

66548 U.S. PTO



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the patent of:)
)
 Arthur R. HAIR)
)
 U.S. Patent No. 5,191,573)
)
 Issued: March 2, 1993)
)
 Application No. 07/586,391)
)
 Filed: September 18, 1990)
)
 For: METHOD FOR TRANSMITTING A DESIRED)
 DIGITAL VIDEO OR AUDIO SIGNAL)
 _____)

66548 U.S. PTO
90007402



Docket No. NAPSP001

Date: January 31, 2005

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this paper and the documents and/or fees referred to as attached herein are being deposited with the United States Postal Service on January 31, 2005 in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, Mailing Label Number EV 577446420 US, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Albert S. Penlla

**REQUEST FOR *EX PARTE* REEXAMINATION
TRANSMITTAL FORM**

Commissioner for Patents
Mail Stop *Ex Parte* Reexam
P.O. Box 1450
Alexandria, VA 22313-1450

1. This is a request for *ex parte* reexamination pursuant to 37 CFR 1.510 of U.S. Patent No. 5,191,573, which issued March 2, 1993 (the '573 patent). The request is made by a third-party requester.

2. The name and address of the person requesting reexamination is:

Napster, Inc. (formerly Roxio, Inc. and majority owner of Napster, L.L.C.)
Los Angeles Office 02/09/2005 RTW11TY 00000005 90007402
9044 Melrose Ave.
Los Angeles, CA 90069.

3. A check in the amount of \$2,520.00 to cover the *ex parte* reexamination fee is enclosed. 2820.00 OP
37 CFR 1.20(c)(1).

4. The Commissioner is authorized to charge any fees beyond the amount enclosed which may be required, or to credit any overpayment, to Deposit Account No. 50-0805 (Order No. NAPSP001).

5. A copy of the '573 patent to be reexamined having a double column format on one side of a separate paper is enclosed (a Certificate of Correction for the '573 patent also is enclosed). 37 CFR 1.510(b)(4).

6. Reexamination of claims 1-6 is requested.

7. A copy of every patent or printed publication relied upon is submitted herewith including a listing thereof on Form PTO-1449.

8. The attached detailed request includes at least the following items:

a. A statement identifying each substantial new question of patentability based on prior patents and printed publications. 37 CFR 1.510(b)(1); and

b. An identification of every claim for which reexamination is requested, and a detailed explanation of the pertinency and manner of applying the cited art to every claim for which reexamination is requested. 37 CFR 1.510(b)(2).

9. It is certified that a copy of this request has been served in its entirety on the patent owner as provided in 37 CFR 1.33(c). The name and address of the party served and the date of service are:

Ansel M. Schwartz, Registration No. 30,587
201 N. Craig Street, Suite 304
Pittsburgh, PA 15213

Date of Service: January 31, 2005 (by overnight courier).


10. Correspondence Address: Direct all communication about the reexamination to:

Albert S. Penilla
MARTINE PENILLA & GENCARELLA, LLP
710 Lakeway Drive, Suite 200
Sunnyvale, CA 94085
(408) 749-6900
Customer Number 25920.

11. The patent is the subject of the following concurrent proceeding:

Copending litigation styled: SightSound Technologies, Inc. v. Roxio, Inc. and Napster, L.L.C., U.S. District Court for the Western District of Pennsylvania, Civil Action No. 04-1549.

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, LLP



Albert S. Penilla (for third-party requester)
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re *Ex Parte* Reexamination of:

Arthur R. Hair

U.S. Patent No. 5,191,573

Issued: March 2, 1993

For: METHOD FOR TRANSMITTING
A DESIRED DIGITAL VIDEO OR
AUDIO SIGNAL

Examiner: Nguyen, Hoa T.
(Prior Examiner)

Group Art Unit: 2413
(Prior Examination)

**REQUEST FOR *Ex Parte*
REEXAMINATION
UNDER 37 CFR § 1.510**

Date: January 31, 2005

Mail Stop *Ex Parte* Reexam
Honorable Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

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 A. GALLAGHER (GB 2 178 275 A): Claims 1 – 6 of the Hair '573 Patent
 Are Anticipated Under 35 U.S.C. § 102 by Gallagher and/or Are Rendered
 Obvious Under 35 U.S.C. § 103 by Gallagher in view of Gremillet,
 Freeny, Akashi, Hellman, Elmer-Dewitt or Ferrarini. 5

 B. GREMILLET (U.S. Pat. No. 4,499,568): Claims 1 – 6 of the Hair '573
 Patent Are Anticipated Under 35 U.S.C. § 102 by Gremillet and/or Are
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**REQUEST FOR REEXAMINATION
OF U.S. PATENT NO. 5,191,573**

I. INTRODUCTION

This Request for *Ex Parte* Reexamination of U.S. Patent No. 5,191,573 (“the ‘573 patent”) raises substantial new questions of patentability with respect to the ‘573 patent based on prior art not cited or considered during the prosecution of the ‘573 patent. During the prosecution of the ‘573 patent, prior art references Gallagher, Gremillet and Freeny were neither disclosed nor considered by the Examiner.

The ‘573 patent is directed to a method for electronically selling and transferring desired digital audio or video signals through telecommunications lines from a first memory of a first party to a second memory of a second party. The Gallagher prior art reference also teaches a method, system and apparatus for selling and transferring through telecommunications lines, recorded digital audio and video data between a source unit, which may belong to an artist, a database, which may be housed by a record company, and user units, which belong to the general public.

Similarly, Gremillet teaches a method and system for the electronic sale of digital audio signals and recorded information over telecommunications lines, including telephone lines, cables and optical fibres. The digital audio signals are stored in an information bank at a distribution center and are distributed to user equipment that includes a recording device.

In addition, Freeny teaches a method and system of transferring digital information which includes forming a connection through telecommunications lines between a first memory of a first party and a second memory of a second party, the first memory having the digital signals, selling electronically by the first party to the second party through the telecommunications lines the desired digital signals, transferring the desired digital signals from the first party to the second party through those lines while the second memory is in possession

and control of the second party and the step of storing the digital signals in the second memory.

Gallagher, Gremillet and Freeny each individually anticipate all claims of the '573 patent. Additionally, Gallagher, Gremillet and Freeny in combination with other prior art references, cited below, render all claims of the '573 patent obvious.

Accordingly, because Gallagher, Gremillet and Freeny alone and in combination with other prior art references raise substantial new questions of patentability, this Request for Reexamination of the '573 patent should be granted.

II. RELATED AND CO-FILED REQUESTS FOR REEXAMINATION

In addition to this Request for Reexamination of the '573 patent, separate Requests for Reexamination of U.S. Patent Nos. 5,675,734 (the "'734 patent'") and 5,966,440 (the "'440 patent'") have also been concurrently filed. The '573, '734 and '440 patents are all related, disclose identical inventions, claim priority to the same June 13, 1988 earliest filing date, and were issued from continuation applications from the same parent application. Moreover, the three patents also share similar specifications and identical drawings.

III. CURRENT STATUS OF THE '573 PATENT

The '573 patent is currently in litigation in the District Court for the Western District of Pennsylvania in a case styled SightSound Technologies, Inc. v. Roxio, Inc. and Napster, L.L.C., Civil Action No. 04-1549. The case is in its infancy and no formal discovery has taken place. Pursuant to the Court's request, Requestor has filed a Motion to Stay the case pending the outcome of the Reexamination proceedings.

Previously, the '573 patent was in litigation in another case, also in the District Court for the Western District of Pennsylvania, styled as SightSound.com Incorporated v. N2K, Inc., CDnow, Inc., and CDnow Online, Inc., Civil Action No. 98-0118. That case settled before

trial with no judicial determination of the invalidity of the '573 patent.

The '440 and '734 patents are also at issue in the current litigation, and were also at issue in the previous litigation.

IV. CLAIMS FOR WHICH REEXAMINATION IS REQUESTED

Reexamination is requested for all claims, claims 1 through 6.

V. PRIOR ART PATENTS AND PUBLICATIONS

Pursuant to 37 C.F.R. § 1.555 Requestor brings to the attention of the Examiner the following references, all of which are listed on the enclosed form PTO-1449, along with copies of the listed references:

Reference Name	Reference Description
"Gallagher"	Great Britain Patent GB 2 178 275 A, "Recorded Data Transfer System," filed July 16, 1986, published February 4, 1987.
"Gremillet"	U.S. Pat. No. 4,499,568, "Process for the Teledistribution of Recorded Information and a System for Performing This Process," filed December 13, 1982, issued February 12, 1985.
"Freeny"	U.S. Patent No. 4,528,643, "System For Reproducing Information In Material Objects At a Point of Sale Location," filed January 10, 1983, issued on July 9, 1985.
"Akashi"	Japanese Patent Application No. S62-284496 to H. Akashi, "Automated Music Purchasing System," filed on June 3, 1986 and published on December 10, 1987. (Translation included.)
"Hellman"	U.S. Pat. No. 4,658,093, Software Distribution System, filed July 13, 1983, issued on April 14, 1987.
"Ferrarini"	Ferrarini, "Direct Connections for Software Selections," Business Computer Systems, February 1984.
"Rosch"	"ComNet for the PC," <i>PC Magazine</i> , August 1983.
"Elmer-Dewitt"	"Calling Up an On-Line Cornucopia," <i>Time</i> , April 7, 1986.

“Jordan”	<i>Communications and Networking for the IBM PC, 1983.</i>
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For the reasons discussed below, the prior art patents and printed publications submitted herein raise substantial new questions of patentability of claims 1 through 6 of the ‘573 patent.

VI. STATEMENT POINTING OUT SUBSTANTIAL NEW QUESTIONS OF PATENTABILITY AND DESCRIPTION OF THE RELEVANT PRIOR ART

This Request for *Ex Parte* Reexamination of the ‘573 patent raises the following substantial new questions of patentability:

1. Whether claims 1 – 6 are anticipated under 35 U.S.C. § 102 by **Gallagher**;
2. Whether claims 1 – 6 are anticipated under 35 U.S.C. § 102 by **Gremillet**;
3. Whether claims 1 – 6 are anticipated under 35 U.S.C. § 102 by **Freeny**;
4. Whether claims 1 – 6 are rendered obvious under 35 U.S.C. § 103 by **Gallagher** in view of **Gremillet, Freeny, Akashi, Hellman, Elmer-Dewitt or Ferrarini**;
5. Whether claims 1 – 6 are rendered obvious under 35 U.S.C. § 103 by **Gremillet** in view of **Gallagher, Freeny, Akashi, Hellman, Elmer-Dewitt or Ferrarini**;
6. Whether claims 1 – 6 are rendered obvious under 35 U.S.C. § 103 by **Freeny** in view of **Gallagher, Gremillet, Akashi, Hellman, Elmer-Dewitt or Ferrarini**.

In the following claim charts, the left hand column lists the claims of the ‘573 patent and the right-hand column identifies the relevant portions of the cited references and explains their pertinence which anticipates under 35 U.S.C. § 102. The right hand column also explains how, in combination with other prior art, the cited references render the Hair ‘573 patent obvious under 35 U.S.C. § 103, as specifically described below.

A. GALLAGHER (GB 2 178 275 A): Claims 1 – 6 of the Hair ‘573 Patent Are Anticipated Under 35 U.S.C. § 102 by Gallagher and/or Are Rendered Obvious Under 35 U.S.C. § 103 by Gallagher in view of Gremillet, Freeny, Akashi, Hellman, Elmer-Dewitt or Ferrarini.

Gallagher (GB 2 178 275 A) was not cited or considered by the Examiner during the prosecution of the Hair ‘573 patent. Gallagher was filed on July 16, 1986 and published on February 4, 1987, prior to the earliest priority date of June 13, 1988 of the Hair ‘573 patent. Accordingly, Gallagher is prior art to the Hair patent.

Gallagher discloses and teaches a method, system and apparatus for transferring recorded digital audio and video data between a source unit, a database which may be housed by a record company and user units. Gallagher at Abstract. The system includes forming a connection through telecommunication lines (which include high speed telephone links by way of modems, or regular telephone links, fibre optic links, electro-magnetic waves or any other suitable medium) between a first memory of a first party and a second memory of a second party, the first memory having the digital audio or video signals, selling electronically by the first party to the second party through the telecommunications lines the desired digital audio or video signals, transferring the desired digital signals from the first party to the second party through the telecommunications lines while the second memory is in possession and control of the second party (at a remote location) and storing the digital signals in the second memory which includes hard disks. Gallagher at 1. Gallagher also teaches encryption and decryption of the digital audio or video signals for the prevention of unlawful copying and piracy. Gallagher at 1. Additionally, Gallagher discloses that the sale of the digital audio or video signal is through the user units, for example through the user’s personal computer. Gallagher at 1.

Accordingly, the Gallagher patent raises substantial new questions of patentability

of the Hair '573 patent.

GREAT BRITAIN PATENT GB 2 178 275 A TO GALLAGHER	
Claim	Prior Art Disclosure Rendering Hair Anticipated or Obvious, Including Motivation to Combine
<p>1. A method for transmitting a desired digital audio signal stored on a first memory of a first party to a second memory of a second party comprising the steps of:</p>	<p>Gallagher teaches a "recorded data transfer system" of "digital data" in the "entertainment industry" such as "audio or visual" data. (Gallagher at 1:5, 1:8, 1:6-7, 1:91, Figs. 2 & 3). Gallagher also discloses that "the artist's material is digitized before it reaches the buffer stage." (Gallagher at 1:72-73) The desired digital audio signal is stored on a first memory of a first party, which is a "database having a main computer, . . . a data storage and processing system, means for controlling the storage and processing of data . . ." (Gallagher at 1:13-16) Additionally, the first party in Gallagher can be the "source unit" which can also contain the first memory, and it "comprises a storage medium 11." (Gallagher at 1:67-69) Gallagher also discloses that the first memory "media for storage of data would be floppy disk, hard disk, optical or laser disk, magnetic tape, integrated circuit memory or any other suitable medium." (Gallagher at 1:32-35) Gallagher teaches that the desired digital audio signal is transmitted to the second memory of a second party, a "user unit having . . . a means for storing/recalling and/or processing data received from the database." (Gallagher at 1:21-22) Gallagher also discloses that the second memory "media for storage of data would be floppy disk, hard disk, optical or laser disk, magnetic tape, integrated circuit memory or any other suitable medium." (Gallagher at 1:32-35)</p>
<p>transferring money electronically via a telecommunication lien [sic] to the first party at a location remote from the second memory and controlling use of the first memory from the second party financially distinct from the first party, said second party controlling use and in possession of the second memory;</p>	<p>Gallagher teaches the electronic transfer of money via a telecommunication line: Gallagher discloses "sale to the general public via their user units." (Gallagher at 1:49-50) Gallagher also discloses "home-buying of material" and "immediate access to material." (Gallagher at 2:92-93) Gallagher discloses that the telecommunication line is "high speed telephone links by way of modems. However, normal telephone links, fibre optic links, electro-magnetic waves or any other suitable medium may be used." (Gallagher at 1:28-31) Moreover, during prosecution of the '573 Patent, the inventor, Mr. Hair filed a declaration under 37 CFR § 1.132 where he stated "One skilled in the art would know that an electronic sale inherently assumes a transferring of money by providing a credit card number (since that is the only way for electronic sales to occur) coupled with a transferring of a service or product. The use of transferring money across telecommunication connections, such as by telephoning the agent who has the hard disc over the phone lines, for obtaining data on the hard disc is well known to one skilled in the art to be part of electronic sales." See '573 Patent File Wrapper, Paper No. 27 at 2. Gallagher teaches that the first party is at a location remote from the second memory, that the first party is in controlling use of the first memory and that the second party is in controlling use and in possession of the second memory: "The source unit (first party) could belong to a recording artist, the main unit (also called a database) to a major record company (first party) and user units to the general public (second party with the second memory)." (Gallagher at 1:44-46) The user unit/consumer can be at "home." (Gallagher at 2:92) The database (first memory) is "housed by a record company" (first party). (Gallagher at 1:7-10)</p>

Accordingly, Gallagher discloses at least a first and second party at remote locations. **Gallagher teaches that the first party and second party are financially distinct:** Gallagher discloses a "record company" that would provide the digital data "for sale to the general public." (Gallagher at 1:46-50). In addition, Hair admitted that "[o]ne skilled in the art would know since the music is distributed through electronic sale, 'the second party must be financially distinct from the first party' or there could be no sale." See '734 Patent File Wrapper, 1/3/94 Hair Decl., p. 3-4.

In addition, it would have been obvious to a person skilled in the art at the time to electronically sell digital audio and video signals via telecommunications lines. **Freeny expressly discloses the combination of "selling electronically" digital audio and video signals over telecommunications lines.** Freeny at 12:31-36 ("a consumer credit card number also might be communicated . . . so the owner of the information could approve the sale and, in effect, charge the sale to the consumer credit card number").

Hellman also discloses the combination of "selling electronically" digital audio and video signals over telecommunications lines. Hellman at 5:57-6:2 ("Base unit 12 generates and communicates to authorization and billing unit 13 a signal representing a user originated request for software use. . . BILLING INFORMATION is a credit car[d] number or similar means for billing the user of the software.").

Akashi also discloses the combination of "selling electronically" digital audio and video signals over telecommunications lines. Akashi at 1 (Akashi discloses an "Automated Music Purchasing System" which "communicates via telephone lines" and "sells recorded music via the telephone line."). Akashi at 2 (Akashi distinguishes the "conventional system of selling recorded music," that is, through "music sales outlets."). Akashi at 2, 5, Fig. 2 (the "automated music purchasing system network."). Akashi at 4 (a record company need "not require the current distribution channels" [music sales outlets] and thus the "user would be able to easily as well as freely search for and purchase desired music from home.").

Elmer-Dewitt also discloses the combination of "selling electronically" digital audio and video signals over telecommunications lines. Elmer-Dewitt at 69 ("Today anybody with a computer, a modem and a deep line of credit can buy an airline ticket to Cleveland, rent a Hertz car at the airport, book a room at the Sheraton, buy a novel from Waldenbooks, check the closing prices on Wall Street and purchase 100 shares of IBM—without ever getting up from the computer.")

Ferrarini also discloses the combination of "selling electronically" digital audio and video signals over telecommunications lines. Ferrarini ("If you decide to buy, you receive the software, complete with documentation, via your microcomputer and the telephone lines. . . . Recently, a handful of companies have established services that allow users to purchase software just this way. If they are successful, delivering software via the telephone will become a major method of distribution within the next few years.").

Gremillet also discloses the combination of "selling electronically" digital audio and video signals over telecommunications lines. Gremillet at 2:32, 52,

	<p>58, 3:4-22 (“subscribers,” “calls from subscribers”), Abstract (“vending recorded information”).</p> <p><u>See also</u> ‘573 Prosecution History, Paper No. 27 at 2.: “One skilled in the art would know that an electronic sale inherently assumes a transferring of money by providing a credit card number (since that is the only way for electronic sales to occur) coupled with a transferring of a service or product. The use of transferring money across telecommunication connections, such as by telephoning the agent who has the hard disc over the phone lines, for obtaining data on the hard disc is well known to one skilled in the art to be part of electronic sales.”</p> <p><u>See also</u> ‘573 Prosecution History, 5/5/94 IDS at 2 (Hair admits that “[t]his patent [U.S. Patent No. 4,789,863 to Bush] discloses a pay per view entertainment system.”).</p> <p><u>See also</u> ‘734 Prosecution History, 1/3/94 Hair Decl. at 5 (“[E]lectronic sales’ as disclosed refers to the well known practices of ‘transferring’ and verifying monies across telephone lines such as by a ‘credit card’; or by ‘charging a fee’ to the second party, so the second party can gain access to the first party’s memory through telecommunications lines to select the desired digital video or digital audio signals.”).</p> <p>Accordingly, the electronic sale of digital audio and video signals via telecommunications lines would have been obvious to one of ordinary skill in the art at the relevant time.</p>
<p>connecting electronically via a telecommunications line the first memory with the second memory such that the desired digital audio signal can pass therebetween;</p>	<p>Gallagher teaches connecting the first and second memories via the telecommunications line: Gallagher discloses that “[t]he media for data transfer is preferably high speed telephone links by way of modems. However, normal telephone links, fibre optic links, electro-magnetic waves or any other suitable medium may be used.” (Gallagher at 1:28-31) Gallagher discloses that “[t]he data is transferred from the source unit to the database where it is processed for storage in library form whereby selected data can be transmitted to any user and/or source unit in national or foreign territories.” (Gallagher at 1:39-43) The source unit, database and user units each have memories. (Gallagher at 1:67-69, 1:13-16, 1:21-22)</p>
<p>transmitting the desired digital audio signal from the first memory with a transmitter in control and possession of the first party to a receiver having the second memory at a location determined by the second party, said receiver in possession and control of the second party; and</p>	<p>Gallagher discloses transmitting the desired digital audio signal from the first memory with a transmitter in control and possession of the first party: a “transmitter/receiver” at the source unit (Gallagher at 1:74, Fig.1) and at the database (Gallagher at 1:81-82, Fig. 2) ”) to a receiver having the second memory in possession and control of the second party at a location determined by the second party: a “transmitter/ receiver” at the user unit (Gallagher at 1:87-88, Fig. 3). Because the transmitter/receiver is at the source unit or at the database, it is inherently in possession of the first party. Similarly, the transmitter/receiver at the user unit is in the possession and control of the second party where the location of the second party is “in national or foreign territories” (Gallagher at 1:42-43), and that the user unit/consumer (second party) can be at “home” (Gallagher at 2:92). Therefore the location of the receiver and second memory is determined by the second party.</p>
<p>storing the digital signal in the</p>	<p>Gallagher discloses the storing of the digital signal in the second</p>

second memory.	memory: Gallagher discloses a “user unit having . . . a means for storing/recalling and/or processing data received from the database.” (Gallagher at 1:21-22) Gallagher also discloses that “[t]he media for storage of data would be floppy disk, hard disk, optical or laser disk, magnetic tape, integrated circuit memory or any other suitable medium.” (Gallagher at 1:32-35).
2. A method as described in claim 1 including after the transferring step, the steps of searching the first memory for the desired digital audio signal; and selecting the desired digital audio signal from the first memory.	Gallagher discloses the steps of searching the first memory for the desired information (digital audio signal) after the transferring step and selecting the desired information from the first memory. Gallagher discloses that “[t]he user . . . can log on to the data base and make her/his selection according to a supplied menu.” (Gallagher at 1:102-104)
3. A method as described in claim 2 wherein the transferring step includes the steps of telephoning the first party controlling use of the first memory by the second party; providing a credit card number of the second party controlling the second memory to the first party controlling the first memory so the second party is charged money.	<p>Gallagher discloses that the transferring step includes the step of the second party “user unit/consumer” first telephoning the first party “source unit” or “database” controlling use of the first memory and providing the second party’s credit card number so the second party is charged money. See claim 1 above, Gallagher discloses “sale to the general public via their user units.” (Gallagher at 1:49-50) Gallagher also discloses “home-buying of material” and “immediate access to material.” (Gallagher at 2:92-93)</p> <p>In addition, it would have been obvious to a person skilled in the art at the time to electronically sell digital audio and video signals via telecommunications lines. Gallagher expressly discloses the combination of “selling electronically” digital audio and video signals over telecommunications lines. Gallagher at 1:49-50 (“sale to the general public via their user units,” “home-buying of material” and “immediate access to material”).</p> <p>Additionally, Freeny discloses the combination of “selling electronically” digital audio and video signals over telecommunications lines. Freeny at 12:31-36 (“a consumer credit card number also might be communicated . . . so the owner of the information could approve the sale and, in effect, charge the sale to the consumer credit card number”).</p> <p>Hellman also discloses the combination of “selling electronically” digital audio and video signals over telecommunications lines. Hellman at 5:57-6:2 (“Base unit 12 generates and communicates to authorization and billing unit 13 a signal representing a user originated request for software use. . . BILLING INFORMATION is a credit card number or similar means for billing the user of the software.”).</p> <p>Akashi also discloses the combination of “selling electronically” digital audio and video signals over telecommunications lines. Akashi at 1 (Akashi discloses an “Automated Music Purchasing System” which “communicates via telephone lines” and “sells recorded music via the telephone line.”). Akashi at 2 (Akashi distinguishes the “conventional system of selling</p>

	<p>recorded music," that is, through "music sales outlets."). Akashi at 2, 5, Fig. 2 (the "automated music <i>purchasing</i> system network."). Akashi at 4 (a record company need "not require the current distribution channels" [music sales outlets] and thus the "user would be able to easily as well as freely search for and <i>purchase desired music from home.</i>").</p> <p>Elmer-Dewitt also discloses the combination of "selling electronically" digital audio and video signals over telecommunications lines. Elmer-Dewitt at 69 ("Today anybody with a computer, a modem and a deep line of credit can buy an airline ticket to Cleveland, rent a Hertz car at the airport, book a room at the Sheraton, buy a novel from Waldenbooks, check the closing prices on Wall Street and purchase 100 shares of IBM—without ever getting up from the computer.")</p> <p>Ferrarini also discloses the combination of "selling electronically" digital audio and video signals over telecommunications lines. Ferrarini ("If you decide to buy, you receive the software, complete with documentation, via your microcomputer and the telephone lines. . . . Recently, a handful of companies have established services that allow users to purchase software just this way. If they are successful, delivering software via the telephone will become a major method of distribution within the next few years.").</p> <p>Gremillet also discloses the combination of "selling electronically" digital audio and video signals over telecommunications lines. Gremillet at 2:32, 52, 58, 3:4-22 ("subscribers," "calls from subscribers"), Abstract ("vending recorded information").</p> <p><u>See also</u> '573 Prosecution History, Paper No. 27 at 2.: "One skilled in the art would know that an electronic sale inherently assumes a transferring of money by providing a credit card number (since that is the only way for electronic sales to occur) coupled with a transferring of a service or product. The use of transferring money across telecommunication connections, such as by telephoning the agent who has the hard disc over the phone lines, for obtaining data on the hard disc is well known to one skilled in the art to be part of electronic sales."</p> <p><u>See also</u> '573 Prosecution History, 5/5/94 IDS at 2 (Hair admits that "[t]his patent [U.S. Patent No. 4,789,863 to Bush] discloses a pay per view entertainment system.").</p> <p><u>See also</u> '734 Prosecution History, 1/3/94 Hair Decl. at 5 ("[E]lectronic sales' as disclosed refers to the well known practices of 'transferring' and verifying monies across telephone lines such as by a 'credit card'; or by 'charging a fee' to the second party, so the second party can gain access to the first party's memory through telecommunications lines to select the desired digital video or digital audio signals.").</p> <p>Accordingly, the electronic sale of digital audio and video signals via telecommunications lines would have been obvious to one of ordinary skill in the art at the relevant time.</p>
4. A method for transmitting a	See claim 1 above. Gallagher further discloses that information transmitted

desired digital video signal stored on a first memory of a first party to a second memory of a second party comprising the steps of:	includes digital video. (Gallagher at 1:5, 1:8, 1:6-7, 1:91, Figs. 2 & 3)
transferring money electronically via a telecommunications line to the first party at a location remote from the second memory and controlling use of the first memory, from a second party financially distinct from the first party, said second party in control and in possession of the second memory;	See claim 1 above.
connecting electronically via a telecommunications line the first memory with the second memory such that the desired digital video signal can pass therebetween;	See claim 1 above. Gallagher further discloses that information transmitted includes digital video signals. (Gallagher at 1:5, 1:8, 1:6-7, 1:91, Figs. 2 & 3)
transmitting the desired digital video signal from the first memory with a transmitter in control and possession of the first party to a receiver having the second memory at a location determined by the second party, said receiver in possession and control of the second party; and	See claim 1 above. Gallagher further discloses that information transmitted includes digital video signals. (Gallagher at 1:5, 1:8, 1:6-7, 1:91, Figs. 2 & 3)
storing the digital signal in the second memory.	See claim 1 above. Gallagher further discloses that information transmitted includes digital video signals. (Gallagher at 1:5, 1:8, 1:6-7, 1:91, Figs. 2 & 3)
5. A method as described in claim 4 including after the transferring money step, the step of searching the first memory for the desired digital signal and selecting the desired digital signal from the first memory.	See claim 2 above. Gallagher further discloses that information stored, searched and selected from the first memory includes digital video signals. (Gallagher at 1:5, 1:8, 1:6-7, 1:91, Figs. 2 & 3)
6. A method as described in claim 5 wherein the transferring step includes the steps of telephoning the first party controlling use of the first memory by the second party controlling the second memory; providing a credit card number of the second party controlling the	See claim 3 above.

second memory to the first party controlling the first memory so the second party controlling the second memory is charged money.	
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B. GREMILLET (U.S. Pat. No. 4,499,568): Claims 1 – 6 of the Hair '573 Patent Are Anticipated Under 35 U.S.C. § 102 by Gremillet and/or Are Rendered Obvious Under 35 U.S.C. § 103 by Gremillet in view of Gallagher, Freeny, Akashi, Hellman, Elmer-Dewitt or Ferrarini.

Gremillet (US 4,499,568) was filed on December 13, 1982 in the United States and has a foreign application priority date of December 16, 1981 (France). Gremillet issued on February 12, 1985, prior to the earliest filing date of June 13, 1988 of the Hair patents. It was not cited during the prosecution of the '573 patent. Accordingly, Gremillet is prior art to the Hair patents.

Gremillet teaches a process and system for vending recorded information over telecommunications lines. Gremillet at Abstract. The system includes forming a connection through telecommunication lines between a first memory of a first party and a second memory of a second party, the first memory having the recorded information including digital audio, selling by the first party to the second party through the telecommunications lines the desired digital audio or video signals, transferring the desired digital signals from the first party to the second party through the telecommunications lines while the second memory is in possession and control of the second party (at a remote location) and storing the digital signals in the second memory.

Gremillet specifically teaches vending digital audio. Gremillet at 2:29-31. The telecommunications lines include broadcast means, such as antennae, optical fibres, cables and telephone lines. Gremillet at 4:1-7 and Claim 5. Individual musical works are kept at a vendor's location in a first memory (an "information bank"). Users request musical works from this distribution center and the distribution center transmits the requested songs to them, all over telecommunications lines. The user equipment magnetically records the incoming audio material

onto a memory. Moreover, Gremillet teaches the playback of audio from this memory medium. Gremillet at Fig. 1 (sound restoration system with speakers). Further, Gremillet discloses the well known componentry described by Hair, such as control integrated circuits and random access memory. Gremillet at Fig. 2.

While Gremillet does not specifically detail the use of credit cards for vending digital audio signals, these means would have been generally known to one of ordinary skill in the art. In prosecution, Hair himself relied on “the well known practices of ‘transferring’ and verifying monies across telephone lines such as by a ‘credit card’; or by ‘charging a fee’ to the second party, so the second party can gain access to the first party’s memory through telecommunications lines to select the desired digital video or digital audio signals,” to overcome a rejection for inadequate written description. ‘734 Prosecution History, 1/3/94 Hair Decl., p. 5. Moreover, such details would have been obvious in light of Gallagher, Freeny and Ferrarini.

Though Gremillet’s preferred embodiment is specifically related to digital audio, the specification broadly teaches “vending recorded information.” Thus, in view of other references such as Gallagher and Rosch, Gremillet renders digital video obvious. Moreover, in prosecution Hair admitted that the electronic sale of digital video was well known. ‘734 Prosecution History, 1/3/94 Hair Decl., p. 5. (referring to “the well known practices of ‘transferring’ and verifying monies across telephone lines such as by a ‘credit card’; or by ‘charging a fee’ to the second party, so the second party can gain access to the first party’s memory through telecommunications lines to select the desired digital video or digital audio signals,” in order to overcome a rejection for lack of written description.)

Accordingly, the Gremillet patent raises substantial new questions of patentability of the Hair ‘573 patent.

U.S. PAT. NO. 4,499,568 TO GREMILLET

Claim	Prior Art Disclosure Rendering Hair Anticipated or Obvious, Including Motivation to Combine
<p>1. A method for transmitting a desired digital audio signal stored on a first memory of a first party to a second memory of a second party comprising the steps of:</p>	<p>Gremillet teaches a method for transmitting a desired <u>digital audio</u> signal from a <u>first memory</u> of a first party to a <u>second memory</u> of a <u>second party</u>. Gremillet discloses a distribution centre, which “comprises a bank of musical recordings.” 3:38-39, Fig. 1. <i>See</i> Fig. 1 (“Information bank” 11); 3:4-6 (“a distribution center comprising an information recording bank...”). The distribution centre stores the recordings on disk or tape. <i>See</i> 3:40-41 (“video disk or a video recorder”). Gremillet discloses “user equipment [that] comprises ... a video recorder.” 3:55-56. <i>See</i> Fig. 1 (“Video Recording” 23); 4:37-37. (“The recording can be kept on the video recorder for the purpose of listening to it later...”).</p>
<p>transferring money electronically via a telecommunication lien to the first party at a location remote from the second memory and controlling use of the first memory from the second party financially distinct from the first party, said second party controlling use and in possession of the second memory;</p>	<p>Gremillet discloses a memory at, a distribution centre (<u>first party</u>), which “comprises a bank of musical recordings.” 3:38-39. <i>See</i> Fig. 1 (“Information bank” 11); 3:4-6 (“a distribution center comprising an information recording bank...”). The distribution centre stores the recordings on disk or tape. <i>See</i> 3:40-41 (“video disk or a video recorder”).</p> <p>Gremillet discloses a memory at the <u>second party</u> (the user). <i>See</i> 3:55-56 (“user equipment [that] comprises ... a video recorder.”) <i>See</i> Fig. 1 (“Video Recording” 23); 4:37-37. (“The recording can be kept on the video recorder for the purpose of listening to it later...”).</p> <p>As a distributor of digital audio data over telecommunications lines and his or her users would be engaged in a commercial transaction, that the two parties were <u>financially distinct</u> would be inherent. Hair himself argued this very point during prosecution. <i>See</i> Prosecution history for the ‘734 patent, 1/3/94 Hair Decl., p. 3-4 (“One skilled in the art would know since the music is distributed through electronic sale, ‘the second party must be financially distinct from the first party’ or there could be no sale.”).</p> <p>The distribution centre and user were <u>remote</u>. <i>See</i> 1:8-10 (“The present invention relates to a process for the teledistribution or <i>remote</i> distribution of recorded information or data and to a system for performing the process.”) (emphasis added).</p> <p>Moreover, Gremillet teaches vending recorded information over telecommunication lines and a person of skill in the art would know that telephone lines connect parties residing at <u>remote locations</u>. Hair himself argued this point during prosecution. <i>See</i> Prosecution history for the ‘573 patent, 6/25/92 Amendment, p. 15 (“the memories are at different locations and by being connected by telecommunication lines have to be remote.”).</p> <p>Gremillet’s invention relates to “vending” recorded information. Abstract. As vending is the same as “sale” Gremillet taught the <u>sale of digital audio</u>. Furthermore, the fact that Gremillet mentions “subscribers”</p>

	<p>throughout his patent indicates he envisioned a commercial format for his invention. Moreover, the fact that Gremillet sought a patent entails that he intended for digital audio signals to be sold. If he had no commercial intentions then a patent would have been unnecessary.</p> <p>In addition, it would have been obvious to a person skilled in the art at the time to electronically <u>sell</u> digital audio and video signals via telecommunications lines. Gallagher expressly discloses the combination of “selling electronically” digital audio and video signals over telecommunications lines. Gallagher at 1:49-50 (“sale to the general public via their user units,” “home-buying of material” and “immediate access to material”).</p> <p>Additionally, Freeny discloses the combination of “selling electronically” digital audio and video signals over telecommunications lines. Freeny at 12:31-36 (“a consumer credit card number also might be communicated . . . so the owner of the information could approve the sale and, in effect, charge the sale to the consumer credit card number”).</p> <p>Hellman also discloses the combination of “selling electronically” digital audio and video signals over telecommunications lines. Hellman at 5:57-6:2 (“Base unit 12 generates and communicates to authorization and billing unit 13 a signal representing a user originated request for software use...BILLING INFORMATION is a credit car[d] number or similar means for billing the user of the software.”).</p> <p>Akashi also discloses the combination of “selling electronically” digital audio and video signals over telecommunications lines. Akashi at 1 (Akashi discloses an “Automated Music <i>Purchasing</i> System” which “communicates via telephone lines” and “<i>sells</i> recorded music via the telephone line.”). Akashi at 2 (Akashi distinguishes the “conventional system of selling recorded music,” that is, through “music sales outlets.”). Akashi at 2, 5, Fig. 2 (the “automated music <i>purchasing</i> system network.”). Akashi at 4 (a record company need “not require the current distribution channels” [music sales outlets] and thus the “user would be able to easily as well as freely search for and <i>purchase desired music from home.</i>”).</p> <p>Elmer-Dewitt also discloses the combination of “selling electronically” digital audio and video signals over telecommunications lines. Elmer-Dewitt at 69 (“Today anybody with a computer, a modem and a deep line of credit can buy an airline ticket to Cleveland, rent a Hertz car at the airport, book a room at the Sheraton, buy a novel from Waldenbooks, check the closing prices on Wall Street and purchase 100 shares of IBM—without ever getting up from the computer.”)</p> <p>Ferrarini also discloses the combination of “selling electronically” digital audio and video signals over telecommunications lines. Ferrarini (“If you decide to buy, you receive the software, complete with documentation, via your microcomputer and the telephone lines. . . . Recently, a handful of companies have established services that allow users to purchase software just this way. If they are successful, delivering software via the telephone will become a major method of distribution within the next few years.”).</p>
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	<p>See also '573 Prosecution History, Paper No. 27 at 2.: "One skilled in the art would know that an electronic sale inherently assumes a transferring of money by providing a credit card number (since that is the only way for electronic sales to occur) coupled with a transferring of a service or product. The use of transferring money across telecommunication connections, such as by telephoning the agent who has the hard disc over the phone lines, for obtaining data on the hard disc is well known to one skilled in the art to be part of electronic sales."</p> <p>See also '573 Prosecution History, 5/5/94 IDS at 2 (Hair admits that "[t]his patent [U.S. Patent No. 4,789,863 to Bush] discloses a pay per view entertainment system.").</p> <p>See also '734 Prosecution History, 1/3/94 Hair Decl. at 5 ("[E]lectronic sales' as disclosed refers to the well known practices of 'transferring' and verifying monies across telephone lines such as by a 'credit card'; or by 'charging a fee' to the second party, so the second party can gain access to the first party's memory through telecommunications lines to select the desired digital video or digital audio signals.").</p> <p>Accordingly, the electronic sale of digital audio and video signals via telecommunications lines would have been obvious to one of ordinary skill in the art at the relevant time.</p>
<p>connecting electronically via a telecommunications line the first memory with the second memory such that the desired digital audio signal can pass there between;</p>	<p>Gremillet at Fig. 1 shows the first memory and second memory connected via a transmission channel (consisting of broadcast, cable or optical fibre (4:3-7)) and by a telephone line.</p> <p>Gremillet covers digital audio, a technology considered conventional at the time of Gremillet's patent. See 1:11-12 ("The scope of the application relates to the teledistribution of musical works..."); 2:29-31 "However, from the structural standpoint it involves conventional digital or analog signal..."; 2:67-68 ("The message can be transmitted in either analog or digital manner"); see also 5:1-4; Claim 3 ("wherein the transmission of the message takes place in a digital manner."); along with Claims 1 ("corresponding to sound") and 4 ("the information consists of musical works").</p>
<p>transmitting the desired digital audio signal from the first memory with a transmitter in control and possession of the first party to a receiver having the second memory at a location determined by the second party, said receiver in possession and control of the second party; and</p>	<p>Gremillet's disclosure of a "transmission channel" and telephone lines anticipates the <u>transmission of digital audio</u> and video signals over telecommunications lines and telephone lines in the '573 patent. See 2:57-59 ("transmitting to the requesting subscriber the said message by means of a transmission channel"); Fig. 1 (transmission channel; telephone network). See also, 3:18-23; 34-36; 4:1-7 ("Transmission channel is able to transmit data from the distribution centre to each of the subscribers equipment. The flow rate is at least 50Mbits/s. It can comprise broadcasting means consisting of a transmitter, a transmitting antenna, a receiving antenna, or a cable or optical fibres."); Claim 5 ("a means for connecting subscribers to the distribution centre via a telephone network.").</p> <p>Gremillet's disclosure of "subscriber equipment" (3:11) and "user equipment" (3:55) anticipates distribution to a <u>location determined by the second party</u>, as claimed by Hair. Claim 1 ("in equipment housed with</p>

	<p>the requesting subscriber”).</p> <p>In any event, the <u>location determined by the second party</u> limitation was added into the specification of the ‘573 and related patents in a response to office action. Specification support was only added later. <i>See</i> Prosecution history for the ‘734 patent, January 3, 1994 Amendment (“1/3/94 Amendment”), p. 6 (“The second party control unit 50 is placed by the second party location determined by the second party which is remote from the first party control unit 20.”) If this limitation were not “inherent” it would be new matter. As there has been no finding yet that this limitation represents new matter, it must be understood to be within the knowledge of one of ordinary skill.</p>
<p>storing the digital signal in the second memory.</p>	<p>Gremillet discloses the storage of audio at the user’s terminal. <i>See</i> 2:21-22 (teaching that the user equipment should store audio signals on “an apparatus generally suitable for recording picture signals”); 4:23-25 (“The information received by [user] equipment is then transmitted to magnetoscope, where it is recorded at the fast speed.”).</p>
<p>2. A method as described in claim 1 including after the transferring step, the steps of searching the first memory for the desired digital audio signal; and selecting the desired digital audio signal from the first memory.</p>	<p>Searching for and selecting the desired digital audio signal are anticipated by Gremillet. Gremillet teaches searching the supplier’s memory for particular selections. <i>See</i> 4:12-20 (“The user wishing to listen to a work belonging to the collection recorded in the centre 10 supplies the latter with the references of the chosen work by means of the telephone line...Centre selects the chosen work, reads it and transmits...”).</p> <p>It would be obvious to a person skilled in the art that a user could select from choices in the distribution center’s memory. This is admitted in Hair’s own prosecution history. <i>See</i> Prosecution history for the ‘734 patent, 1/3/94 Hair Decl., p. 5 (“[E]lectronic sales’ as disclosed refers to the <u>well known practices</u> of ‘transferring’ and verifying monies across telephone lines such as by a ‘credit card’; or by ‘charging a fee’ to the second party, so the second party can gain access to the first party’s memory through telecommunications lines to <u>select</u> the desired digital video or digital audio signals.”) (emphasis added).</p> <p>Ferrarini discloses the perusal of the supplier’s (first party’s) memory for selecting software. 37 (“TSC transactions are initiated by contacting the demonstration bulletin board...After furnishing your name, address, telephone number, and credit card number (Mastercard, VISA, or American Express) you can peruse a catalog of software descriptions and prices...”). It would have been obvious to combine Ferrarini’s teachings re: searching and selecting software with Gremillet, because a person of ordinary skill in the art would have known that digital audio was substitutable for software. <i>See</i> ‘440 Prosecution History, 1/4/96 Office Action at 4 (“[O]ne of ordinary skill in the art, based on common knowledge and common sense, would be able to recognize a substitution of the contents of the software program signals with audio/video signals.”).</p> <p>Gallagher discloses that “[t]he user . . . can log on to the data base and make her/his selection according to a supplied menu.” (Gallagher at 1:102-104)</p>

3. A method as described in claim 2 wherein the transferring step includes the steps of telephoning the first party controlling use of the first memory by the second party; providing a credit card number of the second party controlling the second memory to the first party controlling the first memory so the second party is charged money.

The use of a credit card number over telephone lines would have been obvious to one of skill in the art.

See '734 Prosecution History, 1/3/94 Hair Decl. at 5 (“[E]lectronic sales’ as disclosed refers to the well known practices of ‘transferring’ and verifying monies across telephone lines such as by a ‘credit card’; or by ‘charging a fee’ to the second party, so the second party can gain access to the first party’s memory through telecommunications lines to select the desired digital video or digital audio signals.”).

See '573 Prosecution History, Paper No. 27 at 2.: “One skilled in the art would know that an electronic sale inherently assumes a transferring of money by providing a credit card number (since that is the only way for electronic sales to occur) coupled with a transferring of a service or product. The use of transferring money across telecommunication connections, such as by telephoning the agent who has the hard disc over the phone lines, for obtaining data on the hard disc is well known to one skilled in the art to be part of electronic sales.”

Gallagher expressly discloses the combination of “selling electronically” digital audio and video signals over telecommunications lines. Gallagher at 1:49-50 (“sale to the general public via their user units,” “home-buying of material” and “immediate access to material”).

Additionally, **Freeny** discloses the combination of “selling electronically” digital audio and video signals over telecommunications lines. Freeny at 12:31-36 (“a consumer credit card number also might be communicated . . . so the owner of the information could approve the sale and, in effect, charge the sale to the consumer credit card number”).

Hellman also discloses the combination of “selling electronically” digital audio and video signals over telecommunications lines. Hellman at 5:57-6:2 (“Base unit 12 generates and communicates to authorization and billing unit 13 a signal representing a user originated request for software use...BILLING INFORMATION is a credit car[d] number or similar means for billing the user of the software.”).

Akashi also discloses the combination of “selling electronically” digital audio and video signals over telecommunications lines. Akashi at 1 (Akashi discloses an “Automated Music *Purchasing System*” which “communicates via telephone lines” and “*sells* recorded music via the telephone line.”). Akashi at 2 (Akashi distinguishes the “conventional system of selling recorded music,” that is, through “music sales outlets.”). Akashi at 2, 5, Fig. 2 (the “automated music *purchasing system network*.”). Akashi at 4 (a record company need “not require the current distribution channels” [music sales outlets] and thus the “user would be able to easily as well as freely search for and *purchase desired music from home*.”).

Elmer-Dewitt also discloses the combination of “selling electronically” digital audio and video signals over telecommunications lines. Elmer-Dewitt at 69 (“Today anybody with a computer, a modem and a deep line of credit can buy an airline ticket to Cleveland, rent a Hertz car at the airport, book a room at the Sheraton, buy a novel from Waldenbooks,

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	<p>check the closing prices on Wall Street and purchase 100 shares of IBM—without ever getting up from the computer.”)</p> <p>Ferrarini also discloses selling data electronically over telecommunications lines. Ferrarini (“If you decide to buy, you receive the software, complete with documentation, via your microcomputer and the telephone lines. . . . Recently, a handful of companies have established services that allow users to purchase software just this way. If they are successful, delivering software via the telephone will become a major method of distribution within the next few years.”).</p> <p><u>See also</u> ‘573 Prosecution History, 5/5/94 IDS at 2 (Hair admits that “[t]his patent [U.S. Patent No. 4,789,863 to Bush] discloses a pay per view entertainment system.”).</p> <p>Accordingly, the electronic sale of digital audio and video signals via telecommunications lines would have been obvious to one of ordinary skill in the art at the relevant time.</p>
<p>4. A method for transmitting a desired digital video signal stored on a first memory of a first party to a second memory of a second party comprising the steps of:</p>	<p>All limitations of this claim except for <u>digital video</u> are found in Claim 1 above. The repeated limitations are anticipated by Gremillet for the reasons stated above. The application of Gremillet’s invention to <u>digital video</u> would have been obvious to one of ordinary skill in the art.</p>
<p>transferring money electronically via a telecommunications line to the first party at a location remote from the second memory and controlling use of the first memory, from a second party financially distinct from the first party, said second party in control and in possession of the second memory;</p>	<p>Rosch discloses “digital video” transfer via telecommunications lines. Rosch at 228 (discussing “Networking Video” using “Video Van Gogh” product; “A digitized picture can also be sent—albeit very slowly, very slowly—over a standard telephone line using the ComNet modem.”). Moreover it teaches “a synthesis of many divergent branches of personal computing, networks (Ethernet), a modem, <u>voice and video communication</u>...”. Rosch at 226. As both sound and video once digitized are nothing more than data, they could be transferred using the same means. Rosch at 228 (“The resulting picture is handled by both computer and ComNet as regular data.”) Thus, the interchangeability of digital audio and video was well known within the art, providing a motivation to combine the teachings of Rosch with those of Gremillet.</p>
<p>connecting electronically via a telecommunications line the first memory with the second memory such that the desired digital video signal can pass therebetween;</p>	<p>Jordan also discloses the combination of the combination of “digital video” transfer via telecommunications lines. Jordan at 174 (“[In Britain] VIDEOTEX uses the equally familiar telephone system to interactively communicate information. . . . [I]n the case of VIDEOTEX, stand-alone computers can be adapted to receive alphanumeric or graphics information. . . . Alphaphotographic technology allows the transmission of photo quality images and is being developed as a follow-on capability for all VIDEOTEX systems.”).</p>
<p>transmitting the desired digital video signal from the first memory with a transmitter in control and possession of the first party to a receiver having the second memory at a location determined by the second party, said receiver in possession and control of the second party; and</p>	<p>Elmer-Dewitt also discloses “digital video” transfer via telecommunications lines. Elmer-Dewitt at 69 (“The FBI prints descriptions of its ten most wanted criminals, complete with digitized</p>

<p>storing the digital signal in the second memory.</p>	<p>descriptions of its ten most wanted criminals, complete with digitized mug shots for quick identification.”).</p> <p><u>See</u> ‘440 Prosecution History, 1/4/96 Office Action at 4 (“Ogaki et al discloses all that is claimed except that he does not disclose transferring audio or video signals. However he does disclose transferring the software programs through telecommunication lines for distributing or selling these programs to consumers. Lightner discloses transferring audio/video signals through telecommunications lines for distributing or selling to purchasers. It would have been obvious to one of ordinary skill in the art to transfer or sell[] distribute audio/video signals in the system and method taught by Ogaki et al. It would have been obvious because one of ordinary skill in the art, based on common knowledge and common sense, would be able to recognize a substitution of the contents of the software program signals with audio/video signals.”).</p> <p>Gallagher expressly discloses “digital video” transfer via telecommunications lines. Gallagher at 1:5, 1:8, 1:6-7, 1:91, Figs. 2 & 3 (Gallagher discloses the transfer of desired digital video audio in a “recorded data transfer system” of “digital data” in the “entertainment industry” such as “audio or <i>visual</i>” data.) Gallagher also expressly discloses a “video display.” Gallagher at Fig. 3 (“audio/video conversion”). Gallagher at 1:90-92 (“suitable conversion apparatus 34 for audio and/or visual reproduction”).</p> <p>Additionally, Freeny also expressly discloses “digital video” transfer via telecommunications lines. Freeny at 1:10-14, 6:32-37 (“Information embodied in recordings . . . video games, motion pictures, software . . . electronic games . . . and the like,” “received on the input line 16 may be in an analog format or in a digital format.”).</p> <p>Accordingly, “digital video” transfer via telecommunications lines would have been obvious to one of ordinary skill in the art at the relevant time.</p>
<p>5. A method as described in claim 4 including after the transferring money step, the step of searching the first memory for the desired digital signal and selecting the desired digital signal from the first memory.</p>	<p>All limitations of this claim except for digital video are found in Claim 2 above. The repeated limitations are anticipated by Gremillet for the reasons stated in Claim 2 above and the digital video limitation is anticipated and/or obvious for the reasons provided in Claim 4 above.</p>
<p>6. A method as described in claim 5 wherein the transferring step includes the steps of telephoning the first party controlling use of the first memory by the second party controlling the second memory; providing a credit card number of the second party controlling the second memory to the first party controlling the first memory so the second party controlling the second memory is charged money.</p>	<p>All limitations of this claim except for digital video are found in Claim 3 above. The repeated limitations are anticipated by Gremillet for the reasons stated in Claim 3 above and the digital video limitation is anticipated and/or for the reasons provided in Claim 4 above.</p>

C. FREENY, JR. (U.S. Pat. No. 4,528,643): Claims 1 – 6 of the Hair '573 Patent Are Anticipated Under 35 U.S.C. § 102 by Freeny.

Freeny was not cited or considered by the Examiner during the prosecution of the Hair '573 Patent. The Freeny patent was cited and considered during the subsequent prosecution of the related Hair '440 patent. During prosecution of the Hair '440 patent, the Examiner issued a final rejection of all claims based on the Freeny patent. In response to this final rejection, Hair filed an appeal and argued a contrary construction of the Freeny patent by a district court in a patent infringement action brought by the owner of the Freeny patent against Compuserve.

Interactive Gift Express, Inc. v. Compuserve Inc., see '440 Patent File Wrapper, Paper 17, p. 41.

Relying on the district court's construction of the Freeny patent, the Examiner then allowed the Hair patent to issue. Subsequent thereto, however, the Federal Circuit reversed the district court's construction of the Freeny patent that the Examiner had relied upon in allowing the Hair '440 patent to issue. Accordingly, the very basis on which the Examiner distinguished Freeny and allowed the '440 patent to issue over it, was rejected by the Federal Circuit.

