (copy attached as Exhibit A).



Case 5:15-cv-02008-EJD Document 91-3 Filed 04/27/16 Page 3 of 23

- 3. The Patent Office acknowledged receipt of my invention disclosure and assi Disclosure Document no. 382213.
- 4. On October 9, 1995, I discussed my invention with my attorney, Mr. Michaelof the law firm of Amster, Rothstein & Ebenstein, and requested that he init art search on my invention (copy attached as Exhibit B).
- 5. Mr. Berger conducted a novelty search and had the results of the search in exposure 1995.
- 6. I authorized Mr. Berger to prepare a patent application in my letter dated Nc 17, 1995 (copy attached as Exhibit C).
- 7. Mr. Berger forwarded a draft of the patent application with his letter of Janu 1996 (copy of the letter attached as Exhibit D).
- 8. After receiving my comments on the draft, Mr. Berger forwarded a second d application with his letter of February 1, 1996 (copy of the letter attached as
- 9. I returned the executed application to Mr. Berger for filing by letter of Febru 1996 (copy of letter attached as Exhibit F).
- 10. The application was filed on February 8, 1996 in the Patent Office, assigned 08/597,432, and issued on June 2, 1998 as U.S. Patent No. 5,761,606.
- 11. The above-identified application, with serial no. 09/054740 assigned by the Office, was filed as a continuation application of U.S. patent application 08/April 3, 1998 and claiming the filing date of now U.S. Patent No. 5,761,606



Case 5:15-cv-02008-EJD Document 91-3 Filed 04/27/16 Page 4 of 23

Thomas R. Wolzien

STATE OF NEW YORK)
COUNTY OF NEW YORK)

Subscribed and sworn to before me by Thomas R. Wolzien on this 774 day of March



Shure J. Mayer Notary Public

My Commission expires:

10/21/02

DOCKET

Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time** alerts and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.