Accordingly, Freeny presents substantial new questions of patentability with respect to the '573 patent, for which Freeny has never been considered by the Examiner.¹

For a more in depth analysis of the history of the Freeny patent and its consideration by the Examiner during the prosecution of the '440 patent, the District Courts and the Federal Circuit, please see the accompanying Appendix A.

¹ In SightSound.com Incorporated v. N2K, Inc., CDnow, Inc., and CDnow Online, Inc., Civil Action No. 98-0118, (W.D. Penn. 1998), a district court denied summary judgment on the issue of whether Freeny anticipates the '734 and '440 patents, however, this determination is of limited relevance for purposes of this Reexamination proceeding. First, on a motion for summary judgment, the district court is precluded from making factual determinations regarding anticipation, and is required to deny summary judgment if there are genuine issues of material fact. In contrast, the PTO is vested with the authority to make factual determinations regarding anticipation and/or obviousness. Second, the district court's ruling did not address whether Freeny anticipated the '573 patent, as this Request does, since the Freeny patent was not before the court at that time.

U.S. PATENT NO. 4,528,643 TO FREENY

Claim	Prior Art Disclosure Rendering Hair Anticipated or Obvious, Including Motivation to Combine
<p>1. A method for transmitting a desired digital audio signal stored on a first memory of a first party to a second memory of a second party comprising the steps of:</p>	<p>Freeny teaches a method of transmitting "information," including digital audio signals (Freeny, Fig. 1, Col. 1:10-14, 6:32-37, 11:19-21, 24:8-10) stored on a first memory of a first party (Freeny Fig. 1, Col. 5:1-4, "an information control machine 14 that stores encoded information") to a second memory of a second party (Freeny Fig. 1, Col. 5:35-39, 13:25-36; 13:31-36, "an information manufacturing machine 14 constructed to store received encoded information"); <i>See also</i>, '440 Patent File Wrapper, Paper 7, pp. 2-3.</p>
<p>transferring money electronically via a telecommunication lien [sic] to the first party at a location remote from the second memory and controlling use of the first memory from the second party financially distinct from the first party, said second party controlling use and in possession of the second memory;</p>	<p>Freeny discloses the electronic transfer of money via a telecommunication line (Freeny 21:56-60 "communication link 18 is a transmission type of communication such as a transmission over the airways for via telephone lines") from the second party "consumer" to the first party "owner" that are financially distinct from one another (Freeny Col. 13:25-36, "It should be noted that additional data also can be communicated . . . [f]or example, a consumer credit card number also might be communicated . . . so the owner of the information could approve the sale and, in effect, charge the sale to the consumer credit card number." Freeny Col. 13:31-36, "If a consumer desired to pay cash, the owner of the point of sale location could input the owner's credit card number so the owner of the information could approve the sale and, in effect, charge the sale to the credit card number of the owner of the point of sale location."), such that the first party is in controlling use of the first memory at a location that is remote from the second memory (Freeny Fig. 1, Col. 5:1-4, 5:32-50, <i>see also</i>, <i>IGE</i>, 256 F.3d 1323, 1333 the information control machine, which is located at a location remote from the point of sale location (IMM) is in controlling use of the first party (owner of the information) which approves or disapproves requests for information from the consumer and, if approves the request, authorizes transmission and reproduction of information requested by the consumer, and the second party is in controlling use and in possession of the second memory (Freeny Col. 13:14-17 "a consumer selects a particular record album for purchase, for example, the catalog code and the IMM code are inputted into the manufacturing control unit" Freeny Fig. 1, Col. 5:32-50, "each of the information manufacturing machines 14 is located at a point of sale location . . . at a remote location with respect to the information control machine 12." The Federal Circuit held that based on the claims and specification of Freeny, a home can be a point of sale location. <i>See IGE</i>, 256 F.3d 1323, 1333. Accordingly, a consumer is in possession and control of the memory at either his home computer or the IMM from which he is purchasing the information for transmission. Freeny Col. 5:47-50 "The point of sale location is a location where a consumer goes to purchase material objects embodying predetermined or preselected information.").</p>
<p>connecting electronically via a telecommunications line the first memory with the second memory such that the desired digital audio signal can pass therebetween;</p>	<p>Freeny discloses a first memory "information control machine 12" connected electronically via a telecommunications line "communications link" to the second memory "information manufacturing machine" such that desired digital audio signals can pass therebetween. (Freeny, Fig. 1, Col. 5:18-21 the information control machine 12 provides the information stored therein for communication to particular information manufacturing</p>

**REQUEST FOR REEXAMINATION
OF U.S. PATENT NO. 5,191,573**

	<p>stored therein for communication to particular information manufacturing machines 12 via the communication link 18. Freeny Col. 21:57-60 “the communication link 18 is a transmission type of communication such as a transmission over the airways or via telephone lines or via television cables.” Freeny, Col.1:10-14, 32-37, 11:19-21, 24:8-10 “Information embodied in recordings . . . video games, motion pictures, software . . . electronic games . . . and the like.” See 1:10-14. “The information received on the input line 16 may be in an analog format or in a digital format. If the information on line 16 is in an analog format, the information transform unit 26 initially converts the received information from the analog format to a digital format.” Fig. 1, col. 6:32-37. “Information embodied in recordings also may be in a digital form.” Col 11:19-21. “Referring to the example of information embodied in recordings, high quality music requires a bandwidth of 20KHz and, when digitized. . . .” Col. 24:8-10.).</p>
<p>transmitting the desired digital audio signal from the first memory with a transmitter in control and possession of the first party to a receiver having the second memory at a location determined by the second party, said receiver in possession and control of the second party; and</p>	<p>Freeny discloses transmitting the desired digital audio signal from the first memory with a transmitter in control and possession of the first party (Freeny Fig. 1, Col. 7:53-62 “the information file unit 28 [of the information control unit 12] is constructed and adapted . . . to provide this encoded information along with the IMM code on the communication link 20 for communication to the information manufacturing machine 14.” Freeny, Col. 8:40-42 “the information file unit 28 [of the information control unit 12] is adapted to communicate all of the information stored therein”) to a receiver having the second memory in possession and control of the second party at a location determined by the second party (Freeny, Fig. 1, Col. 9:39-41 “the master file unit 32 [of the information manufacturing machine 14] is constructed and adapted to receive encoded information.” Col. 5:47-50 “The point of sale location is a location where a consumer goes to purchase material objects embodying predetermined or preselected information.”).</p>
<p>storing the digital signal in the second memory.</p>	<p>Freeny discloses the storing of the digital signal in the second memory (Freeny Fig. 1, Col. 5:35-39, 13:25-36; 13:31-36, “an information manufacturing machine 14 constructed to store received encoded information”).</p>
<p>2. A method as described in claim 1 including after the transferring step, the steps of searching the first memory for the desired digital audio signal; and selecting the desired digital audio signal from the first memory.</p>	<p>Freeny discloses the steps of searching the first memory for the desired information (digital audio signal) after the transferring step and selecting the desired information from the first memory. (Freeny Col. 13:25-36, discloses that additional information such as a consumer credit card number can be communicated with each request reproduction code. Once the first memory receives the consumer credit card number and the order is accepted, thereby completing the transferring step, the information control machine is searched for the desired information (digital audio signal)).</p>
<p>3. A method as described in claim 2 wherein the transferring step includes the steps of telephoning the first party controlling use of the first memory by the second party;</p>	<p>Freeny discloses that the transferring step includes the step of the second party “consumer” first telephoning the first party “owner” controlling use of the first memory and providing the second party’s credit card number so the second party is charged money. (See claim 1 above, Freeny Col. 13:25-36, “It should be noted that additional data also can be</p>

providing a credit card number of the second party controlling the second memory to the first party controlling the first memory so the second party is charged money.	communicated . . . [f]or example, a consumer credit card number also might be communicated . . . so the owner of the information could approve the sale and, in effect, charge the sale to the consumer credit card number.” Freeny Col. 13:31-36, “If a consumer desired to pay cash, the owner of the point of sale location could input the owner’s credit card number so the owner of the information could approve the sale and, in effect, charge the sale to the credit card number of the owner of the point of sale location.”).
4. A method for transmitting a desired digital video signal stored on a first memory of a first party to a second memory of a second party comprising the steps of:	See claim 1 above. Freeny further discloses that information transmitted includes digital video. Freeny, Col. 3:36-40; 3:62-64; 6:32-37, 11:19-21, 16:42-46.
transferring money electronically via a telecommunications line to the first party at a location remote from the second memory and controlling use of the first memory, from a second party financially distinct from the first party, said second party in control and in possession of the second memory;	See claim 1 above.
connecting electronically via a telecommunications line the first memory with the second memory such that the desired digital video signal can pass therebetween;	See claim 1 above. Freeny further discloses that information transmitted includes digital video signals. Freeny, Col. 3:36-40; 3:62-64; 6:32-37, 11:19-21, 16:42-46.
transmitting the desired digital video signal from the first memory with a transmitter in control and possession of the first party to a receiver having the second memory at a location determined by the second party, said receiver in possession and control of the second party; and	See claim 1 above. Freeny further discloses that information transmitted includes digital video signals. Freeny, Col. 3:36-40; 3:62-64; 6:32-37, 11:19-21, 16:42-46.
storing the digital signal in the second memory.	See claim 1 above. Freeny further discloses that information stored in the second memory includes digital video signals. Freeny, Col. 3:36-40; 3:62-64; 6:32-37, 11:19-21, 16:42-46.
5. A method as described in claim 4 including after the transferring money step, the step of searching the first memory for the desired digital signal and selecting the desired digital signal from the first	See claim 2 above. Freeny further discloses that information stored, searched and selected from the first memory includes digital video signals. Freeny, Col. 3:36-40; 3:62-64; 6:32-37, 11:19-21, 16:42-46.

memory.	
6. A method as described in claim 5 wherein the transferring step includes the steps of telephoning the first party controlling use of the first memory by the second party controlling the second memory; providing a credit card number of the second party controlling the second memory to the first party controlling the first memory so the second party controlling the second memory is charged money.	See claim 3 above.

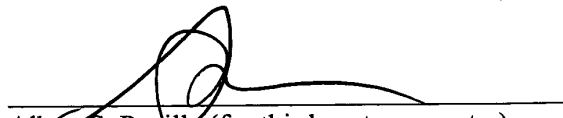
VII. CONCLUSION

The prior art documents referred to above were not of record in the file of the Hair '573 patent. Since the claims in the Hair patent are not patentable over these prior art documents, substantial new questions of patentability are raised. Further, these prior art documents are closer to the subject matter of Hair than any prior art cited during the prosecution of the Hair patent. These prior art documents provide disclosures and teachings not considered during the prosecution of the Hair patent.

In view of the above, it is respectfully requested that reexamination be granted based upon the substantial new questions of patentability presented. It is further respectfully requested that each of claims 1 through 6 be rejected over the prior art for the reasons specified above.

Dated: January 31, 2005

Respectfully submitted,
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APPENDIX A

The Freeny Prior Art Reference - U.S. Patent No. 4,528,643 ("Freeny")

Freeny, U.S. Patent No. 4,528,643, anticipates the Hair Patents based on an intervening decision by the Federal Circuit reversing the claim construction of Freeny that Hair and the Examiner relied upon to allow the '440 patent to issue. As explained in detail below, notwithstanding Hair's attempts to distinguish Freeny, the Examiner repeatedly rejected the '440 patent as obvious in light of Freeny. Subsequent thereto, and during the course of litigation involving Freeny, a New York District Court construed Freeny in a manner that supported Hair's interpretation. Hair appealed the final rejection, relying on the District Court's ruling that was in support of Hair's interpretation of Freeny, and ultimately convinced the Examiner to withdraw his rejections based on Freeny. However, after issuance of the '440 patent, the Court of Appeals for the Federal Circuit reversed the very ruling by the District Court upon which Hair—and the Examiner—had relied to procure allowance of the '440 patent. Accordingly, with the grounds upon which Hair argued to overcome the Examiner's final rejection eviscerated by the Federal Circuit, Freeny stands to invalidate the '573 patent, especially since it was never raised during its prosecution.

U.S. Patent No. 5,966,440 to Hair, was filed June 6, 1995, as application no. 08/471,964 ("the '964 application") and issued October 12, 1999. During the prosecution of the '964 application in December 1995, Freeny was cited by the Examiner in a notice of references cited. In an office action dated January 4, 1996, the Examiner rejected all originally filed claims 1 through 31 as anticipated by Lightner and obvious over Ogaki in view of Lightner. Then, in a May 7, 1996 Examiner Interview Summary Record, the Examiner stated that "[a]pplicant explains the different concept between [] used invention and the teachings of prior art of record

(Lightner, Ogaki et al and Freeny, Jr.). Applicant will amend the independent claims to include different concept discussed.” See ‘440 File Wrapper, paper 4. In a July 3, 1996 amendment responsive to the January 4, 1996 office action and the examiner interview, Hair amended his claims and stated that the “key distinction and limitation” of the claimed invention and Freeny is that “the purchaser plays the information in the same machine which receives the information.” *Id.* at 58 (emphasis added). That is, “the second party control unit or apparatus or device or receiver which receives the signals has the capability of also playing the signals.” *Id.* at 57-58 (emphasis in original). Applicant further argued that the “claimed invention combines the transfer function with the playing function so a user does not have to go off somewhere else and play the information.” *Id.* at 59.

Thereafter, in an October 9, 1996 office action, in response to the amendment, the Examiner once again rejected all of the claims under 35 U.S.C. § 103 as being unpatentable over Freeny. The Examiner stated that “Freeny et al does not specifically teach the step of or a mechanism for ‘playing through speakers of the second party control unit the digital video or digital audio signals in the second memory.”” *Id.* at paper 7, p. 3. “The step of playing the video or audio digital signals at the second party unit would have been an obvious matter of optimization of design for optimizing verification of transferring the signal which is (sic) not seen to add patentable weight to the claimed method.” *Id.* “It would have been obvious because even though Freeny does not specifically teach the use of play-back feature, one of ordinary skill in the art would obviously be able to recognize that a system can record information such as that of Freeny can also play said information which system has been well known in the recording art.” *Id.*

Applicant (Hair), in an April 9, 1997 response, argued that Freeny does not teach

to play the audio or video signal, that there is no suggestion to play the copied signals, and that only with the hindsight of applicant's claimed invention and specification would one skilled in the art find applicant's claimed invention obvious over Freeny. *See id.* at 2-10.

Finally, the Examiner, in a July 10, 1997 final office action, repeated the obviousness rejection based on Freeny, stating: "Applicant mainly argues that Freeny does not teach reproducing/playing-back after transferring of the signals and thus the claimed invention should be considered distinguishable over Freeny. The argument is not found to be persuasive because it would have been obvious to one of ordinary skill in the art, in light of the teaching of Freeny, that play-back/reproducing after transferring the signals, based on personal common sense, would have been obvious within a level of ordinary skill in the art to verify the quality of the transferred signals since verification of integrity of signals/data/information, etc. has been well known in the art." *See id.* at Paper 10, pp. 2-3.

Hair, in a January 9, 1998 response, put forth a declaration attempting to show secondary consideration evidence of nonobviousness in an attempt to distinguish the teachings of Freeny to overcome the Examiner's § 103 rejection based on Freeny. *See id.* at Paper 13, p.5. Applicant reiterated his argument that Freeny teaches away from the claimed invention because Freeny does not provide for playback of the desired digital audio or video signals from the second memory. Hair further argued that (1) "the Examiner is using non-analogous art in reaching for a basis of rejection of the claimed invention" *id.* at p. 5; and (2) "the Examiner is using hindsight from applicant's own specification and claims to take the teachings of Freeny and then the argument that it would be obvious to add a playing mechanism to the teachings of Freeny to arrive at applicant's claimed invention." *Id.* at p. 17. In response, the Examiner issued an advisory action, maintaining rejection of all claims and further stating that "link(s) is required

to be established between the merits of the claimed invention and the evidence of secondary considerations (i.e., exhibits A, B, C).” *Id.*, paper 15.

While this was occurring in the Patent office, the owner of the Freeny patent brought suit for patent infringement against CompuServe, which resulted in a May 15, 1998 decision by a federal district court that construed various terms of the Freeny patent. *See Interactive Gift Express, Inc. v. CompuServe Inc.*, 1998 WL 247485, 47 U.S.P.Q.2d 1797 (S.D.N.Y. 1998) (attached as Exhibit 1).

Back at the Patent Office, Hair appealed from the Examiner’s final rejection in view of the Freeny patent by filing an appeal brief on June 9, 1998, in which he quoted from the District Court decision construing the claims of Freeny. *See* ‘440 File Wrapper, Paper 17, pp. 39-41. In relying on the District Court decision, Hair stated: “Besides not teaching or suggesting a playing capability, Freeny does not teach transferring digital video or digital audio signals to a second memory using telecommunications lines from a first memory, where the second memory is in the possession and control of the second party, as well as additional limitations which are not taught by Freeny.” *Id.* at 41. Hair further stated to the Examiner, “Appellant’s view is not simply argument but law determined on May 13, 1998, by the United States District Court for the Southern District of New York in Interactive Gift Express” *Id.*

Relying on the District Court’s decision, Hair argued that his invention is distinguishable from Freeny on three grounds. *See id.* at 41. First, “Freeny teaches a point of sale location where a consumer goes to purchase material objects embodying predetermined or preselected information.” *Id.* “In appellant’s claim 1, the second party already has the second memory so the second party does not have the step of going anywhere to get the second memory nor does the second party have the step of purchasing the material object to get the information.”

Id.

Second, “Freeny teaches a required step of transferring the information from the ICM to the IMM before the information can be transferred to the consumer and before the consumer even appears at the IMM to order the information.” *Id.* at 41-42. “Appellant’s invention does not need this step.” *Id.* at 42.

Third, Hair argued that according to the District Court in *Interactive Gift Express*, Freeny does not teach real-time download of information, whereas appellant’s invention supports real-time downloading of information. *Id.*

After the appeal, the Examiner deferred to the District Court’s decision, and Hair’s arguments based thereon, and issued a notice of allowability on September 15, 1998.

Subsequent to the issuance of the ‘440 Patent, the Court of Appeals for the Federal Circuit on July 13, 2001 in *Interactive Gift Express, Inc. v. CompuServe Inc.*, 256 F.3d 1323 (Fed. Cir. 2001) (attached as Exhibit 2), decided an appeal in the *Interactive Gift Express* case, reversing the District Court judge and directly contradicting what Hair presented to the Examiner as law. The Federal Circuit found error in the District Court’s construction of all the claim terms of the Freeny patent that the District Court construed and Hair relied on to procure issuance of the ‘440 patent. *Id.* at 1333. In particular, the Federal Circuit held that “a home can be a point of sale location” and that the “functions of the IMM are all of a type that can be performed within a computer, and it is well within the reasonable expectation of a person skilled in the art. . . .” *Id.* at 1335 & 1339. This ruling effectively removed Hair’s first argument. In particular, a person operating their home computer as an IMM can request digital audio and video signals for transfer from a first party computer to the home computer acting as an IMM. Thus, according to the Federal Circuit, Freeny teaches that a consumer would already have the

second memory at their home and would not have to perform the steps of going somewhere to access the second memory and purchasing a material object to get the information downloaded to the second memory of their computer.

The Federal Circuit also reversed the District Court's ruling that Freeny does not "cover real-time transactions where the requested item of information is transmitted to the IMM at the time it is requested by the consumer." *Id.* at 1342. The Federal Circuit held that "in the specification [of the Freeny patent], two embodiments are disclosed which operate in real-time and send information after a request is made." *Id.* at 1343. "In both of these embodiments, the 'providing' of information is performed after 'receiving the request reproduction code.'" *Id.* Further, "[a]lthough the specification [of the Freeny patent] describes these two non-preferred embodiments as impractical and uneconomical, respectively, it does not characterize them as inoperative nor is there anything in the specification which would nullify the effect of the disclosure in supporting a claim construction that is not limited to the predelivery of information." *Id.* Thus, the Federal Circuit's ruling directly vitiated Hair's remaining two arguments, that Freeny does not disclose real-time transactions and that Freeny requires that information is transferred to the second memory before the consumer even appears at the IMM to order the information.

Thus, the Federal Circuit's ruling alone eliminated each and every basis under which Hair distinguished the '440 patent claims over Freeny. Consequently, Hair anticipates, or at the very least renders the claims of the '440 patent obvious.

More recently, a Pennsylvania District Court construed various claims of the Hair patent and issued an order on a summary judgment motion relating to the Freeny reference. The Pennsylvania District Court stated that "the Freeny Patent teaches away from the Hair invention,

primarily because the device to which the information is downloaded is not the device on which the consumer plays back the recording, an element which is critical to the Asserted Claims” *SightSound.com Incorporated v. N2K, Inc., CDnow, Inc., and CDnow Online, Inc.*, Civil Action No. 98-0118, at 52-53 (W.D. Penn. 1998) (attached as Exhibit 3). The Court further stated that “material object ‘does not encompass the hard disk component of a home personal computer’ and the material object must be offered for sale, and be purchasable, at the point of sale location.” *Id.* at 53.

The Pennsylvania District Court’s interpretation does not change the fact that Freeny anticipates each and every limitation of the Hair patent.¹ Specifically, in reconciling the Pennsylvania District Court’s ruling and the Federal Circuit’s ruling it is clear that Freeny discloses that a consumer’s home computer can be a point of sale location (IMM) where a consumer purchases digital information (digital audio or video signals) in real-time. That is, a consumer desiring to purchase digital audio/video signals with Freeny’s disclosed invention, can purchase information from a first party for transferring to the memory of the consumer’s home computer after requesting the information, at which time the information would be resident in the consumer’s home computer. Accordingly, at that moment, Freeny fully anticipates the Hair patent. Freeny merely discloses the additional step of reproducing the information stored in the consumer’s home computer onto a “material object” such as a floppy disk or CD that is separate and distinct from the computer’s hard disk, as the Pennsylvania District Court points out.

¹ “While the Patent Office may accord deference to factual findings made by a district court, the determination of whether a substantial new question of patentability exists will be made independently of the court’s decision on validity and is not controlling on the Office.” MPEP § 2286 (“Because of the different standards of proof and claim interpretation employed by the District Courts and the Office, . . . [w]hen the initial question as to whether the prior art raises a substantial new question of patentability as to a patent claim is under consideration, the existence of a final court decision of claim validity in view of the same or different prior art does not necessarily mean that no new question is present.”) (emphasis added) (*Citing In re Zletz*, 893 F.2d 319, 321 (Fed. Cir. 1989); *In re Eitter*, 756 F.2d 852 (Fed. Cir. 1985)).

Thus, under the Federal Circuit's interpretation of the Freeny patent, Freeny anticipates the claims of the '440 patent, or at the very least renders the claims obvious, notwithstanding the Pennsylvania District Court's ruling. Accordingly, Freeny raises substantial new questions of patentability with respect to the '440 patent. For this reason and because the Freeny patent was not raised during the prosecution of the '573 patent, Freeny raises substantial new questions of patentability with respect to the '573 patent as well. Any argument that the patentee in this Reexamination may make to overcome Freeny, in light of the above history, would run afoul of the Federal Circuit's Decision in *Interactive Gift Express* and should be given no weight.



US005191573A

United States Patent [19]

[11] **Patent Number:** 5,191,573

Hair

[45] **Date of Patent:** Mar. 2, 1993

[54] **METHOD FOR TRANSMITTING A DESIRED DIGITAL VIDEO OR AUDIO SIGNAL**

4,654,799 3/1987 Ogaki et al. 364/479

[76] **Inventor:** Arthur R. Hair, 301 Oaklawn Dr., Pittsburgh, Pa. 15241

*Primary Examiner—Hoa Nguyen
Attorney, Agent, or Firm—Ansel M. Schwartz*

[21] **Appl. No.:** 586,391

[57] **ABSTRACT**

[22] **Filed:** Sep. 18, 1990

The present invention is a method for transmitting a desired digital video or audio signal stored on a first memory of a first party to a second memory of a second party. The method comprises the steps of transferring money via a telecommunications line to the first party from the second party. Additionally, the method comprises the step of then connecting electronically via a telecommunications line the first memory with the second memory such that the desired signal can pass therebetween. Next, there is the step of transmitting the desired digital signal from the first memory with a transmitter in control and in possession of the first party to a receiver having the second memory at a location determined by the second party. The receiver is in possession and in control of the second party. There is also the step of then storing the digital signal in the second memory.

Related U.S. Application Data

[63] Continuation of Ser. No. 206,497, Jun. 13, 1988, abandoned.

[51] **Int. Cl.⁵** G11B 5/86; G11B 7/00; G11B 11/00

[52] **U.S. Cl.** 369/84; 235/381; 235/380; 369/33; 369/34; 369/15; 369/85

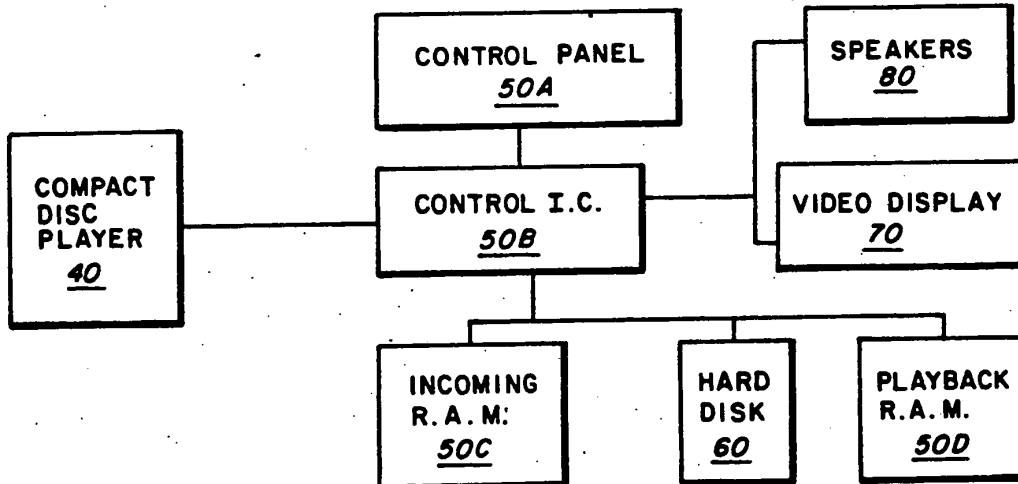
[58] **Field of Search** 369/33, 34, 13, 15, 369/84, 85; 235/380, 381, 375; 364/479, 410

[56] **References Cited**

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4,567,359	1/1986	Lockwood	235/381
4,647,989	3/1987	Geddes	235/381

6 Claims, 2 Drawing Sheets



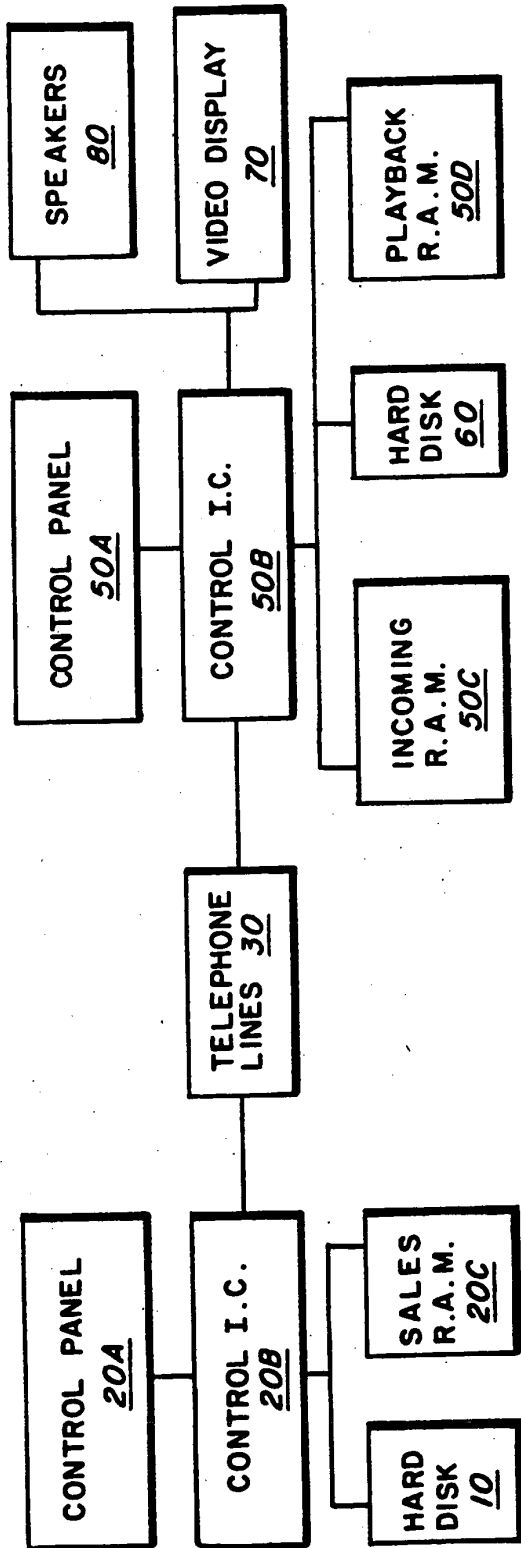


FIG. 1

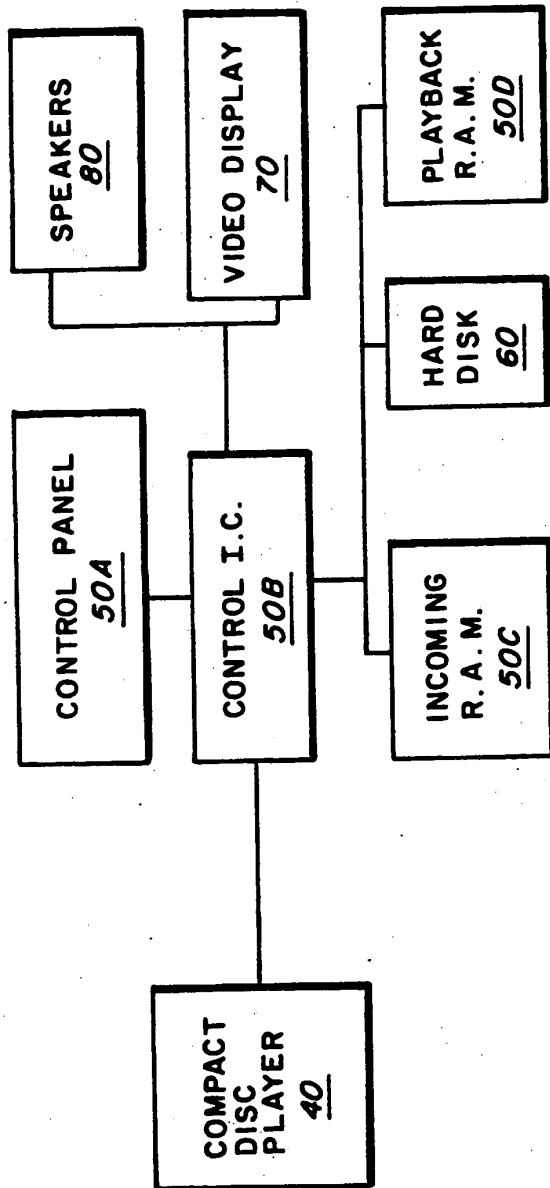


FIG. 2

METHOD FOR TRANSMITTING A DESIRED DIGITAL VIDEO OR AUDIO SIGNAL

This is a continuation of copending application Ser. No. 07/206,497 filed on Jun. 13, 1988, now abandoned.

FIELD OF THE INVENTION

The present invention is related to a method for the electronic sales and distribution of digital audio or video signals, and more particularly, to a method which a user may purchase and receive digital audio or video signal from any location which the user has access to a telecommunications line.

BACKGROUND OF THE INVENTION

The three basic mediums (hardware units) of music: records, tapes, and compact discs, greatly restricts the transferability of music and results in a variety of inefficiencies.

CAPACITY: The individual hardware units as cited above are limited as to the amount of music that can be stored on each.

MATERIALS: The materials used to manufacture the hardware units are subject to damage and deterioration during normal operations, handling, and exposure to the elements.

SIZE: The physical size of the hardware units imposes constraints on the quantity of hardware units which can be housed for playback in confined areas such as in automobiles, boats, planes, etc.

RETRIEVAL: Hardware units limit the ability to play, in a sequence selected by the user, songs from different albums. For example, if the user wants to play one song from ten different albums, the user would spend an inordinate amount of time handling, sorting, and cueing the ten different hardware units.

SALES AND DISTRIBUTION: Prior to final purchase, hardware units need to be physically transferred from the manufacturing facility to the wholesale warehouse to the retail warehouse to the retail outlet, resulting in lengthy, lag time between music creation and music marketing, as well as incurring unnecessary and inefficient transfer and handling costs. Additionally, tooling costs required for mass production of the hardware units and the material cost of the hardware units themselves, further drives up the cost of music to the end user.

QUALITY: Until the recent invention of Digital Audio Music, as used on Compact Discs, distortion free transfer from the hardware units to the stereo system was virtually impossible. Digital Audio Music is simply music converted into a very basic computer language known as binary. A series of commands known as zeros or ones encode the music for future playback. Use of laser retrieval of the binary commands results in distortion free transfer of the music from the compact disc to the stereo system. Quality Digital Audio Music is defined as the binary structure of the Digital Audio Music. Conventional analog tape recording of Digital Audio Music is not to be considered quality inasmuch as the binary structure itself is not recorded. While Digital Audio Music on compact discs is a technological breakthrough in audio quality, the method by which the music is sold, distributed, stored, manipulated, retrieved, played and protected from copyright infringements remains as inefficient as with records and tapes.

COPYRIGHT PROTECTION: Since the invention of tape recording devices, strict control and enforcement of copyright laws have proved difficult and impossible with home recorders. Additionally, the recent invention of Digital Audio Tape Recorders now jeopardizes the electronic copyright protection of quality Digital Audio Music on Compact Discs or Digital Audio Tapes. If music exists on hardware units, it can be copied.

Accordingly, it is an objective of this invention is to provide a new and improved methodology/system to electronically sell and distribute Digital Audio Music.

A further objective of this invention to provide a new and improved methodology/system to electronically store and retrieve Digital Audio Music.

Another objective of this invention is to provide a new and improved methodology/system to electronically manipulate, i.e., sort, cue, and select, Digital Audio Music for playback.

Still another objective of this invention is to offer a new and improved methodology/system which can prevent unauthorized electronic copying of quality Digital Audio Music.

SUMMARY OF THE INVENTION

Briefly, this invention accomplishes the above cited objectives by providing a new and improved methodology/system of electronic sales, distribution, storage, manipulation, retrieval, playback, and copyright protection of Digital Audio Music. The high speed transfer of Digital Audio Music as prescribed by this invention is stored onto one piece of hardware, a hard disk, thus eliminating the need to unnecessarily handle records, tapes, or compact discs on a regular basis. This invention recalls stored music for playback as selected/programmed by the user. This invention can easily and electronically sort stored music based on many different criteria such as, but not limited to, music category, artist, album, user's favorite songs, etc. An additional feature of this invention is the random playback of songs, also based on the user's selection. For example, the user could have this invention randomly play all jazz songs stored on the user's hard disk, or randomly play all songs by a certain artist, or randomly play all of the user's favorite songs which the user previously electronically "tagged" as favorites. Further, being more specific, the user can electronically select a series of individual songs from different albums for sequential playback.

This invention can be configured to either accept direct input of Digital Audio Music from the digital output of a Compact Disc, such transfer would be performed by the private user, or this invention can be configured to accept Digital Audio Music from a source authorized by the copyright holder to sell and distribute the copyrighted materials, thus guaranteeing the protection of such copyrighted materials. Either method of electronically transferring Digital Audio Music by means of this invention is intended to comply with all copyright laws and restrictions and any such transfer is subject to the appropriate authorization by the copyright holder. Inasmuch as Digital Audio Music is software and this invention electronically transfers and stores such music, electronic sales and distribution of the music can take place via telephone lines onto a hard disk. This new methodology/system of music sales and distribution will greatly reduce the cost of goods sold

and will reduce the lag time between music creation and music marketing from weeks down to hours.

The present invention is a method for transmitting a desired digital video or audio signal stored on a first memory of a first party to a second memory of a second party. The method comprises the steps of transferring money via a telecommunications line to the first party from the second party. Additionally, the method comprises the step of then connecting electronically via a telecommunications line the first memory with the second memory such that the desired digital signal can pass therebetween. Next, there is the step of transmitting the desired digital signal from the first memory with a transmitter in control and in possession of the first party to a receiver having the second memory at a location determined by the second party. The receiver is in possession and in control of the second party. There is also the step of then storing the digital signal in the second memory.

Further objectives and advantages of this invention will become apparent as the following description proceeds and the particular features of novelty which characterize this invention will be pointed out in the claims annexed to and forming a part of this declaration.

BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF DRAWINGS

For a better understanding of this invention, reference should be made to the following detailed description, taken in conjunction with the accompanying drawings, in which:

FIG. 1 is a pictorial flow chart which may be used in carrying out the teachings of this invention for the purposes of electronic sales, distribution, storage, manipulation, retrieval, playback, and copyright protection of Digital Audio Music; and

FIG. 2 is a pictorial flow chart which may be used in carrying out the teachings of this invention for the purposes of electronic storage, manipulation, retrieval, and playback of Digital Audio Music.

DESCRIPTION OF THE PREFERRED EMBODIMENT

Referring now to the FIG. 1, this invention is comprised of the following:

- 10 Hard Disk of the copyright holder
- 20 Control Unit of the copyright holder
 - 20a Control Panel
 - 20b Control Integrated Circuit
 - 20c Sales Random Access Memory Chip
- 30 Telephone Lines/Input Transfer
- 50 Control Unit of the user
 - 50a Control Panel
 - 50b Control Integrated circuit
 - 50c Incoming Random Access Memory Chip
 - 50d Play Back Random Access Memory Chip
- 60 Hard Disk of the user
- 70 Video Display Unit
- 80 Stereo Speakers

The Hard Disk 10 of the agent authorized to electronically sell and distribute the copyrighted Digital Audio Music is the originating source of music in the configuration as outlined in FIG. 1. The Control Unit 20 of the authorized agent is the means by which the electronic transfer of the Digital Audio Music from the agent's Hard Disk 10 via the Telephone Lines 30 to the user's Control Unit 50 is possible. The user's Control Unit would be comprised of a Control Panel 50a, a Control

Integrated Circuit 50b, an Incoming Random Access Memory Chip 50c, and a Play Back Random Access Memory Chip 50d. Similarly, the authorized agent's Control Unit 20 would have a control panel and control integrated circuit similar to that of the user's Control Unit 50. The authorized agent's Control Unit 20, however, would only require the Sales Random Access Memory Chip 20c. The other components in FIG. 1 include a Hard Disk 60, a Video (display Unit 70, and a set of Stereo Speakers 80:

Referring now to FIG. 2, with the exception of a substitution of a Compact Disc Player 40 (as the initial source of Digital Audio Music) for the agent's Hard Disk 10, the agent's Control Unit 20, and the Telephone Lines 30 in FIG. 1, FIG. 2 is the same as FIG. 1.

In FIG. 1 and FIG. 2, the following components are already commercially available: the agent's Hard Disk 10, the Telephone Lines 30, the Compact Disc Player 40, the user's Hard Disk 60, the Video Display Unit 70, and the Stereo Speakers 80. The Control Units 20 and 50, however, would be designed specifically to meet the teachings of this invention. The design of the control units would incorporate the following functional features:

- 1) the Control Panels 20a and 50a would be designed to permit the agent and user to program the respective Control Integrated Circuits 20b and 50b,
- 2) the Control Integrated Circuits 20b and 50b would be designed to control and execute the respective commands of the agent and user and regulate the electronic transfer of Digital Audio Music throughout the system, additionally, the sales Control Integrated Circuit 20b could electronically code the Digital Audio Music in a configuration which would prevent unauthorized reproductions of the copyrighted material,
- 3) the Sales Random Access Memory Chip 20c would be designed to temporarily store user purchased Digital Audio Music for subsequent electronic transfer via telephone lines to the user's Control Unit 50,
- 4) the Incoming Random Access Memory Chip 50c would be designed to temporarily store Digital Audio Music for subsequent electronic storage to the user's Hard Disk 60,
- 5) the Play Back Random Access Memory Chip 50d would be designed to temporarily store Digital Audio Music for sequential playback.

The foregoing description of the Control Units 20 and 50 is intended as an example only and thereby is not restrictive with respect to the exact number of components and/or its actual design.

Once the Digital Audio Music has been electronically stored onto the user's Hard Disk 60, having the potential to store literally thousands of songs, the user is free to perform the many functions of this invention. To play a stored song, the user types in the appropriate commands on the Control Panel 50a, and those commands are relayed to the Control Integrated Circuit 50b which retrieves the selected song from the Hard Disk 60. When a song is retrieved from the Hard Disk 60 only a replica of the permanently stored song is retrieved. The permanently stored song remains intact on the Hard Disk 60, thus allowing repeated playback. The Control Integrated Circuit 50b stores the replica onto the Play Back Random Access Memory Chip 50d at a high transfer rate. The Control Integrated Circuit 50b then sends the electronic output to the Stereo Speakers 80 at a controlled rate using the Play Back Random Access

Memory Chip 50d as a temporary staging point for the Digital Audio Music.

Unique to this invention is that the Control Unit 50 also serves as the user's personal disk jockey. The user may request specific songs to be electronically cued for playback, or may request the Control Unit 50 to randomly select songs based on the user's criteria. All of these commands are electronically stored in random access memory enabling the control unit to remember prior commands while simultaneously performing other tasks requested by the user and, at the same time, continuing to play songs previously cued.

Offering a convenient visual display of the user's library of songs is but one more new and improved aspect of this invention. As the Control Unit 50 is executing the user's commands to electronically sort, select, randomly play, etc., the Video Display Screen 70 is continually providing feedback to the user. The Video Display Screen 70 can list/scroll all songs stored on the Hard Disk 60, list/scroll all cued songs, display the current command function selected by the user, etc. Further expanding upon the improvements this invention has to offer, the Video Display Screen 70 can display the lyrics of the song being played, as well as the name of the song, album, artist, recording company, date of recording, duration of song, etc. This is possible if the lyrics and other incidental information are electronically stored to the Hard Disk 60 with the Digital Audio Music.

The present invention is a method for transmitting a desired digital video or audio signal stored on a first memory of a first party to a second memory of a second party. The method comprises the steps of transferring money via a telecommunications line to the first party from the second party. Additionally, the method comprises the step of then connecting electronically via a telecommunications line the first memory with the second memory such that the desired digital signal can pass therebetween. Next, there is the step of transmitting the desired digital signal from the first memory with a transmitter in control and in possession of the first party to a receiver having the second memory at a location determined by the second party. The receiver is in possession and in control of the second party. There is also the step of then storing the digital signal in the second memory.

In summary, there has been disclosed a new and improved methodology/system by which Digital Audio Music can be electronically sold, distributed, transferred, and stored. Further, there has been disclosed a new and improved methodology/system by which Digital Audio Music can be electronically manipulated, i.e., sorted, cued, and selected for playback. Further still, there has been disclosed a new and improved methodology/system by which the electronic manipulation of Digital Audio Music can be visually displayed for the convenience of the user. Additionally, there has been disclosed a new and improved methodology/system by which electronic copyright protection of quality Digital Audio Music is possible through use of this invention.

Since numerous changes may be made in the above described process and apparatus and different embodiments of the invention may be made without departing from the spirit thereof, it is intended that all matter contained in the foregoing description or shown in the accompanying drawings shall be interpreted as illustrative, and not in a limiting sense. Further, it is intended that this invention is not to be limited to Digital Audio

Music and can include Digital Video, Digital Commercials, and other applications of digital information.

I claim:

1. A method for transmitting a desired digital audio signal stored on a first memory of a first party to a second memory of a second party comprising the steps of:

transferring money electronically via a telecommunication lien to the first party at a location remote from the second memory and controlling use of the first memory from the second party financially distinct from the first party, said second party controlling use and in possession of the second memory;

connecting electronically via a telecommunications line the first memory with the second memory such that the desired digital audio signal can pass therebetween;

transmitting the desired digital audio signal from the first memory with a transmitter in control and possession of the first party to a receiver having the second memory at a location determined by the second party, said receiver in possession and control of the second party; and

storing the digital signal in the second memory.

2. A method as described in claim 1 including after the transferring step, the steps of searching the first memory for the desired digital audio signal; and selecting the desired digital audio signal from the first memory.

3. A method as described in claim 2 wherein the transferring step includes the steps of telephoning the first party controlling use of the first memory by the second party; providing a credit card number of the second party controlling the second memory to the first party controlling the first memory so the second party is charged money.

4. A method for transmitting a desired digital video signal stored on a first memory of a first party to a second memory of a second party comprising the steps of:

transferring money electronically via a telecommunications line to the first party at a location remote from the second memory and controlling use of the first memory, from a second party financially distinct from the first party, said second party in control and in possession of the second memory;

connecting electronically via a telecommunications line the first memory with the second memory such that the desired digital video signal can pass therebetween;

transmitting the desired digital video signal from the first memory with a transmitter in control and possession of the first party to a receiver having the second memory at a location determined by the second party, said receiver in possession and control of the second party; and

storing the digital signal in the second memory.

5. A method as described in claim 4 including after the transferring money step, the step of searching the first memory for the desired digital signal and selecting the desired digital signal from the first memory.

6. A method as described in claim 5 wherein the transferring step includes the steps of telephoning the first party controlling use of the first memory by the second party controlling the second memory; providing a credit card number of the second party controlling the second memory to the first party controlling the first memory so the second party controlling the second memory is charged money.

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 5,191,573
DATED : March 2, 1993
INVENTOR(S) : Arthur R. Hair

Page 1 of 3

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

- Column 1, line 12, replace "signal" with -- signals -- .
- Column 1, line 17, replace ":" with -- , i.e., -- .
- Column 1, line 38, replace "cueing" with -- queuing -- .
- Column 1, line 40, replace "transferred" with -- transferred -- .
- Column 1, line 42, replace "&he" with -- the -- .
- Column 1, line 43, replace "lengthly," with -- lengthy -- .
- Column 1, line 44, replace "unnecessary" with -- unnecessary -- .
- Column 1, line 47, after "units", first occurrence, insert -- , -- .
- Column 2, line 10, delete "is", second occurrence.
- Column 2, line 13, after "invention" insert -- is -- .
- Column 2, line 19, replace "cue" with -- queue -- .
- Column 2, line 36, delete "-".
- Column 2, line 59, replace "transferring" with -- transferring -- .
- Column 2, line 59, replace "Audic" with -- Audio -- .
- Column 2, line 64, replace "an" with -- and -- .
- Column 3, line 36, replace "; and" with -- . -- .
- Column 3, line 67, after "unit", second occurrence, insert -- 50 -- .

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

Page 2 of 3

PATENT NO. : 5,191,573
DATED : March 2, 1993
INVENTOR(S) : Arthur R. Hair

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 4, line 4, after "panel" insert -- 20a -- .

Column 4, line 5, after "circuit" insert -- 20b -- .

Column 4, line 9, replace "(display" with -- Display -- .

Column 4, lines 32 and 33, replace "system, additionally," with -- system. Additionally. -- .

Column 5, line 4, replace "jocky" with -- jockey -- .

Column 5, line 5, replace "cued" with -- queued -- .

Column 5, line 11, replace "stime" with -- time -- .

Column 5, line 12, replace "cued" with -- queued -- .

Column 5, line 20, replace "cued" with -- queued -- .

Column 5, line 28, replace "to" with -- on -- .

Column 5, line 32, replace "steps" with -- step -- .

Column 5, line 52, replace "cued" with -- queued -- .

Column 5, line 53, replace "beer" with -- been -- .

Column 6, line 9, replace "lian" with -- line -- .

Column 6, line 9, after "party" insert -- , -- .

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 5,191,573
DATED : March 2, 1993
INVENTOR(S) : Arthur R. Hair

Page 3 of 3

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 6, line 11, after "memory" insert -- , -- .

Column 6, line 41, after "party" insert -- , -- .

Title page, item [57]

In the abstract, line 4, replace "steps" with -- step -- .

In the abstract, line 9, after "desired" insert -- digital -- .

Signed and Sealed this
Twenty-first Day of December, 1993

Attest:



BRUCE LEHMAN

Attesting Officer

Commissioner of Patents and Trademarks

Form 1449 (Modified) Information Disclosure Statement By Applicant (Use Several Sheets if Necessary)	Atty Docket No:	U.S. Patent No.
	NAPSP001	5,191,573
	Applicant:	Group:
	Arthur R. Hair	
	Issue Date:	
	March 2, 1993	

U.S. Patent Documents

Examiner Initial	No.	Patent No.	Date	Patentee	Class	Sub-class
	A	4,499,568	2/1985	Gremillet		
	B	4,528,643	7/1985	Freeny, Jr.		
	C	4,658,093	4/1987	Hellman		
	D					
	E					
	F					
	G					
	H					
	I					
	J					
	K					

Foreign Patent or Published Foreign Patent Application

Examiner Initial	No.	Document No.	Publication Date	Country or Patent Office	Class	Sub-class	Translation	
							Yes	No
	L	GB 2 178 275 A	2/1987	United Kingdom				
	M	62-284496	12/1987	Japan			X	
	N							
	O							
	P							

Other Documents

Examiner Initial	No.	Author, Title, Date, Place (e.g. Journal) of Publication
	Q	Jordan, Larry E. and Churchill, Bruce, <i>Communications and Networking for the IBM PC</i> , Robert J. Brady Co., Bowie, MD (1983).
	R	W. Rosch, "ComNet for the PC," <i>PC Magazine</i> , August 1983, pp. 225-228.
	S	E. Ferrarini, "Direct Connections for Software Selections," <i>Business Computer Systems</i> , February 1984, pp. 35+ (4 pages total).
	T	P. Elmer-DeWitt, "Calling up an on-line cornucopia; computer networks are supermarkets of services and information," <i>Time</i> , April 7, 1986 (two-page electronic version obtained at http://www.highbeam.com).
Examiner		Date Considered

Examiner: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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2 178 275 A

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GB A 2121656 GB A 2117210 GB A 2063026
EP A2 0140593 EP A2 0082077

(58) Field of search
H4R
Selected US specifications from IPC sub-class H04H

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(54) Recorded data transfer system

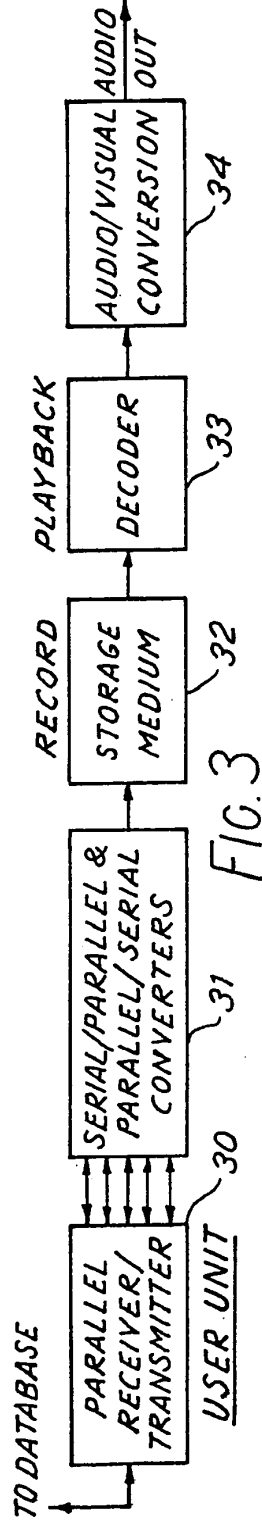
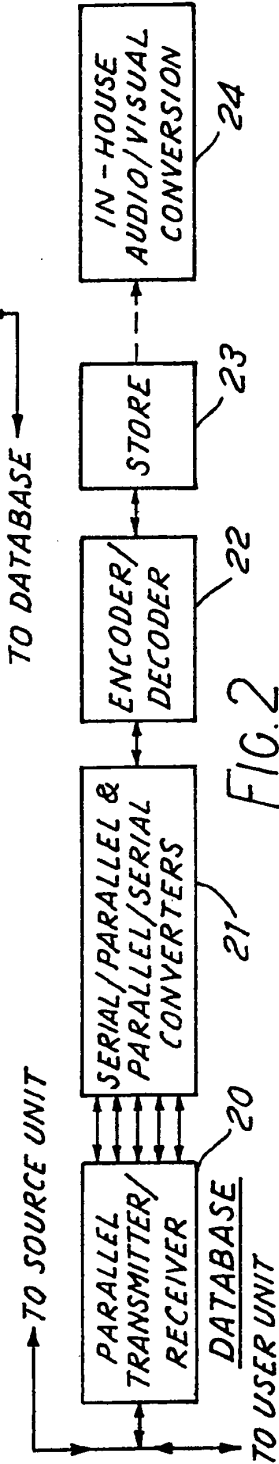
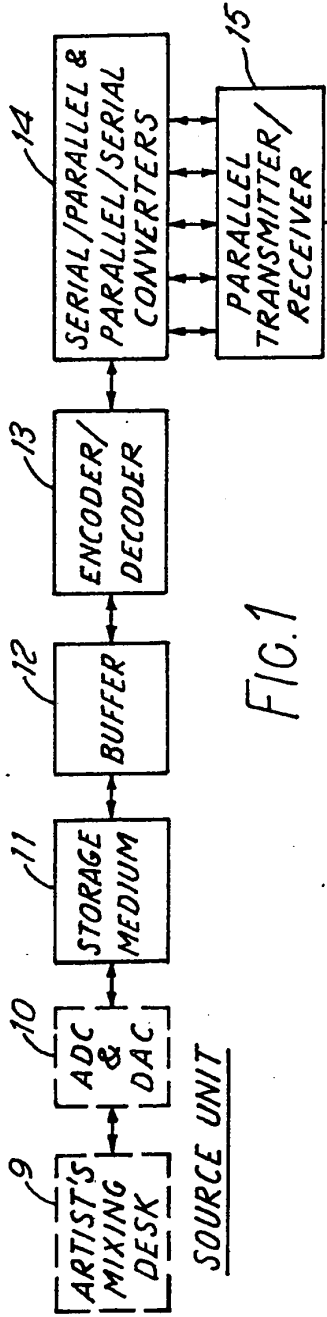
(57) A recorded data transfer system is provided particularly for use in the entertainment industry whereby digital data may be transferred between a source unit, a database which may be housed by a record company and user units.

The transfer system comprises

- a) a database having a main computer, a caller/called interface, a transmitter/receiver interface, and a data storage and processing system, means for controlling the storage and processing of data,
- b) at least one source unit having a means for communication with said database and means for the storage and processing of data, and
- c) at least one user unit having means for communication with the database and a means for storing/recalling and/or processing data received from the database. Preferably the user unit includes playback apparatus.

The database includes means for transmitting bytes of data in the form of a plurality of frequencies, each frequency being assigned to only one bit of the word.

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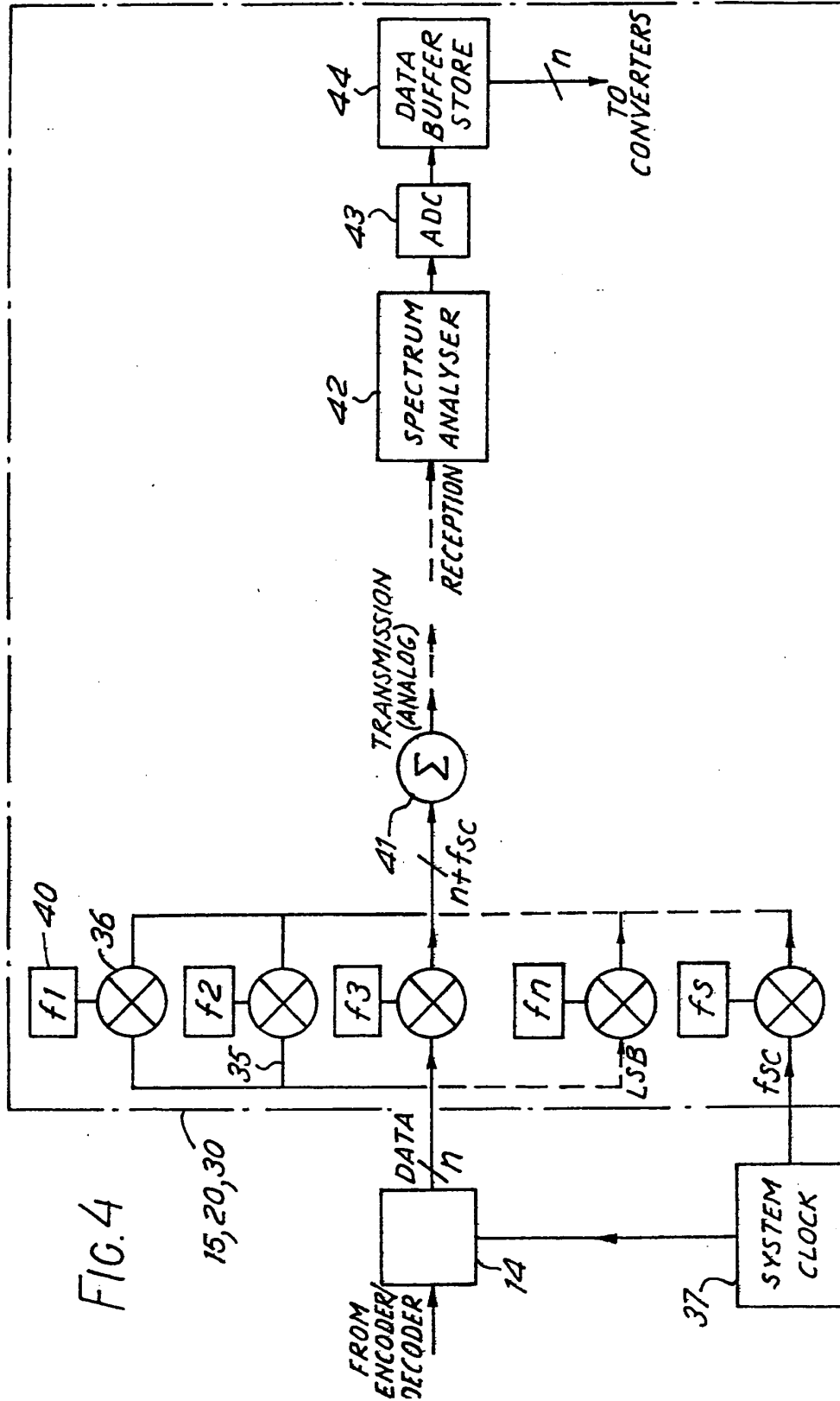


FIG. 4

15, 20, 30

SPECIFICATION

Recorded data transfer system

5 This invention relates to a recorded data transfer system particularly for use in the entertainment industry whereby digital data may be transferred between a source unit, a database which may be housed by a record company, and a user unit either
10 directly or indirectly.

According to the invention there is provided a recorded data transfer system comprising

a) a database having a main computer, a caller/called interface, a transmitter/receiver interface, a data
15 storage and processing system, means for controlling the storage and processing of data, means for controlling the process of being called by one or more user units or another database, and

b) at least one user unit having means for communication with said database including a transmitter/receiver interface and means for storing/recalling and/or processing data received from the database.

Preferably the transfer system includes at least one source unit having a means for communication with said database including a transmitter/receiver interface, and means for the storage and processing of data.

The media for data transfer is preferably high speed telephone links by way of modems. However, normal
30 telephone links, fibre optic links, electro-magnetic waves or any other suitable medium may be used.

The media for storage of data would be floppy disk, hard disk, optical or laser disk, magnetic tape, integrated circuit memory or any other suitable
35 medium.

The system may incorporate anti-piracy methods such as the encryption or encoding of data either generally or uniquely.

The data is transferred from the source unit to the
40 database where it is processed for storage in library form whereby selected data can be transmitted to any user and/or source unit in national or foreign territories.

The source unit could belong to a recording artist, the main unit to a major record company and user units to the general public. The artist would transfer a master mix to the record company who would store it, having processed it if necessary, and recall it, when
45 necessary for sale to the general public via their user units. By arranging for the data to be encoded/encrypted uniquely for each user unit, the borrowing or unlawful copying of material could be eliminated. This method could also be used to ensure security between all units.

55 The invention will now be described by way of example with reference to the accompanying drawings in which:-

FIGURE 1 is a block diagram of a possible configuration of the source (artist's) unit,

60 FIGURE 2 is a block diagram of a possible configuration for the main (database or record company's) unit, FIGURE 3 is a block diagram of a possible configura-

tion for the user unit, and

FIGURE 4 is a diagram of a parallel transmitter/receiver as a possible means of communication
65 between units.

From Figure 1 it is seen that the source unit, which will be located, for example, at the artist's recording studio, comprises a storage medium 11, a buffer 12, an
70 encoder/decoder 13, a serial/parallel and parallel/serial converter 14, and a parallel transmitter/receiver 15. It is assumed that the artist's material is digitised before it reaches the buffer stage. Although a parallel transmitter/receiver is preferable. However, depending on the type of processor used, for example a
75 transputer, serial to parallel conversion may not be necessary as the data will be available in parallel form. In the case of some transmission media with very high serial speeds, serial to parallel conversion may also not be necessary.

The database, Figure 2, comprises a parallel transmitter/receiver 20, a serial/parallel and parallel/serial converter 21, an encoder/decoder 22 and a buffer store 23. Conversion of data may take place at the record
85 company for in-house audio or visual reproduction by means of a conversion system 24.

The user unit, Figure 3, comprises a parallel receiver/transmitter 30, a serial/parallel and parallel/serial converter 31, a storage medium 32 such as video
90 tape or optical disk, a decoder 33 and suitable conversion apparatus 34 for audio and/or visual reproduction.

It is assumed that recorded material may be sent and received by both the source unit and the database and that the user unit may only receive recorded material. Decoding (if applicable) should preferably be
95 actuated between the storage medium and conversion thus eliminating the possibility of material being usefully borrowed or copied.

By means of the parallel/receiver transmitter the artist can transmit a newly recorded work direct to the record company. The user on the other hand can log on to the data base and make her/his selection according to a supplied menu. Suitable security
100 coding may be provided between the source unit and the data base and likewise between the data base and the user unit and between data bases.

At present all transfer of data between remote systems is done serially or by phase/amplitude
110 modulation. In the preferred arrangement the parallel transmitter/receiver allows parallel transmission of data words using a form of frequency shift keying described below.

The parallel transmitter/receiver of each of the source unit, database and user unit comprises the
115 same components. However, as an example there is shown in Figure 4 the transmitter/receiver (15,20,30 respectively of Figures 1, 2 and 3) of which the components for transmission are shown to the left of the diagram and the components for receiving are shown to the right. In the transmitter portion the outputs 35 (most significant bit to least significant bit) or the serial/parallel and parallel/serial converter 14 are connected to the inputs of a series of frequency

The drawing(s) originally filed was (were) informal and the print here reproduced is taken from a later filed formal copy.

multipliers 36 fed respectively by preselected frequencies 40. The outputs of the multipliers 40 are fed to a mixer 41 in which the individual frequencies are summed as a single analog signal for serial transmission.

In use a word or frame of recorded data is clocked onto the multiplying lines where each individual bit is multiplied by its own unique frequency ($f_1, f_2 \dots f_n$). The individual frequencies are chosen so that addition of all possible combinations will not result in an error. For example, if most significant bit (M.S.B.) is 'hi' then the frequency f_1 will be fed to a mixer 41, if it is 'lo' then f_1 will not appear and no combination of the other frequencies f_2 - f_n will result in f_1 being apparent. Clock pulses of frequency f_{sc} form a system clock 37 which clocks the data out from the converter 14 can also be multiplied by a frequency f_s and transmitted as a frequency and recovered at the receiving end (e.g. by phase lock looping) for use in synchronisation.

The frequencies which are mixed in the mixer 41 are then sent as an analog signal over the transmission medium where the signal is received by a spectrum analyser 42 forming part of parallel transmitter receiver (21 of Figure 2).

If the transmission medium is an ordinary telephone system then the bandwidth is restricted to 3 kHz. Therefore, depending on the number of bits used per word, the frequencies used to represent the bits will have to be within this bandwidth. For example if the lowest frequency to be used is 200 Hz—which will represent the L.S.B. then if 16 bits are used per word, the difference between each frequency could be $\frac{3000 - 200}{16} = 175$ Hz i.e. the frequency used to represent the L.S.B. + 1 would be $200 + 175 = 375$ Hz etc. British Telecom protocols would not be broken due to the system clock frequency being continuously present during data transfers. It must be noted however, that current technology requires at least 2 cycles of a frequency to be transmitted in order for that frequency to be recognised by receiver circuitry. The rate of transmission is therefore determined by the lowest frequency used so normal telephone links would seem impractical for this purpose, and the above serves only as an example.

If the transmission medium is one in which modulation is used (either AM, FM, PCM or PM [Phase modulation]) then the output from the mixer stage could be modulated in the same way as ordinary speech and demodulated at the receiving end (in this example at the database) the received word or frame must be filtered for each individual frequency and this is carried out by the spectrum analyser 42 having either separate filters for each frequency or a carrier sweep filter which would detect whether the frequencies are present or not. If a frequency is present the filter will give an output voltage to represent that bit; if not there will be a zero.

To synchronise the system, the system clock, which has been sent along with the bit frequencies can be recovered and used as a READ clock. This clock could be sent at a lower frequency than the L.S.B. for example. The voltages then have to be 'squared off' and converted into suitable digital levels by an analog to digital converter 43 which can then be stored.

The recorded data transfer system of the present

invention affords the following advantages:

a) For the company;
1) The elimination of supply and demand problems.

70 2) The elimination of production costs.

3) The elimination of distribution costs.

4) The elimination of sales force.

5) Built-in stock control.

6) The elimination of piracy within the recorded data system.

7) The immediate transfer of master information inland and overseas.

8) Vast reduction in storage space.

b) For the artist;

80 1) Immediate and secure transfer of master mix information to the company.

2) Immediate access to master mix information from any territory.

3) An enhanced royalty accounting system due to the built-in stock control.

4) Increased promotion on product due to aforementioned reduction in costs.

c) For the consumer;

1) Master mix quality of recorded material.

90 2) Greatly increased choice of material irrespective of territory.

3) Home-buying of material.

4) Immediate access to material.

5) The opportunity to refurbish collection irrespective of deletions.

CLAIMS

1. A recorded data transfer system comprising

a) a database having a main computer, a caller/called interface, a transmitter/receiver interface, a data storage and processing system, means for controlling the storage and processing of data, means for controlling the process of being called by one or more user units or another database, and

b) at least one user unit having means for communication with said database including a transmitter/receiver interface and means for storing/recalling and/or processing data received from the database.

2. A data transfer system as claimed in Claim 1, including at least one source unit having a means for communications with said database including a transmitter/receiver interface, and means for the storage and processing of data.

3. A data transfer system as claimed in Claim 1 or 2, wherein said transmitter/receiver interface is in the form of a parallel/serial device.

4. A data transfer system as claimed in Claim 3, wherein said parallel/serial transmitter/receiver comprises a plurality of frequency multipliers arranged in an array to receive a parallel word or frame input, means for supplying to said multipliers with signals of different frequencies so that each individual bit of the word or frame is multiplied by its own unique frequency, and means for summing the frequencies at the output of the multipliers to provide an analog signal for serial transmission.

5. A data transfer system as claimed in Claim 4, wherein said transmitter/receiver includes a spectrum analyser for receiving serial analog signals, an analog to digital converter and a data buffer store.

6. A data transfer system as claimed in Claim 5,

wherein a further multiplier is provided for receiving the system clock pulses which are multiplied by a unique frequency and summed with the multiplied frequencies representing the word or frame, said clock pulses being recovered by said spectrum analyser for the purpose of synchronisation.

7. A parallel/serial transmitter/receiver for a data transfer system comprising a plurality of frequency multipliers arranged in an array to receive a parallel word or frame input, means for supplying to said multipliers with signals of different frequencies so that each individual bit of the word or frame is multiplied by its own unique frequency, and means for summing the frequencies at the output of the multipliers to provide an analog signal for serial transmission.

8. A parallel/serial transmitter/receiver as claimed in Claim 7, including a spectrum analyser for receiving serial analog signals, an analog to digital converter and a data buffer store.

9. A recorded data transfer system as claimed in Claim 1, substantially as described by way of example with reference to Figures 1 and 2.

10. A parallel/serial transmitter/receiver as claimed in Claim 7, substantially as described by way of example with reference to Figure 4.

⑩ 日本国特許庁 (J P)

⑪ 特許出願公開

⑫ 公開特許公報 (A)

昭62-284496

⑬ Int. Cl.⁴
G 07 F 17/00

識別記号 庁内整理番号
7347-3E

⑭ 公開 昭和62年(1987)12月10日

審査請求 未請求 発明の数 1 (全3頁)

⑮ 発明の名称 レコード音楽の自動販売システム

⑯ 特 願 昭61-127327

⑰ 出 願 昭61(1986)6月3日

⑱ 発 明 者 明 石 久 信 東京都杉並区西荻北2-5-20-505

⑲ 出 願 人 明 石 久 信 横浜市南区平楽155-2-801

明 細 書

1. 発明の名称

レコード音楽の自動販売システム

2. 特許請求の範囲

コンピュータ通信手段を内蔵した録音再生装置と、レコード音楽データ及びそのレコードリストと作曲家、曲目、演奏者等のレコード情報を蓄積したホストコンピュータとを電話回線で連絡し、上記録音再生装置からのアクセスによって上記のレコード音楽データを上記ホストコンピュータから上記録音再生装置へ送信することを特徴とするレコード^{音楽}の自動販売システム。

3. 発明の詳細な説明

(1) 産業上の利用分野

この発明はレコード音楽を電話回線を介して自動販売するシステムに関する。

(2) 従来の技術

従来のレコード音楽の販売システムは、レコード会社が録音された音楽をLPレコード又はデジ

タル・オーディオ・ディスク(コンパクト・ディスク)として製造し、レコード販売店等を介して消費者に販売提供していた。

(3) 発明が解決しようとする問題点

上記の従来のレコードディスク販売システムでは、ディスク製造に多大な設備と費用を要し、更に流通から販売までの経路における商品管理等に多大の費用と手数を要する。また、レコード会社によるレコードディスクの廃盤という事態もしばしば起こり、音楽愛好家が欲しいレコードを買えないという事態を招いていた。

(4) 問題点を解決するための手段

以上のような問題点を解決するために、デジタル録音された音楽及び従来のアナログ録音された音楽をデジタル化して利用することを前提に、この発明は次のような構成をとっている。すなわち、コンピュータ通信手段を内蔵した録音再生装置と、レコード音楽データ及びそのレコードリストと作曲家、曲目、演奏者等のレコード情報を蓄積したホストコンピュータとを電話回線で連絡し、上記

録音再生装置からのアクセスによって上記のレコード音楽データを上記ホストコンピュータから上記録音再生装置へ送信するように構成されている。

(5) 作用

レコード音楽データとそのレコードリスト及び作曲家、曲目、演奏者等のレコード情報を集めたホストコンピュータの総合データベースに、コンピュータ通信手段を内蔵した録音再生装置によってアクセスし、接続したTVモニター、もしくは専用モニターを用いて、目的のリスト等の音楽情報を検索し、検索できたら録音再生装置からレコード音楽データ送信希望の信号を発信し、タイムシェアリング方式もしくはパケット交換方式などによって、この発信信号をホストコンピュータで処理し送信し、録音装置内のRAMにダウンロードし、レコード音楽データをデジタル録音する。

(6) 実施例

第1図は、この発明のレコード音楽の自動販売システムに使用されるコンピュータ通信手段を内蔵した録音再生装置の一実施例を示す概略構成図、

自動販売システムは、上記の録音再生装置1と、この録音再生装置1に接続されたモニター12とを各家庭の端末として構成され、タイムシェアリング方式もしくはパケット交換方式で録音再生装置1が通信回線網13に接続されている。この通信回線網13は公衆通信回線または光ケーブル専用通信回線であって、望ましくは光ケーブル専用通信回線を使用する。録音再生装置1は通信回線網13を介してホストコンピュータ14のデータベースに接続されている。ホストコンピュータ14のデータベースには、レコード会社15の保有するデジタル録音またはアナログ録音をデジタル化したレコード音楽データAと、そのレコードリストBと、作曲家、曲目、演奏者等に関するレコード情報Cが蓄積保存されている。

以上のように構成されたネットワークシステムは、双方向通信システムであり、このシステムの伝送制御方式は有手順方式のベーシック手順もしくはHDL C手順などが用いられる。

次にこの発明のレコード音楽の自動販売システ

第2図はレコード音楽の自動販売システムのネットワークを示す概略構成図である。

録音再生装置1は書き込み後すぐに読み出せる追記型の光ディスクを用いるコンパクト・ディスク・デッキもしくはデジタル・オーディオ・テープレコーダーのどちらでもよく、一例としてコンパクト・ディスク・デッキによって説明する。

録音再生装置1には、コンピュータ通信手段であるNCU(電話網制御ユニット)2、モデム3、通信LSI4、CPU5、出力フレームバッファ6、映像信号発生装置7が組み込まれている。NCU2は外部の電話線8に接続され、NCU2とモデム3の間に電話機9が接続されている。CPU5は書き込み可能な追記型の光ディスク録音再生装置10に接続されているとともに、外部のコントロールユニット11にも接続されている。映像信号発生装置7は外部のモニター12に接続されている。

上記の録音再生装置1は、第2図に示す自動販売システムのネットワークに接続される。この自

ムの操作手順を説明する。

- イ. コントロールユニット11によって送信(アクセス)信号を発する。
- ロ. このアクセス信号が通信LSI4によって制御されているCPU5で処理され、モデム3に送られる。このモデム3でデジタル信号がアナログ信号に変換される。ここでNCU2によって電話線8が電話機9からコンピュータに切り換えられ、ホストコンピュータ14にアクセスする。
- ハ. アクセスされたホストコンピュータ14から返信信号(メニュー画面データ)が送られ、録音再生装置1側から送信した時と逆の手順で録音再生装置1内で処理される。
- ニ. モニター12の画面によって確認しながら、コントロールユニット11によって任意のデータを選択し、初期の送信手順と同様に、CPU5→通信LSI4→モデム3→NCU2→電話線8の順で、順次選択の信号を送信する。
- ホ. これらの相互通信によって目的のデータが発見できた時、ユーザーはそのデータをホストコン

ピュータ14から電話線8→NCU2→モデム3→通信LSI4→CPU5の順で処理し、レコード音楽データをRAMにダウンロードし、光ディスク録音再生装置10によって書き込み可能な光ディスクに書き込む。

(7) 発明の効果

この発明のレコード音楽の自動販売システムによれば、現在のレコード流通経路が不必要となり、レコード会社はレコード音楽のデータだけを保有すればよく、レコードの大幅なコストダウンがはかれる。また、ユーザーは家庭にしながら大量のレコードリストの中から、希望のレコード音楽を自由に、しかも容易に検索し、購入できる。さらに、レコーディング・データそのものが商品であるため、従来の販売システムのような廃盤はなくなり、未開拓のユーザーの開拓が低コストで可能となる。

4. 図面の簡単な説明

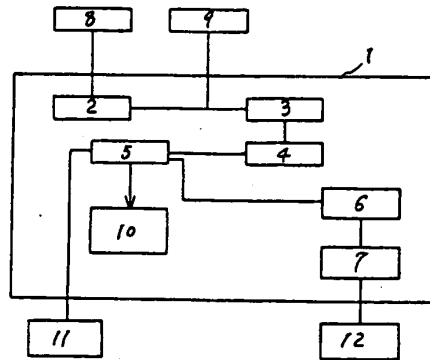
第1図は、この発明のレコード音楽の自動販売システムに使用される録音再生装置の実施例を示

す概略構成図、第2図は、レコード音楽の自動販売システムのネットワークを示す概略構成図である。

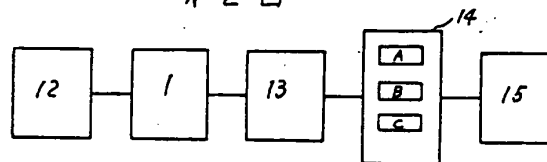
- 1…録音再生装置 2…NCU 3…モデム
- 4…通信LSI 5…CPU
- 6…出力フレームバッファ
- 7…映像信号発生装置 8…電話線
- 9…電話機 10…光ディスク録音再生装置
- 11…コントロールユニット 12…モニター
- 13…通信回線網 14…ホストコンピュータ
- 15…レコード会社

特許出願人 明石久信

第1図



第2図



(19) Japan Patent Office (JP)
(12) Unexamined Patent Applications Publication (A)

(11) Japanese Patent Application Kokai Publication: S62-284496
(43) Kokai Publication Date: December 10, 1987

[English] Int.Cl.	Identification Symbol	JPO File Number
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Request for Examination: Not Yet Requested
Number of Inventions: 1
Number of Pages: 3

(54) Name of invention: Automated Music Purchasing System

(21) Application Number: S61-127327

(22) Date Filed: June 3, 1986

(72) Inventor: Hisanobu Akashi
2-5-20 Nishiogikita #505 Suginami-ku, Tokyo

(71) Applicant: Hisanobu Akashi
155-2 Heiraku #801, Minami-ku, Yokohama-shi

Specification

1. Title of the Invention: Automated Music Purchasing System

2. Claims:

The present invention is an Automated Music Purchasing System which enables users to access recorded music data from a host computer, which stores recording information, such as recorded music data, record lists, composers, titles, performers, etc. The system utilizes a personal computer recording/recording reproduction device which communicates via telephone lines.

3. Detailed Explanation of the Invention:

(1) Industrial Field of Application

The present invention pertains to a system which automatically sells recorded music via the

telephone line.

(2) Prior Art

The conventional system of selling recorded music is that a record company manufactures an LP record or digital audio disc (compact disc) of recorded music which it sells to consumers by way of music sales outlets, etc.

(3) Problem to be solved by the invention

The above-mentioned conventional method for selling recorded music entails considerable costs and facilities to manufacture music discs, as well as the cost and time involved for merchandise management, etc. in the distribution to sales process. In addition, record companies often discontinue record discs, resulting in a situation whereby music consumers are not able to purchase the record they want.

(4) Means for Solving the Problems

In order to address the above problems, the present invention, which is based on the utilizing of digital music as well as analog-recorded conventional music which has been put into a digitalized format, is made up as follows:

The present invention is an Automated Music Purchasing System which utilizes telephone lines to transmit recorded music data from a host computer, which stores recording information, such as recorded music data, record lists, composers, titles, performers, etc., to the said recording/reproduction device installed in a personal computer.

(5) Operation

Utilizing a music recording/reproducing device which can access the host computer's comprehensive database of information on musical recordings (such as recorded music data, record lists, composers, titles, performers, etc.) the system allows a search for the desired music recording information, such as a recording list, utilizing TV monitors connected to the system or the dedicated computer monitor to display the information. When the desired music information is found by the system, the recording/reproducing device sends a signal notifying to the host computer that it wants to download the recorded music data. The host computer then sends the data to the recording device utilizing a timesharing or a packet switching method thereby enabling the data to be downloaded to the recording device RAM to be digitally recorded.

(6) Embodiment

Figure 1 shows a simple block diagram of the embodiment of the present invention's recording/reproducing device which transmits data via personal computers. Figure 2 is a simple block diagram which shows the Automated Music Purchasing System network.

Though the recording/reproducing device (1) can be used employing recordable optical discs

which can read immediately after writing, or employing a digital audio tape recorder. For the purpose of simplicity, the following section is explained using compact disc recorder:

In the recording/reproducing device (1), NCU (telephone network control unit) (2) is employed as the computer communication method; using modem (3), communication LSI (4), CPU (5), output frame buffer (6) and picture signal generator (7).

NCU (2) is connected to the external telephone line (8), with telephone (9) connecting the NCU (2) and the modem (3). CPU (5) is connected to the recordable-optical disk recording/reproducing device (10), as well as to the external control unit (11). The image signal transmission device is connected to the external monitor (12).

The said recording/reproducing device (1) is connected to the Automated Music Purchasing System Network as shown in Figure 2. This Automatic Music Purchasing System is made up of the said recording/reproducing device (1) and the monitor (12), which is connected to the recording/reproducing device (1), which are set up as terminals in each user's household with the recording/reproducing device (1) connected to the communications line network (13) utilizing a timesharing or packet switching method. The communications line network (13) can employ either a public telephone company service or an optical cable-dedicated communication line (though preferably it should be an optical cable-dedicated communication line). The recording/reproducing device (1) is connected to the host computer's data base (14) via the communications line network (13). The host computer data base (14) stores record company (15) record music data of digitally recorded or digitally recorded analog music A, its record list B and record information on composers, names of music and performers, etc.

The network system, made up in the above-described manner, is a two-way communication system and transmission control system as well as a transmission control system that employs either basic control mode procedure or HDLC procedure for the network system.

Operation procedures for this invention are outlined as follows:

- a) Control unit (11) sends an access signal
- b) The access signal is processed by the communication LSI(4)'s CPU (5) and is sent to modem (3). The digital signal is converted to analog by modem (3); then, via the NCU (2), telephone line (8) is changed from telephone device (9) to computer which then accesses host computer (14).
- c) The accessed host computer (14) sends a response signal (menu screen data) which is

processed via the recording/reproducing device (1) in a set of procedures which are the reverse of those employed when the recording/reproducing device (1) sent the original signal.

d) Using the monitor screen (12), user chooses desired data using control unit (11) sending selection data in the same order of the initial transmission procedures as shown below:

CPU (5) ⇔ communication LSI (4) ⇒ modem (3) ⇒ NUC (2) ⇒ telephone line (8)

e) When the desired data has been found, user accesses and processes the data from the host computer (14) via telephone line (8) ⇒ NUC (2) ⇒ modem (3) ⇒ communication LSI (4) ⇔ CPU (5) and then downloads the record music data to RAM which records data onto recordable optical disc using the optical disk recording/reproducing device.

(7) Effect of the invention

With this invention, a record company need only to maintain the data of recorded music and would therefore not require the current distribution channels which would result in considerable cost reduction. In addition, user would be able to easily as well as freely search for and purchase desired music from home. Furthermore, since the recording data becomes the merchandize itself, discontinuing music will not become necessary as it does in the conventional selling system. New users can also be easily drawn in to the system at little cost.

4. Brief Description of the Drawings:

Figure 1 is a simple block diagram of an embodiment of the recording/reproducing device used in this invention, and Figure 2 is a simple block diagram which shows the Automated Music Purchasing System Network.

Patent Applicant: Hisanobu Akashi

- 1: Recording/reproducing device
- 2: NCU
- 3: Modem
- 4: Communication LSI
- 5: CPU
- 6: Output frame buffer
- 7: Picture signal generator
- 8: Telephone line
- 9: Telephone devise
- 10: Optical disk recording/reproducing device

- 11: Control unit
- 12: Monitor
- 13: Communications line network
- 14: Host computer
- 15: Record company

Figure 1

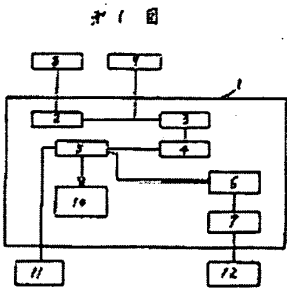
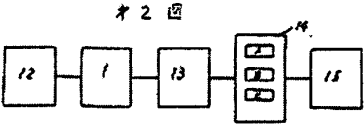


Figure 2





UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov



Bib Data Sheet

CONFIRMATION NO. 2998

SERIAL NUMBER 90/007,402	FILING OR 371(c) DATE 01/31/2005 RULE	CLASS 369	GROUP ART UNIT 2655	ATTORNEY DOCKET NO. NAPS001
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APPLICANTS
 5191573, Residence Not Provided;
 Sightsound.com Incorporated(Owner), Mt. Lebanon, PA;
 Napster, Inc.(3rd Pty. Req.), Los Angeles, CA;
 Albert S. Penilla, Sunnyvale, CA

**** CONTINUING DATA *******
 This application is a REX of 07/586,391 09/18/1990 PAT 5,191,573
 which is a CON of 07/206,497 06/13/1988 ABN

**** FOREIGN APPLICATIONS *******

Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no	STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS 6	INDEPENDENT CLAIMS 2
35 USC 119 (a-d) conditions met <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance				
Verified and Acknowledged	Examiner's Signature	Initials		

ADDRESS
 Ansel M. Schwartz
 425 N. Craig Street Suite 301
 Pittsburgh ,PA 15213

TITLE
 METHOD FOR TRANSMITTING A DESIRED DIGITAL VIDEO OR AUDIO SIGNAL


FILING FEE RECEIVED 2520	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees
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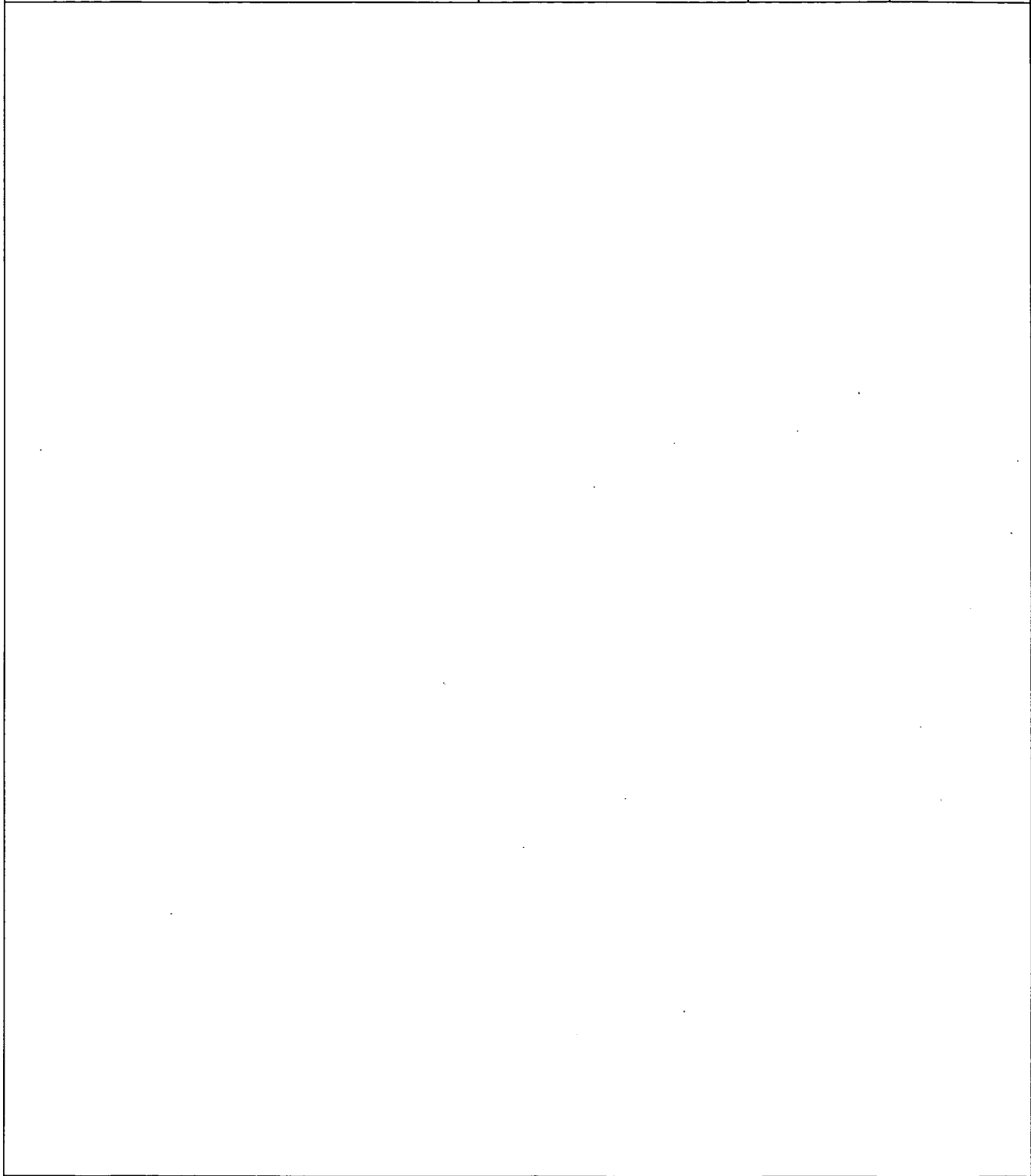
Reexamination	Control No.	Applicant(s)
	90/007402	5191573
	Certificate Date	Certificate Number

Requester	Correspondence Address:	<input type="checkbox"/> Patent Owner	<input checked="" type="checkbox"/> Third Party
<p>Albert S. Penilla MARTINE PENILLA & GENCARELLA, LLP 710 Lakeway Drive Suite 200 Sunnyvale CA 94085</p>			

LITIGATION REVIEW <input type="checkbox"/>	(examiner initials)	(date)
Case Name	Director Initials	

COPENDING OFFICE PROCEEDINGS	
TYPE OF PROCEEDING	NUMBER
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Application Number 	Application No. 90/007,402	Applicant(s) 5191573	
	Examiner	Art Unit 2655	



Index of Claims



Application No.

90/007,402

Examiner

Applicant(s)

5191573

Art Unit

2655

√	Rejected
=	Allowed

-	(Through numeral) Cancelled
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N	Non-Elected
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A	Appeal
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Issue Classification 	Application No. 90/007,402	Applicant(s) 5191573	
	Examiner	Art Unit 2655	

ISSUE CLASSIFICATION											
ORIGINAL				CROSS REFERENCE(S)							
CLASS	SUBCLASS			CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)						
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INTERNATIONAL CLASSIFICATION											
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(Legal Instruments Examiner) (Date)										O.G. Print Claim(s)	

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant		<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47							
Final	Original	Final	Original	Final	Original	Final	Original						
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	2		32		62		92		122		152		182
	3		33		63		93		123		153		183
	4		34		64		94		124		154		184
	5		35		65		95		125		155		185
	6		36		66		96		126		156		186
	7		37		67		97		127		157		187
	8		38		68		98		128		158		188
	9		39		69		99		129		159		189
	10		40		70		100		130		160		190
	11		41		71		101		131		161		191
	12		42		72		102		132		162		192
	13		43		73		103		133		163		193
	14		44		74		104		134		164		194
	15		45		75		105		135		165		195
	16		46		76		106		136		166		196
	17		47		77		107		137		167		197
	18		48		78		108		138		168		198
	19		49		79		109		139		169		199
	20		50		80		110		140		170		200
	21		51		81		111		141		171		201
	22		52		82		112		142		172		202
	23		53		83		113		143		173		203
	24		54		84		114		144		174		204
	25		55		85		115		145		175		205
	26		56		86		116		146		176		206
	27		57		87		117		147		177		207
	28		58		88		118		148		178		208
	29		59		89		119		149		179		209
	30		60		90		120		150		180		210

Search Notes



Application No.

90/007,402

Examiner

Applicant(s)

5191573

Art Unit

2655

SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
	DATE	EXMR

INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner

Patent Assignment Abstract of Title

Total Assignments: 3

Application #: 07586391 **Filing Dt:** 09/18/1990 **Patent #:** 5191573 **Issue Dt:** 03/02/1993

PCT #: NONE

Publication #: NONE

Pub Dt:

Inventor: ARTHUR R. HAIR

Title: METHOD FOR TRANSMITTING A DESIRED DIGITAL VIDEO OR AUDIO SIGNAL

Assignment: 1

Reel/Frame: 007656/0701 **Received:** 10/20/1995 **Recorded:** 10/02/1995 **Mailed:** 02/21/1996 **Pages:** 4

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: HAIR, ARTHUR R.

Exec Dt: 09/20/1995

Assignee: PARSEC SIGHT/SOUND, INC.

1518 ALLISON DRIVE
UPPER ST. CLAIR, PENNSYLVANIA 15241

Correspondent: ANSEL M. SCHWARTZ
425 N. CRAIG STREET
PITTSBURGH, PA 15123

Assignment: 2

Reel/Frame: 010776/0703 **Received:** 05/16/2000 **Recorded:** 05/03/2000 **Mailed:** 07/14/2000 **Pages:** 16

Conveyance: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

Assignor: PARSEC SIGHT/SOUND, INC.

Exec Dt: 04/26/2000

Assignee: SIGHTSOUND.COM INCORPORATED
733 WASHINGTON ROAD, SUITE 400
MT. LEBANON, PENNSYLVANIA 15228

Correspondent: ANSEL M. SCHWARTZ
ONE STERLING PLAZA
201 N. CRAIG STREET, SUITE 304
PITTSBURGH, PA 15213

Assignment: 3

Reel/Frame: 012506/0415 **Received:** 01/30/2002 **Recorded:** 10/24/2001 **Mailed:** 04/25/2002 **Pages:** 6

Conveyance: NOTICE OF GRANT OF SECURITY INTEREST

Assignor: SIGHTSOUND TECHNOLOGIES, INC.

Exec Dt: 10/01/2001

Assignees: KENYON & KENYON
ONE BROADWAY
NEW YORK, NEW YORK 10004
SCHWARTZ, ANSEL M.
ONE STERLING PLAZA
201 N. CRAIG STREET, SUITE 304
PITTSBURGH, PENNSYLVANIA 15213
WATERVIEW PARTNERS, LLP
ONE STERLING PLAZA
152 WEST 57TH STREET, 46TH FLOOR
NEW YORK, NEW YORK 10019
D&DF WATERVIEW PARTNERS, L.P.

ONE STERLING PLAZA
152 WEST 57TH STREET, 46TH FLOOR
NEW YORK, NEW YORK 10019

Correspondent: PAUL, WEISS, RIFKIND, WHARTON & GARRISON
DEBORAH HARTNETT
1285 AVENUE OF THE AMERICAS
NEW YORK, NY 10019

Search Results as of: 2/25/2005 4:37:41 P.M.

If you have any comments or questions concerning the data displayed, contact OPR / Assignments at 703-308-9723
Web interface last modified: Oct. 5, 2002



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

REEXAM CONTROL NUMBER	FILING OR 371 (c) DATE	PATENT NUMBER
90/007,402	01/31/2005	5191573

CONFIRMATION NO. 2998

Albert S. Penilla
MARTINE PENILLA & GENCARELLA LLP
710 Lakeway Drive Suite 200
Sunnyvale, CA 94085



Date Mailed: 02/28/2005

NOTICE OF REEXAMINATION REQUEST FILING DATE

(Third Party Requester)

Requester is hereby notified that the filing date of the request for reexamination is 01/31/2005, the date the required fee of \$2,520 was received.

A decision on the request for reexamination will be mailed within three months from the filing date of the request for reexamination. (See 37 CFR 1.515(a)).

A copy of the Notice is being sent to the person identified by the requester as the patent owner. Further patent owner correspondence will be the latest attorney or agent of record in the patent file. (See 37 CFR 1.33). Any paper filed should include a reference to the present request for reexamination (by Reexamination Control Number).

cc: Patent Owner

Ansel M. Schwartz
425 N. Craig Street Suite 304-
Pittsburgh, PA 15213

M. A. Smith

Office of Patent Legal Administration
Central Reexamination Unit (571) 272-7750 ; FAX (571) 273-0100

PART 3 - OFFICE COPY


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

REEXAM CONTROL NUMBER	FILING OR 371 (c) DATE	PATENT NUMBER
90/007,402	01/31/2005	5191573

Ansel M. Schwartz
 425 N. Craig Street Suite 304
 Pittsburgh, PA 15213

CONFIRMATION NO. 2998

REEXAM ASSIGNMENT NOTICE



OC000000015285419

Date Mailed: 02/28/2005

NOTICE OF ASSIGNMENT OF REEXAMINATION REQUEST

The above-identified request for reexamination has been assigned to Art Unit 2655. All future correspondence to the proceeding should be identified by the control number listed above and directed to the assigned Art Unit.

A copy of this Notice is being sent to the latest attorney or agent of record in the patent file or to all owners of record. (See 37 CFR 1.33(c)). If the addressee is not, or does not represent, the current owner, he or she is required to forward all communications regarding this proceeding to the current owner(s). An attorney or agent receiving this communication who does not represent the current owner(s) may wish to seek to withdraw pursuant to 37 CFR 1.36 in order to avoid receiving future communications. If the address of the current owner(s) is unknown, this communication should be returned within the request to withdraw pursuant to Section 1.36.

cc: Third Party Requester(if any)

Albert S. Penilla
 MARTINE PENILLA & GENCARELLA LLP
 710 Lakeway Drive Suite 200
 Sunnyvale, CA 94085


 Office of Patent Legal Administration

Central Reexamination Unit (571) 272-7750 ; FAX (571) 273-0100

PART 3 - OFFICE COPY

Access DB# 14702

SEARCH REQUEST FORM

Scientific and Technical Information Center

Requester's Full Name: Pinchus Laufer Examiner #: 73139 Date: 3/2/05
Art Unit: 2100 Phone Number 272-3599 Serial Number: 90/007,402
Mail Box Location: 1C81 Results Format Preferred (circle): PAPER DISK E-MAIL

If more than one search is submitted, please prioritize searches in order of need.

Please provide a detailed statement of the search topic, and describe as specifically as possible the subject matter to be searched. Include the elected species or structures, keywords, synonyms, acronyms, and registry numbers, and combine with the concept or utility of the invention. Define any terms that may have a special meaning. Give examples or relevant citations, authors, etc, if known. Please attach a copy of the cover sheet, pertinent claims, and abstract.

Title of Invention: _____

Inventors (please provide full names): _____

Earliest Priority Filing Date: _____

**For Sequence Searches Only* Please include all pertinent information (parent, child, divisional, or issued patent numbers) along with the appropriate serial number.*

Litigation
5,191,573

Inventor: Arthur R. Hair

O.G. Date March 29, 2005

*****		*****	
STAFF USE ONLY		Type of Search	Vendors and cost where applicable
Searcher: <u>Shirelle Green</u>	Sequence (#) _____	<u>STN</u>	_____
Searcher Phone #: <u>306-4767</u>	AA Sequence (#) _____	Dialog	_____
Searcher Location: <u>4B40</u>	Structure (#) _____	<u>Questel/Orbit</u>	<u>24.68</u>
Date Searcher Picked Up: <u>3/8/05</u>	Bibliographic	Dr.Link	_____
Date Completed: <u>3/8/05</u>	Litigation <input checked="" type="checkbox"/>	<u>Lexis/Nexis</u>	_____
Searcher Prep & Review Time: _____	Fulltext	Sequence Systems	_____
Clerical Prep Time: _____	Patent Family	<u>WWW/Internet</u>	_____
Online Time: <u>15</u>	Other	Other (specify)	_____

1 of 1 DOCUMENT

UNITED STATES PATENT AND TRADEMARK OFFICE GRANTED PATENT

5191573

[Link to Claims Section](#)

March 2, 1993

Method for transmitting a desired digital video or audio signal

REEXAM-LITIGATE:

NOTICE OF LITIGATION

Sightsound Technologies, Inc., a Delaware corporation v. Roxio, Inc., a Delaware corporation, et al, Filed October 8, 2004, D.C. W.D. Pennsylvania (Pittsburgh), Doc. No. 04-CV-1549

INVENTOR: Hair, Arthur R. - 301 Oaklawn Dr., Pittsburgh, Pennsylvania, United States (US), 15241

APPL-NO: 586391 (07)

FILED-DATE: September 18, 1990

GRANTED-DATE: March 2, 1993

ASSIGNEE-AFTER-ISSUE: October 2, 1995 - ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS)., PARSEC SIGHT/SOUND, INC. 1518 ALLISON DRIVE UPPER ST. CLAIR PENNSYLVANIA 15241, Reel and Frame Number: 07656/0701

May 3, 2000 - CHANGE OF NAME (SEE DOCUMENT FOR DETAILS)., SIGHTSOUND.COM INCORPORATED 733 WASHINGTON ROAD, SUITE 400 MT. LEBANON PENNSYLVANIA 15228, Reel and Frame Number: 10776/0703

October 24, 2001 - NOTICE OF GRANT OF SECURITY INTEREST, D&DF WATERVIEW PARTNERS, L.P. ONE STERLING PLAZA 152 WEST 57TH STREET, 46TH FLOOR NEW YORK NEW YORK 10019; KENYON & KENYON ONE BROADWAY NEW YORK NEW YORK 10004; SCHWARTZ, ANSEL M. ONE STERLING PLAZA 201 N. CRAIG STREET, SUITE 304 PITTSBURGH PENNSYLVANIA 15213; WATERVIEW PARTNERS, LLP ONE STERLING PLAZA 152 WEST 57TH STREET, 46TH FLOOR NEW YORK NEW YORK 10019, Reel and Frame Number: 12506/0415

ENGLISH-ABST:

The present invention is a method for transmitting a desired digital video or audio signal stored on a first memory of a first party to a second memory of a second party. The method comprises the steps of transferring money via a telecommunications line to the first party from the second party. Additionally, the method comprises the step of then connecting electronically via a telecommunications line the first memory with the second memory such that the desired signal can pass therebetween. Next, there is the step of transmitting the desired digital signal from the first memory with a transmitter in control and in possession of the first party to a receiver having the second memory at a location determined by the second party. The receiver is in possession and in control of the second party. There is also the step of then storing the digital signal in the second memory.

LEXIS-NEXIS
Library: PATENTS
File: ALL

1 of 2 DOCUMENTS

Sightsound.com, Inc. v. N2K, Inc.

Civil Action No. 98-0118

**UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA**

2003 U.S. Dist. LEXIS 25503

October 23, 2003, Decided

DISPOSITION: [*1] Defendants' motion for summary judgment denied. Plaintiff's motion for summary judgment dismissing defendants' affirmative defenses and counterclaims granted.

CASE SUMMARY:

PROCEDURAL POSTURE: In plaintiff patentee's infringement action, defendant company moved for summary judgment on grounds that the patents-in-suit were invalid and that the patentee's method of calculating damages was invalid. The patentee moved for summary judgment with regard to the affirmative defense and counterclaims of inequitable conduct.

OVERVIEW: Claims of the patents related to copy protection features believed to be commercially desirable for preventing unauthorized copying of downloaded files. The company argued the claims lacked enablement required by 35 U.S.C.S. § 112; alternatively, they and the other asserted claims were anticipated by prior art under 35 U.S.C.S. § 102 or were rendered obvious under 35 U.S.C.S. § 103. The company's enablement argument rested on an overly restrictive definition of "prevent." The patentee's definition of "prevent" set out in its brief in opposition ("presenting a technical obstacle sufficient to impede the ordinary customer from duplicating the purchased digital audio signal") was appropriate to the facts. The anticipation claim failed; inter alia, a patent issued to a Japanese inventor described only the possibility of using a control unit in a way that anticipated the use of one of the patents-in-suit, not the necessity required by law. The obviousness claim also failed; numerous disputed questions of fact existed, including the teachings of prior art references, what one skilled in the art in 1988 would be motivated to combine, and the weight to be given to secondary considerations.

OUTCOME: The patentee's motion was granted. The company's motion was denied.

OPINION:

... [*3] download music to their personal computers over telecommunications lines. (Id.)

Several years later, on March 2, 1993, the United States Patent and Trademark Office ("PTO") issued *United States Patent No. 5,191,573* ("the '573 Patent") to Mr. Hair who later assigned [*4] all his rights, title and interest in the '573 Patent to a company he co-founded, known as Parsec Sight/Sound, Inc. ("Parsec.") He also assigned to Parsec two ...

LEXIS-NEXIS
Library: PATENTS
File: CASES

2 of 2 DOCUMENTS

Sightsound.com Inc. v. N2k, Inc.

Civil Action No. 98-118

**UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA**

185 F. Supp. 2d 445; 2002 U.S. Dist. LEXIS 6828

February 8, 2002, Decided

DISPOSITION: **[**1]** Defendants' objection overruled and exhibit admitted into evidence.

CASE SUMMARY:

PROCEDURAL POSTURE: In this patent infringement action, plaintiff, the patent holder, sought to introduce an exhibit from the deposition testimony of the inventor. The defendants, the alleged infringers, objected.

OVERVIEW: This was a patent infringement action filed by the holder of three patents which were directed to commercially-acceptable systems and methods for selling music and video in digital form over telecommunications lines. The holder accused the alleged infringers of infringing multiple claims of the patents through the practice of downloading digital music over the internet. The court held that the holder's proposed deposition designations were extrinsic evidence which was responsive to arguments made by the infringers. They were, in that respect, relevant to the inquiry before the court. In light of the fact that the undersigned sat in an advisory position, and that the record should tend more towards over-inclusiveness than not, the court held that the exhibit would be admitted. After a hearing was held, at which expert testimony, demonstrative evidence, exhibits, and arguments were offered by the parties, the magistrate judge recommended several conclusions of law regarding claim construction.

OUTCOME: The alleged infringers' objection to the patent holder's exhibit was overruled, and the exhibit was admitted into evidence. The magistrate judge recommended that the claims in suit be construed in the manner set forth.

OPINION:

... **[*453]** **[**3]** Sightsound.com, Inc. ("Sightsound") accuses defendants N2K, Inc. ("N2K"), CDnow, Inc., and CDnow Online, Inc. (collectively referred to as "CDnow" or "defendants") of infringing multiple claims of U. **[**4]** S. Patent Nos. 5,191,573 ("the '573 Patent"), 5,675,734 ("the '734 Patent"), and 5,966,440 ("the '440 Patent") through the practice of downloading digital music over the internet. n1

n1 Of course, the court is not concerned with the accused product or practice at this ...

No Documents Found!

No documents were found for your search (5191573 or 5,191,573). Click the "Edit Search" button below to try again. You may want to try one or more of the following:

- Check for spelling errors.
- Remove some search terms.
- Use a less restrictive date range.
- Use more common search terms. "Suggested Words and Concepts" are displayed on the search form when you click on Edit Search.

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LEXIS-NEXIS
Library: PATENTS
File: JNLS

1 of 13 DOCUMENTS

Copyright 2004 Omega Communications, Inc.
Intellectual Property Today

April, 2004

SECTION: INTERNETINFO.COLUMN; Pg. 49

LENGTH: 718 words

HEADLINE: Will the Price of Music Downloads Include Patent License Fees?

BYLINE: BY W. SCOTT PETTY; Scott Petty, a Patent Attorney with King & Spalding, focuses on intellectual property issues for computer software, telecommunications and e-commerce companies. Scott can be contacted by telephone at 404.572.2888 or via e-mail at spetty@kslaw.com.

BODY:

...action against N2K, Inc. in the U.S. District Court for the Western District Court of Pennsylvania (Civil Action 98-0118). SightSound alleged that N2K, Inc. infringed U.S. Patent Nos. 5,191,573 and 5,675,734, which date back to a patent application filed in 1988, well in advance of the commercialization of the Internet. .CDNow, Inc. acquired N2K, Inc. in 2000. In turn, SightSound added ...

LEXIS-NEXIS
Library: NEWS
File: CURNEWS

2 of 13 DOCUMENTS

Copyright 2002 Gale Group, Inc.
ASAP
Copyright 2002 Rutgers University
Rutgers Computer & Technology Law Journal

March 22, 2002

SECTION: No. 1, Vol. 28; Pg. 61; ISSN: 0735-8938

IAC-ACC-NO: 84020686

LENGTH: 24588 words

HEADLINE: The multiple unconstitutionality of business method patents: common sense, congressional consideration, and constitutional history.

BYLINE: Pollack, Malla

BODY:

...business patents. See, e.g., 146 CONG. REC. E1659 (daily ed. of Oct. 4, 2000) (statement of Rep. Berman) (criticizing recent grant of obvious business patents including U.S. Patent No. 5,191,573 (issued Mar. 2 1993) for a method of selling audiovisual products over the internet and U.S. Patent No. 5,825,651 (issued Oct. 20, 1998) for a method of allowing internet ...

6 of 13 DOCUMENTS

Copyright 1999 The New York Law Publishing Company
The National Law Journal

November 22, 1999, Monday

SECTION: PATENT LAW; Pg. B9

LENGTH: 2106 words

HEADLINE: Business methods

BYLINE: Bradley C. Wright; Mr. Wright is a shareholder and registered patent attorney at Washington, D.C.'s Banner & Witcoff Ltd. He can be reached at wright@bannerwitcoff.com.

BODY:

...patent covering the sale of music in electronic form over a network, such as the Internet. The company, Parsec Sight/ Sound Inc., has sued N2K Inc. for infringing the patented method (Patent No. 5,191,573, titled "Method for Transmitting a Desired Digital Video or Audio Signal").

One reason these business-method patents are receiving more attention may be that the Internet has laid bare the advertising and sales techniques of ...

7 of 13 DOCUMENTS

Copyright 1999 Responsive Database Services, Inc.
Business and Management Practices
Mondaq Business Briefing - Hale and Dorr LLP, US

November 3, 1999

RDS-ACC-NO: 02275027

LENGTH: 2096 words

HEADLINE: US: Business Methods Patents - The Effects Of State Street On Electronic Commerce And The Internet

BYLINE: Alter, Scott M

BIBLIOGRAPHY:

7. Patent number 5,191,573 and 5,675,734
.....
...

8 of 13 DOCUMENTS

Copyright 1999 The New York Law Publishing Company
The National Law Journal

October 25, 1999, Monday

SECTION: INTELLECTUAL PROPERTY; Focus on Patent; Pg. C8

LENGTH: 2014 words

HEADLINE: 'State Street' sets stage for new patents, battles

BYLINE: BY SCOTT M. ALTER, SPECIAL TO THE NATIONAL LAW JOURNAL; Mr. Alter is a partner in the Washington, D.C., office of Boston's Hale and Dorr L.L.P.

BODY:

...transmitting a digital audio signal from the memory storage of a first party to the memory storage of a second party, in conjunction with the electronic transfer of money to the first party.

n6 Patent nos. 5,191,573 and 5,675,734.

Sightsound.com has been pursuing licensing fees from various companies that offer music that can be downloaded from the Internet. In a letter said to have been sent to some of these companies, Sightsound.com asserted that its patents control "the ...

9 of 13 DOCUMENTS

Copyright 1999 Aspen Publishers, Inc., All rights reserved
The Computer Lawyer

October, 1999

SECTION: PATENT; Vol. 16, No. 10; Pg. 3

LENGTH: 11742 words

HEADLINE: What the General Intellectual Property Practitioner Should Know about Patenting Business Methods

BYLINE: by David L. Hayes; David L. Hayes is a partner and is Chairman of the Intellectual Property Practice Group at Fenwick & West in Palo Alto. CA. Copyright © 1999 Fenwick & West LLP.

BODY:

...system. The items purchased in the store by the customer are recorded, and any matches between the coupons selected and the items purchased are determined electronically. The customer is immediately credited in accordance with the terms of the matched coupons.

5,191,573

Title: "Method for Transmitting a Desired Digital Video or Audio Signal"

Priority Filing Date: June 13, 1988

Issue Date: Mar. 2, 1993

Held by: Originally issued to ...

...by Sightsound.com.

Synopsis: Contains correlative system claims for a system that implements the general method for transmitting digital content on demand claimed in US Pat. No. 5,191,573 described above.

Enforcement: In January 1999, a company called Sightsound.com asserted this and the 5,191,573 patent above against MP3.com and GoodNoise Corp. See note above.

5,692,132

Title: "System and Method for Conducting Cashless Transactions on a Computer Network"

Priority Filing Date: ...

10 of 13 DOCUMENTS

Copyright 1999 Salon.com, Inc.
Salon.com

March 9, 1999 Tuesday

SECTION: Feature

LENGTH: 2469 words

HEADLINE: How can they patent that?

BYLINE: By Peter Wayner

BODY:

...an American: They "invented" the practice of locking up the data traveling over the Internet between the customer and the store -- that is, they use encryption functions to hide credit card account numbers from prying eyes.

Or consider patents 5191573 and 5675734, created by Arthur Hair when he lived in Pittsburgh. He claims to have invented the concept of "selling electronically ... through telecommunications lines, the desired digital video or digital audio signals" -- in short, pay- ...

...for argument in the system. Nonetheless, the material in the book can't be claimed as an invention by someone after the book is published.

Andrew Milne, an engineer for N2K, is evaluating what patents 5191573 and 5675734 mean to his company's plans for selling music over the Internet. He's already been doing research looking for past products and services that might qualify as prior art, and he's uncovered a wide range. ...

?us5191573/pn

** SS 1: Results 1

Search statement 2

?prt full nonstop legalall

1/1 PLUSPAT - (C) QUESTEL-ORBIT- image
PN - US5191573 A 19930302 [US5191573]
TI - (A) Method for transmitting a desired digital video or audio signal
PA - (A) HAIR ARTHUR R (US)
IN - (A) HAIR ARTHUR R (US)
AP - US58639190 19900918 [1990US-0586391]
FD - Cont. of US206497 19880613 [1988US-0206497] (Abandoned)
PR - US58639190 19900918 [1990US-0586391]
- US20649788 19880613 [1988US-0206497]
IC - (A) G11B-005/86 G11B-007/00 G11B-011/00
EC - G07F-017/16
- G11B-020/00P
- G11B-027/00V
- G11B-027/034
- G11B-027/10A1
- G11B-027/34
- H04H-001/02
- H04N-007/173B2
PCL - ORIGINAL (O) : 369084000; CROSS-REFERENCE (X) : 235380000 235381000
369015000 369085000
DT - Basic
CT - US3718906; US3990710; US4567359; US4647989; US4654799
STG - (A) United States patent
AB - The present invention is a method for transmitting a desired digital video or audio signal stored on a first memory of a first party to a second memory of a second party. The method comprises the steps of transferring money via a telecommunications line to the first party from the second party. Additionally, the method comprises the step of then connecting electronically via a telecommunications line the first memory with the second memory such that the desired signal can pass therebetween. Next, there is the step of transmitting the desired digital signal from the first memory with a transmitter in control and in possession of the first party to a receiver having the second memory at a location determined by the second party. The receiver is in possession and in control of the second party. There is also the step of then storing the digital signal in the second memory.

1/1 LGST - (C) EPO
PN - US5191573 A 19930302 [US5191573]
AP - US58639190 19900918 [1990US-0586391]
ACT - 19931221 US/CC-A
CERTIFICATE OF CORRECTION
- 19951002 US/AS02-A
ASSIGNMENT OF ASSIGNOR'S INTEREST
OWNER: PARSEC SIGHT/SOUND, INC. 1518 ALLISON DRIVE UPPER; EFFECTIVE
DATE: 19950920
- 19951002 US/AS02-A
ASSIGNMENT OF ASSIGNOR'S INTEREST
OWNER: HAIR, ARTHUR R.; EFFECTIVE DATE: 19950920
- 20000503 US/AS-A
ASSIGNMENT
OWNER: SIGHTSOUND.COM INCORPORATED 733 WASHINGTON ROAD, S; EFFECTIVE
DATE: 20000426
CHANGE OF NAME;ASSIGNOR:PARSEC SIGHT/SOUND, INC.;REEL/FRAME:010776/0703

- 20011024 US/AS-A
ASSIGNMENT
OWNER: KENYON & KENYON ONE BROADWAY NEW YORK NEW YORK 100; EFFECTIVE
DATE: 20011001
NOTICE OF GRANT OF SECURITY INTEREST;ASSIGNOR:SIGHTSOUND TECHNOLOGIES,
INC.;REEL/FRAME:012506/0415
 - 20011024 US/AS-A
ASSIGNMENT
OWNER: SCHWARTZ, ANSEL M. ONE STERLING PLAZA 201 N. CRAIG; EFFECTIVE
DATE: 20011001
NOTICE OF GRANT OF SECURITY INTEREST;ASSIGNOR:SIGHTSOUND TECHNOLOGIES,
INC.;REEL/FRAME:012506/0415
 - 20011024 US/AS-A
ASSIGNMENT
OWNER: WATERVIEW PARTNERS, LLP ONE STERLING PLAZA 152 WES; EFFECTIVE
DATE: 20011001
NOTICE OF GRANT OF SECURITY INTEREST;ASSIGNOR:SIGHTSOUND TECHNOLOGIES,
INC.;REEL/FRAME:012506/0415
 - 20011024 US/AS-A
ASSIGNMENT
OWNER: D&DF WATERVIEW PARTNERS, L.P. ONE STERLING PLAZA 1; EFFECTIVE
DATE: 20011001
NOTICE OF GRANT OF SECURITY INTEREST;ASSIGNOR:SIGHTSOUND TECHNOLOGIES,
INC.;REEL/FRAME:012506/0415
- UP - 2004-38

1/1 CRXX - (C) CLAIMS/RRX
 PN - 5,191,573 A 19930302 [US5191573]
 PA - Hair, Arthur R
 ACT - 19951002 REASSIGNED
 ASSIGNMENT OF ASSIGNORS INTEREST

Assignor: HAIR, ARTHUR R. DATE SIGNED: 09/20/1995

Assignee: PARSEC SIGHT/SOUND, INC. 1518 ALLISON DRIVE UPPER ST. CLAIR
 PENNSYLVANIA 15241

Reel 007656/Frame 0701

Contact: ANSEL M. SCHWARTZ 425 N. CRAIG STREET PITTSBURGH, PA 15123

- 20000503 REASSIGNED
CHANGE OF NAME

Assignor: PARSEC SIGHT/SOUND, INC., DATE SIGNED: 04/26/2000

Assignee: SIGHTSOUND.COM INCORPORATED, 733 WASHINGTON ROAD, SUITE 400,
 MT. LEBANON, PENNSYLVANIA, 15228

Reel 010776/Frame 0703

Contact: ANSEL M. SCHWARTZ, ONE STERLING PLAZA, 201 N. CRAIG STREET,
 SUITE 304, PITTSBURGH, PA 15213

- 20011024 REASSIGNED
NOTICE OF GRANT OF SECURITY INTEREST

Assignor: SIGHTSOUND TECHNOLOGIES, INC., DATE SIGNED: 10/01/2001

Assignee: KENYON & KENYON, ONE BROADWAY, NEW YORK, NEW YORK, 10004
 SCHWARTZ, ANSEL M., ONE STERLING PLAZA, 201 N. CRAIG STREET, SUITE

304, PITTSBURGH, PENNSYLVANIA, 15213
WATERVIEW PARTNERS, LLP, ONE STERLING PLAZA, 152 WEST 57TH STREET,
46TH FLOOR, NEW YORK, NEW YORK, 10019
D&DF WATERVIEW PARTNERS, L.P., ONE STERLING PLAZA, 152 WEST 57TH
STREET, 46TH FLOOR, NEW YORK, NEW YORK, 10019



Reel 012506/Frame 0415

Contact: PAUL, WEISS, RIFKIND, WHARTON & GARRISON, DEBORAH HARTNETT,
1285 AVENUE OF THE AMERICAS, NEW YORK, NY 10019

1/1 LITA - (C) Thomson Derwent
AN - P1998-06-59
FS - PATENT (P)
PN - US5191573 19930302 (Utility)
PF - not available
DF - not available
CT - not available
DN - not available
ACT - A complaint was filed.
OPN - US5675734

Search statement 2

?

 Reexamination 	Control No. 90/007,407 ²	Applicant(s)
	Certificate Date	Certificate Number

Requester	Correspondence Address:	<input type="checkbox"/> Patent Owner	<input checked="" type="checkbox"/> Third Party
<p>Albert S. Penilla MARTINE PENILLA & GENCARELLA LLP 710 Lakeway Drive, Suite 200 Sunnyvale, CA 94085</p>			

LITIGATION REVIEW <input type="checkbox"/>	BL (examiner initials)	3/16/05 (date)
Case Name		Director Initials
SightSound Technologies, Inc. v. Floxio 10/8/04 D.C. W.D. Pennsylvania (Ritz) Doc. No. 04-CV-1544		

COPENDING OFFICE PROCEEDINGS	
TYPE OF PROCEEDING	NUMBER
1. Reexam	90/007,402
2. Reexam	90/007,403
3. Pending Pending Applicant	09/286,892
4.	



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/007,402	01/31/2005	5191573	NAPS001	2998

7590 03/18/2005
Ansel M. Schwartz
425 N. Craig Street Suite 301
Pittsburgh, PA 15213

EXAMINER

Lawler, Benjamin

ART UNIT PAPER NUMBER

2132

DATE MAILED: 03/18/2005

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



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
90/007,402	01/31/2005	5191573	NAPSP001

Albert S. Penilla
MARTINE PENILLA & GENCARELLA LLP
710 Lakeway Drive, Suite 200
Sunnyvale, CA 94085

EXAMINER

Lanier, Benjamin

ART UNIT	PAPER
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2132

DATE MAILED: 03/18/05

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

Commissioner of Patents and Trademarks

CC: Ansel M. Schwartz
201 N. Craig Street, Suite 304
Pittsburgh, PA 15213



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Los Angeles, CA 90069

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/007,402.

PATENT NO. 5191573.

ART UNIT 2132.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Order Granting / Denying Request For Ex Parte Reexamination	Control No. 90/007,402	Patent Under Reexamination 5191573	
	Examiner Benjamin E Lanier	Art Unit 2132	

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

The request for *ex parte* reexamination filed 31 January 2005 has been considered and a determination has been made. An identification of the claims, the references relied upon, and the rationale supporting the determination are attached.

Attachments: a) PTO-892, b) PTO-1449, c) Other: _____

1. The request for *ex parte* reexamination is GRANTED.

RESPONSE TIMES ARE SET AS FOLLOWS:

For Patent Owner's Statement (Optional): TWO MONTHS from the mailing date of this communication (37 CFR 1.530 (b)). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

For Requester's Reply (optional): TWO MONTHS from the **date of service** of any timely filed Patent Owner's Statement (37 CFR 1.535). **NO EXTENSION OF THIS TIME PERIOD IS PERMITTED.** If Patent Owner does not file a timely statement under 37 CFR 1.530(b), then no reply by requester is permitted.

2. The request for *ex parte* reexamination is DENIED.

This decision is not appealable (35 U.S.C. 303(c)). Requester may seek review by petition to the Commissioner under 37 CFR 1.181 within ONE MONTH from the mailing date of this communication (37 CFR 1.515(c)). **EXTENSION OF TIME TO FILE SUCH A PETITION UNDER 37 CFR 1.181 ARE AVAILABLE ONLY BY PETITION TO SUSPEND OR WAIVE THE REGULATIONS UNDER 37 CFR 1.183.**

In due course, a refund under 37 CFR 1.26 (c) will be made to requester:

- a) by Treasury check or,
- b) by credit to Deposit Account No. _____, or
- c) by credit to a credit card account, unless otherwise notified (35 U.S.C. 303(c)).

cc:Requester (if third party requester)

DETAILED ACTION

Reexamination

1. The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 5,191,573 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.
2. A substantial new question of patentability affecting claims 1-6 of United States Patent Number 5,191,573 ("the '573 patent") is raised by the request for *ex parte* reexamination.
3. The prior art cited by the third party, specifically Gallagher (GB 2,178,275 A), Gremillet (U.S. Patent No. 4,499,568), and Freeny (U.S. Patent No. 4,528,643), were not previously cited or considered by the Examiner during the prosecution of the '573 patent or its parent application. Gallagher teaches a method, system and apparatus for transferring recorded digital audio and video data between a source unit, a database housed by a record company and end user units. Gremillet discloses a process and system for vending digital audio and video information over telecommunication lines between a first memory of a first party and second memory of a second party. Freeny discloses a method of transmitting digital audio information stored on a first memory of a first party to a second memory of a second party. A reasonable examiner would consider the Gallagher and Gremillet references important in deciding whether or not the claims are patentable.

Art Unit: 2132

4. Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that *ex parte* reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extensions of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

5. In order to ensure full consideration of any amendments, affidavits or declarations, or other documents as evidence of patentability, such documents must be submitted in response to this Office action. Submissions after the next Office action, which is intended to be a final action, will be governed by the requirements of 37 CFR 1.116, which will be strictly enforced.

6. The request for *Ex Parte* Reexamination of U.S. Patent No. 5,191,573 is **GRANTED**.

7. All claims 1-6 will be examined in this reexamination proceeding.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E Lanier whose telephone number is 571-272-3805. The examiner can normally be reached on M-Th 7:30am-5:00pm, F 7:30am-4pm.

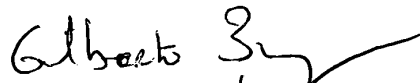
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2132

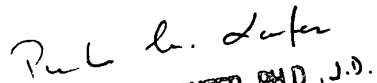
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Benjamin E. Lanier



GILBERTO BARRÓN JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100



PRICHARD M. LAIFER, PH.D., J.D.
SPECIAL PROGRAM EXAMINER
TECHNOLOGY CENTER 2100



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/007,402	01/31/2005	5191573	NAPS001	2998
	7590	06/21/2005	EXAMINER	
Ansel M. Schwartz 425 N. Craig Street Suite 301 Pittsburgh, PA 15213			ART UNIT	PAPER NUMBER

DATE MAILED: 06/21/2005

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



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Albert S. Penilla
MARTINE PENILLA & GENCARELLA, LLP
710 Lakeway Drive, Suite 200
Sunnyvale, CA 94085

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/007,402.

PATENT NO. 5191573.

ART UNIT 2132.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Office Action in Ex Parte Reexamination	Control No. 90/007,402	Patent Under Reexamination 5191573	
	Examiner Benjamin E. Lanier	Art Unit 2132	

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

- a Responsive to the communication(s) filed on _____. b This action is made FINAL.
c A statement under 37 CFR 1.530 has not been received from the patent owner.

A shortened statutory period for response to this action is set to expire 2 month(s) from the mailing date of this letter. Failure to respond within the period for response will result in termination of the proceeding and issuance of an *ex parte* reexamination certificate in accordance with this action. 37 CFR 1.550(d). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).** If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 3. <input type="checkbox"/> Interview Summary, PTO-474. |
| 2. <input checked="" type="checkbox"/> Information Disclosure Statement, PTO-1449. | 4. <input type="checkbox"/> _____. |

Part II SUMMARY OF ACTION

- 1a. Claims 1-6 are subject to reexamination.
- 1b. Claims _____ are not subject to reexamination.
2. Claims _____ have been canceled in the present reexamination proceeding.
3. Claims _____ are patentable and/or confirmed.
4. Claims 1-6 are rejected.
5. Claims _____ are objected to.
6. The drawings, filed on _____ are acceptable.
7. The proposed drawing correction, filed on _____ has been (7a) approved (7b) disapproved.
8. Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some* c) None of the certified copies have
1 been received.
2 not been received.
3 been filed in Application No. _____.
4 been filed in reexamination Control No. _____.
5 been received by the International Bureau in PCT application No. _____.
* See the attached detailed Office action for a list of the certified copies not received.
9. Since the proceeding appears to be in condition for issuance of an *ex parte* reexamination certificate 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.
10. Other: _____

cc: Requester (if third party requester)

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallagher GB 2,178,275 A, in view of Freeny, U.S. Patent No. 4,528,643. Referring to claims 1, 3, 4, 6, Gallagher discloses a recorded data transfer system is provided for use in the entertainment industry where digital data is transferred between a source unit that stores the digital data in a database and individual user units (Abstract) that contain a means for storage the digital data and a transmitter/receiver interface for conducting the transfer (Page 1, lines 19-22), which meets the limitation of connecting electronically via a telecommunications line the first memory with the second memory such that the desired digital audio signal can pass there between, transmitting the desired digital audio signal from the first memory with a transmitter in control and possession of the first party to a receiver having the second memory at a location determined by the second

Art Unit: 2132

party, said receiver in possession and control of the second party. Once the source unit receives the digital data from the recording artists, the source unit stores the digital data and makes it available for sale to the general public via their user units (Page 1, lines 44-50). The user units contain a means for storing/recalling data received from the database (Page 1, lines 19-22), which meets the limitation of storing the digital signal in the second memory. Once the user receives and stores the digital data, the user can recall the digital data (Page 1, line 21) and playback the digital data on the user unit by way of a playback apparatus (Abstract). Gallagher does not go into specific detail about how this electronic sale of the digital data is made to the general public via their user units. Freeny discloses a method of electronically distributing and selling audio and video data by way of having the requesting user transmit a consumer credit card number along with their request for the audio and video data (Col. 13, lines 25-29). This step allows the owner of the data to approve the sale and charge the sale to the consumer credit card number (Col. 13, lines 30-31), which meets the limitation of transferring money electronically via a telecommunication line to the first party at a location remote from the second memory and controlling use of the first memory from the second party financially distinct from the first party, said second party controlling use and in possession of the second memory, the transferring step includes the step of telephoning the first party controlling use of the first memory by the second party, providing a credit card number of the second party controlling the second memory to the first party controlling the first memory so the second party is charged money. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the requesting user's of Gallagher transmit a consumer credit card number along with their request for the digital data so that the source unit could approve and charge the

sale of the digital data to the consumer credit card because this method of electronic sale allows the owner of the information to receive directly the compensation for sale of a recording and such compensation is received before the reproduction is authorized as taught in Freeny (Col. 13, lines 36-39).

Referring to claims 2, 5, Gallagher discloses that the users can log into the data base and make their selection of the desired audio or video data to be purchased (Page 1, lines 102-104), which meets the limitation of after the transferring step, the steps of searching the first memory for the desired digital audio signal, and selecting the desired digital audio signal from the first memory.

Conclusion


4. A shortened statutory period for response is set for **two month** from the mailing date of this Office Action.


In order to ensure full consideration of any amendments, affidavits or declarations, or other documents as evidence of patentability, such documents must be submitted in response to this Office action. Submissions after the next Office action, which is intended to be a final action, will be governed by the requirements of 37 DFR 1.116, which will be strictly enforced. The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a), to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 5,966,440 throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E. Lanier whose telephone number is 571-272-3805. The examiner can normally be reached on M-Th 7:30am-5:00pm, F 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Benjamin E. Lanier


GILBERTO BARRÓN JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Reexam 90/007, 402

Form 1449 (Modified) Information Disclosure Statement By Applicant (Use Several Sheets if Necessary)	Atty Docket No: NAPSP001 Applicant: Arthur R. Hair Issue Date: March 2, 1993	U.S. Patent No. 5,191,573 Group: 2132
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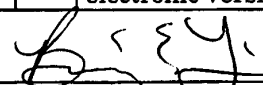
U.S. Patent Documents

Examiner Initial	No.	Patent No.	Date	Patentee	Class	Sub-class
HA	A	4,499,568	2/1985	Gremillet	X	X
HA	B	4,528,643	7/1985	Freeny, Jr.		
HA	C	4,658,093	4/1987	Hellman		
	D					
	E					
	F					
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	I					
	J					
	K					

Foreign Patent or Published Foreign Patent Application

Examiner Initial	No.	Document No.	Publication Date	Country or Patent Office	Class	Sub-class	Translation	
							Yes	No
HA	L	GB 2 178 275 A	2/1987	United Kingdom	X	X		
HA	M	62-284496	12/1987	Japan				X
	N							
	O							
	P							

Other Documents

Examiner Initial	No.	Author, Title, Date, Place (e.g. Journal) of Publication
HA	Q	Jordan, Larry E. and Churchill, Bruce, <i>Communications and Networking for the IBM PC</i> , Robert J. Brady Co., Bowie, MD (1983).
HA	R	W. Rosch, "ComNet for the PC," <i>PC Magazine</i> , August 1983, pp. 225-228.
HA	S	E. Ferrarini, "Direct Connections for Software Selections," <i>Business Computer Systems</i> , February 1984, pp. 35+ (4 pages total).
HA	T	P. Elmer-DeWitt, "Calling up an on-line cornucopia; computer networks are supermarkets of services and information," <i>Time</i> , April 7, 1986 (two-page electronic version obtained at http://www.highbeam.com).
Examiner		
Date Considered	6/13/05	

Examiner: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Index of Claims



Application/Control No.

90/007,402

Examiner

Benjamin E. Lanier

Applicant(s)/Patent under Reexamination

5191573

Art Unit

2132

✓	Rejected
=	Allowed

-	(Through numeral) Cancelled
+	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

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Bib Data Sheet

CONFIRMATION NO. 2998

SERIAL NUMBER	FILING OR 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
90/007,402	01/31/2005	369	2655	NAPS001
APPLICANTS 5191573, Residence Not Provided; Sightsound.com Incorporated(Owner), Mt. Lebanon, PA; Napster, Inc.(3rd Pty. Req.), Los Angeles, CA; Albert S. Penilla, Sunnyvale, CA				
** CONTINUING DATA ***** This application is a REX of 07/586,391 09/18/1990 PAT 5,191,573 <i>BC</i> which is a CON of 07/206,497 06/13/1988 ABN				
** FOREIGN APPLICATIONS ***** <i>NONE BC</i>				
Foreign Priority claimed <input type="checkbox"/> yes <input checked="" type="checkbox"/> no 35 USC 119 (a-d) conditions met <input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> Met after	STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS 6	INDEPENDENT CLAIMS 2
Verified and Acknowledged <i>Allowance</i> Examiner's Signature <i>[Signature]</i> Initials <i>BC</i>				
ADDRESS Ansel M. Schwartz 425 N. Craig Street Suite 301 Pittsburgh, PA 15213				
TITLE METHOD FOR TRANSMITTING A DESIRED DIGITAL VIDEO OR AUDIO SIGNAL				
FILING FEE RECEIVED 2520	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit	



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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/007,402	01/31/2005	5191573	NAPS001	2998

7590 07/13/2005
Ansel M. Schwartz
425 N. Craig Street Suite 301
Pittsburgh, PA 15213

EXAMINER

Gilberton Barron, Jr.

ART UNIT PAPER NUMBER

2132

DATE MAILED: 07/13/2005

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



DO NOT USE IN PALM PRINTER

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

Albert S. Penilla
MARTINE PENILLA & GENCARELLA, LLP
710 Lakeway Drive, Suite 200
Sunnyvale, CA 94085

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/007,402.

PATENT NO. 5191573.

ART UNIT 2132.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Ex Parte Reexamination Interview Summary	Control No.	Patent Under Reexamination	
	90/007,402	5191573	
	Examiner	Art Unit	
	Gilberto Barron Jr.	2132	

All participants (USPTO personnel, patent owner, patent owner's representative):

- (1) Gilberto Barron Jr. (3) Ansel Schwartz
(2) Benjamin E. Lanier (4) Arthur Hair

Date of Interview: 13 July 2005

Type: a) Telephonic b) Video Conference
c) Personal (copy given to: 1) patent owner 2) patent owner's representative)

Exhibit shown or demonstration conducted: d) Yes e) No.
If Yes, brief description: _____

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.
Any other agreement(s) are set forth below under "Description of the general nature of what was agreed to..."

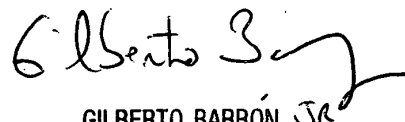
Claim(s) discussed: none in particular.

Identification of prior art discussed: Gallagher, Freeny.

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:
Mr. Schwartz discussed inherency issues in Gallagher, and prior court decisions with respect to the Freeny reference.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims patentable, if available, must be attached. Also, where no copy of the amendments that would render the claims patentable is available, a summary thereof must be attached.)

A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION MUST INCLUDE PATENT OWNER'S STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. (See MPEP § 2281). IF A RESPONSE TO THE LAST OFFICE ACTION HAS ALREADY BEEN FILED, THEN PATENT OWNER IS GIVEN **ONE MONTH** FROM THIS INTERVIEW DATE TO PROVIDE THE MANDATORY STATEMENT OF THE SUBSTANCE OF THE INTERVIEW (37 CFR 1.560(b)). THE REQUIREMENT FOR PATENT OWNER'S STATEMENT CAN NOT BE WAIVED. **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**


GILBERTO BARRÓN JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

cc: Requester (if third party requester)

Examiner's signature, if required



08/19/05

Practitioner's Docket No. HAIR-1 CONT

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent No. 5,191,573

In re application of: Arthur R. Hair
Reexamination Control No.: 90/007,402
Reexamination Filed: 01/31/2005
For: TRANSMISSION SYSTEM

Group No.: 2132
Examiner: Benjamin E. Lanier

Mail Stop *Ex Parte* Reexamination
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

- 1. Transmitted herewith is an amendment for this application.

STATUS

- 2. Applicant is a small entity. A statement was already filed.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is *mandatory*;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

X deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

with sufficient postage as first class mail. 37 C.F.R. § 1.8(a)

X as "Express Mail Post Office to Addressee" 37 C.F.R. § 1.10*
Mailing Label No. EL700964471US (mandatory)

TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, (703) _____

09/06/2005 MSALDANA 00000011 90007402

Signature Tracey L. Klaas 100.00 OP

Date: 8/18/05

Tracey L. Klaas
(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

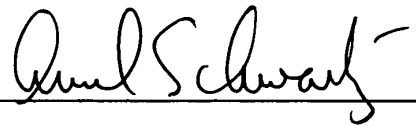
	(Col. 1)	(Col. 2)	(Col. 3)			SMALL ENTITY		
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA			RATE		ADDIT. FEE
TOTAL	6	- 20	= 0	x	\$	25.00	=	\$ 0.00
INDEP.	2	- 3	= 0	x	\$	100.00	=	\$ 0.00
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				+	\$	0.00	=	\$ 0.00
						TOTAL ADDIT. FEE		\$ 0.00

No additional fee for claims is required.

FEE DEFICIENCY

5. If an additional extension and/or fee is required, charge Account No. 19-0737.

If an additional fee for claims is required, charge Account No. 19-0737.



Ansel M. Schwartz
 Registration No. 30,587
 Attorney at Law
 201 N. Craig Street
 Suite 304
 Pittsburgh, PA 15213
 412-621-9222



08/19/05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
ARTHUR R. HAIR)	
)	
Reexamination Control No. 90/007,402)	
)	
Reexamination Filed: January 31, 2005)	TRANSMISSION SYSTEM
)	
Patent Number: 5,191,573)	
)	
Examiner: Benjamin E. Lanier)	

Pittsburgh, Pennsylvania 15213

August 18, 2005

Mail Stop *Ex Parte* Reexamination
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

In response to the Office Action for the above-identified reexamination dated
June 21, 2005, please enter the following remarks.

Claims

Claim 1 (original): A method for transmitting a desired digital audio signal stored on a first memory of a first party to a second memory of a second party comprising the steps of:

transferring money electronically via a telecommunications line to the first party at a location remote from the second memory and controlling use of the first memory from the second party financially distinct from the first party, said second party controlling use and in possession of the second memory;

connecting electronically via a telecommunications line the first memory with the second memory such that the desired digital audio signal can pass therebetween;

transmitting the desired digital audio signal from the first memory with a transmitter in control and possession of the first party to a receiver having the second memory at a location determined by the second party, said receiver in possession and control of the second party; and

storing the digital signal in the second memory.

Claim 2 (original): A method as described in Claim 1 including after the transferring step, the steps of searching the first memory for the desired digital audio signal; and selecting the desired digital audio signal from the first memory.

Claim 3 (original): A method as described in Claim 2 wherein the transferring step includes the steps of telephoning the first party controlling use of the first memory by the second party; providing a credit card number of the second party controlling the second memory to the first party controlling the first memory so the second party is charged money.

Claim 4 (original): A method for transmitting a desired digital video signal stored on a first memory of a first party to a second memory of a second party comprising the steps of:

transferring money electronically via a telecommunications line to the first party location remote from the second memory and controlling use of the first memory, from a second party financially distinct from the first party, said second party in control and in possession of the second memory;

connecting electronically via a telecommunications line the first memory with the second memory such that the desired digital video signal can pass therebetween;

transmitting the desired digital video signal from the first memory with a transmitter in control and possession of the first party to a receiver having the second memory at a location determined by the second party, said receiver in possession and control of the second party; and

storing the digital signal in the second memory.

Claim 5 (original): A method as described in Claim 4 including after the transferring money step, the step of searching the first memory for the desired digital signal and selecting the desired digital signal from the first memory.

Claim 6 (original): A method as described in Claim 5 wherein the transferring step includes the steps of telephoning the first party controlling use of the first memory by the second party controlling the second memory; providing a credit card number of the second party controlling the second memory to the first party controlling the first memory so the second party controlling the second memory is charged money.

REMARKS

Claims 1-6 are currently active.

The Examiner has rejected Claims 1-6 as being unpatentable over Gallagher in view of Freeny. Patentee respectfully traverses this rejection. The teachings of Freeny cannot be combined with the teachings of Gallagher to arrive at Patentee's claimed invention.

In *SightSound v. N2K*, the District Court in its Order on page 53, discussed the decision by the Federal Circuit of the *Interactive Gift Express Inc. v. CompuServe, Inc.*, 256 F.3D 1323, 1334 (Fed. Cir. 2001). The District Court stated that the court in *Interactive Gift Express* affirmed the lower court's construction of the term "material object" in the Freeny patent to be (a) separate and distinct from the IMM, (b) removed from the IMM after purchase, and (c) intended for use away from the point-of-sale location. Id. at 1336. The Federal Circuit Court stated, "these three conditions . . . are fundamental to the meaning of a material object as clearly and consistently specified in the patent description." Id. at 1337. The Court explicitly noted that the (material object) is on which the information is recorded (does not encompass a hard disk component of a home personal computer) and the material object (must be offered for sale, and be purchasable, at [the] point-of-sale location []). Id. at 1338. Since one using the Hair invention purchases only the signals, not the material object

on which they are stored, and since the Sightsound Patents specifically reference the consumers system as incorporating a hard disk, the Freeny patent, as construed by the Federal Circuit Court in Interactive Gift Express arguably teaches away from the Hair invention in at least two ways. (See, e.g., Claims 13 and 14 of the '440 patent as discussed in the Magistrate's Report at 65.)

In other words, the Court held that Freeny was teaching a vending machine, for instance, inside the user's living room where the user would have to pay for the tape to be dispensed. That is, Freeny teaches the first party is in possession and control of the second memory, not the second party, as found in Patentee's claimed invention.

Accordingly, there is a legal holding from the District Court in Sightsound, supra, that Freeny teaches away from Patentee's claimed invention.

As the Examiner is aware, teachings cannot be taken out the context in which they are found. For the Examiner to apply the teachings of Freeny in regard to the teachings of Gallagher would be to ignore the clear context of Freeny which is to teach away from Patentee's claimed invention.

This position regarding the inappropriateness by law of combining the teachings of Freeny and Gallagher is applied to all the pending claims. Accordingly, all the pending claims are patentable over the applied art of record.

Patentee also brings to the attention of the Examiner that the U.S. District Court for the Western District of Pennsylvania in its Order of Court Decision dated October 23, 2003, in *Sightsound.com, Inc. v. N2K*, on page 58, found that secondary considerations of copying, skepticism on the part of those skilled in the art as to the viability of such a system, long-felt but unsatisfied needs, and unsuccessful attempts by others to solve the problem underlying the claimed invention existed. Enclosed with this Amendment as Attachment A are the relevant pages provided to the court to establish the secondary considerations of patentability titled "Secondary Considerations of Patentability Evidence". In regard to any obviousness rejection, this finding of secondary considerations of patentability dictates the claims are patentable.

This evidence shows that there was a long-felt need for a simple system for electronically distributing digital audio. Despite the number of efforts displayed by the prior art presented by defendants, none of the prior art systems ever survived as a consumer-oriented mass-market distribution system for digital music distribution. See Tygar rebuttal report at page 80. The only solutions including all of the magic ingredients for a viable

system are the claims presented in the Hair patents. The Hair claimed invention offers the advantages of allowing consumers to use their home computers to purchase, download and play back the desired digital audio music using a single device. See Tygar rebuttal report at page 80. Furthermore, the major record labels and other major companies have formed a series of joint ventures introducing online services to electronically sell digital audio for download to customers over the Internet, such as MusicNet (owned by Bertelsmann, EMI, AOL Time Warner and RealNetworks), iTunes (owned by Apple Computer Company), and PressPlay, (owned by Vivendi Universal and Sony). The services are offering downloading of digital audio music for sale over the Internet to consumers who will use their home computers to purchase and play music. See Exhibit P of Attachment A (tab 1, showing PC software implementing copy protection; tabs 2-6, showing representative on line digital audio providers). Such recognition by the music industry of the advantages of electronic sales of digital audio is further secondary evidence of non-obviousness. Included with this Attachment A is also the Settlement Agreement between the parties in the Sightsound.com, Inc. v. N2K lawsuit, wherein \$3.3 million dollars was paid to Sightsound by N2K as part of the settlement, and the Final Order by the District Court in this lawsuit dated February 20, 2004, holding that the Hair patents are valid. The Settlement Agreement and the Final Order is additional secondary evidence of patentability.

It should be noted that the Requester did not inform the U.S. Patent and Trademark Office of the secondary evidence of the Settlement Agreement and the associated \$3.3 million payment, nor of the Final Order by the District Court holding the three Hair patents were valid. Furthermore, the District Court was aware, specifically considered and even discussed the Freeny reference and the Federal Court's decision that occurred after the issuance of the last of the three Hair patents (discussed above herein) that Freeny taught away from the Hair claimed invention. It is respectfully submitted that Requester should have specifically informed the U.S. Patent and Trademark Office of these very relevant facts, just as an applicant or Patentee has a duty of disclosure with the U.S. Patent and Trademark Office.

It should also be noted that it is common knowledge of the success of Apple Computer Company with its download business, iTunes, and the current lawsuit for patent infringement of Napster by the real party in interest of the subject patent. The pleadings of this lawsuit have recently been provided to the Examiner in an Information Disclosure Statement in U.S. patent application serial number 09/286,892. A printout of the web page of iTunes of Apple Computer showing over 500 million downloads is included with Attachment A, which further updates the information identified by the District Court in Sightsound, supra.

If there is any document that is mentioned by Patentee which would be easier for the Examiner to review by requesting Patentee for it rather than having to go through all the Information Disclosure Statements submitted, Patentee would be glad to provide it to the Examiner.

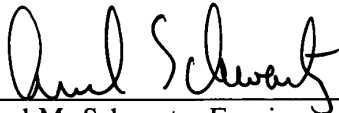
A copy of this entire response has also been mailed to the Requester.

An Information Disclosure Statement is enclosed. Copies of all non-U.S. patent references identified in the Information Disclosure Statement can be found in U.S. patent application serial number 09/286,892.

In view of the foregoing amendments and remarks, it is respectfully requested that the outstanding rejections and objections to this application be reconsidered and withdrawn, and Claims 1-6, now in this application be allowed.

Respectfully submitted,

ARTHUR R. HAIR

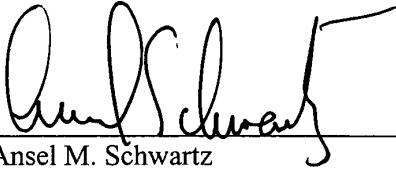
By 
Ansel M. Schwartz, Esquire
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One Sterling Plaza
201 N. Craig Street, Suite 304
Pittsburgh, PA 15213
(412) 621-9222

Attorney for Patentee

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Response was mailed via first class, United States Mail, postage prepaid, this 18th day of August, 2005, to the following:

Mr. Albert S. Penilla
Martine, Penilla & Gencarella, LLP
710 Lakeway Drive, Suite 200
Sunnyvale, CA 94085

By: 
Ansel M. Schwartz
Attorney for Patentee

SIGHTSOUND.COM v N2K
11052/1

Index of Prior Art

Examiner's Initials	TAB NO.	PATENT NO.	INVENTOR	ISSUING DATE	DESCRIPTION
	1	5,428,606	Muskowitz	June 30, 1993	Invention relating to an info. network and to a digital info exchange system
	2	5,132,992	Yurt et al.	January 7, 1991	Audio/video transmission and receiving system
	3	5,130,792	Tindell et al.	February 1, 1990	Store and forward video system
	4	5,191,573	Hair	September 18, 1990	Method for transmitting a digital audio/video signal
	5	5,675,734	Hair	February 27, 1996	System for transmitting digital video/audio signals
	6	5,966,440	Hair	June 6, 1995	System and method for transmitting desired digital video/audio signals
	7	4,999,806	Chernow et al.	September 4, 1987	Software distribution system
	8	Re: 35,184	Walker	October 17, 1986	Remote transaction

Examiner's Initials	TAB NO.	PATENT NO.	INVENTOR	FILING DATE	DESCRIPTION
				system	
	9	3,244,809	Fuller et al.	February 26, 1962 Signal distribution systems	
	10	3,696,297	Otero	September 1, 1970 Broadcast communications system including a plurality of subscriber stations for selection receiving and replacing	
	11	3,718,906	Lightner	June 1, 1971 Vending system for remotely accessible store information	
	12	3,824,597	Berg	November 9, 1970 Data transmission network	
	13	3,947,882	Lightner	November 29, 1972	Vending system for remotely accessible stored information
	14	3,990,710	Hughes	March 1, 1971	Coin-operated recording machine
	15	4,028,733	Ulicki	July 7, 1973	Pictorial info retrieval system

Examiner's Initials	TAB NO.	PATENT NO.	INVENTOR	FILING DATE	DESCRIPTION
	16	4,045,776	Wheelwright et al.	April 19, 1976	Electronic phonograph selector and memory system
	17	4,108,365	Hughes	January 15, 1976	Coin-operated recording machine
	18	4,124,773	Elkins	November 26, 1976	Audio storage and distribution system
	19	4,300,040	Gould et al.	November 13, 1979	Ordering terminal
	20	4,335,809	Wain	January 29, 1980	Entertainment machines
	21	4,370,649	Fuerle	May 19, 1981	Payment responsive data network display
	22	4,422,093	Pargee	January 27, 1983	Television burst service
	23	4,499,568	Gremiller	December 13, 1982	Process for tele-distribution of recorded info and system for it
	24	4,506,387	Walter	May 25, 1983	Process for tele-distribution of recorded info and system for it
	25	4,520,404	Von Kohorn	August 23, 1982	System apparatus and method for recordings and editing broadcast transmissions
	26	4,521,806	Abraham	August 19, 1982	Recording program communication system
	27	4,521,857	Reynolds, III	May 17, 1982	Aviation weather information dissemination system
	28	4,586,430	Freeny	January 19, 1985	System for reproducing info in material objects eta paint

Examiner's Initials	TAB NO.	PATENT NO.	INVENTOR	FILING DATE	DESCRIPTION
	29	4,533,948	McNamara et al.	April 30, 1982	CATV Communications system of sale location
	30	4,536,856	Hirosishi	September 20, 1980	Method of and apparatus for controlling the display of video signal information
	31	4,538,176	Nakjimo et al	November 26, 1979	Buffer memory dispersion type video/audio transmission system
	32	4,567,359	Lockwood	May 24, 1984	Automatic info goods and services dispensing
	33	4,567,512	Abraham	September 28, 1983	Recorded program communication system
	34	4,605,973	Von Kohorn	March 25, 1985	System apparatus and method for recordings and editing broadcast transmission
	35	4,647,989	Geddes	March 18, 1983	Videocassette selection machine
	36	4,648,037	Valentino	March 15, 1984	Method and apparatus for benefit and financial communication
	37	4,658,093	Hellman	July 11, 1983	Software distribution system
	38	4,667,802	Verduin et al.	October 1, 1984	Video jukebox
	39	4,672,613	Foxworthy et al.	November 1, 1985	System for transferring digital data bet. A hot device and a recording medium
	40	4,674,055	Ogaki	May 29, 1984	Software vending system

Examiner's Initials	TAB NO.	PATENT NO.	INVENTOR	FILING DATE	DESCRIPTION
	41	4,688,105	Bloch et al	May 10, 1985	Video recording system
	42	4,703,465	Parker	December 14, 1985	Method and apparatus for producing and audio magnetic tape recording from a preselected music library
	43	4,725,977	Izumi et al	February 28, 1986	Cartridge programming system and method with a central and local program library
	44	4,739,510	Jetters et al	April 2, 1982	Direct broadcast satellite signal transmission system
	45	4,754,483	Weaver	August 25, 1987	Data compression system and method for audio signals
	46	4,755,872	Bestler et al.	July 29, 1985	Impulse pay per view system and method
	47	4,759,060	Hayashi et al.	October 31, 1985	Decoder for a pay t.v. system
	48	4,761,684	Clark et al.	November 14, 1986	Telephone access display system
	49	4,763,317	Lehman et al	December 13, 1985	Digital communications network architecture for providing universal info services
	50	4,766,581	Lorn et al.	August 7, 1984	Info retrieval system an method using independent user stations
	51	4,787,050	Suzuki	November 12, 1986	Apparatus For Managing Software Bending Machine
	52	4,789,863	Bush	January 13, 1988	Pay per view entertainment system

Examiner's Initials	TAB NO.	PATENT NO.	INVENTOR	FILING DATE	DESCRIPTION
	53	4,792,849	McCalley et al.	August 4, 1987	Digital interactive communication system
	54	4,797,918	Lee et al.	April 15, 1987	Subscription controller t.v. programming
	55	4,829,372	McCalley et al.	August 20, 1987	Presentation player
	56	4,894,789	Yee	February 22, 1988	TV Data capture device
	57	4,918,588	Barrett et al.	December 31, 1986	Office automation system w/ integrated image management
	58	4,949,187	Cohen	December 16, 1988	Video communication system having a remotely controlled control sources of video/audio data
	59	5,003,384	Durdan et al	April 1, 1988	Set top interface transactions in an impulse pay per view t.v. system
	60	5,019,900	Clark et al.	August 1, 1988	Telephone access display system
	61	5,041,921	Schettler	December 17, 1987	System for recording custom albums from a library of pre-recorded items
	62	5,089,885	Clark	August 1, 1988	Telephone Access Display System With Remote Monitoring
	63	5,099,422	Foresman et al.	March 17, 1989	Compiling system method of producing individually customized recording media
	64	5,191,410	McCalley et al.	February 5, 1991	Interactive multimedia presentation and communication system

Examiner's Initials	TABS	TITLE	AUTHOR	SOURCE
	65	From the news desk	D. Needle	Info World, May 11, 1984
	66	Computer system organization: Problems of the 1980's	H. Apfelbaum, et al.	Computer Sept. 1978, Vol. II, No. 9
	67	System for capturing, storing and playing back large data bases at home	D.C. Gazis S.S. Soo	IBM Technical Disclosure Bulletin, Vol. 23, No. 2, p. 856, July 1980
	68	Jimmy Bowen: Music Row's Prophet of change	L. Chappell	Advantage, Vol.9, No. 10, p.38, October 1986
	69	Rock Around the Database	L. Dotto	Information Technal., Vol. 57, No. 9, pp. 128-135, September 1984
	70	Home (computer) terminal musical program selection	P.L. Rosenfeld	IBM Technical Disclosure Bulletin, Vol. 23, NO. 78, p 3440
	71	A Harmonious Musical Interface	S. Cunningham	Network World, Inc., September 8, 1986
	72	Electronic Orchestra in your livingroom	S. Mace	InfoWorld, March 25, 1985, p. 29
Examiner's Initials	TABS	TITLE	AUTHOR	SOURCE
	74	Cable Scan	No Author	, October 1983
	75	A review of digital audio techniques	M. Willcocks	Journal of the Audio Engineering Society, Vol. 26, No. 12, pp. 56, 58, 60, 62, 64, Jan-Feb 1978

76	Digital Music Will Launch the Home Music Store	G. Gulick	Satellite News, 81-11-09, pp. 7
77	Telecommunications in the coming decades	S.B. Weinstein	IEE Spectrum, Nov 19??, p. 62
78	Electronic Banking Goes to Market	T.S. Perry	IEE Spectrum, Feb 19??, p. 46
79	Gordon Bell calls for a U.S. Research Network	G. Gordon Bell	IEEE Spectrum p. 54
80	As Patents Multiply, Web Sites Find Lawsuits Are a Click Away	S. Hansell	New York Times, Dec. 11, 1999, A1
81	The Tony Basile Home Page	The PAN NETWORK	The PAN Network, Dec 12, 1999
82	Tele computing - Direct Connections for Software Selections	E. Ferrarini	Business computer systems, Feb. 1984
83	Young Arcadians Come Home	D.N.	Info. World, Vol. 5, Number 27
84	Two way Cable System Using Residential CATV Facilities	Semir Sirazi, et al	ICCE 84, June 7, 1984, LaSalle III - Digest of Technical Papers.
85	News	D. Caruso	InfoWorld, April 16, 1984
86	Pay Per View Entertainment System	PTO	US Patent and Trademark Office, Patent Bibliographic Database, 1/26/00

87	Software Distribution System	PTO	US Patent and Trademark Office, patent Bibliographic Database, 1/26/00
88	Dig-Music: An On Demand Digital Music Selection System utilizing CATV Facilities	Y. Want G.M. Campbell	IEEE Transactions on Consumer Electronics, Vol. CE-28, No. 3, August 1982, p. xviii
89	Transmission of Musical Info. in a teletext multiplexed broadcasting system	Y. Sugimori, et al.	IEEE International Conference on Consumer Electronics, 1985 - Digest of Technical Papers.
90	An Encrypted Digital Audio System for Conventional Cable System	K. Kitagawa, et al.	IEEE International Conference on Consumer Electronics, 1985 - Digest of Technical Papers
91	Telephone computers - a look at the one per Desk Telecomputer	D. Pountain	BYTE U.K., June 1985
92	Music Software for the Apple Macintosh	C. Yavelow	Computer Music Journal, Vol. 9, No. 3, Fall 1985
93	NAPLPS Videotex Frame Creation System with Automatic Encoding of Input Images	T. Fujimori	IEEE Transactions on Consumer Electronics, Vol. CE-31, No. 3, August 1985
94	Picture Transmission for Videotex	K. Ngan, et al.	IEEE Transactions on Consumer Electronics, Vol. CE-31, No. 3, August 1985
95	A System for	N. Kihara, et al.	IEEE Transactions on Consumer electronics, Vol. CE-

		Transmitting Electronic Photographs		28, No. 3, August 1982
96		A Low cost High Performance Picture Display for Photovideotex	G.P. Hudson C.P. Arbutnot	IEEE Transactions on Consumer Electronics, Vol. CE-32, August 1986
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	154	US Patent No. 4,359,223	Interactive video playback system	USPTO
	155	USPTO Certificate of Correction - Patent No. 4,528,643	System for Reproducing information in material objects at a point at sale location	USPTO
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	157	Free Music Downloads	CDNow	CDNow Web Site (CDN 000078-85)
	158	Gameline - the Incredible New Way to Play Video Games		Gameline brochure
	159	Downloading and Tele-delivery of Computer Software, Music and Video		International Resource Development, Inc. (DN 021217-021432)
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	170	Abstract -	No author listed	UPI - October 13, 1981
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	172	New Products Programmed for Consumers	No author listed	Computer Report
	173	Electronics show had variety of new home equipment	No author listed	Hi-Fi News and Record Reviews, 1985
	174	New Telerecording Method for Audio	No author listed	BM/E, October 1985
	175	Cable TV Moves To The Music	A.L. Yarrow	NY Times, July 4, 1982
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	177	Labels Gear Up For Home Music Store	No author listed	Billboard Magazine, April 6, 1991
	178	The Record Shop of the Future May Be In Your Parlour	Hans Fantei	NY Times, November 22, 1981
	179	The Latest Technology	R. Harrington	Washington Post, June 28, 1981
	180	Thaddaus Cahill and the	No author listed	http://nicemusic4.music.niu.edu

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181		Thaddeus Cahill's Dynamophone/Telharmonium (1897)	No author listed	http://www.obsolete.com
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194	AT&T Demo	No author listed	Pro Sound News, September 9, 1985
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197	Direct Broadcast's Potential For Delivering Data Service	E. Holmes	Data Communications, September 1984
198	Sonus Music Products	C. Roads	Computer Music Journal, Spring 1987
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	203	Oregon Corporate Records	Re: Synth-Bank	Oregon Secretary of State		
	204	Lexis Search Manual (Entire Manual)				
	205	Affidavit of Edgar Magnin and Exhibits			US Dist Ct for the Southern Dist. Of New York	
	206	Transcript: Max Conference			02/27/93	
	207	Exhibits To Compuserve's Brief On Claim Interpretation	Jones, Day, Reavis & Pogue		Filed in US Dist. Ct. For The Southern Dist. Of New York	
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	208	4,359,223	Baer et al.	November 1, 1979	Interactive Video Playback System	
	209	4,636,876	Schwartz	September 17, 1984	Audio Digital Recording and Playback System	
	210	4,755,889	Schwartz	August 12, 1986	Audio and Video Digital Recording and Playback System	
	211	4,559,570	Schwartz	May 14, 1984	Magnetic Storage System	
	212	4,758,908	James	September 12, 1986	Method and Apparatus For Substituting A Higher Quality Audio Soundtrack For A Lesser Quality Audio Soundtrack During Reproduction Of The Lesser Quality Audio Soundtrack And A Corresponding Visual Picture	

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	214	4,675,904	Silverman	August 11, 1983	Method For Detecting Suicidal Predisposition
	215	4,682,248	Schwartz	September 17, 1985	Audio and Video Digital Recording Playback System
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	217	AES Presentations		AES Preprints	
	218	Brochure; Overview articles, etc on PAN	PAN Network		
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	220	CompuSonics DSP-1000 World's First DARPS		CompuSonics Advertisement	
	221	We Mean Business	C.S. Kaplan	Con. Elec. Daily, May 10, 1984	
	222	Letter to Shareholders	D. Schwartz	CompuSound, Inc. January 6, 1984	
	223	Letter to Shareholders	D. Schwartz	CompuSound, Inc., April 6, 1984	
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	227	CompuSonics Fuses Computer, Audio Into "Worlds First" HDR	M. Golden	CES Trade News Daily, June 4, 1984
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	230	Floppy disc may be the next music Makers		Business Week, May 28, 1984
	231	CompuSonics: Another Digital Audio Std	N. Weinstock	MIX, August 1984
	232	The State of RCA		TV Digest, May 21, 1984
	233	CompuSonics DSP-1000....		CES Exhibition - D&E, 1984
	234	Optical -Disk based Digital Audio System	B. Robinson	Electronic Engineering Times, September 1, 1986
	235	Brochure - CompuSonics DSP-1000		CompuSonics Corp.
	236	Business Plan Overview		CompuSonics, Corp., June 14, 1984
	237	CompuSonics Corp. Corporate Profile		Audio Video International
	238	Toward Electronic Delivery of Music	J.P. Stauffer	CompuSonics Corp.
	239	Company sees Future in Digital	J. Hendon	Rocky MountainNews, July 22, 1984
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	243	Brochure		CompuSonics Corp.
	244	Hi-Fi Floppy	CADES	P.C. World, April 1985
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	246	Specs. And Implem. of computer Audio console for Digital Mixing and Recording	D. Schwartz	AES 76th Convention, NYC, June 20, 1984
	247	A High Speed Telecommunications Interface for Digital Audio Transmission and Reception	H. H. Sohn	CompuSonics Corp.
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	250	Memo: To Mr. Kapp; from D. Schwartz	D. Schwartz	CompuSonics Corp., April 26, 1990
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	252	Digital Mark. Corp. Video Real Estate System	JPS	CompuSonics Corporation
	253	Memo: to Holmbraker et al.	D. Schwartz	CompuSonics Corporation
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	259	Letter to E. Kraeutler, Esq. Re: CDNews/Liquid Audio	I. Gross	Wilson, Sonsini, Goodrich and Rosati - April 14, 2000
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	261	The Home Terminal		IRD, Inc., August 1978
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	263	Employee Non-Competition Agreement		CDNow, Inc.
	264	Letter to D. Berl, Esq.	K.J. Choi	Lucent Technologies
	265	Video Explosion on the way for buyers	M. Galligan	US News and World Report, June 18, 1984
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	273	Telesoftware - Value Added Teletext	J. Hedger	IEEE Transactions on Consumer Electronics; Feb 1980, Volume CE-26
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	275	The Future of Television as The Home Communications Terminal		International Resource Development Inc., August 1981 (CDN 23101 - 23109)
	276	Videogames & Electronic Toys	note	International Resource Development, INC May 1983 (CDN 023054)
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	280	VideoPrint (Contents)		June 22, 1983 (CDN 023139-23142)

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	281	CompSonics/Carts		September 9, 1985 (CDN 023143)
	282	Current Samples (Compusonics Digitizes Phone Lines)		September 1985 (CDN 023144)
	283	(BME) Station Automation (New Telerecording Method for Audio)		October 1985 (CDN 023145-23146)
	284	High-Tech do-Dads for the man of the house (Sound Investments)		(CDN 023147-23150)
	285	New Software (Delivery over the phone)		Telephone Software Connection INC. October, 1982 (CDN023151)
	286	Communications (No time to shop for software)	Jessica Paioff	August 20, 1984 (CDN023152)
	287	Warner Amex QUBE Cable Communications	Peggy Conger	(CDN 023153-023157)
	288	Warner Amex QUBE Cable Communications (Articles)		(CDN 023158)
	289	QUBE-ists (Where is everyone now?)		(CDN 023159-23160)
	290	THE SHYVERS MULTIPHONE		(CDN023161-23162)
	291	Dead medium: Telephonic Jukeboxes: The Shyvers Multiphone (MULTIPHONE)		(CDN 023163-23166)

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	292	Jukebox History 1934-1951		(CDN 023167-23173)
	293	New Music Box (Keyboard and Tactile Interfaces)		October 1999 (CDN 023174-23180)
	294	Britannica.com (telharmonium)		(CDN 023181)
	295	Book Review (Magic Music from the Telharmonium)	Paul Hertz	The Scarecrow Press. Inc.,(CDN 023182)
	296	Thaddeus Cahill (Dynamophone/Telharmonium) 1897		(CDN 023183-23186)
	297	Thaddeus Cahill and the Telharmonium (electric instrument)		(CDN 023187-23189)
	298	Style (The Latest Technology)	Richard Harrington	June 28, 1981 (CDN 023190-23191)
	299	Financial		October 13, 1981 (Tuesday) (CDN 023192)
	300	Labels Gear Up For "Home Music Store"	Earl Paige Ken Terry Bill Holland	April 6, 1991 (CDN 023193-23194)
	301	ABSTRACT (Home Music Store)	Laura Landro	October 14, 1981 (Wednesday) (CDN 023195)
	302	Washington Business (Music From the Skies Promised By Firm Serving Cable Users)	Scott Chase	October 19, 1981 (Monday) (CDN 023196)
	303	Arts and Leisure Desk (Sounds: The Record	Hans Fantel	November 22, 1981 (Sunday) (CDN

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		Shop Of The Future May In Your Parlor)		023197-23199)
	304	MEDIA & ADVERTISING (What is stalling the record business)		November 30, 1981. (Industrial Edition) (CDN 023200-23202)
	305	Financial Desk (CABLE TV MOVES TO THE MUSIC	Andrew L. Yarrow	July 4, 1982 (L. City Final Edition) (CDN 023203-23204
	306	TSC WRITE-UPS		(CDN 023552)
	307	Telephone Software Connection, Inc. (The Hayes Micromodem II)		(CDN 023553-23554
	308	TSC Bibliography (CALL-APPLE)		(CDN 023556-23567)
	309	COMPUTERS (TELEPHONE SOFTWARE CONNECTION)		(CDN 023559)
	310	ARTICLE REFERENCES (NOW YOUR HOME)		POPULAR MECHANICS, March 1981. (CDN 023555-23568)
	311	Buyers Guide (BRANCH CENTERS)		(CDN 023569-23570)
	312	News Link (Software delivery now at 2400 baud)		December 1985. (CDN 023571)
	313	TELEPHONE SOFTWARE CONNECTION		(CDN 023572-23573)
	314	Software (Online Tip)		(CDN 023574)
	315	TELECOMMUNICATING (PC-TALK.III)		(CDN 023575)
	316	POLL(Adults believe children know more	Lawrence	October 16, 1985. (CDN 023576)

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		about computers)	Kilman	
	317	Electronic Mail (TELEPHONE SOFTWARE CONNECTION)		(CDN 023577)
	318	Data Communications (PROTECTING YOUR NETWORK DATA)	Elisabeth Horwitt	(CDN 023578)
	319	To Catch A Thief (Microcomputer)		July 1985. (CDN 023579-23583)
	320	Caller Response (Services) (Shopping for software at home, by phone)		(CDN 023584)
	321	ONLINE CONSULTING (PLANNING, PROGRAMMING & TRAINING)		(CDN 023585)
	322	Entry (Entry goes on line!)		(CDN 023586)
	323	UNIQUE (2000 New Articles Screened Each Day)		(CDN 023587)
	324	Entry (Entry Magazine)		(CDN 023588)
	325	Satin and lace, and a message base (A board is a board)	Dru Simon	(CDN 023589)
	326	REFLECTIONS (on the videotex industry)	Carole Houze Gerber	(CDN 023590)
	327	SOFTWARE ONLINE (HELP FOR DISABLED COMPUTER USERS)		(CDN 023591)
	328	Telescan Analyzer & Telescan Database		December 1984. (CDN 023592)

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	329	Reader Service (Phone secretary II)		December 1984. (CDN 023593-23595)
	330	Communications Software (Software Communications Inc.)		November 1984 (CDN 023596-023601)
	331	COMMUNICATIONS (No time to shop for software?)	Jessica Paioff	August 20, 1984 (023602)
	332	Link (Telephone Software)		May 1984. (CDN 023603-23621)
	333	Sample of Available Graphics Programs (Manufacturer)		October 1984 (CDN 023607)
	334	RAM Required		October 1984 (CDN 023608)
	335	TELECOMMUNICATING	Art Kleiner	Spring 1984 (CDN 023610-23611)
	336	WHOLE EARTH RECOMMENDED TELECOMMUNICATION TOOLS (TERMINAL PROGRAMS)		February 1984 (CDN 023612-23613)
	337	MITTE (Finding MITTE)		Spring 1984 (CDN 023614-23618)
	338	ELECTRONIC MAIL PROGRAMS (MCI Mail)		Spring 1984 (CDN 023619)
	339	COMPUTER CONFERENCING SYSTEMS (CompuServe Special Interest Groups (SIGs))		Spring 1984 (CDN 023620)
	340	UNCORRECTED PAGE PROOF (HOW RO GET FREE SOFTWARE)	Alfred Glossbrenner	(CDN 023622)
		The Treasure Trove (Comments; Diversi-		

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	341	DOS)		DSR, INC (CDN 023623-23630)
	342	In Search of the Consummate Time Manager (Effective Management)	Margaret P. Ezell	(CDN 023631-23632)
	343	Display (meet, report, sell, plan)		(CDN 023633)
	344	TURNING POINT (TIME IS MONEY)		(CDN 023634)
	345	LECTION		May 1984 (CDN 023635-23636)
	346	GETTING ON COMMUNI (PROVEDERS AND CONSUMERS)	Ed Magnin	Telephone Software Connection, Inc. March 1984 (CDN 023637-23638)
	347	Telecommunications (A Software Vending Machine)	Ed Magnin	Telephone Software Connection, Inc. March 1984 (CDN 023639)
	348	Telecommunications (Auto Modem)	Michael J. O'Neil	March 1984 (CDN023640)
	349	Micro Software Distribution (Now, Software Is Distributed By Wire	Ronald R. Cooke	November 1983 (CDN 023642)
	350	References : Offices and Numbers.		1984 (CDN 023643-23660)
	351	SOFTALK (SubLogic)		December 1983 (CDN 023661-23676)
	352	THE TRS CONNECTION		November 1983 9CDN 023677-023679)
	353	Display (THE ACCESS UNLIMITED MICRO SHOPPING CENTER)		November 1983 (CDN 023680)
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	355	Communications (Special Delivery Software)	Lisa B. Stahr	October 1983 (CDN 023683-23686)
	356	PLUMB (EMPLOYMENT WANT ADS GO ONLINE)		June 1983 (CDN 23688-23695)
	357	Apple's New Image		(CDN 023696)
	358	Tech (Lisa And Software Writers- No Love At First Byte?)	Jessica Schwartz	(CDN 023697-23698)
	359	Display (DATAMOST)		(CDN 023699)
	360	Cider (What's New This Month)		June 1983 (CDN 023700-23701)
	361	Display (2ND Generation Spreadsheet)		(CDN 023702)
	362	Telecommunications (Telecommunications Adviser)	Ed Magnin	Telephone Software Connection Inc. June 1983 (CDN 023703-23704)
	363	Cider BOOK SHELF		June 1983 (CDN 023705-23706)
	364	Telecommunications (Telecommunications Adviser) "Acoustic"	Ed Magnin	Telephone Software Connection Inc. June 1983 (CDN 023707-23709)
	365	Downloader's Supermarket		June 1983 (CDN 023710)
	366	LETTERS (Krell Responds to review of LOGO)		(CDN 023711)
	367	Display (Apple Orchard) Peelings II responds.		November 2 1983 (CDN 023712-23713)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
	368	Display (NIBBLE IS TERRIFIC)		(CDN 023714)
	369	TECHNOLOGY (Electronic Software Delivery Threatens Mail And Store Sales)	William M. Bulkeley	April 11, 1983 (CDN 023716-23717) THE WALL STREET JOURNAL
	370	ET PHONES OFFICE (Electronic Transfer)		April 1983 (CDN 023718-23721) The Digest
	371	Western Union's Easylink Gets Direct Telex-To-PC Connection		March 21, 1983 (CDN 023722)Information System News
	372	The Book Of Software		1983 (CDN 02723-23725)
	373	SOFTALK CLASSIFIED ADVERTISING (THE PREDICTOR)		April 1983 (CDN023726-23729) SOFTALK
	374	Programs boogie with-o-tech (Sales styles and marking strategies: A hard look at software)	Joanne Cleaver	(CDN023730-23731) HOME COMPUTER
	375	MARKETING MOVES (Information services move modems)	Deborah de Peyster	March 7 1983 (CDN 023733) ISO WORLD
	376	Computer-Based Business Files (Available file transfer software)		March/April 1983 (CDN 023734-23735)
	377	CHAPTER II USING YOUR THUNDERCLOCK PLUS (APPLICATIONS SOFTWARE PACKAGES SUPPORTING THE THUNDERLOCK PLUS)		(CDN 023736)
	378	THUNDERCLOCK PLUS (USER'S		(CDN 023737)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
		GUIDE)		
	379	Pinball wizardry's gone electronic (the home computer)	Duane Sandul	(CDN 023738)
	380	Programmed to trim that waistline (the home computer)	Duane Sandul	February 5, 1983 (CDN 023739)
	381	High adventure (the home computer)	Duane Sandul	(CDN 023740)
	382	VARIATION ON A THEME		December 1982 (CDN 023742)
	383	PROGRAMMERS LIBRARY	Paul Leighton	December 1982 (CDN 023743-23744)
	384	THE ARCADE MACHINE (INTRODUCTION)	Chris Iochumson Doug Carlston	(CDN 023745)
	385	Telephone Transfer II (INTRODUCTION)	Leifton Paul Ed Magnin	November 1982 (CDN 023746)
	386	PRINTOGRAPHER (INTRODUCTION)	Stephen Billard	(CDN023747)
	387	CONNECTING YOUR COMPUTER TO A MODEM: WHERE TO START	Bill Chalgren	(CDN 023748-23756)
	388	L.I.S.A. (LASER SYSTEMS INTERACTIVE SYBOLIC ASSEMBLER) V. 1.5		(CDN 023757-23758)
	389	RECENT COMPUTER SCIENCE BOOKS MODIFYING YOUR MONITOR		(CDN 023759-23763)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
	390	PROGRAM	Leighton Paul	(CDN023764-23765)
	391	Modems: Hooking your Computer to the World	Stan Miastkowski George Stewart	December 1982 (CDN 023766-23772)
	392	BUSINESS (Telephone Software Connection)		December 1982 (CDN 023774-23787)
	393	Displays (COOSOL COMPUTER PRODUCTS)		December 1982 (CDN 023788)
	394	Displays: APPLE (Amper-Magic)		December 1982 (CDN 023789)
	395	TOMORROW'S APPLES TODAY (TELEPHONE TRANSFER II)		November 1982 (CDN 023790-23792)
	396	Display: (Music Maker ETC.)		(CDN 023793)
	397	A GUIDE TO COMMUNICATION SOFTWARE PACKAGES (Cutting line cost)		October 1982 CDN 023794-23807)
	398	DATA COMMUNICATION PROFESSIONALS:(ENGINEERING DEPARTMENT MANAGER-SOFTWARE		October 1982 (CDN 023808)
	399	MODEMS AND THE MICROMODEM II	Athol H. Cohen	(CDN 023809-23818
	400	SOFTWARE (Arcade Math)		September/October 1982 (CDN 023819-23821)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
	401	MARKETING (Makers Transform the Ways Computer Programs Are Sold)	Susan Chace	August 26, 1982 (CDN 023822)
	402	LETTER PERFECT DATA PERFECT EDIT 6502 (LETTER PERFECT)		(CDN023823-23826)
	403	PATCHING DOS THE EASY WAY	Leighton Paul	(CDN 023827)
	404	Display: TOGETHER, LOCKSMITH, THE INSPECTOR AND WATSON		(CDN 023828)
	405	ELECTRONIC MAIL SYSTEM ENHANCES DELPHI METHOD	Bernard S. Husbands	1982 (CDN 023829-23832)
	406	NEW PRODUCTS (Save Civilization in Your Spare Time)		May 1982 (CDN 023833-23843)
	407	JUST A CALL AWAY (Dial Up Software Service)		(CDN 023844)
	408	Display: RADIO & RECORDS		(CDN 023845)
	409	Display: SHE'S NO STRANGER NOW		(CDN 023846)
	410	Radio & Records: Letter to ED Magnin	Pam Bellamy	April 22, 1982 (CDN 023847)
	411	How to buy a personal computer (Here We Go Again)		(CDN 023849-23850)
	412	What's New? (Overlay Compiler)		March 1982 (CDN 023851-23852)
	413	Display: PURE POWER		February 1982 (CDN 023854)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
	414	NEW PRODUCTS: Not Just Another Chess Game (Championship chess)		February 1982 (CDN 023855)
	415	NEW ELECTRONIC MAIL SERVICE ON-LINE		(CDN 023856)
	416	Display: Arithmetic Teacher (Problems for Solving Fractions)		(CDN 023857)
	417	A Guide to Personal Computers (PERSONAL-COMPUTER HARDWARE)	Steve Ditlea	December 14, 1981 CDN 02386223870) NEW YORK
	418	A Line On Friendly Utilities	Theron Fuller	(CDN 023871-23874)
	419	Conferences Goes On-Line (Ethernnet Online)		(CDN 023875-23881)
	420	TERMINAL DATA	Jeffrey Mazur	September 1981 (CDN 023882-23885)
	421	DATALOOP: Smartmodem announced at NCC '81		July 2, 1981 (CDN 023886-23893)
	422	RESEARCH:	George Bond	July 7, 1981 (CDN 023894-23896)
	423	MARKET CHARTER		June 1981 (CDN 023897-23901)
	424	TELEPHONE SOFTWARE CONNECTION (Phone Log)		February 1981 (CDN 023902)
	425	Display: FASTER THAN A SPEEDING TYPIST		(CDN 023903)
	426	MARKETALK NEWS (Multi-Media		January 1981 (CDN 023904-23905)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
		Video)		
	427	DIAL-YO DIRECTORY (Talking Terminals)	Frank J. Derfler, Jr.	January 1981 (CDN 023906-23907)
	428	APPLE CART (Books)	Chuck Carpenter	(CDN 023908-23910)
	429	Display: SPACE WAR AND INVASION		(CDN 023911)
	430	MARKETTALK NEWS (Hardhat Software)		November 1980 (CDN 023912-23913)
	431	ADMIN.:HELLO CBS NEWS (Letter to Ed)		(CDN 023915-23916)
	432	Display: ADVANCED ELECTRONICS		(CDN 023918)
	433	NOVATION PREMIERES NEW EXHIBIT AT TWO LOS ANGELES SHOWS		(CDN 023919-23923)
	434	MICROPROCESSOR NEWSLETTER: Microprocessor Training Center		June 5, 1980 (CDN 023924-23932)
	435	THE TELEPHONE SOFTWARE EXPERIENCE A REVIEW (OF SORTS)	Val J. Golding	May 1980 (CDN 023933-23935)
	436	BIBLIOGRAPHY (hand notes)		(CDN 023917-23732)
	437	Display ;Our Records of Growth		May 1979 (CDN 023937)
	438	Display: PURCHASE AND RECEIVE SOFTWARE		(CDN 023953)
	439	Letter from License Department to		July 19, 1979 (CDN 023938)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
		Edgar&Marilyn Magnin		
	440	COPY OF BUSINESS LICENSE (BUSINESS LICENSE APPLICATION)	Edgar & Marilyn Magnin	(CDN 023939-23940)
	441	Letter from J. Walker Owens RE: NEW BUSINESS OPERATOR (WELCOME)	J. Walker Owens	August 9, 1979 (CDN 023941-23944)
	442	Software for the Apple II (DYNAMAZE ,ULTRA BLOCKADE) GAMES)		(CDN 023945-23946)
	443	Display : Telephone Software Connection (MANY THANKS FOR YOUR RECENT ORDER)		(CDN 023947)
	444	Price Log (ANSWERING MACHINES, WRITE-EDIT& SEND)		(CDN 023951-23952)
	445	Display : ADVERTISEMENT (DESK CALCULATOR II)		July 1980 (CDN 023950)
	446	Instructions: Computer with header		(CDN 023954)
	447	MICROSOFT CONSUMER PRODUCTS CONTINUING THE MICROSOFT TRADITION (ANNOUNCING MICROSOFT CONSUMER PRODUCTS)		(CDN 023955)
	448	THE APPLE ORCHARD (COMPUTERWORLD PRINTER INIT ROUTINE)		March/April 1980 (CDN 023956)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
	449	VOLUME TABLE OF CONTENTS (\$11,0)		July/August 1980 (CDN 023957-23959)
	450	SUP'R TERMINAL (SPECIFICATIONS)		(CDN 023960)
	451	CALL-APPLE (functions, remin.)		March/April 1980 (CDN 023961)
	452	CALL-APPLE (STOCK MARKET DATA RETRIEVAL ONE THE SOURCE)	Hersch Pilloff	March/April 1980 (CDN 023962)
	453	CBS NEWS CREW FROM WALTER CRONKITE	David Dow	September 9, 1980 (CDN 023963-23965)
	454	Telephone Software Connection (PHONE LOG)		(CDN 023966-23969)
	455	Advertising for quicker shopping over computer (GO-MOKU)		(CDN 023970-23971)
	456	Advertising for Pet and Apple II Users (PASCAL)		November/December 1980 (CDN 023973)
	457	Letter from Telephone software Connection (REGARDING THE ELECTRONIC COMMUNICATION SERVICE)		March (CDN 023977)
	458	Letter (OFFERING INTRODUCTION)		(CDN 023979-23983)
	459	Letter from Ed Magnin REF: TSC/TELEMAIL USER)	Ed Magnin	February 8, 1982 (CDN 023984)
	460	NOW YOUR HOME COMPUTER CAN CALL OTHER COMPUTERS ONE THE	Neil Shapiro	March 1981 (CDN 023985-23987)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
		TELEPHONE		
	461	Advertising (SHAPE BUILDER, TERMINAL PROGRAMS, DOUBLE DOS, MATH TUTOR)		March 1981 (CDN 023988-23990)
	462	SOFTALK (MICROMATE'S MICRONET-IT PLUGS IN THE GAME PORT)		May (CDN 023991)
	463	VOIDED BLANK CHECK #1513		May (CDN 023998)
	464	CORVUS CONTROLLING 3 APPLES (WE HAVE NEW PHONE NUMBERS)		May 18, 1981 (CDN 023999)
	465	PREDICTING THE FUTURE WITH ELECTRONIC MAIL (THE TELENET WAY)	Bernard S. Husbands	October 1981 (CDN 024000-24001)
	466	PROGRAM SHOPPING BY PHONE : SOFTWARE CO. DOWNLOADS PROGRAMS	Michael Swaine	October 19, 1981 (CDN 024002)
	467	TELEPHONE SOFTWARE CONNECTION, INC. (THE HAYES MICROMODEM II : I'VE NEVER BROUGHT A BETTER SLAVE		July 1981 (CDN 024003)
	468	ADVERTISING (SHAPE BUILDER)		CDN 024006-24008)
	469	ADVERTISING (TELEPHONE TRANSFER II)		(CDN 024009)
	<u>470??</u>			

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
	471	Display: THE FP REPORT		(CDN 024018) TELEPHONE SOFTWARE CONNECTION. INC.
	472	Display: ORDER VIA MODEM		(CDN 024019)
	473	PRICE LOG		June 2, 1982 (CDN 02492023422)
	474	PRICE LOG CONT.)		October 21, 1982 (CDN 024023)
	475	Display: TELEPHONE SOFTWARE CONNECTION (ADDRESS POSTAGE)		(CDN 024024-24025)
	476	TELEPHONE SOFTWARE CONNECTION (Letter to Apple Dealer)	Ed Magnin	(CDN 024026)
	477	Display (MR. SMARTYPANTS)		(CDN 024028-24030)
	478	Display (DISK-CRYPTO)		(CDN 024031-24032)
	479	Display (VIDEO LIBRARIAN		(CDN 024033-24035)
	480	Display (WORLD CURRENCY TRADER)		(CDN 024036-24037)
	481	Display (WORKING MODEL OF TELEPHONE SOFTWARE)		(CDN 024038)
	482	TELEPHONE SOFTWARE CONNECTION (Letter to AppleCat Owner)	Ed Magnin	(CDN 024039-24040)
	483	TELEPHONE SOFTWARE CONNECTION : THE HAYES MICROMODEM II (I've never bought		May 1980 (CDN 024041-24042)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
		better slave)		
	484	SPECIAL MEMO TO EDUCATORS	Ed Magnin	(CDN 024043-24044)
	485	TELEPHONE SOFTWARE CONNECTION (BACKGROUNG PIECE		(CDN 024045-24049)
	486	Display : VEND-O-DISK		(CDN 024050-24052)
	487	Letter to Programmer	Ed Magnin	(CDN 024053-24054)
	488	NEWS FROM T.S.C.		April 1983 (CDN 024055-24058)
	489	NEWS FROM T.S.C.		June 1983 (CDN 024059-24062)
	490	WHAT IS VOICEMAIL?		(CDN 024063-24065)
	491	TELEPHONE SOFTWARE CONNECTION (INTRODUCTION)	ED Magnin	(CDN 024066-24067)
	492	NEWS FROM T.S.C.		October 1983 (CDN 024068-24071)
	493	HOW TO ORDER : MODEM		024072-24077)
	494	Telecommunication (TELEDELIVERY)		(CDN 024084)
	495	NEWS FROM T.S.C.		June 1984 (CDN 024085-24088)
	496	PlumbLine (BASE COMPUTERS)		(CDN 024089-24090)
	497	NEWS FROM T.S.C.		December 1984 (CDN 024091-24094)
	498	NEWS FROM T.S.C.		March 1985 (CDN 024095-24098)
	499	Display: PHONE SECRETARY		(CDN 024099-24100)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
	500	TELEPHONE SOFTWARE CONNECTION (BACKGROUND PIECES)		(CDN 024101-24106)
	501	TELEPHONE SOFTWARE CONNECTION (TOP SECRET) Displays		(CDN 02410724113)
	502	Display (Before 1984)		(CDN 024114)
	503	Display: IF YOU HAVE AN APPLE (phone list)		(CDN 024115-24117)
	504	Display (THE FP REPORT)		(CDN 024118-24119)
	505	THE HAYE'S MICROMODEM II		CDN 024120-24121)
	506	PRICE LOG		(CDN 024122-24123)
	507	NEWS FROM T.S.C.		October 1983 (CDN 024124)
	508	Display: Instructions on Software Delivery)		(CDN 024125)
	509	PRICE LOG		(CDN 024126-24127)
	510	NEWS FROM T.S.C.		June 1983 (CDN 024128-24129)
	511	PRICE LOG		(CDN 024130-24131)
	512	NEWS FROM T.S.C.		(CDN 024132-24133)
	513	Display (PHONE SECRETARY II (54)		CDN 024134)
	514	Letter to Programmer	Ed Magnin	(CDN 024135)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
	515	PROGRAMMERS' PIPELINE(DESCRIPTION SLIP)		(CDN 024136-24137)
	516	Display: WORLD CURRENCY TRADER		(CDN 024138)
	517	PRICE LOG		(CDN 024139-24140)
	518	Display: ORDER VIA MODEM		(CDN 024141)
	519	Display: SIX GREAT WAYS TO ADD TO YOUR SUMMER FUN!		CDN 024142)
	520	PHONE LOG		(CDN 024143-24144)
	521	NEWS FROM T.S.C. (RECENT OFFERINGS)		March 1985 (CDN 024145)
	522	SPOTLIGHT ON GRAPHICS (SHAPE BUILDER)		CDN 024146-24148)
	523	DISK LABELMAKER (#73)		CDN 024149)
	524	NEWS FROM T.S.C. (TERMINAL PROGRAM II)		(CDN 024150-24152)
	525	FREE UPDATE TO DESK CALENDAR II		(CDN 024153)
	526	NEWS FROM T.S.C.		June 1984 (CDN 024154-24156)
	527	Display : (DISK-CRYPTION)		(CDN 024157-24158)
	528	Display: (PHONE SECRETARY) (#54)		(CDN 024159-24160)
	529	COMMUNICATION (TERMINAL		(CDN 024161-24168)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
		PROGRAM)		
	530	DIALING INSTRUCTIONS		(CDN 024169)
	531	Telecommunications Adviser	Ed Magnin	November 1983 (CDN 024170-24171)
	532	GETTING ON COMMUNI ((PROVIDERS AND CONSUMERS)	Ed Magnin	March 1984 (CDN 021417224173)
	533	ONLINE TIPS		(CDN 024174)
	534	Display: List (SOFTWARE SALES)		April 11, 1983 (CDN 024175)
	535	A SOFTWARE VENDING MACHINE	Ed Magnin	March 1984 (CDN 024176)
	536	MARKETING (Makers Transform the Ways Computer Programs Are Sold)	Susan Chace	August 26, 1982 (CDN 024177) THE WALL STREET JOURNAL
	537	TECHNOLOGY (Electronic Software Delivery Threatens Mail and Store Sales)		May 6, 1983 (CDN 024178)
	538	Western Union: Mailgram (Letter to Microcomputer User)		(CDN 024179)
	539	Apple//c Baud Rate Problem (Dialing Instructions)		(CDN 024180)
	540	Display: Recent Offerings		March 1985 (CDN 024181-24184)
	541	Letter to Promethus Modem Owner	Ed Magnin	(CDN 024185)
	542	Display: PHONE SECRETARY// (54)		(CDN 024186-24187)
	543	FUTURE DEVELOPMENTS IN		(CDN 024188)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
		TELECOMMUNICATION		
	544	RESPONSES (FUTURE DEVELOPMENTS IN TELECOMMUNICATION)		(CDN 024189)
	545	CHARTS (USES FOR TELECOMMUNICATION LINKS)		(CDN 024190-24192)
	546	PROLOGUE (THE COMMUNICATION SATELLITE)		(CDN 024193-24194)
	547	ANALOG VERSUS DIGITAL TRANSMISSION		(CDN 024195-24206)
	548	CABLE TELEVISION AND ITS POTENTIAL		(CDN 024207-24209)
	549	Display : Qube gets you into the action		(CDN 024210)
	550	TERMINALS IN THE HOME		(CDN 024211-24223)
	551	A FUTURE SCENARIO		(CDN 024224-24246)
	552	SIGNAL COMPRESSION		(CDN 024247-24261)
	553	Letter from Ed Magnin (MONTHLY RENTAL)	Ed Magnin	(CDN 024262-24264)
	554	JITTERS		July 29, 1996 (CDN 024265) Business Week
	555	E-COMMERCE: WHO OWNS THE		July 29 1996(CDN 02466-24267)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
		RIGHTS?		
	556	"A pilot has to believe in his equipment. (ROLEX)		(CDN 024268)
	557	Retailers cheer end of patent challenge	Dan Goodin	April 2, 1999 (CDN 024269-24271)
	558	Patently Offensive	Shoshana Berger	(CDN 024272)
	559	Magnin & Associates (Video Game, Film & TV)		(CDN 024273-24274)
	560	Documents (Appendix F: Decimal Tokens for Keywords)		(CDN 024275-24276)
	561	Appendix F: Decimal Tokens For Key words		(CDN 024277)
	562	PRIVATE PEOPLE (Easing the way for libel suits)		(CDN 024278)
	563	MAY THE SOURCE BE WITH YOU	Christopher Byron	(CDN 024279)
	564	INFORMATION SERVICES: MODEMS		(CDN 024280)
	565	A SOURCE OF RICHES	Alfred Glossbrenner	August 1983 (CDN 024281-24284)
	566	ELECTRONIC JACKPOT	Alfred Glossbrenner	September 1983 (CDN 024285-24287)
		CONSUMER AND SPECIALIZED ON-		

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
	567	LINE SERVICES		(CDN 024288-24290)
	568	CALCULATION PROGRAMS		(CDN 024291-24293)
	569	WHAT IS VIEWDATA		CDN 024294-24302)
	570	PM ELECTRONICS MONITOR	Neil Shapiro	(CDN 024303)
	571	DIAL-UP SOFTWARE NETWORKS	Jules H. Gilder	May 1980 (CDN 024304-24306)
	572	SOFTWARE AND DATA VIA TELEPHONE		October 1980 (CDN 024307-24310)
	573	DIAL-UP SOFTWARE NETWORKS	Herb Friedman	October 1992 (024311-24314)
	574	Documents (Ticketmaster to Lick Competition by Buying It)		(CDN 024315-24316)
	575	TICKETMASTER (memo)	Alan Citron Michael Cleply	February 26, 1991 (CDN 024317-24318) Los Angeles Times
	576	TICKETMASTER: 20 Years (INDUSTRY'S #1 HAS A TICKET TO RULE)	Adam Sandler	(CDN 024319-24321)
	577	ELECTRONIC LIFE	Michael Crichto	1983 (CDN 024322)
	578	THE NAKED COMPUTER (Telesoftware ?)	Rochester, Gantz, William Marrow + Co.	(CDN 024323)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
	579	COMPUTERS FOR EVERYBODY (Downloading Programs)	Jerry Willis	1984 (CDN 024324-24328)
	580	TELECOMMUNICATIONS IN THE INFORMATION AGE (Videotext Chapter 12)	Singleton	1983 (CDN 024329-24340)
	581	UNITED STATES PATENT (LOCKWOOD)		May 3, 1994 (CDN 024341-24343)
	582	UNITED STATES PATENT (YURIS, et. al.)		January 27, 1981 (CDN 024344)
	583	UNITED STATES PATENT (KELLY, et. al.)		May 15, 1984 (CDN 024345)
	584	UNITED STATES PATENT (HELLMAN)		April 14, 1987 (CDN 024346-24347)
	585	Documents (THE WIRED SOCIETY)	James Martin	(CDN 02434824349)
	586	NEW USE OF TELEVISION (VIEWDATA)		(CDN 024350)
	587	NEWS (DO-IT-YOURSELF NEWSPAPERS)		(CDN 024351)
	588	SPIDERWEBS (PIERRE TEILHARD de CHARDIN		(CDN 024352-24353)
	589	INSTANT MAIL (DIGITIZED MESSAGES)		(CDN 024354)
	590	INFORMATION DELUGE		(CDN 024355)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
	591	SATELLITE AGE (Chapter Fourteen HOME)		CDN 024356-24366)
	592	James Martin & Co. Executive Profiles (James Martin)		October 25, 1996 (CDN 024367-24368) JM & Co.
	593	2. NEWS (Dow Jones News/ Retrieval's Free-Text Search)		1985 (CDN 024369-24383)
	594	COMPUTERS (TELESUN)		(CDN 024384-24387)
	595	16 FULL-SERVICE (THE SOURCE)		(CDN 024388-24408)
	596	Article 49 of 88 PATNEWS : Another reason why the E-Data patent is invalid	Gregory Atharonian	October 16, 1996 (CDN 024409-24410) Deja News
	597	Article 1 of 25 PATNEWS: Mor PTO gossip on Zache,Edata, Hyatt	Gregory Atharonian	October 18, 1996 (CDN 024411-24412)
	598	Display: TSC Rreview		(CDN 024413)
	599	UNITED STATES POSTAL SERVICE (Documents & Letters)		(CDN 024414-24423)
	600	THE HOME ACCOUNTANT, REVISITED (Responds to reviews)		(CDN 024424-24426)
	601	DFX (Introductions)	Graeme Scott	(CDN 024427-24442)
	602	PEELINGS REVIEW (Introductions)		November 12, 1982 (CDN 024443)
	603	PELLINGS II (Programmers Library)		NOVEMBER 10, 1982 (CDN 024444-24454)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
	604	Letter (TRIAL TERMINAL)	K.F. MOSELEY	March 10, 1981 (CDN 024455)
	605	K.F. MOSELEY'S TVINTERFACE 8 EVALUATION (TIME AND MONEY METER)	Ed Magnin	(CDN 024456-24457)
	606	A.D.A.M. II NEWSLETTER (ACKNOWLEDGEMENT)		May 13, 1981 (CDN 024458-24465)
	607	PEELINGS II (Publication of Apple Software Reviews)		August 6, 1980 (CDN 024467-24500)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
	608	Apple-Cart (Input From Readers)	Chuck Carpenter	(CDN 024501-24503) CREATIVE COMPUTING
	609	CALL-APPLE (THE TELEPHONE SOFTWARE EXPERIENCE A REVIEW (OF SORT))	Val Golding	(CDN 024504)
	610	SOFTALK (Peachy Writer)		September 1982 (CDN 024505)
	611	SOFTALK (Performer Printer Format Board)		(CDN 024506)
	612	Extra Copy RE: KM		(CDN 024507-24508)
	613	MARKETING (Makers Transform Ways Computer Programs Are Sold)	Susan Chace	August 26, 1982 (CDN 024509) THE WALL STREET JOURNAL

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	614	MARKETING (SOME COMPUTER JUNKIES)	Susan Chace	August 26, 1982 (CDN 024510) THE WALL STREET JOURNAL
	615	EXTRA		(CDN 024511)
	616	New Products (Save Civilization in Your Spare Time)		May 1982 (CDN 024512) POPULAR COMPUTING
	617	EXTRA		(CDN 024513)
	618	What's New? (Overlay Compiler)		March 1982 (CDN 024514)
	619	The Information Directory Says It All! (SUBJECT INDEX)		(CDN 024515)
	620	Tap New Markets! (Information Directory)		(CDN 024516)
	621	THE 21ST CENTURY LIBRARY (Information Directory)	Anne M. Helfrich	March 16, 1982 (CDN 024517-24524)
	622	ELECTRONIC MAIL (APPLICATIONS FOR MANAGEMENT)		(CDN 024525-24534)
	623	InfoWorld (AVL Eagle)		October 19, 1981
	624	TSC (MICROCOMPUTING)		October 15, 1981 (CDN 024536)
	625	ELECTRONIC DISTRIBUTION (Trial Builder)		(CDN 024537-24546)
	626	MUSIC (Honey. They're Downloading Our Song)	Patrick M. Reilly	(CDN 024547-24548)

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	627	WHO'S NEWS (Foundation Health Names Malik Hasan As CEO and President)		May 13, 1997 (CDN 024549)
	628	INDUSTRY FOCUS (Middlemen Find Ways to Survive Cyberspace Shopping)	David Bank	December 12, 1996 (CDN 024550)
	629	Egghead Inc. Ships Software Over Internet (Ingram Micro Inc.)	David Bank	November 8, 1996 (CDN 024551)
	630	Tom Clancy, Virtus Start Firm for On-Line Games		November 13, 1996 (CDN 024552)
	631	N2K Hires Phil Ramone to Start Up A Music Label Linked to the Internet	Patrick M. Reilly	November 18, 1996 (CDN 024553)
	632	BUSINESS BRIEFS (AT&T UNVEILS A SERVICES TO HELP BUSINESSES SET UP SHOP ON INTERNET)	JamesSanberg	October 9, 1996 (CDN 024554)
	633	TECHNOLOGY & HEALTH (Industry. Net Customers to Be Offered On-Line Payment Services From PNC)	Raju Nariseti	September 25, 1996 (CDN024555)
	634	Vague New World (Digital Media Business Takes Form as a Battle Of Complex Alliances).		(CDN 024556-24558)
	635	Music Firms Vow to Block New CD System	Meg Cox	May 14, 1993 (CDN 024559-24560)
	636	BUSINESS (Blockbuster plans to stock CDs electronically)		May 12, 1993 (CDN 024561)

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	637	TECHNOLOGY & HEALTH (Bellcore to Demonstrate System For Delivering Movies By Phone)	Mary Lu Carnevale	November 9, 1992 (CDN 024562)
	638	TECHNOLOGY (IBM COMMITS MORE THAN \$100 MILLION ON VENTURE TO RELAY VIDEO, OTHER DATA)	Michael W, Miller	September 16, 1992 (CDN 024563-24564)
	639	IBM TO UNVEIL PLAN TO SKIP DISKS, SEND SOFTWARE BY SATELLITE (GM's Hughes Network Joins Big Blue Alliance to Serve Retailers and Corporations)	Bart Ziegler	November 1, 1994 (CDN 024565-24566)
	640	Software Industry Bulletin (SIB THIRD QUARTER 1985 SOFTWARE EMPLOYMENT SURVEY)		October 14, 1985 (CDN 024567-24568)
	641	DOWNLOAD (VENDORS KICK OFF FALL SEASON WITH TELEDELIVERY VENTURES)		September 1985 (CDN 024569-24583)
	642	SPEED>S (ELECTRONIC DELIVERY OF SOFTWARE)		(CDN 024584-24595)
	643	PHONE MEMO		April 19, 1985 (CDN 024596-24600)
	644	Letter to Nathaniel Forbes (MCI MAIL LETTER)	Ed Magnin	April 8, 1985 (CDN 024601-24607)
	645	SPEED>S (THE INSIDE STORY)		April 8, 1985 (CDN 024608-24623)
		Document: Letter to Nathaniel Forbes		

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	646	(EXPRESS MAIL)	Ed Magnin	March 29, 1985 (CDN 024624-24630)
	647	GIMCRAX, INC (The leader in electronic delivery of software)		December 5, 1984 (CDN024631-24636)
	648	SPEED>S (New Edition of SPEED>S disk Now Available)		(CDN 024637)
	649	SPEED>S (Postage)		(CDN 024638)
	650	SPEED>S (Over 50 Lotus 1-2-3 templates to be available exclusively on SPEED>S)		(CDN 024639)
	651	SPEED>S (Postage)		(CDN 024640)
	652	SPEED>S (Open An Electronic Library for Your Company Software)		(CDN 024641)
	653	SPEED>S (Postage)		January 27, 1986 (CDN 024642)
	654	GIMCRAX LAUNCHES FILE DELIVERY SERVICE		December 23, 1985 (CDN 24643)
	655	SPEED>S (WHAT MODEM SHOULD I BUY)		November 22, 1985 (CDN 024644)
	656	Display (SPEED>S)		December 2, 1985 (CDN 024645)
	657	SPEED>S (NOW! Try SPEED>S Electronic Delivery!)		October 21, 1985 (CDN 024646)
	658	SPEED>S (YOUR FIRST ISSUE ON THE SPEED>S PASSWORD!)		(CDN 024647)

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	659	INTERNATIONAL VIDEOTEX TELETEXT NEWS (GIMCRAX TO DOWNLOAD)		August 1984 (CDN 024648)
	660	SPEED>S (SPEED>S MEAN BUSINESS)		(CDN 024649-24652)
	661	NEWS FROM THE SOURCE (NAT FORBES PROMOTED TO DIRECTOR OF SALES FOR STC)		(CDN 024653-24654)
	662	SPEED>S (SPEED>S MEAN BUSINESS)		(CDN 024655-24658)
	663	HANDWRITTEN NOTES		(CDN 024659-24665)
	664	HANDWRITTEN NOTES (NAT FORBES)		March 28, 1985 (CDN 24666-24668)
	665	NET TO TRANSMIT VIDEOTEX, GAMES TO 12 MILLION USER	Jim Bartimo	June 13, 1983 (CDN 024669) COMPUTER WORLD
	666	Vending machines for software: What will Japan think up next? (Games only)		June 1985 (CDN 024670) Data Communications
	667	Electronic Software Distributor To Show System to Retailers	Rory J. O'Connor	May 30, 1983 (CDN 024671)
	668	Software Industry Bulletin (ELECTRONIC SOFTWARE DISTRIBUTORS)		(CDN 024672-24675)
	669	SOFTWARE (Why try to stock software like physical goods? Why not just reproduce it as needed)		(CDN 0924676-24683)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
	670	Mr. Download: An Interview with William von Meister		(CDN 024684-24693)
	671	Letter to Bob Peyser (Telephone Software Connections)	Ed Magnin	March 25, 1985 (CDN 02469424700)
	672	DIRECT -NET (Micro Marketworld Readers)	Bill James	February 1, 1985 (CDN 024701-24702)
	673	Cutting Out the Middleman (Looking to expand their customer base)	Myron Berger	(CDN 024703-24708)
	674	SHOP BY MODEM (Software Without Manuals)		(CDN 024709)
	675	Speak the Universal Lanaguage (POWERHOUSE)		(CDN 024710)
	676	Letter to Ed Magnin (SOFTWARE AUTHOR ROYALTY AGREEMENT)	Fonnie Clifton	October 17, 1983 (CDN 024711-24733)
	677	BUY SOFTWARE VIA MODEM (DEFINE THE NEED)	Elizabeth Ferrarini	(CDN 024734-24745)
	678	ABC VIDEO ENTERPRISES TELEFIRST PROJECT HAD BOOSTERS & DOUBTERS		May 1, 1984 (CDN 024746)
	679	DOWNLOAD (MICRPRO & ADAPSO SUE AMERICAN BRANDS, ALLEGE SOFTWARE PIRACY)		February 1985 (CDN 024747-24762)
	680	Coleco, AT&T Unit to Form Joint Venture	Bob Davis	(CDN 024763)

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		To Distribute Video Games By Telephone		
	681	ELECTRONIC(PULLING THE PLUG ON ELECTRONIC PUBLISHING)		(CDN 024764-24766)
	682	SOFTWARE (SOFTWARE DIRECTORIES GO ON-LINE	Joanne Gamlin	(CDN 024767-24780)
	683	SAY IT WITH REMOTE ROM SOFTWARE DELIVERY (Looking Ahead With Software News)		(CDN 024781)
	684	IT'S NOT THE SAME OLD 'HELP' ANYMORE (Buzz Word)	Mary-Beth Santarelli	(CDN 024782)
	685	ARE YOU GETTING READY FOR ELECTRONIC SOFTWARE DELIVERY?	Richard Lewis	February 1984 (CDN 024783-24788)
	686	Hammerly files suit against PC Telemart		(CDN 024789)
	687	MICRO SOFTWARE TODAY (EDUCATION: ENTERTAINMENT)		(CDN 024790)
	688	DISTRIBUTION & RETAILING (XANTE TO DISTRIBUTE SOFTWARE ELECTRONICALLY TO MASS MERCHANTISERS)		(CDN 024791)
	689	SYSTEMS : Software Engineering (Letter from Phil Klamm)	Phil Klamm	January 20, 1984 (CDN 024792)
	690	ROM-LABS (ELECTRONIC SOFTWARE DISTRIBUTION SYSTEM)		January 3, 1984 (CDN 024793-24802)

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	691	VAN DIVER'S (The Most Resourceful Directories for the IBM PC		(CDN 024803)
	692	SOFTWARE DISTRIBUTION: SMOOTH GOING NOW : ROCKY ROAD AHEAD	Steve Burke	(CDN 024804)
	693	Romox is hoping to have system in 3,000 stores by end of '84		(CDN 024805)
	694	Display (SOFT TOUCH)		January 12, 1984 (CDN 024806)
	695	BUGS IN ELECTRONIC SOFTWARE DISTRIBUTION NOT WORKED OUT (ELECTRONIC DISTRIBUTION)	Lisa Raleigh	(CDN 024807-24809)
	696	ANNOUNCING A NEW IN-DEPTH STUDY AND ANALYSIS OF (Downloading & Teledelivery of Computer Software, Music & Video)	Nancy L. Stocker	March 11, 1986 (CDN 024810-24824)
	697	CERTIFICATE OF COPY REGISTRATION (TIME AND MONEY METER)	Edgar J. Magnin	March 8, 1982 (CDN 024825-24840)
	698	CERTIFICATE OF COPY REGISTRATION (QUICK CLOCK ADJUST)	Edgar J. Magnin	(CDN 024841-24847)
	699	CERTIFICATE OF COPY REGISTRATION (MATH TUTOR)	Edgar J. Magnin	July 18, 1981 (CDN 024848-24864)
	700	Document: DELIVERY NOTICE ((CDN 024865)

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		CERTIFIED)		
	701	Document: POSTAL RECEIPT (CERTIFIED) From : Ed & Marilyn Magnin		March 27, 1981 (CDN 024866)
	702	RECEIPT FOR CERTIFIED MAIL #288727		March 6, 1981 (CDN 024867)
	703	INSTRUCTIONS :CERTIFIED MAIL FEE, OPTIONAL SERVICES		(CDN 024868)
	704	Letter from Edgar J. Magnin (COPYRIGHTS REGISTRATION: TERMINAL PROGRAMS	Edgar J. Magnin	March 5, 1981 (CDN 024869-24889)
	705	RECEIPT (REGISTER OF COPYRIGHTS)		November 4, 1980 (CDN 024890-24905
	706	RECEIPT (REGISTER OF COPYRIGHTS: LIBRARY OF CONGRESS		September 3, 1980 (CDN 024906-24927)
	707	CERTIFICATE OF COPYRIGHT REGISTRATION (PHONE SECRETARY)	Edgar J. Magnin	November 4, 1980 (CDN 024929-24934)
	708	Letter from Edgar J. Magnin (COPYRIGHT REGISTRATION: PHONE SECRETARY)	Edgar J. Magnin	August 27, 1980 (CDN 024935-24946)
	709	Letter from Edgar J. Magnin (CALL TSC, PICTURE TRANSFER, GO-MOKU, CHESS CONNECTION	Edgar J. Magnin	May 30, 1980 (CDN 024947-24951)
	710	CERTIFICATE OF COPYRIGHT REGISTRATION (GO-MOKU)	Edgar J. Magnin	June 9, 1980 (CDN 024952-24960)

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	711	CERTIFICATE OF COPYRIGHT REGISTRATION (CHESS CONNECTION)	Craig Crossman	(CDN 024961-24971)
	712	CERTIFICATE OF COPYRIGHT REGISTRATION (GO-MOKU)	Edgar J. Magnin	(CDN 024972-24981)
	713	CERTIFICATE OF COPYRIGHT REGISTRATION (CALL TSC)	Edgar J. Magnin	(CDN 024982-24986)
	714	CERTIFICATE OF COPYRIGHT REGISTRATION (PICTURE TRANSFER PROGRAM)	Edgar J. Magnin	(CDN 024987-25002) April 1980
	715	Letter from Edgar J. Magnin :APPLICATIONS FOR COPYRIGHT (ANSWERING MACHINE, WRITE- EDIT & SEND, TELEPHONE TRANSFER PROGRAM)	Edgar J. Magnin	March 28, 1980 (CDN 025003-25007)
	716	CERTIFICATE OF COPYRIGHT REGISTRATION (WRITE- EDIT & SEND	Edgar J. Magnin	(CDN 025008-25018)
	717	CERTIFICATE OF COPYRIGHT REGISTRATION (TELEPHONE TRANSFER PROGRAM)	Edgar J. Magnin	(CDN 025019-25033)
	718	CERTIFICATE OF COPYRIGHT REGISTRATION (ANSWERING MACHINE)	Edgar J. Magnin	(CDN 025035-25046)
	719	CERTIFIED RECEIPTS: CERTIFICATE	Leighton Paul	October (CDN 025047-25095)

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		OF COPYRIGHT REGISTRATION (TELEPHONE TRANSFER II)		
	720	CERTIFICATE OF COPYRIGHT REGISTRATION (TELEGAMMON)	Anton Dahbura, JR.	(CDN 025096-25139)
	721	Letter to Mr. Ledbetter RE: Correspondence of 3/12/82 control # 2-054-0414(M)	Edgar J. Magnin	October 4, 1982 (CDN 025140-25212)
	722	CERTIFICATE OF COPYRIGHT REGISTRATION (PHONE SECRETARY II)	Edgar J. Magnin	September 6, 1983 (CDN 025213-25253)
	723	CERTIFICATE OF COPYRIGHT REGISTRATION (FIFTEEN. PUZZLE)	Edgar J. Magnin	7, 1985 (CDN 025254-25313)
	724	Letter to Mr. Magnin: RE: FRACTION TUTOR (TX 1 384 355) sand TYPING SPEED BUILDER (CERTIFICATE OF COPYRIGHT REGISTRATION (FRACTION TUTOR)	Edgar J. Magnin Larry M. Schultz	January 4, 1985 (CDN 025314-25344)
	725	RECEIPT FOR CERTIFIED MAIL (CERTIFICATE OF COPYRIGHT REGISTRATION (PICTURE PUZZLE PROGRAMS)	Edgar J. Magnin	(CDN 25345-25380)
	726	CERTIFICATE OF COPYRIGHT REGISTRATION (QUICK COMPARE)	Leighton Paul	(CDN 025381-25405)
	727	Telephone Software Connection, Inc. (PROGRAM LISTING)		(CDN 025406-25408)

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	728	SERIAL LISTING		(CDN 025409)
	729	SERIAL LISTING (CON'T)		(CDN 025410)
	730	COPYRIGHT STATUS (PROGRAMS,COPYRIGHT NOTICE ETC.)		(CDN 02541125412731
	731	RECEIPTS FOR CERTIFIED MAIL : Letter from Edgar J. Magnin to Register of Copyrights (INSTANT MENU) CERTIFIED OF COPYRIGHT REGISTRATION	Edgar J. Magnin	June 6/11 1985 (CDN 025413-25448)
	732	RECEIPTS FOR CERTIFIED MAIL: Letter from Edgar J. Magnin to Register of Coping (CERTIFIED OF COPYRIGHT REGISTRATION) : MORTGAGE ANALYZER	Eagar J. Magnin	(CDN 025449-25475)
	733	CompuSonics Version 1.05 (THE DRIVE EVENT CONTROL LOOP FOR THE DSP-1000)		July 17, 1987 (CDN 025476-255545)
	734	Documents (ROUTING FOR THE MACHINE, ROUTINES REQUIRED TO READ AND TO THE FRONT PANES)"		March 11, 1987 (CDN 025546-25667)
	735	CompuSonics D S P 2002 version 1.00 (PRELIMINARY USER MANUAL		August 28, 1985 (CDN 025668-25707
	736	AUDIO COMPUTER OWNERS GUIDE		(CDN 025708)

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		(ADVERTISING)		
	737	QUICK REFERENCE CARD (OPERATIONS)		(CDN 025709-25767)
	738	AN ALGORITHM AND ARCHITECTURE FOR CONSTANT-Q SPECTRUM ANALYSIS (ABSTRACT)	Gary W. Schwede	April 1983 (CDN 025768-25771)
	739	AES (PRESENTED AT THE 76th CONVENTION 1984 OCTOBER 8-11 NEW YORK)		(CDN 025772-025775)
	740	COMMAND AND STATUS REGISTERS (RECEIVE DATA COUNT REGISTER)		CDN 025776-25786)
	741	Letter to David M. Schwartz (RE: THE PREPRINTS FROM THE AES 78th CONVENTION)	Patricia M. Macdonald	November 18, 1985 (CDN 25787-25817)
	742	EFFICIENT DATA REDUCTION FOR DIGITAL AUDIO USING A DIGITAL FILTER ARRAY (PURPOSE)	John P. Staunter. David M. Horowitz	1986 (CDN 025818-25821)
	743	AES (PRESENTED AT THE 83rd CONVENTION 1987 OCTOBER 16-19 NEW YORK)	David M. Schwartz	(CDN 025822-25829)
	744	AES (PRESENTED AT THE 83rd CONVENTION 1987 OCTOBER 16-19 NEW YORK)	John Staunter Striram Jayasimbha	(CDN 025830-25836)

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	745	AES (PRESENTED AT THE 84th CONVENTION 1988 MARCH 1-4 PARIS	J.P. Stautner	(CDN 025837-25854)
	746	THE DIGITAL AUDIO CARTRIDGE DISK RECORDER, REPRODUCER AND EDITOR FOR BROADCAST USE	David M. Schwartz	(CDN 025855-25866)
	747	TOWARDS ELECTRONIC DELIVERY OF MUSIC(1.0 INTRODUCTION	John P. Stautner	(CDN 025867-25873)
	748	ARCHITECTURE OF A REAL TIME DIGITAL FILTERBANK PROCESSOR FOR TEMPERED, AUDITORY, AND CRITICAL-BAND ANALYSIS/SYNTHESIS	Gary W. Schwede	(CDN 025874-25875)
	749	A FUNCTIONAL OVERVIEW OF THE COMPUSONICS DSP-2000 SERIES		(CDN 025876-25877)
	750	MUSICAL RECORDING, EDITING AND PRODUCTION USING THE COMPUSONICS DSP-2004	John P. Stautner	(CDN 025878-258790)
	751	STRATEGIES FOR THE REPRESENTATION AND DATA REDUCTION OF DIGITAL MUSIC SIGNALS (WORK PERFORMED AND METHODS EMPLOYED	John P. Stautner	June 20, 1984 (CDN 025880-25881
	752	ANALYSIS AND SYNTHESIS OF MUSIC USING THE AUDITORY TRANSFORM	J. Stautner	Submitted to Dept. of Electrical Engineering and Computer Science, Massachusetts Institute of Technology

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				May, 1983 CDN025895
	753	ALGORITHMS AND ARCHITECTURES FOR CONSTANT-Q FOURIER SPECTRUM ANALYSIS	G. Schwede	Dissertation submitted to University of California, Berkeley November 28, 1983 CDN026097
	754	Letter to Shareholders	D. Schwartz	CompuSonics CDN026261
	755	From the News Desk		Info World Newsweekly, June 4, 1984 Volume 6, Issue 23 CDN026263
	756	Manufacturing Update		International Audio Video, June 1984 CDN026264
	757	CompuSonics Pro Equipment & Services		Cover of Billboard Newspaper CDN026265
	758	CompuSonics Fuses Computer, Audio Into "World's First" Home Digital Recorder	M. Golden	CES Trade News Daily, p. 10 June 4, 1984 CDN026266
	759	Digital Sound Now On Computer Disks	S. Booth	Consumer Electronics Show Daily June 3, 1984 CDN026267
	760	CompuSonics Reads Floppy Disk to Record and Play Back Music		HFD - The Weekly Home Furnishings Newspaper June 4, 1984

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	761	Technology Awards to CompuSonics		CDN026268 CDN026269
	762	CompuSonics DSP 1000 Digital Audio Disk Recorder Specifications		CompuSonics Corporation CDN026270
	763	CompuSonic Bows Totally Digital		Pro Sound News, New York, NY June 8, 1984
	764	Floppy Disks May Be the Next Music Makers		Business Week May 28, 1984 CDN026272
	765	Studio Design Special		Mix - The Recording Industry Magazine August 1984
	766	CompuSonics: Another Digital Audio Standard	N. Weinstock	Mix, Vol. 8, No. 8, p. 24 CDN026274
	767	CompuSonics: Another Digital Audio Standard	N. Weinstock	Mix, Vol. 8, No. 8, p. 26 CDN026275
	768	CompuSonics Readies Floppy Disk to Record and Play Back Music		HFD, Electronics, Section 1 June 4, 1984 CDN026276
	769	The State of RCA		TV Digest, p. 14 May 21, 1984 CDN026277
	770	Display - CompuSonics Photographs		CDN026278

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	771	Display - CES Exhibition Design and Engineering 1984		CDN026280
	772	Specifications - CompuSonics DSP 1000 Digital Disk Recorder/Player		CompuSonics Corporation CDN026281
	773	Article - Watch Out Digital Discs: Here Comes Floppy Audio		Unknown
	774	Specifications - CompuSonics DSP 1000 Digital Disk Recorder/Player		CompuSonics Corporation
	775	Optical-Disk-Digital Audio System Premieres	B. Robinson	Electronic Engineering Times, Issue 397 September 1, 1986 CDN026284
	776	Specifications - CompuSonics DSP 1000 Digital Disk Recorder/Player		CompuSonics Corporation
	777	CompuSonics Business Plan Overview		June 14, 1984 CDN026286
	778	Cover - Fortune Magazine		November 12, 1984 CDN026289
	779	Advertisement - CompuSonics Corporate Profile	D. Schwartz	Audio Video International CDN026290
	780	Toward Electronic Delivery of Music: Sending and Receiving High Fidelity Digital Music	J. Staunter	CompuSonics Corporation CDN026291
	781	Company Sees Future in Digital Recorders	J. Hendon	Rocky Mountain News

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				July 22, 1984
	782	Floppy-Disk Audio System	A. Mereson	Science Digest November, 1984 CDN026299
	783	Recording Music on Floppy Disks	A. Zuckerman	High Technology May 1986 CDN026300
	784	Article - Sound is Big at Consumer Show	L. Mortwaki	Seattle Washington Times June 8, 1984 CDN026301
	785	Digital Recording System Uses Floppy Disks		Audio Times, Vol. 26, No. 5 May, 1984 CDN026302
	786	CompuSonics Advertisement		CDN026304
	787	Advertisement - MicroPro's WordStar 2000		CDN026305
	788	Hi-Fi Floppy	K. Yates	PC World, Vol. 3, Issue 4 CDN026306
	789	The Digitization of Music	K. Yates	PC World, Vol. 3, Issue 4 CDN026308
	790	A Sonic Glossary	K. Yates	PC World, Vol. 3, Issue 4 CDN026311
	791	New Hi-Fi Horizons	D. Ranada	Stereo Review, December 1984 CDN026313

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	792	Specifications and Implementation of a Computer Audio Console for Digital Mixing and Recording	D. Schwartz	AES 76th Convention, NYC June 20, 1984 CDN026317
	793	A High Speed Telecommunications Interface for Digital Audio Transmission and Reception	H. Sohn	Abstract CDN026319
	794	The Audio Computer and Its Applications	D. Schwartz; J. Stauter	CompuSonics Corporation CDN026332
	795	Engineering Your Own Digital Audio Broadcast System	D. Schwartz	CompuSonics Corporation CDN026343
	796	Tab - Pay 2 Tape '90		CDN026362
	797	Fax Cover Sheet to Michael Kapp from D. Schwartz	D. Schwartz	April 26, 1990 CDN026363
	798	Fax Memo to Michael Kapp from D. Schwartz	D. Schwartz	April 26, 1990
	799	Pay Per Listen Cable Audio System - Notes to Viewgraph Presentation	CompuSonics	CDN026365
	800	Pay Per Listen Cable Audio System - System Payback Analysis	CompuSonics	CDN026366
	801	Pay Per Listen Cable Audio System - Provide the In-Home Music Taper with a Wide Variety of Source Material	CompuSonics	CDN026367
		Pay Per Listen Cable Audio System -		

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	802	Provide the In-Home Music Taper with a Wide Variety of Source Material	CompuSonics	CDN026368
	803	Pay Per Listen Cable Audio System - Audio Database Format Options	CompuSonics	CDN026374
	804	Pay Per Listen Cable Audio System - Billboard Top 100 LPS Format	CompuSonics	CDN026375
	805	Pay Per Listen Cable Audio System - Program Publication Options	CompuSonics	CDN026379
	806	Letter to Shareholder from D. Schwartz	D. Schwartz	November 21, 1984 CDN026381
	807	Letter to Shareholder from D. Schwartz	D. Schwartz	October 10, 1985 CDN026382
	808	Display Photograph		CDN026384
	809	Display Photograph		CDN026385
	810	CompuSonics DSP2002 Preliminary User Manual		CDN026386
	811	Display - Hardware Spec		CDN026387
	812	Internal Data		CDN026388
	813	DSP-1000 Series		CDN026389
	814	Digital Marketing Corporation Video Real Estate System		June 7, 1986 CDN026390

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	815	Agenda for June 7, 1988 Meeting		CDN026393
	816	Agenda for May 31, 1988 Meeting	CompuSonics	CDN026394
	817	Advertisement - Digilist Video Multiple Listing Service	Digital Marketing Corporation	CDN026395
	818	Advertisement - Digilist Video Multiple Listing Service	Digital Marketing Corporation	CDN026396
	819	Advertisement - Digilist Video Multiple Listing Service	Digital Marketing Corporation	CDN026398
	820	Memo to B. Holmbraker, B. Alderfer, R. Dahl, H. Fong from D. Schwartz	D. Schwartz	CompuSonics Financial/Technical Status January 12, 1987 CDN026399
	821	Manual - Assembly Procedure for the DSP1500		CDN026401
	822	Specifications - CompuSonic DSP 1000		CDN026440
	823	DSP 1000 Digital Audio Disk Recorder Application Notes		CDN026489
	824	The Home Terminal		International Resource Development, pp. 149-158 August 1978 CDN026745

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	825	ROLM PLUGS CBX INTO IBM WORLD		Electronic Mail & Message Systems Vol. 7, No. 9 May 2, 1983 CDN026768
	826	CONTROL VIDEO ENTERS DOWNLINE LOADING BUSINESS		Electronic Mail & Message Systems Vol. 7, No. 11 June 1, 1983 CDN026771
	827	EMMS Article		Electronic Mail & Message Systems Vol. 7, No. 14, p. 17 July 15, 1983 CDN026775
	828	THE OTHER HALF OF THE IBM PC		Electronic Mail & Message Systems Vol. 7, No. 16 August 15, 1983 CDN026776
	829	ELECTRONIC MESSAGE SYSTEMS AND THE HOME TERMINAL		Electronic Mail & Message Systems Vol. 3, No. 12 June 15, 1979 CDN026779
	830	EMMS Article		Electronic Mail & Message Systems Vol. 3, No. 15, p. 13 August 1, 1979 CDN026784
	831	EMMS Article		Electronic Mail & Message Systems Vol. 6, No. 11, p. 20

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
				June 1, 1982 CDN026785
	832	EMMS Article		Electronic Mail & Message Systems Vol. 6, No. 15, p. 14 August 2, 1982 CDN026786
	833	EMMS Article		Electronic Mail & Message Systems Vol. 6, No. 23 December 1, 1982 CDN026789
	834	FIBER-OPTICS WILL SHAKE THE UTILITIES		Electronic Mail & Message Systems Vol. 9, No. 20 November 1, 1985 CDN026792
	835	BRITISH TELECOM OFFERS FREE ELECTRONIC MAIL SERVICES		Electronic Mail & Message Systems Vol. 10, No. 7 April 1, 1986 CDN026797
	836	PROFIT PROTECTION - RISKY BUSINESS		Electronic Mail & Message Systems Vol. 12, No. 16 August 15, 1988 CDN026801
	837	EMMS Article		Electronic Mail & Message Systems Vol. 12, No. 21 November 1, 1988

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
	838	CompuSonics to Bow Digital Audio Floppy Disk Player/Recorder; CD Rival?	C. Kaplan	CDN026811 Consumer Electronics Daily, Vol. VIII, No. 5, Issue 8 May 10, 1984 CDN026255
	839	HOME TELECOMMUNICATIONS IN THE 1980's		International Resource Development, Inc. April 1980, Report 150 CDN026812
	840	THE FUTURE OF TELEVISION		International Resource Development, Inc. August 1981, Report 176 CDN026914
	841	HEALTH, WEALTH & SELF-IMPROVEMENT HOME SOFTWARE		International Resource Development, Inc. September 1985, Report 670 CDN026935
	842	TELECOMMUNICATIONS MARKET OPPORTUNITIES		International Resource Development, Inc. November 1985, Report 676 CDN026955
	843	TELEPAY VS. VIDEODISC		International Resource Development, Inc. September 1982, Report 510 CDN027013
	844	VIDEOGAMES & ELECTRONIC TOYS		International Resource Development, Inc. May 1983, Report 550 CNDN027034
	845	DELIBERATELY LEFT BLANK		

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
	846	PAYMENTS RECEIVED FOR REPORT #558 DOWNLOADING AND TELEDELIVERY OF COMPUTER SOFTWARE, GAMES & MUSIC	Kenneth G. Bosomworth	January 9, 2001 CDN027138
	847	ARTICLE - COMPUSONICS/CARTS AT&T DEMO		Pro Sound News September 9, 1985 CDN027183
	848	INTENTIONALLY OMITTED DOCUMENTS CDN027190-CDN027734		3/13/01 Letter to N. Bigas from R. Gruwell 03/09/01 Letter M. Neblett from N. Bigas 03/05/01 Letter to M. Neblett from N. Bigas
	849	TRANSCRIPTION OF VIDEOTAPE		EE 380 - 2/18/87 - ALLISON 7 CDN027735
	850	THE DIGITAL AUDIO PROCESSING STATION: A NEW CONCEPT IN AUDIO POSTPRODUCTION	J. Moorer; C. Abbott; Peter Nye et al.	Journal of Audio Engineering Society, Vol. 34, No. 6, June, 1986, pp. 454-464 CDN027783
	851	ON DIGITAL I/O FORMAT	T. Doi	Sony Corporation Presented at AES Digital Audio Technical Committee, Hamburg, West Germany March 16, 1981 CDN027794
	852	PCM PROGRAM TRANSMISSION AND COMMUNICATION NETWORK FOR THE NORWEGIAN BROADCASTING	R. Andersen; K. Ronning	Journal of the Audio Engineering Society Volume 28, Number 4 April, 1980

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
		CORPORATION		
	853	A FIBRE OPTIC MULTI-CHANNEL COMMUNICATION LINK DEVELOPED FOR REMOTE INTERCONNECTION IN A DIGITAL AUDIO CONSOLE	P. Lidbetter S. Douglas	Presented at the 80th Convention, Audio Engineering Society Reprint (Preprint 2330 D6) March 4-7, 1986 CDN027830
	854	BBC DIGITAL AUDIO -- A DECADE OF ON-AIR OPERATION	D. Stripp	BBC, London, United Kingdom Collected Papers from the Audio Engineering Society Premiere Conference, Rye, New York June 3-6, 1982 CDN027846
	855	PROCESSING SYSTEMS FOR THE DIGITAL AUDIO STUDIO	M. Jones	Neve Electronics International Limited, Royston, Hertfordshire, United Kingdom Collected Papers from the Audio Engineering Society Premiere Conference, Rye, New York June 3-6, 1982 CDN027852
	856	LARGE SCALE ACOUSTICS	D. Hawkins	Studio Sound and Broadcast Engineering March, 1985
	857	BBC DIGITAL CONTROL VEHICLE 12 MONTHS ON	K. Spencer-Allen	Diary-Diary, Studio Sound, p. 32-33 November, 1986
	858	WDR NEVE DSP NOW IN USE		Diary-Diary, Studio Sound, p. 18 August, 1986

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
	859	DIGITAL MASTERING TAPE ONE		Studio Sound, pp. 36, 38, 40 August, 1986
	860	DIGITAL SOUND SIGNALS: THE PRESENT BBC DISTRIBUTION SYSTEM AND A PROPOSAL FOR BIT- RATE REDUCTION BY DIGITAL COMPANDING	M. Croll; D. Osborne; C. Spicer	International Broadcasting Convention September 23-27, 1974
	861	AUDIO ENGINEERING HANDBOOK	K. Benson	AUDIO ENGINEERING HANDBOOK All-Digital Studio, pp. 4.37 - 4.38 Transmission Systems, pp. 4.57 Stereo with Television, p. 4.59 © 1988 CDN027884
	862	HANDBOOK OF RECORDING ENGINEERING	J. Eargle	The All-Digital Studio, pp. 373-375 © 1986 CDN027892
	863	ROUTING OF DIGITAL AUDIO SIGNALS IN A RADIO BROADCASTING CENTRE	N. Gilchrist; G. Crowe G. Legg	Eleventh International Broadcasting Convention September 19-23, 1986 CDN027897
	864	SIGNAL ROUTING IN A DIGITAL SOUND STUDIO	G. Roe; C. Caine	Eleventh International Broadcasting Convention September 19-23, 1986 CDN027902
	865	MULTI-PURPOSE RADIO LINKS	P. Marchant;	International Broadcasting Convention September 18-21, 1982

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
		SYSTEM FOR NEWS COVERAGE	I. Buffham	CDN027907
	866	DOCAT - DIGITAL, OPTICAL CATV TRUNK SYSTEM	G. Mogensen; B. Petersen; H. Steffensen	International Broadcasting Convention September 18-21, 1982 CDN027913
	867	DIGITAL TRANSMISSION SYSTEM FOR TELEVISION, SOUND AND ASSOCIATED DATA	A. Jones; D. Kitson	Tenth International Broadcasting Convention September 21-25, 1984 CDN027918
	868	DIGITAL SOUND MIXING IN THE ANALOGUE STUDIO	M. Jones; D. Langford; D. Tilsley	Tenth International Broadcasting Convention September 21-25, 1984 CDN027923
	869	DIGITAL SPEECH NETWORKS	B. Gold	Proceedings of the IEEE, Vol. 65, No. 12 December, 1977 CDN027939
	870	THE DIGITAL CODING OF HIGH-QUALITY MUSICAL SOUND	J. Moorer	Journal of the Audio Engineering Society Vol. 27, No. 9, pp. 657-666 September, 1979 CDN027962
	TAB	PATENT NO.	INVENTOR	FILING DATE
	871	Japanese Patent No. 62-284496		December 12, 1987
	872	3,602,891	Clark et al.	March 10, 1969

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
	TABS	TITLE	AUTHOR	SOURCE
	873	DIGITAL AUDIO FOR CABLE TELEVISION	C. Robbins	1986 NCTA Technical Papers, pp. 21-24 CDN028131
	874	SPEECH UNDERSTANDING SYSTEMS	Massachusetts Inst. of Technology, Lincoln Lab.	U.S. Department of Commerce, National Technical Information Service May 31, 1973 CDN028138
	875	SPEECH UNDERSTANDING SYSTEMS	Massachusetts Inst. of Technology, Lincoln Lab.	U.S. Department of Commerce, National Technical Information Service January 15, 1974 CDN028166
	876	INFORMATION PROCESSING TECHNIQUES PROGRAM, VOLUME I. PACKET SPEECH/ACOUSTIC CONVOLVERS	Massachusetts Inst. of Technology, Lincoln Lab.	U.S. Department of Commerce, National Technical Information Service June 30, 1976 CDN028198
	TAB	PATENT NO.	INVENTOR	FILING DATE
	877	Japanese Laid Open Kokai Patent Application 62-284496	Hisanobu Akashi	June 3, 1986
	TABS	TITLE	AUTHOR	SOURCE
	878	SPEECH ANALYSIS SYNTHESIS AND PERCEPTION	J. Flanagan	Bell Laboratories Channel Vocoders, pp. 323-405 CDN028247
	879	DIGITIZATION OF AUDIO: A	B. Blesser	Journal of the Audio Engineering Society

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
	880	COMPREHENSIVE EXAMINATION OF THEORY, IMPLEMENTATION AND CURRENT PRACTICE	C. Yavelow	Volume 26, Number 10 October, 1978 CDN028268
	881	PERSONAL COMPUTERS AND MUSIC: THE STATE OF THE ART	B. Moog	Journal of the Audio Engineering Society Volume 35, No. 3 March, 1987 CDN028301
	882	MIDI: MUSICAL INSTRUMENT DIGITAL INTERFACE	J. Moorer	Journal of the Audio Engineering Society Volume 34, No. 5 May, 1986 CDN028325
	883	HOW DOES A COMPUTER MAKE MUSIC?	P. Craven M. Gerzon	Computer Music Journal, Volume II, Number 1 pp. 32-37 CDN028357
	884	LOSSLESS CODING FOR AUDIO DISCS	C. Todd; G. Davidson; M. Davis, et al.	Journal of the Audio Engineering Society Volume 44, No. 9 September, 1996 CDN028342
	885	AC-3: FLEXIBLE PERCEPTUAL CODING FOR AUDIO TRANSMISSION AND STORAGE		Paper presented at the 96th Convention of the Audio Engineering Society, February 26-March 1, 1994 Dolby Laboratories, San Francisco CDN028365
		MASTERLINE SOFTWARE BY PHONE		APPLE II USER'S MANUAL

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
				KH000015
	886	MASTERLINE SOFTWARE BY PHONE		COMMODORE 64 USER'S MANUAL KH000017
	887	MASTERLINE SOFTWARE BY PHONE		COMMODORE SOFTWARE EDITION FOR THE BELLSOUTH MASTER MODULE KH000028
	888	ELECTRONIC GAMES MAGAZINE		June 1983 KH000055
	889	GAMELINER MAGAZINE		October 1983 KH0000181
	890	MASTERLINE SOFTWARE BY PHONE, ISSUE TWO		APPLE SOFTWARE EDITION FOR THE BELLSOUTH MASTER MODULE KH0000209
	891	ELECTRONIC GAMES MAGAZINE		October, 1983 KH0000245
	892	APPLE II REFERENCE MANUAL		N2K04850
	893	VAX/VMS ACCOUNTING UTILITY REFERENCE MANUAL		September, 1984 N2K05242
	894			
	895	U.S. Patent 4,654,799 to Ogaki		March 31, 1987
	896	U.S. Patent 5,191,193 to Le Roux		March 2, 1993

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
	897			



08/19/05

Practitioner's Docket No. HAIR-1 CONT

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent No. 5,191,573
In re application of: Hair, Arthur R.
Reexamination Control No.: 90/007,402
Reexamination Filed: January 31, 2005
For: TRANSMISSION SYSTEM

Group No.: 2132
Examiner: Benjamin E. Lanier

Mail Stop Ex Parte Reexamination
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
BEFORE MAILING DATE OF EITHER A FINAL ACTION
OR NOTICE OF ALLOWANCE (37 C.F.R. § 1.97(c))

TIME OF TRANSMITTAL OF ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT

- 1. The information disclosure statement transmitted herewith is being filed after three months of the filing date of this national application or the date of entry of the national stage as set forth in Section 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but before the mailing date of either
(1) a final action under § 1.113 or
(2) a notice of allowance under § 1.311

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

X deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)
with sufficient postage as first class mail.

37 C.F.R. § 1.10*
X as "Express Mail Post Office to Addressee"
Mailing Label No. EL700964471 US (mandatory)

TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, (703)

Signature
Tracey L. Klaas

Date: 8/18/05

Tracey L. Klaas
(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(2) a notice of allowance under § 1.311

whichever occurs first.

FEE

2. Accompanying this transmittal is the fee for submission of an information disclosure statement under section 1.97(c). (\$180.00)

FEE PAYMENT

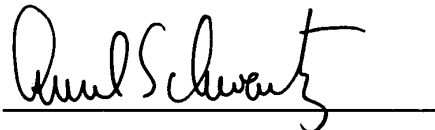
3. Applicant elects the option to pay the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under § 1.97(c) (\$180.00).

Fee due \$180.00

METHOD OF PAYMENT OF FEE

4. Attached is a check in the amount of \$180.00.

A duplicate of this paper is attached.



Ansel M. Schwartz
Registration No. 30,587
Attorney at Law
201 N. Craig Street
Suite 304
Pittsburgh, PA 15213
412-621-9222



08/19/05

Practitioner's Docket No. HAIR-1 CONT

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent No. 5,191,573
In re application of: Hair, Arthur R.
Reexamination Control No.: 90/007,402
Reexamination Filed: January 31, 2005
For: TRANSMISSION SYSTEM

Group No.: 2132
Examiner: Benjamin E. Lanier

Mail Stop Ex Parte Reexamination
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
BEFORE MAILING DATE OF EITHER A FINAL ACTION
OR NOTICE OF ALLOWANCE (37 C.F.R. § 1.97(c))

TIME OF TRANSMITTAL OF ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT

- 1. The information disclosure statement transmitted herewith is being filed after three months of the filing date of this national application or the date of entry of the national stage as set forth in Section 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but before the mailing date of either
(1) a final action under § 1.113 or
(2) a notice of allowance under § 1.311

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(When using Express Mail, the Express Mail label number is mandatory;
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with sufficient postage as first class mail.

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TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, (703)

Signature
Tracy L. Klaas

Date: 8/18/05

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* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(2) a notice of allowance under § 1.311

whichever occurs first.

FEE

2. Accompanying this transmittal is the fee for submission of an information disclosure statement under section 1.97(c). (\$180.00)

FEE PAYMENT

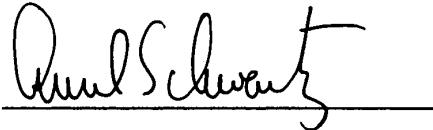
3. Applicant elects the option to pay the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under § 1.97(c) (\$180.00).

Fee due \$180.00

METHOD OF PAYMENT OF FEE

4. Attached is a check in the amount of \$180.00.

A duplicate of this paper is attached.



Ansel M. Schwartz
Registration No. 30,587
Attorney at Law
201 N. Craig Street
Suite 304
Pittsburgh, PA 15213
412-621-9222

ATTACHMENT A

Secondary Considerations of Patentability Evidence

66155 U.S. PTO



08/19/05

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SIGHTSOUND.COM INCORPORATED,)

Plaintiff,)

-vs-)

Civil Action No. 98-0118

N2K, INC., CDNOW, INC., and CDNOW ONLINE,)
INC.,)

Defendant.)

AMBROSE, Chief District Judge.

ORDER OF COURT

And now, this 23rd day of October, 2003, after careful consideration and for the reasons set forth in the Opinion accompanying this Order, it is ordered that the Motion for Summary Judgment by Defendants N2K, Inc., CDNow, Inc., and CDNowOnline, Inc. (Docket No. 159), is denied.

It is further ordered that Plaintiff's Motion for Summary Judgment (Docket No. 156) is granted in its entirety and that all affirmative defenses and counterclaims relating to inequitable conduct raised by N2K, Inc., CDNow, Inc., and CDNowOnline, Inc., are dismissed with prejudice.

A Pre-Trial/Settlement Conference will be held on Wednesday, November 12,

the cited cases, despite not having a clear idea of how Defendants' single-sentence argument relates to them, and find that all three concentrate on commercial success, only one of many secondary considerations which may be offered by a patentee. See Cable Electric, *id.* at 1027, holding that for commercial success to have "true relevance" to the question of nonobviousness, that success must be shown to be due to the nature of the patented subject matter, rather than to economic and commercial factors unrelated to the technical quality of the patented subject matter; Sjolund, *id.* at 1582, concluding that evidence of commercial success was irrelevant because the aspect of the invention to which its success was attributed was not part of the claimed invention. Windsurfing Int'l, which also discusses commercial success, focuses on the weight a district court may properly give to secondary considerations, concluding that the weight should correlate to the objective evidence provided to support them. 782 F.2d at 1000.

Here, I have noted Plaintiff's arguments that at the time the Sightsound Patents were issued, there were numerous examples of secondary considerations: copying, skepticism on the part of those skilled in the art as to the viability of such a system, long-felt but unsatisfied needs, and unsuccessful attempts by others to solve the problem underlying the claimed invention. Given nothing substantive from Defendants in their Reply Brief to refute these claims, I accept them as presented by Plaintiff for purposes of deciding this summary judgment motion.

5. Conclusion:

Conflicts in the evidence on factual issues are not to be resolved on summary

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

<hr/>)	
Sightsound.com Incorporated,)	
)	
	Plaintiff,)	
v.)	Civil Action No.: 98-0118
)	
N2K, Inc., CDnow, Inc., and)	
CDnow Online, Inc.,)	
)	
	Defendants.)	
<hr/>)	

REBUTTAL EXPERT REPORT OF JUSTIN DOUGLAS TYGAR, PH.D.

K. Indicia of Non-Obviousness

Each of the systems described by Dr. Moorer and Dr. Shamos missed a critical ingredient, so none of them ever survived as a consumer-oriented mass-market distribution system for digital music distribution. The only system that has all the magic ingredients is the one disclosed and claimed by the patents in this case. Its embodiments offered consumers a way to integrate their home computers to purchase, download, and play digital music using a single device – their personal computer. It also offered the content distributors a combination that allows it to ensure that digital music and video files are easily pirated.

CONCLUSION

I conclude that the “electronically coding” step in claims 1 and 2 of the ‘734 patent and claims 6 and 8 of the ‘440 patent is enabled by the specification of the ‘734 and ‘440 patents. I also conclude that none of the prior art cited by the Shamos and Moorer reports anticipates or renders obvious any of the asserted claims.

④

EXHIBIT P

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Sightsound.com Inc.,

Plaintiff,

v.

N2K, Inc., CDnow, Inc., and
CDnow Online, Inc.,

Defendants.

CIVIL ACTION

98-0118

Judge Ambrose

DECLARATION OF CLYDE E. FINDLEY

1. My name is Clyde E. Findley. I am an attorney in the law firm of Kenyon & Kenyon, 1500 K Street, NW, Washington, D.C., 20005.

2. On May 8, 2003, I visited the website available at the following URL:
<http://www.microsoft.com/windows/windowsmedia/wm7/drm/architecture.aspx>. The pages attached at Tab 1 are true and correct copies of the web pages available at that website.

3. On May 8, 2003, I visited the website available at the following URL:
<http://www.pressplay.com/theservice.html>. The pages attached at Tab 2 are true and correct copies of the web pages available at that website.

4. On May 8, 2003, I visited the website available at the following URL:
<http://www.pressplay.com/faq.html>. The pages attached at Tab 3 are true and correct copies of the web pages available at that website.

5. On May 8, 2003, I visited the website available at the following URL:
<http://www.apple.com/music/store/>. The pages attached at Tab 4 are true and correct copies
of the web pages available at that website.

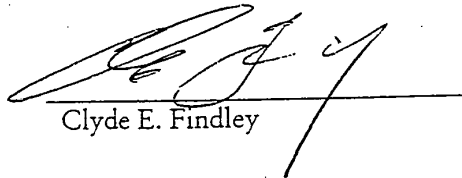
6. On May 8, 2003, I visited the website available at the following URL:
http://www.listen.com/rhap_about.jsp?sect=catalogs. The pages attached at Tab 5 are true
and correct copies of the web pages available at that website.

7. On May 8, 2003, I visited the website available at the following URL:
http://www.listen.com/rhap_about.jsp?sect=feat. The pages attached at Tab 6 are true and
correct copies of the web pages available at that website.

I declare under penalty of perjury under the laws of the United States of America that
the foregoing is true and correct.

Dated:

May 8, 2003


Clyde E. Findley

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Windows Media Home | Windows Media Worldwide

Search for:

Architecture of Windows Media Rights Manager

WINDOWS MEDIA HOME

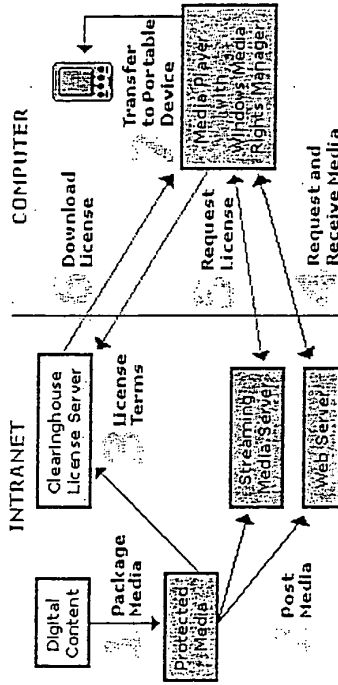
- DOWNLOADS
- TECHNOLOGIES & TOOLS
 - Overview of Windows Media
 - Consumer Electronics
 - Digital Rights Management
 - What is DRM?
 - Why is DRM Important?
 - How to Deploy DRM
 - DRM Architecture
 - Licensing Information
 - System Requirements
 - Authorized Codecs
 - Partners & Providers
 - Freemove Software
 - Tutorials
- Encoder
- Format
- Microsoft Producer
- Players
- SDK
- Server
- Codecs
- COOL STUFF
- DEMOS ()
- HOW-TO
- GET DOWN TO BUSINESS
- PRESS
- COMMUNITY

When a consumer acquires an encrypted media file from a Web site, he or she must also acquire a license that contains a key to unlock the file before the content can be played. Content owners can easily set these licenses and keys in motion by protecting their content files with Microsoft® Windows Media® Rights Manager and then distributing the content to consumers.

The following illustration shows how content is protected, distributed, and used with Windows Media Rights Manager:



Windows Media Rights Manager Flow



This diagram can be explained in terms of:

[How Windows Media Rights Manager Works Licenses and keys](#)

[▲ Back to the top](#)

How Windows Media Rights Manager Works

Windows Media Rights Manager lets content providers deliver songs, videos, and other digital media content over the Internet in a protected, encrypted file format. Windows Media Rights Manager helps protect digital media (such as songs and videos) by packaging digital media files. A packaged media file contains a version of a media file that has been encrypted and locked with a "key." This packaged file is also bundled with additional information from the content provider. The result is a packaged media file that can only be played by a person who has obtained a license.

<http://www.microsoft.com/windows/windowsmedia/wm7/drm/architecture.aspx>

The basic Windows Media Rights Manager process is as follows:

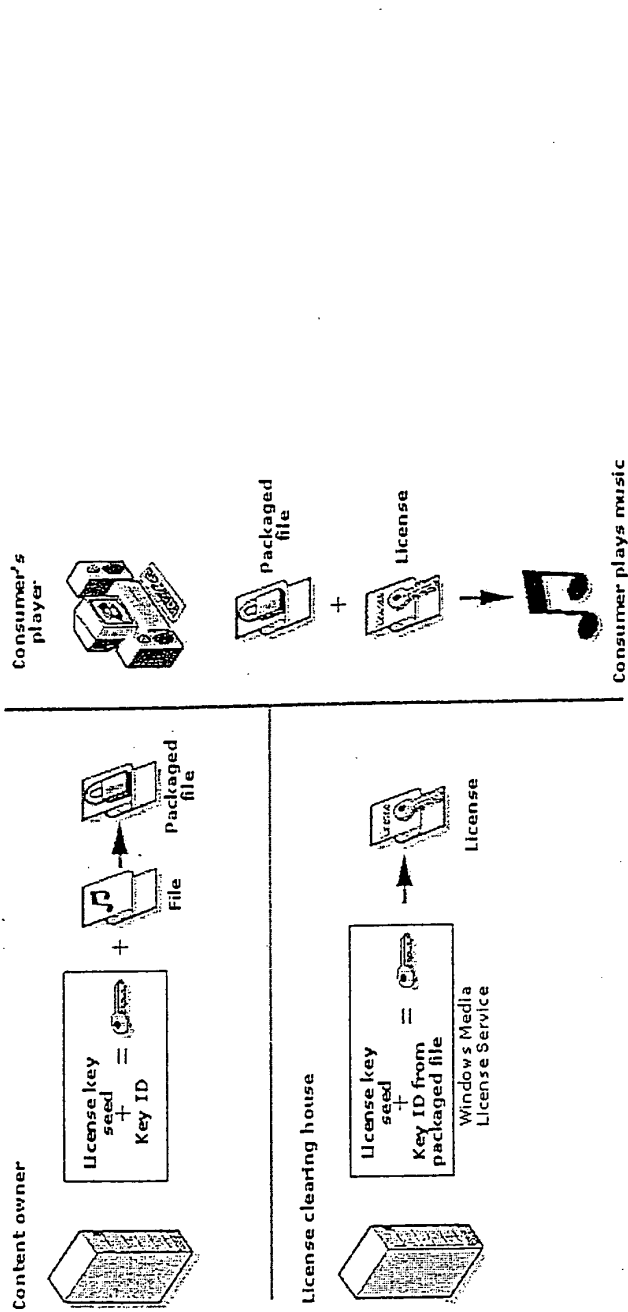
- 1. Packaging**
Windows Media Rights Manager packages the digital media file. The packaged media file has been encrypted and locked with a "key." This key is stored in an encrypted license, which is distributed separately. Other information is added to the media file, such as the URL where the license can be acquired. This packaged digital media file is saved in Windows Media Audio format (with a .wma file name extension) or Windows Media Video format (with a .wmv file name extension).
- 2. Distribution**
The packaged file can be placed on a Web site for download, placed on a media server for streaming, distributed on a CD, or e-mailed to consumers. Windows Media Rights Manager permits consumers to send copy-protected digital media files to their friends, as well.
- 3. Establishing a License Server**
The content provider chooses a license clearing house that stores the specific rights or rules of the license and implements the Windows Media Rights Manager license services. The role of the clearing house is to authenticate the consumer's request for a license. Digital media files and licenses are distributed and stored separately, making it easier to manage the entire system.
- 4. License Acquisition**
To play a packaged digital media file, the consumer must first acquire a license key to unlock the file. The process of acquiring a license begins automatically when the consumer attempts to acquire the protected content, acquires a pre-delivered license, or plays the file for the first time. Windows Media Rights Manager either sends the consumer to a registration page where information is requested or payment is required, or "silently" retrieves a license from a clearing house.
- 5. Playing the Media File**
To play the digital media file, the consumer needs a media player that supports Windows Media Rights Manager. The consumer can then play the digital media file according to the rules or rights that are included in the license. Licenses can have different rights, such as start times and dates, duration, and counted operations. For instance, default rights may allow the consumer to play the digital media file on a specific computer and copy the file to a portable device. Licenses, however, are not transferable. If a consumer sends a packaged digital media file to a friend, this friend must acquire his or her own license to play the file. This PC-by-PC licensing scheme ensures that the packaged digital media file can only be played by the computer that has been granted the license key for that file.

[▲ Back to the top](#)

License and Keys

How Keys Work

The content owner locks their content with a "key" to create a packaged file. Before the consumer can play the file, the license clearing house creates a license containing the key that can unlock the packaged file and download the license to the consumers PC. The following diagram shows how keys are created and used in Windows Media Rights Manager.



To generate a key, a license key seed and a key ID are needed:

- The license key seed is a value that is known only to the content owner and license clearing house.
- The key ID is created by the content owner for each Windows Media file. This value is included in the packaged file.

When the license clearing house needs to issue a license for a packaged file, a key can be recreated by retrieving the key ID from the packaged file. The Windows Media License Service uses the license key seed (which the clearing house provides) and the key ID from the packaged file to create a key. The key is included in the license sent to the consumer's computer. Using the key included in the license, the player on the consumer's computer can open and play the protected file.

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How Licenses Work

Each license contains the key to unlock the Windows Media file. The license also contains the rights, or rules, that govern the use of the digital media file. The content owner sets these rights to determine which actions are allowed from minimal control over playback to more restrictive licenses. The licenses in Windows Media Rights Manager can support a wide range of different business rules, including:

- How many times can a file be played.

- Which devices a file can be played or transferred on. For example, rights can specify if consumers can transfer the file to portable devices that are compliant with the Secure Digital Music Initiative (SDMI).
- When the user can start playing the file and what is the expiration date.
- If the file can be transferred to a CD recorder (burner).
- If the user can back up and restore the license.
- What security level is required on the client to play the Windows Media file.
- And many others.

Licenses can be delivered in different ways and at different times, depending on the business model. The content owner might want licenses pre-delivered, or they might want the license delivered after a consumer has downloaded and attempted to play a packaged file for the first time. Licenses can be delivered with or without the consumer being aware of the process using silent or non-silent license delivery.

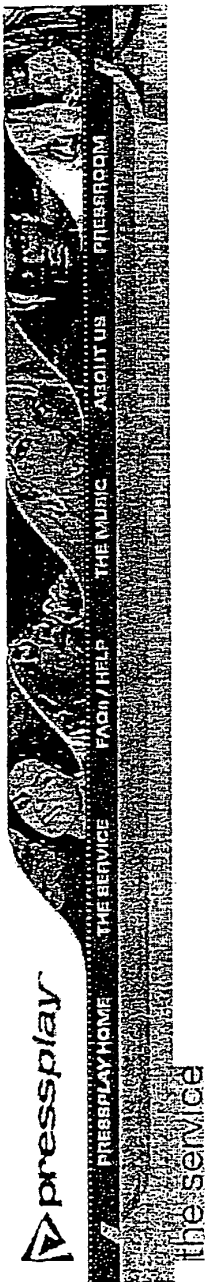
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the service

pressplay offers a number of service plans so that you can choose the plan which is right for you.

UNLIMITED

\$9.95 per month
Unlimited Streaming
Unlimited Downloads

UNLIMITED PLUS

\$17.95 per month
Unlimited Streaming
Unlimited Downloads
10 Portable Downloads per month

ANNUAL PLUS

\$179.40 per year - a \$14.95/month value
Unlimited Streaming
Unlimited Downloads
120 Portable Downloads on Day 1 of Membership

3 day free trial
Unlimited Streams
Unlimited Downloads
TRY IT NOW

CLICK HERE

All tiers of service offer the ability to buy as many extra packs of 5, 10, or 20 Portable Downloads as you would like. Portable Download packs are available for \$5.95 for the 5-pack; \$9.95 for the 10-pack and \$18.95 for the 20-pack.

Service Notes: Unlimited streaming and downloading is available on all tiers of the pressplay service. Portable Downloads may be kept after your membership is cancelled, transferred to compatible portable music devices; and burned to a CD or copied to a Net MD™ device. Most portable music devices on the market are compatible with pressplay. [Click here](#) for a complete list of compatible devices. For more details about our service plans, please review our [Terms and Conditions](#).

[Terms and Conditions](#) [Privacy Policy](#)
©2001-2002 pressplay

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frequently asked questions


Top Ten FAQs

- [General](#)
- [Help for pressplay Members](#)
- [Registration and Installation](#)
- [Subscription Management and Policies](#)
- [Finding Music and Content](#)
- [Streams](#)
- [Downloads](#)
- [Portable Downloads](#)
- [Community Features](#)


FAQs are frequently asked questions about the pressplay policies and service. These FAQs apply to both the standalone pressplay application and pressplay for Windows Media Player 9 Series. Where the steps differ, the following icons are used to help distinguish the difference:

 client only

This icon refers to steps or answers that are specific to the pressplay client application.

 for windows media player

This icon refers to steps or answers that are specific to pressplay for Windows Media Player 9 Series.

 help icon

1. What is pressplay?
2. What is pressplay for Windows Media Player 9 Series?
3. What are the minimum system requirements to use pressplay?
4. How does the free trial work?
5. Is my credit card information safe?
6. Is there a minimum time commitment to sign up for the service?
7. How do I contact pressplay Customer Care?
8. I forgot my password or member name. What do I do?
9. What is a Portable Download?
10. What labels are represented in the pressplay service?

GENERAL

- What is pressplay?
- What's new in pressplay 2.5?
- What is pressplay for Windows Media Player 9 Series?
- What is Gateway Music Vault by pressplay?
- How does the free trial work?
- What is the Member Get Member promotion?
- What is a stream?
- What is a download?
- What is a Portable Download?
- What is a portable device transfer?

<http://www.pressplay.com/faq.html>

- What is a Sony Net MD™?
- What is a burn?
- Can I block *pressplay* tracks with explicit content?
- Where can I find information about the *pressplay* Privacy Policy?
- Is *pressplay* available outside the United States?
- What are the benefits of upgrading to Windows Media Player 9 Series?
- How do I contact Windows Media Player Series 9 Customer Support?
- Which music labels are represented in the *pressplay* service?
- I lost *pressplay* from my computer, or want to get it on another computer, how can I download and install the *pressplay* software? Can I access my *pressplay* service from another location, such as work, home, or even on the road?
- How do I queue up tracks so they start playing after the ones that are currently playing finish?
- How do I access *pressplay* Help?

Helping you help yourself

- How do I contact *pressplay* Customer Care?
- I am not able to sign in to *pressplay*. What do I do?
- I forgot my password or member name. What do I do?
- Can I copy my downloaded tracks to another computer?
- I lost my *pressplay* downloads. How do I get them back?

Helping you help yourself

- Minimum System Requirements
- What are the minimum system requirements to use *pressplay*?
- How do I download and install the *pressplay* software?
- How do I get the Windows Media Player?

Registration

- What credit cards can I use to purchase a *pressplay* membership?
- Is my credit card information safe?
- What names can I use for my member name?
- Is there a minimum time commitment to sign up for the *pressplay* service?
- Do I have to sign up for the *pressplay* service through an affiliate?
- If I am signed up for *pressplay* through Windows Media Player 9 Series, can I also listen to my *pressplay* account through the standalone *pressplay* application?
- Will removing the *pressplay* service from Windows Media Player 9 Series, cancel my membership?
- How do I get *pressplay* back if I accidentally removed it from Windows Media Player 9 Series?

Installation technical questions

- Will *pressplay* work if I am behind a firewall?
- How do I get updates for *pressplay* software?
- How do I launch *pressplay*?
- If I cancel, do I get to keep my downloads and/or Portable Downloads?
- Can I share my *pressplay* membership with others?
- Can I access my existing *pressplay* membership through Windows Media Player 9 Series?
- How do I cancel my *pressplay* membership?
- How can I reactivate a previously canceled membership?
- I used up all the Portable Downloads in my membership plan before my membership period was over- is there a way I can get more Portable Downloads?

Helping you help yourself

- What is the basis for the recommendations in the recommendation engine?
- How can I browse through recent or past hits from the Billboard Charts?
- How can I find out what music has recently been added to *pressplay*?
- How can I find out more information about an artist or album?
- What is Radio *pressplay*?
- Can I skip tracks on radio *pressplay* or view what's in the queue?

How does the "Build Your Own Station" feature work and how are the tracks selected?

FAQ

What file format and bitrate are the streaming tracks?

Do I have to be online to stream a track?

How do I play an entire album?

FAQ

What file format and bitrate are the download tracks?

How does the quality of a download track compare to a streaming track or CD?

Can I stream tracks or use other applications while I am downloading?

Can I copy my downloaded tracks to another computer?

If my hard drive fails or I get a new computer, how can I regain access to my downloads?

Do I have to be online to play a downloaded track?

Can I make a download permanent so it never expires?

FAQ

Can I purchase my downloads outright so I can play them after I am a *pressplay* member?

What is a Portable Download pack?

How do I purchase a Portable Download pack?

Can I burn and transfer an entire album?

Which CD Burners are supported by the Roxio CD burning software?

Which portable music players are supported by *pressplay*?

How do I transfer Portable Downloads to a portable device using the *pressplay* application?

Which tracks can I copy to a Net MD™ device?

How many times can I burn or copy the same Portable Download?

If I do not use up my Portable Download credits, do they carry over into the next billing period?

Can I use my player or another application to burn *pressplay* tracks?

Which tracks am I allowed to burn to CD?

How do I get the Roxio Basic CD Label Creator?

Who can I contact if I am having issues with my portable music player?

FAQ

What is the *pressplay* Message Board?

How do I create or edit my Public Profile?

How can I see what other members are listening to?

How do I make it so my member name does not appear under Now Streaming?

How can I view other members' collections?

FAQ

What is *pressplay*?

pressplay is the premier on-demand music service that will change the way you discover music. For a low monthly fee, you can search, browse, and instantly listen (via streaming) to an unlimited number of full-length songs of your choice from your favorite artists while you are connected to the Internet. The *pressplay* service also lets you download an unlimited number of high quality music files to your computer, and play them as much as you want as long as your membership is active. In addition, you can make your own compilations, or playlists, and you can even burn your favorite tracks to a CD or transfer them to portable devices.

What's new in *pressplay* 2.5?

Here are some of the major new features included with version 2.5:

- **Custom Radio** - let *pressplay* build your own personalized radio stations based on your listening preferences.
- **The Mix** - build your own compilations based on professionally programmed playlists. You can burn these custom mixes and even print customized CD inserts and labels for your CD.
- **Billboard Charts** - peruse the top hits of today or seasons past.

<http://www.pressplay.com/faq.html>

- **Member Get Member** - share *pressplay* with your friends and family and get rewarded! Not only will you receive 10 free Portable Downloads if your referral signs up for *pressplay*, but so will they!
- **30-Second Clips** - for tracks that are Portable Download only, we are providing 30-second clips to let you preview the tracks before burning or transferring.

pressplay version 2.5 also contains many usability and performance enhancements, as well as some behind-the-scene changes that will enable us to bring you some exciting new features in the future. Stay tuned!

What is *pressplay* for Windows Media Player 9 Series?
pressplay for Windows Media Player 9 Series lets you experience *pressplay* through the 9 Series player interface. All the benefits available from the standalone *pressplay* application are now conveniently available as a service through the 9 Series player, including unlimited streaming and downloading, and the option to purchase your *pressplay* tracks as Portable Downloads that are yours to keep. You can copy and transfer your Portable Downloads using the 9 Series player and can also merge your *pressplay* collection with your other digital media so you collect and listen to your music all in one place.

What is Gateway Music Vault by *pressplay*?
Gateway Music Vault by *pressplay* is an innovative partnership between *pressplay* and Gateway that lets you purchase a Gateway PC pre-loaded with the *pressplay* service. In addition to the *pressplay* service pre-loaded on the PC, certain models will come pre-loaded with up to 2,000 songs in conjunction with a special introductory offer.

How does the free trial work?
When you sign up for any *pressplay* plan, you receive a 3-day free trial that consists of unlimited streams and downloads. If at any point during these 3 days you decide to cancel, your *pressplay* membership will end and your credit card will not be billed. At the end of the 3-day trial, the plan you selected at registration will begin and your credit card will be charged. You will have access to the tracks you downloaded during your free trial for as long as you are an active subscriber.

What is the Member Get Member promotion?
The Member Get Member program provides a convenient way to refer friends and family to *pressplay* and also get rewarded at the same time! For each person that becomes a paid member from your referral, you will receive 10 free Portable Downloads. In addition, if your friend signs up by your Member Get Member referral, they will also receive 10 free Portable Downloads. Look for Member Get Member promotional links on the HOME page and other locations throughout *pressplay*.

What is a stream?
Streaming means you can listen on-demand while you are connected to the Internet, without having to download the track to your hard drive. Streaming is like playing a song on the radio, except with *pressplay* you can choose what you want to hear and when you want to hear it. *pressplay* streams are on-demand with the freedom to pause, rewind, or skip ahead. All tiers of the *pressplay* service offer unlimited streaming of commercial-free tracks from the *pressplay* library.

What is a download?
A download is a digital music file that you transfer to your computer using *pressplay*. You can play downloads as much as you want as long as your membership is active, and you can listen to them online or offline. All tiers of the *pressplay* service offer unlimited downloading of near CD-quality tracks from the *pressplay* library.

What is a Portable Download?
Portable Downloads are downloads which become permanent copies on your hard drive even if you are no longer a *pressplay* member. You can burn Portable Downloads to CD and transfer them to supported portable devices.

What is a portable device transfer?
A portable device (PD) allows you to transfer and play your Portable Downloads away from your computer via a portable music player. All *pressplay* members will be able to transfer tracks to compatible portable devices. To find out if your portable device is compatible, go to:

http://www.pressplay.com/compatible_devices.html

What is a Sony Net MD?
The Sony Net MD product line uses MiniDiscs (MD) to copy and playback your digital tracks. You can use the *pressplay* application to copy Portable Downloads to any of the products that support Net MD.

<http://www.pressplay.com/faq.html>

What is a burn?

"Burning music" is the process of copying Portable Downloads to a compact disc, which can then be played on any CD player. All *pressplay* members will be able to make CDs from their collections. You can burn an entire album, or you can burn a mixed CD with just your select favorites.

Can I block *pressplay* tracks with explicit content?

Yes. Any member that wants to block tracks with explicit content can simply change their settings in the **Member Information** section of *pressplay*.

Where can I find information about the *pressplay* Privacy Policy?

You can find information about the *pressplay* Privacy Policy at the following site:

<http://www.pressplay.com/privacypolicy.html>

Is *pressplay* available outside the United States?

Currently, *pressplay* is available to residents of the United States.

What are the benefits of upgrading to Windows Media Player 9 Series?

There are many reasons to upgrade to Windows Media Player 9 Series including reduced buffering and better stream quality. You can benefit from the enhancements of Windows Media Player 9 even if you are using the *pressplay* standalone application, as it uses 9 Series technology behind the scenes. You can get the latest free version of the 9 Series player at:

<http://windowsmedia.microsoft.com/download/download.asp>

How do I contact Windows Media Player 9 Series Customer Support?

If you have questions or issues with your Windows Media Player 9 Series, please refer to the Microsoft Website for support information:

<http://support.microsoft.com>

Which music labels are represented in the *pressplay* service?

pressplay members have access to one of the largest online music catalogs, which is constantly growing and currently features songs from all five major record companies--Universal Music Group, Sony Music Entertainment, EMI Recorded Music, Warner Music Group and BMG--and many independent labels.

I lost *pressplay* from my computer, or want to get it on another computer, how can I download and install the *pressplay*

software? Can I access my *pressplay* service from another location, such as work, home, or even on the road?
You can access your *pressplay* account from your home or office, or anywhere that you have Internet access. You can play streaming files from anywhere that you have Internet access, and store your downloads on up to two computers.

To re-download *pressplay* or install it on another computer, click on the appropriate link corresponding to the affiliate you signed up with:

- [pressplay on MSN Music members click here](#)
- [pressplay on Yahoo! members click here](#)
- [Roxio pressplay members click here](#)
- [pressplay on MP3.com members click here](#)
- [pressplay on Sony's Musicclub members click here](#)
- [pressplay members click here](#)
- [Gateway Music Vault by pressplay members click here](#)
- [Rto pressplay members click here](#)
- [pressplay \(generic\) members click here](#)

Click on the provided link to download *pressplay*.

<http://www.pressplay.com/faq.html>

- Verify that you are signing in under the correct affiliate. If the affiliate listed on the sign-in page is not the affiliate you signed up with, then click the link to switch to another account, and then choose the correct affiliate to sign-in.
- For *pressplay* on MSN Music members, verify that you are using the correct MSN .NET Passport sign-in (e-mail address) and NOT your *pressplay* member name to sign in. If you can't remember your MSN .NET Passport sign-in or password, contact MSN for assistance:
 - o <https://memberservices.passport.com/>

If you are still unable to sign in, then try calling a *pressplay* Customer Care representative at 888.660.2265 and provide us with your sign-in and password so we can verify whether the issue is with your specific sign-in, or whether it is an issue with your computer configuration.

I forgot my password or member name. What do I do?

The password and member name recovery process varies with each affiliate:

- *pressplay* on MSN Music members use the MSN .NET Passport to sign in. The .NET Passport e-mail address or password can be changed by following the instructions on the .NET Passport sign-in, or by going to the following URL: https://memberservices.passport.com/ppsecure/MSRV_ResetPW.asp
- All other *pressplay* affiliate members use the Integrated *pressplay* sign in. Please contact a Customer Care representative at 888.660.2265 to reset your password or recover your member name.

Can I copy my downloaded tracks to another computer?

You can store and listen to your downloads on up to two computers (the original computer you downloaded the track on, and one additional computer). For example, if you downloaded the track at home, you can also have another copy of the download on your computer at work. To do this, you need to first install *pressplay* on the secondary computer, and use the **Sync/Restore** feature.

I lost my *pressplay* downloads. How do I get them back?

CLIENT ONLY

When you launch *pressplay*, your default directory is scanned for the presence of your downloads. If a download is not in the default directory, it will have a **Status of Missing** on the **DOWNLOAD STATUS** sub-tab (under **MY COLLECTION**). Click the **restart download** button to re-download the track.

For Windows

If you delete a download from the 9 Series player Media Library, you can get the download back by going back to *pressplay*, searching for the track and downloading it again.

For Mac OS X

What are the minimum system requirements to use *pressplay*?
pressplay's minimum system requirements are as follows:

- Operating System—Windows 98, Windows 2000, Windows Me, or Windows XP

Note: *pressplay* is not supported on *Windows 95*, *Windows NT*, or *Macintosh*.

- Processor—Intel Pentium-class CPU equivalent or better
- Memory—64MB of RAM minimum
- Hard Drive—approximately 2 MB for *pressplay* and 12-15 MB for Windows Media Player (if not already installed)
- Sound Card—sound card and speakers
- Browser—Microsoft Internet Explorer version 5.01 or higher

pressplay ... s fir ... art l ... am, ... vno ... and b ... oday,

1. Go to the **Services** tab on the 9 Series player.
2. Follow the link to sign up for *pressplay*.
3. Follow the link for "I am already a member!"
4. Click the link to install *pressplay*.
5. Follow the installation instructions and then sign into *pressplay* when prompted.

Will *pressplay* work if I am behind a firewall?
pressplay will work behind most firewalls. If you are having difficulties installing *pressplay*, upgrading your Windows Media Player, or streaming or downloading songs, we would suggest that you temporarily disable the firewall, or lower the security settings to see if this may be an issue.

How do I get updates for *pressplay* software?

CLIENT ONLY
 To update your version of the *pressplay* application, choose **Update *pressplay*** from the **My Account** drop-down menu. You are then guided through the update process if an update is available.

For Windows Media Player 9 Series
 If you are using the *pressplay* plug-in for Windows Media Player 9 Series, the *pressplay* plug-in will update itself automatically if an update is available.

How do I launch *pressplay*?

CLIENT ONLY
 You can access *pressplay* through the *pressplay* icon on your desktop.

For Windows Media Player 9 Series
pressplay for the Windows Media Player 9 Series is accessed via the **Services** button along the left side.

If I cancel, do I get to keep my downloads and/or Portable Downloads?
 If you choose to cancel your *pressplay* membership, you get to keep the Portable Downloads you acquired. However, you will lose the ability to play the regular downloads at the end of the period you paid through.

If you decide to come back to *pressplay* within six months, you can regain access to your entire download collection (using the **Sync/Restore** feature) after you sign up again using the same member name and password.

Can I share my *pressplay* membership with others?
 Your *pressplay* membership is for your personal use only. If you give others access to your *pressplay* account, keep in mind that only one concurrent user is allowed on your account at a time and the tracks they make Portable Downloads will count against your membership.

Can I access my existing *pressplay* membership through Windows Media Player 9 Series?

Absolutely! You can listen to your *pressplay* membership on either version of *pressplay*. To access your existing *pressplay* membership through Windows Media Player 9 Series:

1. Install the 9 Series player (this can be obtained at <http://windowsmedia.microsoft.com/download/download.asp>).
2. Click the **Services** button on the 9 Series player.
3. Follow the *pressplay* link.
4. Follow the "I am already a member!" link.

Note: The different versions of *pressplay* are treated as separate installations and you will need to perform a **Sync/Restore** to listen to your downloads on the other version.

How do I cancel my *pressplay* membership?

<http://www.pressplay.com/faq.html>

If you wish to cancel your membership:

1. CLIENT ONLY
Select **Account Status** from the **My Account** drop-down menu.
My Windows
Click **OPTIONS/HELP** from the **HOME** tab, and then click on **Account Status**.
2. Click on the **To cancel your membership** link.
3. Review the terms of cancellation and click **CONTINUE**.

Your membership will be terminated at the end of the billing period you paid through.

If you would ever like to reactivate your *pressplay* membership in the future, you can do so by signing up again through the same *pressplay* affiliate (follow the "I am already a member" link) and use the same member name and password. If you reactivate within six months, you will regain access to all of your existing downloads and playlists.

How can I reactivate a previously canceled membership?

To reactivate a canceled membership, sign into *pressplay* through the same affiliate with the same member name and password that you had before. You should receive a "Welcome Back to *pressplay*" page with a link to reactivate your account. If you reactivate your membership with the same member name/password within 6 months from when you canceled, you can regain access to your downloads using the Sync/Restore feature.

Note: If you need any help during the reactivation process, please feel free to contact pressplay Customer Care at 888.660.2265 and we can reactivate your membership for you.

If you no longer have *pressplay* installed on your computer, you can first download the *pressplay* application from one of the following sites (depending on which affiliate you originally signed up through):

- *pressplay* on **MSN Music** members click here
- *pressplay* on **Yahoo! Music** members click here
- **Roxio *pressplay*** members click here
- *pressplay* on **MP3.com** members click here
- *pressplay* on **Sony's Musicclub** members click here
- *pressplay* connect members click here
- **Gateway Music Vault by *pressplay*** members click here
- **Rio *pressplay*** members click here
- *pressplay* (generic) members click here

Once you download the *pressplay* application, sign in with the same member name and password and you should see a link to reactivate your account.



If you signed up for *pressplay* through **Windows Media Player 9 Series** or wish to use *pressplay* through the 9 Series player:

1. Install the 9 Series player. This can be obtained at: <http://windowsmedia.microsoft.com/download/download.asp> if you do not have it already.
2. Click the **Services** button on the 9 Series player.
3. Follow the *pressplay* link.
4. Follow the "I am already a member" link.

<http://www.pressplay.com/faq.html>

I used up all the Portable Downloads in my membership plan before my membership period was over-is there a way I can get more Portable Downloads?

pressplay offers all members and trial participants the ability to purchase additional Portable Download packs to supplement your membership plan. You can purchase a 5-pack of Portable Downloads for \$5.95, a 10-pack for \$9.95, or a 20-pack for \$18.95. These Portable Download pack credits are good for as long as you are an active member. If you have a pressplay Unlimited or Unlimited Plus membership plan, you can also consider upgrading to a pressplay Annual Plus membership plan that provides 120 Portable Downloads for the year, all available on day one of your membership.

What is the basis for the recommendations in the recommendation engine?

The recommendations from pressplay's programming team are based on what other members are streaming, downloading, making portable, and searching for. The recommendations are served to the right of the search results window and are listed in order of artists with the greatest number of similarities to the artist the recommendations are based on.

Note: Occasionally the number and order of artist recommendations may be affected by the number of artists in the pressplay system and the inclusion of suggested new artists with no established usage history.

How can I browse through recent or past hits from the Billboard Charts?

pressplay features Billboard Charts that let you browse the most popular hits from today or relive the hits of years past. To view the Billboard charts:

1. Go to the **FIND MUSIC** tab and click the **BILLBOARD CHARTS** sub-tab.
2. From the chart drop-down menu, select the Billboard chart type that you would like to browse.
3. From the folders below, select the year and season that you want to view the hits from.
4. Click the **BROWSE** button.

How can I find out what music has recently been added to pressplay?

Check the "today: just added to pressplay" section on the homepage. This is updated daily with highlights of artists and tracks that have been recently added to pressplay. You can also **BROWSE NEW ADDITIONS** from the **FIND MUSIC** tab to browse through the content that has been most recently added.

To browse through the content that has been recently added to the pressplay service:

1. Go to the **FIND MUSIC** tab.
2. Click on **BROWSE NEW ADDITIONS**.

The last 1000 tracks that have been added to the pressplay service display, organized by artist and ranked by popularity in the service. You can sort these results alphabetically by artist by clicking on the **Artists** column header.

How can I find out more information about an artist or album?

Select an artist and click the **artist/album info** button (or right-click and choose **Artist Info** or **Album Info**). Information is provided that includes related artists, a discography, and a biography of the artist. Alternatively, you can simply click on the album thumbnail when the track is playing to view the artist information.

What is Radio pressplay?

Radio pressplay stations are professionally programmed, commercial-free stations customized to suit your tastes. Every time you listen to Radio pressplay, a new playlist of tracks is generated based on the station you choose. You can perform the same actions that you can perform on a playlist, such as skip, rewind, and view what's in the queue.

Can I skip tracks on Radio pressplay or view what's in the queue?

You can perform the same actions on Radio pressplay that you can perform on a playlist, such as skip a track, rewind to hear the track again, and view what's in the queue to play next.

How does the "Build Your Own Station" feature work and how are the tracks selected?

The build me a station feature of Radio pressplay lets you build a customized radio station based on your listening preferences. A 200-track playlist is created on-the-fly based on recommendations from the tracks you have downloaded in your collection. Playlist are genre-based, so if you have downloaded tracks from different genres you can get a variety of different playlists. Each time you click **BUILD NOW**,

a new station is created that could be based on a different genre (if your collection spans genres). And each time you click **BUILD NOW** a new selection of tracks will be selected, so each time you get a unique listening experience. If you do not have at least 10 downloads in your collection, then the playlist will be based on your favorite genre.

What file format and bitrate are the streaming tracks?

pressplay uses Windows Media Audio for streaming files. The music is streamed at 20, 32, or 96 Kbps depending on your connection speed.

- Dial-up-20 Kbps
- ISDN-32 Kbps
- Cable/DSL or higher -96 Kbps

Do I have to be online to stream a track?

Because a stream is played directly from pressplay's central servers, you must have a working Internet connection and be signed into pressplay in order to stream a pressplay track. If you download a track, you can play it offline.

How do I play an entire album?

To play an entire album, select **BROWSE ARTIST/ALBUM** from the **FIND MUSIC** tab and browse for the desired album. Select the album, right-click, and choose **Play Album**.

What file format and bitrate are the download tracks?

For download files, pressplay currently uses the Windows Media Audio (WMA) format encoded at 128 Kbps stereo.

How does the quality of a download track compare to a streaming track or CD?

pressplay downloads are encoded at a higher bit rate than our streams and therefore are of better quality. pressplay downloads use a high-quality WMA format that comes near to CD quality.

Can I stream tracks or use other applications while I am downloading?

Yes. pressplay runs behind the scenes, allowing you to perform most other tasks while you are downloading. The pressplay service is fully functional while you are downloading, so you can search for, or stream other tracks. Depending on your computer's capabilities, however, this may impact your streaming quality.

Can I copy my downloaded tracks to another computer?

Yes, you can store and listen to each of your downloads on up to two computers (the original computer you downloaded the track on, and one additional computer). For example, if you downloaded the track at home, you can also have another copy of the download on your computer at work. To do this, you need to first install pressplay on the secondary computer, and use the **Sync/Restore** feature.

Note: Portable Downloads are not included in the Sync/Restore. You can copy or re-download a Portable Download on an additional computer, but it will be treated as a regular download that cannot be burned or transferred without using an additional Portable Download credit.

If my hard drive fails or I get a new computer, how can I regain access to my downloads?

You can use the pressplay Sync/Restore feature to restore your downloads to one additional computer at no extra charge. If you have already used up your Sync/Restore and your computer crashes, you bought another computer, or have other extenuating circumstances, then contact Customer Care and they can give you an additional Sync/Restore.

Do I have to be online to play a downloaded track?

An Internet connection is required to download the track, but once you have downloaded the track you do not need to be online to play the track.

Note: If you have not been online since the rights for that track renewed for a succeeding month, you may be prompted to connect momentarily to acquire the license renewal.

Can I make a download permanent so it never expires?

When you make a download a Portable Download, it is yours to keep even if your membership expires. In addition, you will be able to burn and transfer the Portable Download to a CD or portable music player. Any track that has the burn or transfer icon in the Options column can

<http://www.pressplay.com/faq.html>

be made portable.

Can I purchase my downloads outright so I can keep them after I am a *pressplay* member?

You can convert your downloads to Portable Downloads to make them permanent. Portable Downloads may be burned to CD, transferred to portable devices and kept after your membership expires. If you want to purchase more Portable Downloads than what are allotted in your membership plan, you can purchase packages of Portable Downloads for less than \$1 per download.

What is a Portable Download pack?

pressplay Portable Download packs are a convenient way to purchase additional Portable Downloads. The following Portable Download packs are available:

- 5-pack of Portable Downloads for \$5.95
- 10-pack of Portable Downloads for \$9.95
- 20-pack of Portable Downloads for \$18.95

Portable Download credits from your Portable Download pack will not expire as long as you are a *pressplay* member.

Portable Download packs can be purchased directly from the **Account Status** page. If you attempt to burn or transfer a track without enough existing credits, you will also be given the opportunity to purchase a Portable Download pack at that time.

How do I purchase a Portable Download pack?

To purchase a Portable Download pack:

1. **CLIENT ONLY**
Select **Account Status** from the **My Account** drop-down menu.
My Account
Click **OPTIONS/HELP** from the **HOME** tab, and then click on **Account Status**.

2. Click the link that says "Click here to buy more Portable Downloads!".
3. Select the number of Portable Downloads you wish to purchase.
4. Review the details of the offer and click **SUBMIT** to accept.

Portable Download credits from your 5-, 10-, or 20- packs will not expire as long as you are a *pressplay* member.

Can I burn and transfer an entire album?

Yes, you can burn and transfer as many tracks from an artist or album as you like. There is no restriction on the number of tracks per artist that you can burn and transfer, as long as you have the available Portable Downloads credits.

Which CD Burners are supported by the Roxio CD burning software?

The Roxio CD burning software supports most standard CD burners. To check if your particular CD burner is supported, go to:

http://rpp.roxio.com/drives/?page=supported_drives

If you have a new CD RW that is not on the list, check back in the near future as Roxio updates this list frequently.

Which portable music players are supported by *pressplay*?

Most flash and hard disk based portable music players that support the Windows Media format are compatible with the *pressplay* service. To see if your portable music player is compatible, go to:

http://www.pressplay.com/compatible_devices.html

CLIENT ONLY

How do I transfer Portable Downloads to a portable device using the *pressplay* application?

Note: Before you attempt to copy or transfer, verify that you have a compatible portable device installed and that it is detected by your operating system.

Note: Before you transfer a track you must first download the track or directly make the track a Portable Download. If the track has not been downloaded, it will not appear under tracks available to transfer.

1. Go to the **BURN/TRANSFER** tab.
2. Select the **TRANSFER TO PORTABLE DEVICE** sub-tab.
3. Select **Available Tracks** or locate the tracks under **Available Artists or Playlists**. If the track(s) you want to transfer are not listed, then verify that they have been downloaded and have transfer options.
4. Drag and drop the tracks you want to burn from the upper area into the lower track staging area.
5. Drag and drop tracks to the desired location within the list or use the provided arrow keys to move the tracks up and down in the order.
6. Once you have added and sorted all the tracks in the burn staging area, click **transfer to PD**.
7. Click **YES** to accept the offer.
8. Windows Media Player launches with your selected tracks ready to transfer. Verify that your portable device is connected and contains the proper media.
9. Click **Copy Music** from Windows Media Player.

A status screen displays the progress of the transfer process. See the *pressplay* User Guide for more details.

CLIENT ONLY

pressplay on Windows Media Player 9 Series users can transfer tracks from the **Copy to CD or Device** tab on the 9 Series Player. Refer to the 9 Series player help for information on copy and transfer functionality, or refer to the additional **Burn/Transfer Help** available under **OPTIONS/HELP**.

CLIENT ONLY

Which tracks can I copy to a Net MD device?

Any track that has the burn icon displayed in the **Options** column can be copied to a Net MD player, provided you have sufficient Portable Download credits left in your membership plan. Note that a track must be downloaded before it can be burned.

How many times can I burn or copy the same Portable Download?

You can burn or copy each Portable Download one time. You can also transfer the Portable Download to a portable device. If you want an additional burn, you can use another Portable Download credit.

If I do not use up my Portable Download credits, do they carry over into the next billing period?

The Portable Download credits allotted for your membership period do not carry over unless they are Portable Download credits purchased via a 5, 10, or 20 pack of Portable Downloads. At the beginning of each billing period, your Portable Download credits from your membership reset to the amount allotted in your membership plan regardless of whether you have unused credits left over from the prior billing period.

Can I use my player or another application to burn *pressplay* tracks?

Other software such as Easy CD Creator or Windows Media Player may be used to burn Portable Downloads, but *pressplay* can only provide support for burns initiated through the *pressplay* application or Windows Media Player 9 Series.

Which tracks am I allowed to burn to CD?

Any track that has the burn icon displayed in the **Options** column of the search results can be burned to CD, provided you have sufficient Portable Download credits left in your membership. Note that a track must be downloaded before it can be burned.

CLIENT ONLY

How do I get the Roxio Basic CD Label Creator?

Click **Update *pressplay*** from the **My Account** drop-down menu. There is a link here to install the Roxio Basic CD Label Creator. The Label Creator is offered to you free of charge.

Who can I contact if I am having issues with my portable music player?
If you have questions or concerns related to your portable music player, please contact customer support for the manufacturer of your device. **pressplay** Customer Care can only support issues related to the **pressplay** service.

For issues or additional questions related to Rio or Nike ps[play] products, please contact SONIC | blue support by visiting their customer support site:

www.sonicblue.com/support

For issues related to your **Creative NOMAD** player, see:

<http://www.americas.creative.com/support/welcome.asp?RD=faq>

For additional FAQs related to your **Compaq IPAQ™** player, see:

<http://www1.pro.compaq.com/support/home/index.asp>

COMMUNITY PRESSPLAY MESSAGE BOARD

What is the pressplay Message Board?

The **pressplay** Message Board is a community forum for **pressplay** members to exchange knowledge, tips, music recommendations, or any other information. You can post a question or start a discussion topic using the **pressplay** Message Board, and other **pressplay** members can post responses. See the **pressplay** User Guide for more information on how the **pressplay** Message Board works.

How do I create or edit my Public Profile?

To create a public profile to share you tastes and interests with other **pressplay** members:

1. **CLIENT ONLY**
Select **Public Profile** from the **My Account** menu.
- My Account*
Click **OPTIONS/HELP** from the **HOME** page, and follow the **Public Profile** link.
2. Click the **EDIT** button.
3. Edit the fields and then click **SAVE**.

The checkbox at the bottom of the Public Profile indicates whether you want your member name displayed when other members view Now Streaming or whether you want your collection to be available to other members. To share your Public Profile check the box in front of "I'd like to make My Collection and Member Name available...". If you do not want your member name displayed, do not check this box.

Note: Please allow 24 hours for updates to the Public Profile to take effect.

How can I see what other members are listening to?

You can check out what other members are streaming at any given time, by looking under **NOW STREAMING** on the **COMMUNITY** tab. Select a **genre** and **sub-genre**(optional) and then click **BROWSE** to get a list of the most recent songs streamed for that genre.

How do I make it so my member name does not appear under Now Streaming?

Only tracks streamed by members who have shared their public profile appear under **NOW STREAMING**. To opt out of this feature so your member name does not display:

- **CLIENT ONLY**
Select **Public Profile** from the **My Account** menu.
- My Account*
Click **OPTIONS/HELP** from the **HOME** page, and follow the **Public Profile** link.

<http://www.pressplay.com/faq.html>

- Toward the bottom, uncheck the box in front of "I'd like to make My Collection and Member Name available..."
- Click **SUBMIT** to save your changes.

Note: Please allow 24 hours for updates to the Public Profile to take effect.

How can I view other members' collections?

The **BROWSE MEMBERS' COLLECTION** sub-tab (under the **COMMUNITY** tab) lets you browse or search for other *pressplay* members' collections to find other members with similar musical tastes, and to discover new music.

To browse member's collections:

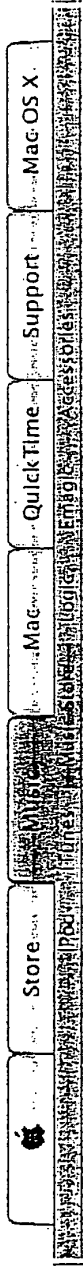
1. Go to the **COMMUNITY** tab.
2. Go to the **BROWSE MEMBERS' COLLECTION** sub-tab.
3. Pick a **genre** from the drop-down menu.
4. Click the **BROWSE** button.

You can also search for a specific *pressplay* member's collection from the **SEARCH FOR MEMBER** sub-tab.

Also note that when you choose a track and select **Find in Member's Collection** from the right-click menu, all the members who have bookmarked that particular track will display.

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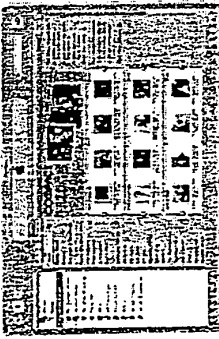


The iTunes Music Store. Downloads done right.

Free 30-second, full-quality previews of any song	Browse entire store library by genre, artist and album
Download songs directly to your music library	Search for any artist, song or album plus power search
Exclusive artists and tracks	Top song downloads
Scroll through the latest releases and staff favorites	Top album downloads



The revolutionary iTunes Music Store puts 200,000 songs at your fingertips. It's built right into iTunes 4 and lets you search or browse genres, new releases, exclusives and more. Preview any song for free. When you find a song you want, buy it for just 99¢.



What you've been waiting for. It's what music lovers have been waiting for: a music store with Apple's legendary ease of use, offering a hassle-free way to preview, buy and download music online quickly and easily. The iTunes Music Store has virtually every category of music to choose from. And whatever your



Start shopping. Signing in is simple.



Just use your existing Apple ID or Mac account. If you don't have an Apple ID, it's simple to create one.

.mac

The iTunes Music Store requires a Mac equipped with iTunes 4

<http://www.apple.com/music/store/>

tastes in music are: Rock, Rap, Jazz, Blues, Pop, Latin, New Age, Folk, Inspirational, R&B, Reggae, Electronic, Classical or something in between — chances are you'll find the tunes you're looking for. And the iTunes Music Store's catalog of songs is growing every week. So if you don't find a track you're looking for, come back tomorrow.

Know when new songs are available

Be sure to sign up for the free "New Music Tuesdays" email bulletin (available when you create your account) to keep current with all the new releases and newly added back catalog selections.

High-quality tracks

One of the first things you'll notice about the music is the stunning sound quality. In fact the sound was so good that audiophiles who beta tested the iTunes Music Store were astonished to learn they were listening to 128 kbps sound files. The secret? It's the new AAC format, which combines sound quality that rivals CDs with smaller files sizes (compared to MP3s). So not only do the songs take up less space on your hard disk, they can be downloaded faster, too.



second sample that rivals CD quality sound. The iTunes Music Store also lets you to view an artist's discography. What's more, you get the album cover art as well. As you've probably experienced, there are times when a hot new album is sold out. The great thing about buying music in the iTunes Music Store is it's open 24/7 with unlimited availability of our catalog of songs.

Instant gratification

Apple has made the music-buying experience a whole lot easier. Our agreements with the major record labels make a huge selection of music available to you. You can buy an album or only the songs you want. And once you buy the music, you own it — no complicated rules, no clubs to join, and no monthly fees. If you like a song, you buy it for just 99¢, and it downloads directly to your music library in seconds. In fact, you can buy a song or a whole album with just one click.



A treat in store for music lovers
If you have a broadband connection, enjoy exclusive full-length music videos that you can watch right in the iTunes Music Store. Choose from over a dozen top artists that also have exclusive tracks in the Music Store.

It's easy, it's fair and it's legal

and Mac OS X Version 10.1.5 or later.

iTunes Music Store Features

Shop till you bop

Listen to 30 second, full-quality samples of tracks before you buy, so you know you really will get into the groove when you download them. At the iTunes Music Store, you'll only pay for what you like and want: you can buy individual tracks or an entire album.



Exclusive tracks and material
Find exclusive tracks not available anywhere else. That's because all five major record labels are in play. And since it's legal, you know the artists are getting paid for their work.

Browse for something new

Browse the store broadly by genre, by artist or album. Plus you can find new music by checking out what other people who share your taste in music have been listening to.



Find music easily and quickly

Locating the songs you want out of the hundreds of thousands of songs available is a simple matter. Perform quick searches on artist, albums, composers and songs or use advanced search to filter by title, artist or album.

Shopping cart optional

Planning to download more than one song? Use the optional shopping cart to hold your selections until you're ready to buy. That way you can download as many songs as you like with just one convenient transaction.

The iTunes Music Store is fast and convenient for you, and fair to the artists and record companies. In a nutshell, you can play your music on up to three computers, enjoy unlimited syncing with your iPods, burn unlimited CDs of individual songs, and burn unchanged playlists up to 10 times each.

Getting started

The iTunes Music Store is only available in the U.S. To get running all you need is a Mac with Mac OS X (version 10.2.5 or later recommended), and an Internet connection (DSL, Cable or a LAN-based connection recommended for streaming and downloading music). Just download iTunes 4, click the Music Store icon, and you've got the world's most accessible music store, right on your screen. Feel free to browse for as long as you want. There's no pressure to buy, no annoying pop-up ads, and no confusion about what's offered.

[Home](#) > [Music](#) > iTunes Music Store

Search

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- The Celestial Jukebox
- Subscription Plan Details
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Subscription Plan Details

RHAPSODY offers a variety of subscription options to help you find exactly what you're looking for. Within minutes you can be listening to thousands of complete albums on-demand, relaxing to your favorite classical masterpiece, burning CDs, listening to CD-quality radio, or just getting a sneak peek with RHAPSODY Preview. The choice is yours.

Get the 7-Day FREE Trial!



RHAPSODY

All Access

Get access to everything we've got. Over 20,000 albums from more than 9,000 artists in every imaginable genre. Rock, hip-hop, R&B, country, jazz, classical...major label and indie...it's all in here. Want to listen to complete albums and create your own playlists? Want to build a library of your favorite music? Subscribing to All Access is like having a music megastore at your fingertips for less than the price of a CD.

- Play what you want, when you want, without limits
- Includes a subscription to Radio PLUS (see below)
- Burn your own CDs - just \$.99 per track

\$9.95/month
7-Day FREE Trial

RHAPSODY

Radio PLUS

The ultimate internet radio. Get access to over 50 professionally programmed radio stations in a wide variety of genres. Create custom stations based on your favorite artists. Listen in CD-quality sound. Skip the tracks you don't like. Want to listen to your favorites while we introduce you to great new music? Want to take control of your radio? Radio PLUS is for you.

\$4.95/month
7-Day FREE Trial

RHAPSODY

Preview

Get a sneak peek at what RHAPSODY is all about. Preview includes a limited number of free radio stations and access to 30-second clips of our catalog of music. Subscribe anytime to get your 7-day FREE trial of the full experience.

FREE

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Features & System Requirements

Get the 7-Day FREE Trial!



Music Library

- Add tracks and albums to a personal music library.
- Organize music collections by artist, album, track, playlist or radio station.
- Create, edit, save, and share custom playlists.
- Burn your own CDs

Player

- Use interactive controls to play, stop and pause tracks.
- Skip through playlist tracks in on-demand music or subscription radio modes.
- Trigger detailed music information to accompany each track.
- Enjoy relevant editorial notes alongside each track.
- Link to label site or CD retailer to buy a physical copy.

Music Discovery

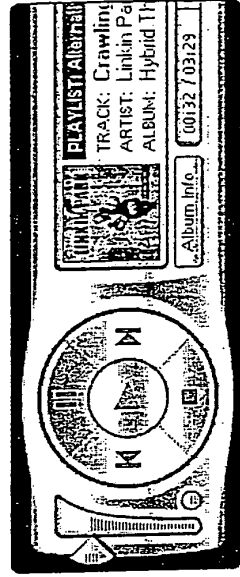
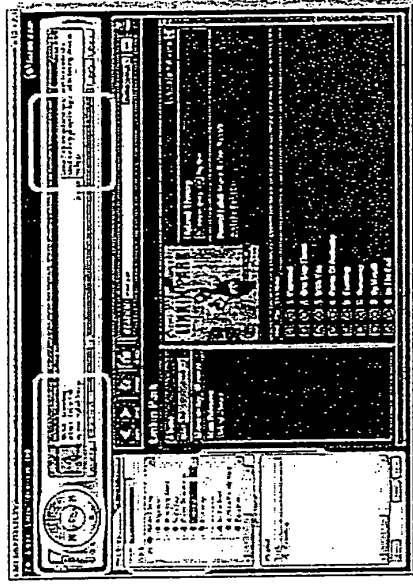
- Find music by searching or browsing.
- Search for music by artist, album, track, or composer.
- Listen to Samplers -- our editorially programmed playlists.
- Choose from dozens of professionally programmed radio stations.
- Create custom radio stations based on artists.
- Discover more music through editorial recommendations.
- Learn more with detailed music information and links.

Member Services

- Manage member account and subscription plans.
- Find help and get answers quickly in our state-of-the-art knowledge base.

System Requirements

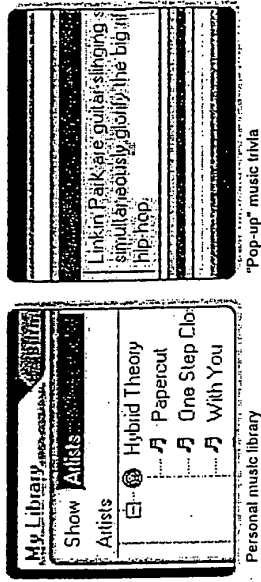
- Windows XP, Me, 2000, 98 SE or NT 4.0 Service Pack 6
- Microsoft Internet Explorer 5.0 or later



Easy-to-use player interface

http://www.listen.com/rhap_about.jsp?sect=feat

- Pentium II / 350 MHz equivalent or better
- 64 MB of RAM minimum
- 250 MB hard disk space
- 256 color display (16-bit display recommended)
- Active Internet connection (broadband/128+ kbps recommended)
- Sound card
- Speakers or headphones



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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Sightsound.com Inc.,

Plaintiff,

v.

N2K, Inc., CDnow, Inc., and
CDnow Online, Inc.,

Defendants.

CIVIL ACTION

No. 98-0118

Chief Judge Donetta W. Ambrose

FINAL ORDER AND JUDGMENT ON CONSENT

Plaintiff Sightsound.com Incorporated, ("Sightsound") filed this patent infringement action against Defendant N2K, Inc. ("N2K") on January 16, 1998, alleging infringement of U.S. Patent No. 5,191,573 ("the '573 patent"), issued March 2, 1993 and U.S. Patent No. 5,675,734 ("the '734 patent"), issued October 7, 1997. On March 31, 2000, Sightsound amended its Complaint to join Defendants CDnow, Inc., and CDnow Online Inc., (collectively "CDnow"), alleging infringement of the '573 and '734 patents, as well as infringement of U.S. Patent No. 5,966,440 ("the '440 patent"), issued October 12, 1999, (collectively "the Asserted Patents").

WHEREAS upon the representation of Defendants N2K and CDnow through their counsel that, without conceding infringement or other liability resulting from their prior activities in the music download business, neither Defendant N2K nor CDnow contests the validity or enforceability of any of the Asserted Patents;

WHEREAS, upon the representation of the parties through their respective counsel that the parties have settled this case;

AND WHEREAS, upon the representation of the parties through their respective counsel that the parties have consulted among themselves, each other, and each with the assistance of

counsel of their own choosing, and subject to the approval of the Court, the parties hereto now stipulate and consent to this Final Order and Judgment on Consent as set forth below.

NOW THEREFORE, upon consent of the parties hereto,

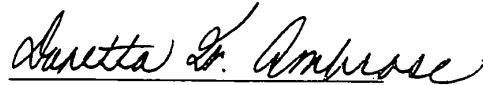
IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that:

- 1) The Court has jurisdiction over the entire subject matter and parties in this action as set forth in the Complaint pursuant to 28 U.S.C. §§ 1331, 1332, and 1338. Venue is proper in this district as set forth in the Complaint pursuant to 28 U.S.C. § 1391(b);
- 2) Each of the Asserted Patents shall be deemed valid and enforceable;
- 3) Plaintiff's claims are hereby dismissed with prejudice as to acts occurring prior to February 12, 2004, and without prejudice as to all future acts;
- 4) Defendants' counterclaims as to noninfringement are hereby dismissed with prejudice as to acts occurring prior to February 12, 2004, and without prejudice as to all future acts, and their counterclaims as to validity and enforceability are hereby dismissed with prejudice;
- 5) The parties hereto have waived appeal from or any other challenge to this Final Order and Judgment on Consent;
- 6) Each party shall bear its own attorneys' fees, expenses and costs that have accrued in connection with this action prior to entry of this Final Order;

- 7) This Court retains jurisdiction over the parties hereto for the purpose of any proceedings to enforce this Final Order and Judgment on Consent, and the parties' Settlement Agreement dated February 12, 2004.

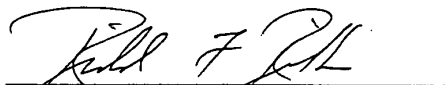
SO ORDERED

Dated: 2/20/04


Donetta W. Ambrose
United States District Judge


CONSENT TO ENTRY

The parties through their respective counsel hereby consent to the terms and conditions of this Final Order and Judgment on Consent as set forth herein and consent to the entry hereof, and waive any right of appeal therefrom. This Consent to Entry may be executed in one or more counterparts, each of which when so executed shall, together, constitute and be one and the same instrument.


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Attorneys for Defendants
N2K, INC., CDNOW, INC., and
CDNOW ONLINE, INC.

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement"), made and entered into this 12th day of February, 2004 ("Effective Date"), is by and between SightSound Technologies, Inc. (formerly known as Sightsound.com, Inc.), a Delaware corporation having a place of business at 733 Washington Road, Suite 400, Mount Lebanon, PA 15228 ("Sightsound"), and BeMusic, Inc., a Pennsylvania corporation having a place of business at 1540 Broadway, New York, NY 10036 ("BeMusic").

WITNESSETH:

WHEREAS, Sightsound filed a patent infringement action in the United States District Court for the Western District of Pennsylvania, Civil Action No. 98-0118 ("the Lawsuit"), against Defendant N2K, Inc. ("N2K") on January 16, 1998 and, on March 31, 2000, Sightsound joined CDnow, Inc., and CDnow Online Inc., (collectively "CDnow"), as defendants in the Lawsuit;

WHEREAS, N2K and CDnow asserted counterclaims in the Lawsuit for declaratory judgment of patent noninfringement, invalidity, and unenforceability;

WHEREAS, BeMusic is the successor-in-interest to N2K and CDnow;

WHEREAS, Sightsound and BeMusic desire to amicably settle the differences that have given rise to this controversy; and

WHEREAS, the parties desire that LQ Corporation, Inc. (formerly known as Liquid Audio, Inc.), a Delaware corporation having a place of business at 888 Seventh Avenue, 17th Floor, New York, NY 10019 ("Liquid Audio"), be a third party beneficiary of the provisions as directed to Liquid Audio in Paragraphs 4(a) and 5 herein.

NOW, THEREFORE, for and in consideration of the mutual covenants, agreements and understandings contained in this Agreement, and for other good and valuable consideration, the sufficiency and receipt of which each party acknowledges, Sightsound and BeMusic agree as follows:

1. Definitions. "Patents in Suit" shall mean collectively: (a) U.S. Patent No. 5,191,573 titled "Method for Transmitting a Desired Digital Video or Audio Signal," issued March 2, 1993 to Arthur R. Hair ("the '573 Patent"); (b) U.S. Patent No. 5,675,734 titled "System for Transmitting Desired Digital Video or Audio Signals," issued October 7, 1997 to Arthur R. Hair ("the '734 Patent"); and (c) U.S. Patent No. 5,966,440 titled "System and Method for Transmitting Desired Digital Video or Digital Audio Signals," issued October 12, 1999 to Arthur R. Hair ("the '440 patent").

2. Payment. BeMusic shall make a one-time, lump-sum payment to Sightsound in the amount of Three Million and Three Hundred Thousand Dollars (\$3,300,000.⁰⁰), payable within five (5) business days of the Effective Date. This payment shall be made by wiring electronically to Kenyon & Kenyon in accordance with electronic wiring instructions provided by Kenyon, who shall hold the payment in escrow for Sightsound until the Consent Judgment, described in Paragraph 3 below, is entered by the Court. BeMusic represents that, pursuant to separate arrangements between BeMusic and Liquid Audio, Liquid Audio is contributing to BeMusic an undisclosed amount toward BeMusic's payment hereunder.

3. Stipulation to Consent Judgment. Upon execution of this Agreement, Sightsound, N2K, and CDnow shall, by and through their respective counsel, mutually execute and deliver the Final Order and Judgment on Consent in the form attached as Exhibit A hereto ("Consent Judgment"), in which CDnow and N2K acknowledge validity and enforceability of the Patents in Suit, without conceding infringement or other liability resulting from their prior activities in the music download business. Conditioned on receipt of the payment set forth in Paragraph 2 above, Sightsound shall promptly submit the Consent Judgment to the United States District Court for the Western District of Pennsylvania for entry by the Court, it being understood that the Court shall retain jurisdiction for the purposes of enforcing the Consent Judgment or this Agreement.

4. Mutual Releases. (a) Conditioned on and subject to the Court's entry of the Consent Judgment, Sightsound releases N2K, CDnow, BeMusic, and Liquid Audio, including any and all current affiliated or related entities thereof, and their respective officers, directors, employees, agents and attorneys, from any and all claims or causes of action arising from or relating in any manner whatsoever to the subject matter of the Lawsuit and accruing on or before the Effective Date that Sightsound has or may have had at any time prior to the Effective Date.

(b) Conditioned on and subject to the Court's entry of the Consent Judgment, BeMusic, for itself and for CDnow and N2K, releases Sightsound and its respective officers, directors, employees, agents and attorneys from any and all claims or causes of action arising from or relating in any manner whatsoever to the subject matter of the Lawsuit and accruing on or before the Effective Date that BeMusic, CDnow and/or N2K has or may have had at any time prior to the Effective Date.

5. Covenant Not to Sue. Conditioned on and subject to the Court's entry of the Consent Judgment, Sightsound covenants and agrees that it shall not bring any new civil action against BeMusic, CDnow, N2K or Liquid Audio, or any of their current affiliated or related entities, and their respective officers, directors, employees, agents and attorneys, for any claims or causes of action arising from or relating in any manner whatsoever to the subject matter of the Lawsuit that accrued at any time on or before the Effective Date.

6. Publicity. Sightsound may issue a press release publicizing the parties' settlement, said statement about the settlement to be substantially in the form attached as Exhibit B hereto (it being understood that any such press release may contain additional information about Sightsound and its business). Sightsound and its representatives may further discuss with the media the terms of settlement and this Agreement to the extent covered in the press release. Nothing shall prohibit Sightsound from disclosing this Agreement, or its terms, or information in the public domain about the Lawsuit to any party, including potential licensees of Sightsound or current or potential investors in Sightsound, or to any US or foreign governmental agency, including the United States Patent and Trademark Office.

7. Representations and Warranties.

(a) Sightsound ownership of patents. Sightsound represents and warrants that it is the owner of all rights, title and interest in and to the Patents in Suit, and that it currently has no other issued patents directed to methods for the electronic sale and transmission of digital music.

(b) BeMusic as successor-in-interest. BeMusic represents and warrants that it is the successor-in-interest to CDnow and N2K, and that as of the Effective Date is not actively engaged in the sale of digital music downloads.

(c) Corporate Authority. Each party represents and warrants that it has freely entered into this Agreement, fully intending to be bound by the terms and conditions contained herein; that it has full power and authority to execute, deliver, and perform this Agreement; that prior to the date of this Agreement, all actions of the party necessary for the execution, delivery, and performance of this Agreement by the party have been duly taken; and that this Agreement has been duly authorized and executed by the party, is the legal, valid, and binding obligation of the party, and is enforceable as to it in the United States.

(d) Signatory Authority. The individuals who have executed this Agreement on behalf of the parties expressly represent and warrant that they are authorized to sign on behalf of the parties for the purpose of binding the parties to this Agreement.

8. Affiliates and Successors. The rights and obligations of this Agreement shall extend to the parties hereto, their current affiliates, parents, subsidiaries and divisions and all those acting in concert or in participation with them or under their direction or control, and upon their successors and assigns.

9. Fees and Costs. As between Sightsound and BeMusic, each party shall bear its own attorneys' fees, expenses and costs incurred in connection with the Lawsuit.

10. Patent License. (a) This Agreement shall not be construed as granting a license under the Patents in Suit as of the Effective Date to CDnow, N2K or BeMusic. (b) Should BeMusic or any affiliate, parent, subsidiary or division of BeMusic (each, together with BeMusic, a "BeMusic Related Company") desire to obtain a license under the Patents in Suit at any time in the future ("Future Patent License"), Sightsound agrees to grant such BeMusic Related Company a license thereto with terms that are consistent with the most favorable terms that Sightsound will have entered into, as of the date such request is made by BeMusic, with any other existing licensee (excluding any licensee (i) that is an individual or a single performing group, (ii) receiving a grant of rights extending beyond the Patents in Suit, and/or (iii) receiving services in addition to a grant of rights to the Patents in Suit). For the avoidance of doubt, the sum paid by BeMusic to Sightsound under Paragraph 2 above shall be separate from and exclusive of any consideration to be paid by any BeMusic Related Company pursuant to the Future Patent License.

11. Dispute Notification and Discussion. A party, prior to (i) filing any new legal action against the other party hereto, or (ii) seeking to enforce the Consent Judgment, shall provide written notice to the other party of any claim or dispute arising under this Agreement or under the Consent Judgment. Within five (5) business days after delivery of such written notice, the recipient or its representatives shall respond to such written notice in an effort to resolve the claim or dispute. Once such five-day period has elapsed, the party providing notice may proceed with appropriate legal action if it believes that such dispute or claim remains unresolved.

12. Notices. Any notice, or communication provided for in this Agreement shall be deemed sufficiently given when delivered by overnight courier or certified or registered mail addressed to the

party for whom it is intended at the following addresses or such changed addresses as the parties shall have specified by written notice:

If to SIGHTSOUND:

Christopher Reese, Esq.
SightSound Technologies, Inc.
733 Washington Road, Suite 400
Mount Lebanon, PA 15228

with copies to: William K. Wells, Esq.
KENYON & KENYON
1500 K Street, N.W.
Washington, D.C. 20005

If to BEMUSIC:

Clifton B. Knight, Jr.
BeMusic, Inc.
1540 Broadway
New York, NY 10036

with copies to: Steven M. Hayes, Esq.
MANATT, PHELPS & PHILIPS, LLP
500 Fifth Avenue, 38th Floor
New York, New York 10110

13. Entire Agreement. This Agreement constitutes the entire agreement of the parties hereto and supersedes all prior negotiations, understanding and agreements, whether written or oral, with respect to the subject matter of the Lawsuit. This Agreement is entered into and executed without reliance upon any promise, warranty or representation by any party or any representative of any party hereto, other than those expressly contained herein.

14. Waiver. Any failure by either party to insist upon the performance of a provision of this Agreement shall not constitute a waiver of any other right of either party which the party may have under this Agreement. Any such waiver can only be made in writing signed by the party against whom enforcement of such waiver is sought.

15. Modification. This Agreement may not be modified, amended, altered or supplemented except by a written agreement executed by both parties hereto.

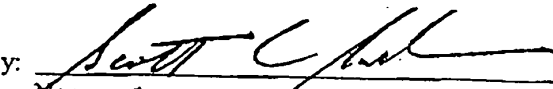
16. Governing Law. This Agreement and its enforcement shall be governed by, and construed in accordance with, the laws of the Commonwealth of Pennsylvania, without regard to conflicts-of-law principles. Any suit or enforcement proceeding arising out of this Agreement shall be brought or maintained exclusively in the courts of the Commonwealth of Pennsylvania located in Pittsburgh, Pennsylvania, or in the United States District Court for the Western District of Pennsylvania. Each party hereby irrevocably submits to the exclusive jurisdiction of such courts, and

waives any objection which it may have at any time to the laying of venue of any proceeding brought in any such court, waives any claim that such proceeding has been brought in an inconvenient forum, and waives the right to object that such court does not have any jurisdiction over such party with respect to such proceeding.

17. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original, and all of which shall upon execution and delivery constitute one and the same agreement; provided, however, that this Agreement shall not be effective until this Agreement is executed and delivered by both Sightsound and BeMusic by facsimile or other means.

IN WITNESS WHEREOF, the parties hereto, intending to be mutually bound, have caused this Agreement to be executed by their duly authorized officers as of the day, month and year first herein above written.

SIGHTSOUND TECHNOLOGIES, INC.

By: 
Name: SCOTT C. SANDER
Title: PRESIDENT & CEO

BEMUSIC, INC.

By: _____
Name:
Title:

IN WITNESS WHEREOF, the parties hereto, intending to be mutually bound, have caused this Agreement to be executed by their duly authorized officers as of the day, month and year first herein above written.

SIGHTSOUND TECHNOLOGIES, INC.

By: _____
Name:
Title:

BEMUSIC, INC.

By: Clifton B. Knight Jr.
Name: Clifton B. Knight, Jr.
Title: Senior Vice President, Business and Legal Affairs

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500,000,000

Thanks to all the music fans in 19 countries for making the iTunes Music Store the #1 music download store.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/007,402	01/31/2005	5191573	NAPS001	2998
	7590	10/26/2005	EXAMINER	
Ansel M. Schwartz 425 N. Craig Street Suite 301 Pittsburgh, PA 15213			ART UNIT	PAPER NUMBER

DATE MAILED: 10/26/2005

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



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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

Albert S. Penilla
MARTINE PENILLA & GENCARELLA, LLP
710 Lakeway Drive, Suite 200
Sunnyvale, CA 94085

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/007,402.

PATENT NO. 5191573.

ART UNIT 2132.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Office Action in Ex Parte Reexamination	Control No. 90/007,402	Patent Under Reexamination 5191573	
	Examiner Benjamin E. Lanier	Art Unit 2132	

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

- a Responsive to the communication(s) filed on 18 August 2005. b This action is made FINAL.
c A statement under 37 CFR 1.530 has not been received from the patent owner.

A shortened statutory period for response to this action is set to expire 2 month(s) from the mailing date of this letter. Failure to respond within the period for response will result in termination of the proceeding and issuance of an *ex parte* reexamination certificate in accordance with this action. 37 CFR 1.550(d). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c)**. If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 3. <input type="checkbox"/> Interview Summary, PTO-474. |
| 2. <input checked="" type="checkbox"/> Information Disclosure Statement, ^{modified} PTO-1449
(84 sheets) | 4. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

- 1a. Claims 1-6 are subject to reexamination.
- 1b. Claims _____ are not subject to reexamination.
2. Claims _____ have been canceled in the present reexamination proceeding.
3. Claims _____ are patentable and/or confirmed.
4. Claims 1-6 are rejected.
5. Claims _____ are objected to.
6. The drawings, filed on _____ are acceptable.
7. The proposed drawing correction, filed on _____ has been (7a) approved (7b) disapproved.
8. Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the certified copies have
 - 1 been received.
 - 2 not been received.
 - 3 been filed in Application No. _____.
 - 4 been filed in reexamination Control No. _____.
 - 5 been received by the International Bureau in PCT application No. _____.

* See the attached detailed Office action for a list of the certified copies not received.
9. Since the proceeding appears to be in condition for issuance of an *ex parte* reexamination certificate 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.
10. Other: _____

cc: Requester (if third party requester)

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 18 August 2005 have been fully considered but they are not persuasive. Applicant's argument that the Freeny reference cannot be used because of a District Court decision stating that Freeny teaches away from the Applicant's claimed invention is not persuasive because that District Court decision was an analysis of Freeny as a 102 reference and not as a secondary reference.
2. Applicant's argument that none of the prior art systems survived as a consumer-oriented mass-market distribution system for digital music distribution because they lacked all of the magic ingredients present in the Hair patents is not persuasive because Applicant has not provided proof that the claimed features were responsible for the commercial success of the mentioned distribution systems (i.e. iTunes). Merely showing that there was commercial success of an article which embodied the invention is not sufficient. Ex parte Remark, 15 USPQ2d 1498, 1502-02 (Bd. Pat. App. & Inter. 1990). Compare Demaco Corp. v. F. Von Langsdorff Licensing Ltd., 851 F.2d 1387, 7 USPQ2d 1222 (Fed. Cir. 1988). Applicant has also failed to provide proof of why previous attempts failed. Mr. Hair stated in a personal interview on 18 May 2005 that his company, Sightsound, attempted to implement the claimed invention but ultimately failed because the RIAA and MPAA would not license their music and movies for distribution on their system. In fact, only after the proliferation of illegal music downloads in the late 90's did the RIAA agree to license their artists' music for electronic distribution through systems such as Apple's iTunes, which was first launched in April of 2003. Therefore, Applicant cannot provide

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any proof of why iTunes has been successful and why others have failed because the prior art systems, as discovered by Mr. Hair himself, had nothing to sell.

3. Commercial success may have been attributable to extensive advertising and position as a market leader before the introduction of the patented product, *Pentec, Inc. v. Graphic Controls Corp.*, 776 F.2d 309, 227 USPQ 766 (Fed. Cir. 1985). Apple has not only been a market leader in computer technology for over two decades but became a market leader in the digital music realm after their iPod release in October 2001. Therefore, Applicant cannot attribute the commercial success of Apple's iTunes system to the alleged use of their claimed invention when Apple was already a market leader before the system was launched.

4. Success of invention could be due to recent changes in related technology or consumer demand, *In re Fielder*, 471 F.2d 690, 176 USPQ 300 (CCPA 1973). The existence and profitability of the systems mentioned by Applicant are due to the advances in recent technology and not Applicant's claimed invention. If the latter was responsible for the success, then it stands to reason that the existence of a profitable system would have occurred earlier since Applicant's first application directed to the claimed subject matter was filed in June of 1988. At the time of Apple's iTunes launch, personal computer storage capacities were significantly larger than they were at the time of the prior art systems. Hard drives routinely come in capacities of 20 gigabytes or higher, whereas in 1988 the capacity was around 40 megabytes. Not to mention the fact that when iTunes was launched, audio file compression was advanced to the point where a file could be compressed to a third of the size with little observable quality loss. Add to that the proliferation of broadband Internet that simply did not exist at the time of prior art systems and what you have is the ability to store a significantly larger amount of music because of file size

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and storage capacity, and the ability to acquire this music much faster. Therefore, Applicant cannot attribute the commercial success of Apple's iTunes system to the alleged use of their claimed invention when there is no reason to suggest that any of the prior art distribution system would not have been just as successful given these same advances in technology.

5. Applicant's arguments with respect to the inherency issues of Gallagher have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Akashi.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akashi, "Automated Music Purchasing System", in view of Freeny, U.S. Patent No. 4,528,643. Referring to claims 1, 3, 4, 6, Akashi discloses a system for automatically selling recorded music via telecommunication lines (Page 1 through line 1 of Page 2). This system utilizes the

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telecommunications lines to transmit the recorded music data from a host computer that stores the recorded music data to a personal computer (Page 2 Section 4), which meets the limitation of connecting electronically via telecommunications line the first memory with the second memory such that the desired digital audio signal can pass therebetween, transmitting the desired digital audio signal from the first memory with a transmitter in control and possession of the first party to a receiver having the second memory at a location determined by the second party, said receiver in possession and control of the second party, storing the digital signal in the second memory. Akashi discloses that the digital music data is purchased automatically but does not expressly detail how the purchase is transacted. Freeny discloses a method of electronically distributing and selling audio and video data by way of having the requesting user transmit a consumer credit card number along with their request for the audio and video data (Col. 13, lines 25-29). This step allows the owner of the data to approve the sale and charge the sale to the consumer credit card number (Col. 13, lines 30-31), which meets the limitation of transferring money electronically via a telecommunications lines to the first party at a location remote from the second memory and controlling use of the first memory from the second party financially distinct from the first party, said second party controlling use and in possession of the second memory, the transferring step includes the steps of telephoning the first party controlling use of the first memory by the second party, providing a credit card number of the second party controlling the second memory to the first party controlling the first memory so the second party is charged money. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the requesting user's of Akashi transmit a consumer credit card number along with their request for the digital data so that the source unit could approve and

charge the sale of the digital data to the consumer credit card because this method of electronic sale allows the owner of the information to receive directly the compensation for sale of recording and such compensation is received before the reproduction is authorized as taught in Freeny (Col. 13, lines 36-39).

Referring to claims 2, 5, Akashi discloses that personal computer contains a CPU (Figure 1). The personal computer sends an access signal to the host computer, and the host computer returns a response signal that contains menu data displayed at the personal computer (Page 3 Paragraph 6). Using the monitor screen, the user chooses desired data using a control unit and sending the selection data to the host computer in the same way the initial transmission was sent (Page 4 Paragraph 1), which meets the limitation of the steps of searching the first memory for the desired digital audio signal and selecting the desired digital audio signal from the first memory.

Conclusion

9. A shortened statutory period for response is set for **two month** from the mailing date of this Office Action.

In order to ensure full consideration of any amendments, affidavits or declarations, or other documents as evidence of patentability, such documents must be submitted in response to this Office action. Submissions after the next Office action, which is intended to be a final action, will be governed by the requirements of 37 DFR 1.116, which will be strictly enforced.

10. The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a), to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving

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Art Unit: 2132


Page 7


Patent No. 5,966,440 throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E. Lanier whose telephone number is 571-272-3805. The examiner can normally be reached on M-Th 7:30am-5:00pm, F 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Benjamin E. Lanier


GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Modified PTO
1449

SIGHTSOUND.COM v N2K
11052/1

90/007,407
(84 sheets)

Index of Prior Art

Examiner's Initials	TAB NO.	PATENT NO.	INVENTOR	FILING DATE	DESCRIPTION
BE	1	5,428,606	Muskowitz	June 30, 1993	Invention relating to an info. network and to a digital info exchange system
BE	2	5,132,992	Yurt et al.	January 7, 1991	Audio/video transmission and receiving system
BE	3	5,130,792	Tindell et al.	February 1, 1990	Store and forward video system
BE	4	5,191,573	Hair	September 18, 1990	Method for transmitting a digital audio/video signal
BE	5	5,675,734	Hair	February 27, 1996	System for transmitting digital video/audio signals
BE	6	5,966,440	Hair	June 6, 1995 System and method for transmitting desired digital video/audio signals	
BE	7	4,999,806	Chernow et al.	September 4, 1987 Software distribution system	
BE	8	Re: 35,184	Walker	October 17, 1986 Remote transaction	

DC01 363825 v 1

Examiner's Initials	TAB NO.	PATENT NO.	INVENTOR	FILING DATE	DESCRIPTION
				system	
<i>fb</i>	9	3,244,809	Fuller et al.	February 26, 1962 Signal distribution systems	
<i>fb</i>	10	3,696,297	Otero	September 1, 1970 Broadcast communications system including a plurality of subscriber stations for selection receiving and replacing	
<i>fb</i>	11	3,718,906	Lightner	June 1, 1971 Vending system for remotely accessible store information	
<i>fb</i>	12	3,824,597	Berg	November 9, 1970 Data transmission network	
<i>fb</i>	13	3,947,882	Lightner	November 29, 1972	Vending system for remotely accessible stored information
<i>fb</i>	14	3,990,710	Hughes	March 1, 1971	Coin-operated recording machine
<i>fb</i>	15	4,028,733	Ulicki	July 7, 1973	Pictorial info retrieval system

Examiner's Initials	TAB NO.	PATENT NO.	INVENTOR	FILING DATE	DESCRIPTION
<i>BA</i>	16	4,045,776	Wheelwright et al.	April 19, 1976	Electronic phonograph selector and memory system
<i>BA</i>	17	4,108,365	Hughes	January 15, 1976	Coin-operated recording machine
<i>BA</i>	18	4,124,773	Elkins	November 26, 1976	Audio storage and distribution system
<i>BA</i>	19	4,300,040	Gould et al.	November 13, 1979	Ordering terminal
<i>BA</i>	20	4,335,809	Wain	January 29, 1980	Entertainment machines
<i>BA</i>	21	4,370,649	Fuerle	May 19, 1981	Payment responsive data network display
<i>BA</i>	22	4,422,093	Pargee	January 27, 1983	Television burst service
<i>BA</i>	23	4,499,568	Gremiller	December 13, 1982	Process for tele-distribution of recorded info and system for it
<i>BA</i>	24	4,506,387	Walter	May 25, 1983	Process for tele-distribution of recorded info and system for it
<i>BA</i>	25	4,520,404	Von Kohorn	August 23, 1982	System apparatus and method for recordings and editing broadcast transmissions
<i>BA</i>	26	4,521,806	Abraham	August 19, 1982	Recording program communication system
<i>BA</i>	27	4,521,857	Reynolds, III	May 17, 1982	Aviation weather information dissemination system
<i>BA</i>	28	4,586,430	Freeny	January 19, 1985	System for reproducing info in material objects eta paint

Examiner's Initials	TAB NO.	PATENT NO.	INVENTOR	FILING DATE	DESCRIPTION
					of sale location
<i>BR</i>	29	4,533,948	McNamara et al.	April 30, 1982	CATV Communications system
<i>BR</i>	30	4,536,856	Hirosishi	September 20, 1980	Method of and apparatus for controlling the display of video signal information
<i>BR</i>	31	4,538,176	Nakjimo et al	November 26, 1979	Buffer memory dispersion type video/audio transmission system
<i>BR</i>	32	4,567,359	Lockwood	May 24, 1984	Automatic info goods and services dispensing
<i>BR</i>	33	4,567,512	Abraham	September 28, 1983	Recorded program communication system
<i>BR</i>	34	4,605,973	Von Kohorn	March 25, 1985	System apparatus and method for recordings and editing broadcast transmission
<i>BR</i>	35	4,647,989	Geddes	March 18, 1983	Videocassette selection machine
<i>BR</i>	36	4,648,037	Valentino	March 15, 1984	Method and apparatus for benefit and financial communciation
<i>BR</i>	37	4,658,093	Hellman	July 11, 1983	Software distribution system
<i>BR</i>	38	4,667,802	Verduin et al.	October 1, 1984	Video jukebox
<i>BR</i>	39	4,672,613	Foxworthy et al.	November 1, 1985	System for transferring digital data bet. A hot device and a recording medium
<i>BR</i>	40	4,674,055	Ogaki	May 29, 1984	Software vending system

Examiner's Initials	TAB NO.	PATENT NO.	INVENTOR	FILING DATE	DESCRIPTION
<i>RR</i>	41	4,688,105	Bloch et al	May 10, 1985	Video recording system
<i>RR</i>	42	4,703,465	Parker	December 14, 1985	Method and apparatus for producing and audio magnetic tape recording from a preselected music library
<i>RR</i>	43	4,725,977	Izumi et al	February 28, 1986	Cartridge programming system and method with a central and local program library
<i>RR</i>	44	4,739,510	Jetters et al	April 2, 1982	Direct broadcast satellite signal transmission system
<i>RR</i>	45	4,754,483	Weaver	August 25, 1987	Data compression system and method for audio signals
<i>RR</i>	46	4,755,872	Bestler et al.	July 29, 1985	Impulse pay per view system and method
<i>RR</i>	47	4,759,060	Hayashi et al.	October 31, 1985	Decoder for a pay t.v. system
<i>RR</i>	48	4,761,684	Clark et al.	November 14, 1986	Telephone access display system
<i>RR</i>	49	4,763,317	Lehman et al	December 13, 1985	Digital communications network architecture for providing universal info services
<i>RR</i>	50	4,766,581	Lorn et al.	August 7, 1984	Info retrieval system an method using independent user stations
<i>RR</i>	51	4,787,050	Suzuki	November 12, 1986	Apparatus For Managing Software Bending Machine
<i>RR</i>	52	4,789,863	Bush	January 13, 1988	Pay per view entertainment system

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Examiner's Initials	TAB NO.	PATENT NO.	INVENTOR	FILING DATE	DESCRIPTION
<i>RC</i>	53	4,792,849	McCalley et al.	August 4, 1987	Digital interactive communication system
<i>RC</i>	54	4,797,918	Lee et al.	April 15, 1987	Subscription controller t.v. programming
<i>RC</i>	55	4,829,372	McCalley et al.	August 20, 1987	Presentation player
<i>RC</i>	56	4,894,789	Yee	February 22, 1988	TV Data capture device
<i>RC</i>	57	4,918,588	Barrett et al.	December 31, 1986	Office automation system w/ integrated image management
<i>RC</i>	58	4,949,187	Cohen	December 16, 1988	Video communication system having a remotely controlled control sources of video/audio data
<i>RC</i>	59	5,003,384	Durdan et al.	April 1, 1988	Set top interface transactions in an impulse pay per view t.v. system
<i>RC</i>	60	5,019,900	Clark et al.	August 1, 1988	Telephone access display system
<i>RC</i>	61	5,041,921	Schettler	December 17, 1987	System for recording custom albums from a library of pre-recorded items
<i>RC</i>	62	5,089,885	Clark	August 1, 1988	Telephone Access Display System With Remote Monitoring
<i>RC</i>	63	5,099,422	Foresman et al.	March 17, 1989	Compiling system method of producing individually customized recording media
<i>RC</i>	64	5,191,410	McCalley et al.	February 5, 1991	Interactive multimedia presentation and communication system

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Examiner's Initials	TABS	TITLE	AUTHOR	SOURCE
<i>DR</i>	65	From the newS desk	D. Needle	Info World, May 11, 1984
<i>DR</i>	66	Computer system organization: Problems of the 1980's	H. Apfelbaum, et al.	Computer Sept. 1978, Vol. II, No. 9
<i>DR</i>	67	System for capturing, storing and playing back large data bases at home	D.C. Gazis S.S. Soo	IBM Technical Disclosure Bulletin, Vol. 23, No. 2, p. 856, July 1980
<i>DR</i>	68	Jimmy Bowen: Music Row's Prophet of change	L. Chappell	Advantage, Vol.9, No. 10, p.38, October 1986
<i>DR</i>	69	Rock Around the Database	L. Dotto	Information Technal., Vol. 57, No. 9, pp. 128-135, September 1984
<i>DR</i>	70	Home (computer) terminal musical program selection	P. L. Rosenfeld	IBM Technical Disclosure Bulletin, Vol. 23, NO. 78, p 3440
<i>DR</i>	71	A Harmonious Musical Interface	S. Cunningham	Network World, Inc., September 8, 1986
<i>DR</i>	72	Electronic Orchestra in your livingroom	S. Mace	InfoWorld, March 25, 1985, p. 29
Examiner's Initials	TABS	TITLE	AUTHOR	SOURCE
<i>DR</i>	74	Cable Scan	No Author	, October 1983
<i>DR</i>	75	A review of digital audio techniques	M. Willcocks	Journal of the Audio Engineering Society, Vol. 26, No. 12, pp. 56, 58, 60, 62, 64, Jan-Feb 1978

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76	Digital Music Will Launch the Home Music Store	G. Gulick	Satellite News, 81-11-09, pp. 7
77	Telecommunications in the coming decades	S.B. Weinstein	IEE Spectrum, Nov 197?, p. 62
78	Electronic Banking Goes to Market	T.S. Perry	IEE Spectrum, Feb 197?, p. 46
79	Gordon Bell calls for a U.S. Research Network	G. Gordon Bell	IEEE Spectrum p. 54
80	As Patents Multiply, Web Sites Find Lawsuits Are a Click Away	S. Hansell	New York Times, Dec. 11, 1999, AI
81	The Tony Basile Home Page	The PAN NETWORK	The PAN Network, Dec 12, 1999
82	Tele computing - Direct Connections for Software Selections	E. Ferrarini	Business computer systems, Feb. 1984
83	Young Arcadians Come Home	D.N.	Info. World, Vol. 5, Number 27
84	Two way Cable System Using Residential CATV Facilities	Semir Sirazi, et al	ICCE 84, June 7, 1984, LaSalle III - Digest of Technical Papers.
85	News	D. Caruso	InfoWorld, April 16, 1984
86	Pay Per View Entertainment System	PTO	US Patent and Trademark Office, Patent Bibliographic Database, 1/26/00

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	87	Software Distribution System	PTO	US Patent and Trademark Office, patent Bibliographic Database, 1/26/00
<i>HL</i>	87	Dig-Music: An On Demand Digital Music Selection System utilizing CATV Facilities	Y. Want G.M. Campbell	IEEE Transactions on Consumer Electronics, Vol. CE 28, No. 3, August 1982, p. xvii
<i>HL</i>	88	Transmission of Musical Info. in a teletext multiplexed broadcasting system	Y. Sugimori, et al.	IEEE International Conference on Consumer Electronics, 1985 - Digest of Technical Papers.
<i>HL</i>	89	An Encrypted Digital Audio System for Conventional Cable System	K. Kitagawa, et al.	IEEE International Conference on Consumer Electronics, 1985 - Digest of Technical Papers
<i>HL</i>	90	Telephone computers - a look at the one per Desk Telecomputer	D. Pountain	BYTE U.K., June 1985
<i>HL</i>	91	Music Software for the Apple Macintosh	C. Yavelow	Computer Music Journal, Vol. 9, No. 3, Fall 1985
<i>HL</i>	92	NAPLPS Videotex Frame Creation System with Automatic Encoding of Input Images	T. Fujimori	IEEE Transactions on Consumer Electronics, Vol. CE-31, No. 3, August 1985
<i>HL</i>	93	Picture Transmission for Videotex	K. Ngan, et al.	IEEE Transactions on Consumer Electronics, Vol. CE-31, No. 3, August 1985
<i>HL</i>	94	A System for	N. Kihara, et al.	IEEE Transactions on Consumer electronics, Vol. CE-
<i>HL</i>	95			

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		Transmitting Electronic Photographs		28, No. 3, August 1982
96	<i>BA</i>	A Low cost High Performance Picture Display for Photovideotex	G.P. Hudson C.P. Arbuthnot	IEEE Transactions on Consumer Electronics, Vol. CE-32, August 1986
97	<i>BA</i>	The Coding of Graphics Animation in a Videotext Terminal	C. Pabouctsidis	1986 IEEE International Conference on Consumer Electronics, Digest of technical Papers, June 1986
98	<i>BA</i>	Videotext Programs Videorecorder (VPV)	U. Bensch	1984, IEEE International Conference on Consumer Electronics, Digest of technical Papers June 1984
99	<i>BA</i>	Picture Transmission for Videotex	H. Weng Cheong N. King Ngi	1988, IEEE International Conference on Consumer Electronics, Digest of technical Papers June 1988 Digital Still Picture Recorder Utilizing an Ordinary Audio Cassette Deck S. Kageyama, et al. 1985 IEEE International Conference on Consumer Electronics, Digest of technical Papers, June 1985
100	<i>BA</i>	Digital Still Picture Recorder Utilizing an Ordinary Audio Cassette Deck	S. Kageyama, et al.	1985 IEEE International Conference on Consumer Electronics, Digest of Technical Papers, June 1985
101	<i>BA</i>	A New digital Audio and Data Transmission System Using the CATV Network	Y. Kojima, et al.	IEEE Transactions on Consumer Electronics, Vol. CE-30, No. 3, August 1984
		A Simple Technique for	N.D. Jotwani	IEEE Transactions on Consumer Electronics, Vol. CE-

<i>BL</i>	102	Video Image Transmission	K.L. Mong	33, No. 1, February 1987
<i>BL</i>	103	Third Party Profile: Control Video Corporation	no author	Control Video Corp. Web Site
<i>BL</i>	104	Dial-A-Game-GameLine module links WCS With Game.Bank	D. Burns	Digital Antic, Vol. 2, No. 4, July 1983, p. 82
<i>BL</i>	105	Remembering the GameLine	D. Skelton	http://ccwf.ccutexas.edu
<i>BL</i>	106	Digitalized Voice Comes of Age Part 1 - Trade Offs	B. Occhiogrosso	Data Communications, March 1978
<i>BL</i>	107	A New Digital Audio and Data Transmission System Using the CATV Network	Y. Kojima, et al.	IEEE Transactions on Consumer Electronics, Vol. CE-30, No. 3, August 1984
<i>BL</i>	108	A Packet Video/Audio System Using the Asynchronous Transfer Mode Technique	H.J. Chao, et al	IEEE Transactions on Consumer Electronics, Vol. 35, No. 2, May 1989
<i>BL</i>	109	Digital Audio Data Transmission in a Coaxial Cable Environment	R. Scheuerer, et al	IEEE Transactions on Consumer Electronics, Vol. 35, No. 2, May 1989? (Illegible)
<i>BL</i>	110	Transmission of Musical info, in a Teletext Multiplexed Broadcasting system	Y. Sugimori, et al	IEEE Transactions on Consumer Electronics, Vol. CE-29, No. 3, August 1983

<i>BL</i>	111	4004 Futures for Teletext and Videotex in the US	R.P. Plummer, et al	IEEE Transactions on Consumer Electronics, Vol. CE-25, No. 3, July 1979
<i>BL</i>	112	Teletext/Viewdata LSI	B. Harden, et al.	IEEE Transactions on Consumer Electronics, Vol. CE-25, No. 3, July 1979
<i>BL</i>	113	Prestel - the World's First Public View data Service	R.D. Bright, et al.	IEEE Transactions on Consumer Electronics, Vol. CE-25, No. 3, July
<i>BL</i>	114	Teletext and Viewdata (costs as Applied to the US Market	G.O. Crowther	IEEE Transactions on Consumer Electronics, Vol. CE-25, No. 3, July 1979
<i>BL</i>	115	Telidon - A Review	H. Brown W. Sawchuk	IEEE Communications Magazine, Jan 1981
<i>BL</i>	116	Videotex Services: Network and Terminal Alternatives	J.M. Costa A.M. Chitnis	IEEE Transactions on Consumer Electronics, Vol. CE-25, No. 3, July 1979
<i>BL</i>	117	System and Hardware Considerations of Home Terminals With Telephone Computer Access	J. Blank	IEEE Transactions on Consumer Electronics, Vol. CE-25, No. 3, July 1979
<i>BL</i>	118	Profile - Career Update		Key board News, April 1985
<i>BL</i>	119	Telecommunications - Let Your Telephone Do the Sampling	B. Tolinski	KSC, April 1986
<i>BL</i>	120	PAN: Meeting Place for the Industry	P. Leopold	Electronic Musician, Sept. 1986

121	<i>bc</i>	A Harmonious Musical Interface - Instrument Connectivity is Music to Composer's ears.	S. Cunningham	Networld World, Sept 8, 1986 (Vol. 3, No 27)
122	<i>bc</i>	Teaching Computers to Emulate Bach	J.S. Newton	The New York Times, Sunday, March 1, 1987
123	<i>bc</i>	Getting Into PAN	S. Lloyd	Sonics (nothing else appears)
124	<i>bc</i>	MIDI By Modem: The Future in Now	P. Leopold	Conference Paper - Music and Digital Technology
125	<i>bc</i>	The Information Source of the Future is Online now: Electronic Bulletin Boards	G. Armbruster	Keyboard Magazine, Dec 1985
126	<i>bc</i>	MIDI - Musical Instrument Digital Interface	J. Aikin	Keyboard Magazine, January 1986
127	<i>bc</i>	MIND Over MIDI - Diary of a Mad MIDI Specialist	J. Cooper	Keyboard Magazine, June 1986
128	<i>bc</i>	Cover of the KEYBOARD MAGAZINE and Advertisement from Hybrid Acts, Inc.		Keyboard Magazine, July 1986
129	<i>bc</i>	What is Musical Property? - The Ethics of Sampling	S. Alvaro	Keyboard Magazine, October 1986

<i>BL</i>	130	Collection of MIDI Stereo Advertisements			Electronic Musician, Vol. 5, No. 2, Feb 1989
<i>BL</i>	131	In the Public Eye: Free Atari Software	J. Johnson		Electronic Musician, Vol. 5, No. 10, October 1989
<i>BL</i>	132	Going Online - A Guide to elec. Bulletin board System	M. Rivers		Electronic Musician, Vol. 6, No. 11, November 1990
<i>BL</i>	133	*Page of EM Classifieds			Electronic Musician, November 1989
<i>BL</i>	134	Advertisements			Electronic Musician, August 1989
<i>BL</i>	135	EM Classifieds			Electronic Musician, July 1989
<i>BL</i>	136	Advertisements			Electronic Musician, July 1989
<i>BL</i>	137	Start Me Up? - the Music Biz Meets the personal computer	B. Krepack R. Firestone		Published by Medioc Press, Copyright 1986
<i>BL</i>	138	A Harmonious Musical Interface	S. Cunningham		1986 Network world, September 8, 1986
<i>BL</i>	139	Synth - Bank	USPTO		USPTO - Trademark Text and Database
<i>BL</i>	140	Managing the Intellectual Property Lifecycle	B. Bell A. Brown, Jr.		A excerpt from an article available at Synthbank.com 1998, Synthbank, Inc.
<i>BL</i>	141	*List of E-Bulletin Boards with an attached EM page of ads			ON-line Resources/Electronic Bulletin Boards
<i>BL</i>	142	An Upbeat Way to Order; worth watching	G. Charlish		1988 The Financial Times (Lexis-Nexis)

		MUSICNET	USPTO	USPTO - Trademark
143				
144		PC Forum Attendees Call for Cooperation with Government	S. Higgins	Westlaw, Monday, March 1, 1993
145		Data Highways... Can we get there from here?	J. Burgess	The Washington Post, May 2, 1993 (Lexis-Nexis)
146		MNI Interactive to Revolutionize the Way Consumers Select and Purchase Entertainment Products		PR Newswire Association, Jan 17, 1994
147		The Interactive Age - Can The Exalted Vision Become a Reality?	M. W. Miller	The Wall Street Journal, Thursday, Oct 14, 1993
148		Music Net Let's Consumer's Fingers do the Walking	J. McCullaugh	Billboard, Saturday, October 16, 1993 (Westlaw)
149		"Rolling Stone" Takes Music to The Phone	S. Donaton A. Z. Cuneo	Advertising Age, July 11, 1994 (Lexis-Nexis)
150		Most Silicon Valley Ventures Beat the Odds	S. Herhold	Knight - Ridder Tribune Business News, Feb. 14, 1999
151		*Entire September Issue		Electronic Musician, Sept. 1986
152		Digit Download - Guidelines for the Architecture of Audio Technical		Preliminary White Paper Version 1.0 March 2, 1999 (CDN 03994-004038)

			Facilities at an Online Music Retail Site			
<i>BL</i>	153		US Patent No. 4,999,806	Software distribution system	USPTO	
<i>BL</i>	154		US Patent No. 4,359,223	Interactive video playback system	USPTO	
<i>BL</i>	155		USPTO Certificate of Correction - Patent No. 4,528,643	System for Reproducing information in material objects at a point at sale location	USPTO	
<i>BL</i>	156		The Telharmonium: An Early Breakthrough in Electronic Music	T. Holmes	Gyrofrog Communications Electronic and Experimental Music 1996	
<i>BL</i>	157		Free Music Downloads	CDNow	CDNow Web Site (CDN 000078-85)	
<i>BL</i>	158		Gameline - the Incredible New Way to Play Video Games		Gameline brochure	
<i>BL</i>	159		Downloading and Tele-delivery of Computer Software, Music and Video		International Resource Development, Inc. (DN 021217-021432)	
<i>BL</i>	160		Downloading and Tele-		International Resource	

		delivery of Computer Software, Music and Video			Development, Inc. July 1983 (CDN:021433-021664)
	161	The Development of a Commercial Tele software Service	A. Sweet		Tele software Cavendish Conference Center 27-28 Sept. 1984. Publication No. 60 [61] Institution of Electronic and Radio Engineers
	162	Tele software - The Computer in Your TV set	J. Hedger		New Electronics, Vol. 13, No. 245, December 9, 1980
	163	Tele Software: Adding Intelligence to Teletext	R. Eason J. Hedger		Proceedings IEEE, Vol. 126, No. 12, December 1979
	164	Receiving Tele Software With CCT	J.R. Kinghorn		Tele software Cavendish Conference Center 27-28 Sept. 1984. Publication No. 60 [61] Institution of Electronic and Radio Engineers
	165	Games Tele Software on Cable	T.J. Havelock		Tele software Cavendish Conference Center 27-28 Sept. 1984. Publication No. 60 [61] Institution of Electronic and Radio Engineers
	166	Broadcast Tele Software Experience With ORACLE	J. Hedges		View data and Videotext, 1980-1981: A Worldwide Report
	167	The UK Teletext Standard for Tele Software Transmissions	D.J. Rayer		View data and Videotext, 1980-1981: A Worldwide Report
	168	Music from the skies promised by firm serving	S. Chase		The Washington Post, October 19, 1981

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			cable users				
	169		Abstract -		L. Landro		The Wall Street Journal, October 14, 1981
	170		Abstract -		No author listed		UPI - October 13, 1981
	171		Hi-Tech <i>do-Dads</i> for the man of the house		No author listed		Trends
	172		New Products Programmed for Consumers		No author listed		Computer Report
	173		Electronics show had variety of new home equipment		No author listed		Hi-Fi News and Record Reviews, 1985
	174		New Telerecording Method for Audio		No author listed		BM/E, October 1985
	175		Cable TV Moves To The Music		A.L. Yarrow		NY Times, July 4, 1982
	176		What is Stalling the Record Business?		No author listed		Business Week, November 30, 1981
	177		Labels Gear Up For Home Music Store		No author listed		Billboard Magazine, April 6, 1991
	178		The Record Shop of the Future May Be In Your Parlour		Hans Fantel		NY Times, November 22, 1981
	179		The Latest Technology		R. Harrington		Washington Post, June 28, 1981
	180		Thaddeus Cahill and the		No author listed		http://nicemusic4.music.niu.edu

			Telharmonium (electric instrument)			
	181	<i>BL</i>	Thaddeus Cahill's Dynamophone\Telharmonium (1897)	No author listed		http://www.obsolete.com
	182	<i>BL</i>	Book Review: Magic Music From The Telharmonium	P. Hertz		http://www.obsolete.com
	183	<i>BL</i>	Telharmonium	No author listed		http://www.britannica.com
	184	<i>BL</i>	Keyboard and Tactile Interfaces	No author listed		In The Third Person, October 1999
	185	<i>BL</i>	No Time To Shop For Software	J. Paioff		Infoworld, August 20, 1984
	186	<i>BL</i>	Warner Amex QUBE Cable Communications	No author listed		http://www.electricblue.com
	187	<i>BL</i>	A Blast From The Past	P. Conger		http://www.cableworld.com , March 28, 1998
	188	<i>BL</i>	Where Is Everyone Now	No author listed		http://www.electricblue.com
	189	<i>BL</i>	Juke Box History 1934 thru 1951	Gert Almind		http://www1.jukebox.dk
	190	<i>BL</i>	The Shyvers Multiphone	No author listed		http://www.dyz.com
	191	<i>BL</i>	Dead Medium: Telephonic Jukeboxes: The Shyvers Multiphone...	B. Sterling		http://www.wps.com

192	Download and Teledelivery of computer software, games, music, and video	Int'l. Resource Dev. Inc.	US Copyright Application, Registration I-243-407
193	Compusonics Digitizes Phone Lines	No author listed	Digital Audio, September 1985
194	AT&T Demo	No author listed	Pro Sound News, September 9, 1985
195	Videogames and Electronic Toys		Int'l Resources Dev. Inc., May 1983
196	Compusonics Eyes Options; Will Flagship Computer Make Direct CD Copies?	M. Harrington	Information Access Co., March 30, 1987
197	Direct Broadcast's Potential For Delivering Data Service	E. Holmes	Data Communications, September 1984
198	Sonus Music Products	C. Roads	Computer Music Journal, Spring 1987
199	Advertisement: Gameline package		http://www.geocities.com
200	Computer Music Networks	C. Roads	Computer Music Journal, Fall 1986
201	Announcements	C. Roads	Computer Music Journal, Summer 1986
202	CVC Gameline Master Module	No author listed	http://ccwf.cc.utexas.edu

Examiner's Initials	TAB NO.	PATENT NO.	INVENTOR	FILING DATE	DESCRIPTION
<i>HL</i>	203	Oregon Corporate Records	Re: Synth-Bank	Oregon Secretary of State	
<i>HL</i>	204	Lexis Search Manual (Entire Manual)			
<i>BL</i>	205	Affidavit of Edgar Magnin and Exhibits		US Dist Ct for the Southern Dist. Of New York	
<i>BL</i>	206	Transcript: Max Conference		02/27/93	
<i>BL</i>	207	Exhibits To Compuserve's Brief On Claim Interpretation	Jones, Day, Reavis & Pogue	Filed in US Dist. Ct. For The Southern Dist. Of New York	
<i>HL</i>	208	4,359,223	Baer et al.	November 1, 1979	Interactive Video Playback System
<i>HL</i>	209	4,636,876	Schwartz	September 17, 1984	Audio Digital Recording and Playback System
<i>HL</i>	210	4,755,889	Schwartz	August 12, 1986	Audio and Video Digital Recording and Playback System
<i>BL</i>	211	4,559,570	Schwartz	May 14, 1984	Magnetic Storage System
<i>BL</i>	212	4,758,908	James	September 12, 1986	Method and Apparatus For Substituting A Higher Quality Audio Soundtrack For A Lesser Quality Audio Soundtrack During Reproduction Of The Lesser Quality Audio Soundtrack And A Corresponding Visual Picture

Examiner's Initials	TAB NO.	PATENT NO.	INVENTOR	FILING DATE	DESCRIPTION
<i>HL</i>	213	5,307,456	Mackay	January 28, 1992	Integrated Multi-Media Production And Authoring System
<i>HL</i>	214	4,675,904	Silverman	August 11, 1983	Method For Detecting Suicidal Predisposition
<i>HL</i>	215	4,682,248	Schwartz	September 17, 1985	Audio and Video Digital Recording Playback System
<i>HL</i>	216	4,472,747	Schwartz	April 19, 1983	Audio-Digital Recording And Playback System
Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION	
<i>HL</i>	217	AES Presentations		AES Preprints	
<i>HL</i>	218	Brochure; Overview articles, etc on PAN	PAN Network		
<i>HL</i>	219	Brochure: NERAC			
<i>HL</i>	220	CompuSonics DSP-1000 World's First DARPS		CompuSonics Advertisement	
<i>HL</i>	221	We Mean Business	C.S. Kaplan	Con. Elec. Daily, May 10, 1984	
<i>HL</i>	222	Letter to Shareholders	D. Schwartz	CompuSound, Inc. January 6, 1984	
<i>HL</i>	223	Letter to Shareholders	D. Schwartz	CompuSound, Inc., April 6, 1984	
<i>HL</i>	224	Letter to Shareholders	D. Schwartz	CompuSound, Inc., July 16, 1984	
<i>HL</i>	225	Letter to Shareholders	D. Schwartz	CompuSound, Inc., May 31, 1985	

Examiner's Initials	TAB NO	DESCRIPTION	AUTHOR	PUBLICATION
BL	226	Manufacturing Update		Audio Video Inter. June 1984
BL	227	CompuSonics Fuses Computer, Audio Into "Worlds First" HDR	M. Golden	CES Trade News Daily, June 4, 1984
BL	228	Digital Sound Now on Computer Disks	S. Booth	Consumer Elec. Daily, June 3, 1984
BL	229	CompuSonics Reads Floppy disc to record.....		HFS Newspaper, June 4, 1984
BL	230	Floppy disc may be the next music Makers		Business Week, May 28, 1984
BL	231	CompuSonics: Another Digital Audio Std	N. Weinstock	MIX, August 1984
BL	232	The State of RCA		TV Digest, May 21, 1984
BL	233	CompuSonics DSP-1000....		CES Exhibition - D&E, 1984
BL	234	Optical -Disk based Digital Audio System	B. Robinson	Electronic Engineering Times, September 1, 1986
BL	235	Brochure - CompuSonics DSP-1000		CompuSonics Corp.
BL	236	Business Plan Overview		CompuSonics, Corp., June 14, 1984
BL	237	CompuSonics Corp. Corporate Profile		Audio Video International
BL	238	Toward Electronic Delivery of Music	J.P. Stautner	CompuSonics Corp.
BL	239	Company sees Future in Digital	J. Hendon	Rocky Mountain News, July 22, 1984
BL	240	Floppy-Disk Audio System	A. Mereson	Science Digest, November 1984
BL	241	Recording Music on Floppy Discs	A. Zuckerman	High Technology, May 1984

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
DS	242	Digital Recording System Uses floppy - discs		Audio Times, May 1984
DS	243	Brochure		Compusonics Corp.
DS	244	Hi-Fi Floppy	CADES	P.C. World, April 1985
DS	245	New Hi-Fi Horizons	D. Canada	Stereo Review, December 1984
DS	246	Specs. And Implem.of computer Audio console for Digital Mixing and Recording	D. Schwartz	AES 76th Convention, NYC, June 20, 1984
DS	247	A High Speed Telecommunications Interface for Digital Audio Transmission and Reception	H. H. Sohn	Compusonics Corp.
DS	248	The Audio Computer and its applications	Schwartz & Stautner	Compusonics Corp.
DS	249	Engineering Your Own Digital Audio Broadcast System	D. Schwartz	Compusonics Corp.
DS	250	Memo: To Mr. Kapp; from D. Schwartz	D. Schwartz	CompuSonics Corp., April 26, 1990
DS	251	CompuSonics DSP 2002 - Preliminary User Manual		CES, June 1984
DS	252	Digital Mark. Corp. Video Real Estate System	JPS	CompuSonics Corporation
DS	253	Memo: to Holmbraker et al.	D. Schwartz	CompuSonics Corporation
DS	254	Assembly Procedure for DS 1500		CompuSonics Corporation

Examiner's Initials	TAB NO	DESCRIPTION	AUTHOR	PUBLICATION
BC	255	Application Notes: CSX Digital Signaling Processing		CompuSonics Corporation
BC	256	DMS Lecture		CompuSonics Corporation, 1991
BC	257	Application Notes: DSP 1000 Digital Audio Disc Recorder		CompuSonics Corporation
BC	258	Automated Merchandising System for Computer Software, Patent #4,949,257	Orbach	USPTO
BC	259	Letter to E. Kraeutler, Esq. Re: CDNews/Liquid Audio	I. Gross	Wilson, Sonsini, Goodrich and Rosati - April 14, 2000
BC	260	Patent License Agreement	Schoen & Hooban	Ergon Technology Associates Corp.
BC	261	The Home Terminal		IRD, Inc., August 1978
BC	262	RoIm Plugs CBX Into		EMMS - May 2, 1983
BC	263	Employee Non-Competition Agreement		CDNow, Inc.
BC	264	Letter to D. Berl, Esq.	K.J. Choi	Lucent Technologies
BC	265	Video Explosion on the way for buyers	M. Galligan	US News and World Report, June 18, 1984
BC	266	Hi-Fi in the '80's : Not only Alive and well.....	L. Feldman	Information Access Co., July 1984
BC	267	The Search for the Digital Recorder	B. Dumaine	Time, Inc., November 12, 1984
BC	268	Ultimate Integration: Putting Software theory into.....	J. Balga	Information Access Co., February 12, 1985

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
BL	269	Technology Review	R. Welch	The American Banker, December 12, 1986
BL	270	Remembering the Gameline	D. Skelton	www.mindspring.com
BL	271	Gameline Module links with game bank	D. Burns	www.atarimagazines.com
BL	272	Allison 7 Video	Allison	EE 380 2/18/87
BL	273	Telesoftware - Value Added Teletext	J. Hedger	IEEE Transactions on Consumer Electronics; Feb 1980, Volume CE-26
BL	274	Telesoftware: Home Computing Via Broadcast Teletext	J. Hedger	IEEE Transactions on Consumer Electronics; July 1999, Volume CE-25, No. 3
BL	275	The Future of Television as The Home Communications Terminal		International Resource Development Inc., August 1981 (CDN 23101 - 23109)
BL	276	Videogames & Electronic Toys	<u>note</u>	International Resource Development., INC May 1983 (CDN 023054)
BL	277	Telepay vs. Videodisc		International Resource Development INC., September 1982 (CDN 023068)
BL	278	Health, Wealth & Self-Improvement Home Software		International Resource Development INC., September 1985 (CDN 023091)
BL	279	Telecommunications Market Opportunities		International Resource Development INC., November 1985 (CDN 023110-023138)
BL	280	VideoPrint (Contents)		June 22, 1983 (CDN 023139-23142)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
<i>hc</i>	281	CompSonics/Carts		September 9, 1985 (CDN 023143)
<i>hc</i>	282	Current Samples (Compsonics Digitizes Phone Lines)		September 1985 (CDN 023144)
<i>hc</i>	283	(BME) Station Automation (New Telerecording Method for Audio)		October 1985 (CDN 023145-23146)
<i>hc</i>	284	High-Tech do-Dads for the man of the house (Sound Investments)		(CDN 023147-23150)
<i>hc</i>	285	New Software (Delivery over the phone)		Telephone Software Connection INC. October, 1982 (CDN023151)
<i>hc</i>	286	Communications (No time to shop for software)	Jessica Paioff	August 20, 1984 (CDN023152)
<i>hc</i>	287	Warner Amex QUBE Cable Communications	Peggy Conger	(CDN 023153-023157)
<i>hc</i>	288	Warner Amex QUBE Cable Communications (Articles)		(CDN 023158)
<i>hc</i>	289	QUBE-ists (Where is everyone now?)		(CDN 023159-23160)
<i>hc</i>	290	THE SHYVERS MULTIPHONE		(CDN023161-23162)
<i>hc</i>	291	Dead medium: Telephonic Jukeboxes: The Shyvers Multiphone (MULTIPHONE)		(CDN 023163-23166)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
<i>BL</i>	292	Jukebox History 1934-1951		(CDN 023167-23173)
<i>BL</i>	293	New Music Box (Keyboard and Tactile Interfaces)		October 1999 (CDN 023174-23180)
<i>BL</i>	294	Britannica.com (telharmonium)		(CDN 023181)
<i>BL</i>	295	Book Review (Magic Music from the Telharmonium)	Paul Hertz	The Scarecrow Press. Inc.,(CDN.023182)
<i>BL</i>	296	Thaddeus Cahill (Dynamophone/Telharmonium) 1897		(CDN 023183-23186)
<i>BL</i>	297	Thaddeus Cahill and the Telharmonium (electric instrument)		(CDN 023187-23189)
<i>BL</i>	298	Style (The Latest Technology)	Richard Harrington	June 28,1981 (CDN 023190-23191)
<i>BL</i>	299	Financial		October 13,1981 (Tuesday) (CDN 023192)
<i>BL</i>	300	Labels Gear Up For "Home Music Store"	Earl Paige Ken Terry Bill Holland	April 6, 1991 (CDN 023193-23194)
<i>BL</i>	301	ABSTRACT (Home Music Store)	Laura Landro	October 14,1981 (Wednesday) (CDN 023195)
<i>BL</i>	302	Washington Business (Music From the Skies Promised By Firm Serving Cable Users)	Scott Chase	October 19,1981 (Monday) (CDN 023196)
<i>BL</i>	303	Arts and Leisure Desk (Sounds:The Record	Hans Fantel	November 22, 1981 (Sunday) (CDN

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
		Shop Of The Future May In Your Parlor)		023197-23199)
HL	304	MEDIA & ADVERTISING (What is stalling the record business)		November 30, 1981. (Industrial Edition) (CDN 023200-23202)
HL	305	Financial Desk (CABLE TV MOVES TO THE MUSIC	Andrew L. Yarrow	July 4, 1982 (L. City Final Edition) (CDN 023203-23204
HL	306	TSC WRITE-UPS		(CDN 023552)
BL	307	Telephone Software Connection, Inc. (The Hayes Micromodem II)		(CDN 023553-23554
HL	308	TSC Bibliography (CALL-APPLE)		(CDN 023556-23567)
HL	309	COMPUTERS (TELEPHONE SOFTWARE CONNECTION)		(CDN 023559)
HL	310	ARTICLE REFERENCES (NOW YOUR HOME)		POPULAR MECHANICS, March 1981. (CDN 023555-23568)
HL	311	Buyers Guide (BRANCH CENTERS)		(CDN 023569-23570)
HL	312	News Link (Software delivery now at 2400 baud)		December 1985. (CDN 023571)
HL	313	TELEPHONE SOFTWARE CONNECTION		(CDN 023572-23573)
HL	314	Software (Online Tip)		(CDN 023574)
HL	315	TELECOMMUNICATING (PC-TALK.III)		(CDN 023575)
HL	316	POLL(Adults believe children know more	Lawrence	October 16, 1985. (CDN 023576)

Examiner's Initials	TAB NO	DESCRIPTION	AUTHOR	PUBLICATION
		about computers)	Kilman	
BE	317	Electronic Mail (TELEPHONE SOFTWARE CONNECTION)		(CDN 023577)
BE	318	Data Communications (PROTECTING YOUR NETWORK DATA)	Elisabeth Horwitt	(CDN 023578)
BE	319	To Catch A Thief (Microcomputer)		July 1985.(CDN 023579-23583)
BE	320	Caller Response (Services) (Shopping for software at home, by phone)		(CDN 023584)
BE	321	ON LINE CONSULTING (PLANNING, PROGRAMMING & TRAINING)		(CDN 023585)
BE	322	Entry (Entry goes on line!)		(CDN 023586)
BE	323	UNIQUE (2000 New Articles Screened Each Day)		(CDN 023587)
BE	324	Entry (Entry Magazine)		(CDN 023588)
BE	325	Satin and lace, and a message base (A board is a board)	Dru Simon	(CDN 023589)
BE	326	REFLECTIONS (on the videotex industry)	Carole Houze Gerber	(CDN 023590)
BE	327	SOFTWARE ONLINE (HELP FOR DISABLED COMPUTER USERS)		(CDN 023591)
BE	328	Telescan Analyzer & Telescan Database		December 1984. (CDN 023592)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
BL	329	Reader Service (Phone secretary II)		December 1984. (CDN 023593-23595)
BL	330	Communications Software (Software Communications Inc.)		November 1984 (CDN 023596-023601)
BL	331	COMMUNICATIONS (No time to shop for software?)	Jessica Paioff	August 20, 1984 (023602)
BL	332	Link (Telephone Software)		May 1984. (CDN 023603-23621)
BL	333	Sample of Available Graphics Programs (Manufacturer)		October 1984 (CDN 023607)
BL	334	RAM Required		October 1984 (CDN 023608)
BL	335	TELECOMMUNICATING	Art Kleiner	Spring 1984 (CDN 023610-23611)
BL	336	WHOLE EARTH RECOMMENDED TELECOMMUNICATION TOOLS (TERMINAL PROGRAMS)		February 1984 (CDN 023612-23613)
BL	337	MITE (Finding MITE)		Spring 1984 (CDN 023614-23618)
BL	338	ELECTRONIC MAIL PROGRAMS (MCI Mail)		Spring 1984 (CDN 023619)
BL	339	COMPUTER CONFERENCING SYSTEMS (CompuServe Special Interest Groups (SIGs))		Spring 1984 (CDN 023620)
BL	340	UNCORRECTED PAGE PROOF (HOW RO GET FREE SOFTWARE)	Alfred Glossbrenner	(CDN 023622)
		The Treasure Trove (Comments; Diversi-		

Examiner's Initials	TAB NO	DESCRIPTION	AUTHOR	PUBLICATION
<i>EA</i>	341	DOS)		DSR, INC (CDN 023623-23630)
<i>EA</i>	342	In Search of the Consummate Time Manager (Effective Management)	Margaret P. Ezell	(CDN 023631-23632)
<i>EA</i>	343	Display (meet, report, sell, plan)		(CDN 023633)
<i>EA</i>	344	TURNING POINT (TIME IS MONEY)		(CDN 023634)
<i>EA</i>	345	LECTION		May 1984 (CDN 023635-23636)
<i>EA</i>	346	GETTING ON COMMUNI (PROVEDERS AND CONSUMERS)	Ed Magnin	Telephone Software Connection, Inc. March 1984 (CDN 023637-23638)
<i>EA</i>	347	Telecommunications (A Software Vending Machine)	Ed Magnin	Telephone Software Connection, Inc. March 1984 (CDN 023639)
<i>EA</i>	348	Telecommunications (Auto Modem)	Michael J.O'Neil	March 1984 (CDN023640)
<i>EA</i>	349	Micro Software Distribution (Now, Software Is Distributed By Wire	Ronald R. Cooke	November 1983 (CDN 023642)
<i>EA</i>	350	References : Offices and Numbers.		1984 (CDN 023643-23660)
<i>EA</i>	351	SOFTALK (SubLogic)		December 1983 (CDN 023661-23676)
<i>EA</i>	352	THE TRS CONNECTION		November 1983 9CDN 023677-023679)
<i>EA</i>	353	Display (THE ACCESS UNLIMITED MICRO SHOPPING CENTER)		November 1983 (CDN 023680)
<i>EA</i>	354	Telecommunications (Telecommunications Adviser)	Ed Magnin	Telephone Software Connection Inc. November 1983 (CDN 023681-23682)

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Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
BL	355	Communications (Special Delivery Software)	Lisa B. Stahr	October 1983 (CDN 023683-23686)
BL	356	PLUMB (EMPLOYMENT WANT ADS GO ONLINE)		June 1983 (CDN 23688-23695)
BL	357	Apple's New Image		(CDN 023696)
BL	358	Tech (Lisa And Software Writers- No Love At First Byte?)	Jessica Schwartz	(CDN 023697-23698)
BL	359	Display (DATAMOST)		(CDN 023699)
BL	360	Cider (What's New This Month)		June 1983 (CDN 023700-23701)
BL	361	Display (2ND Generation Spreadsheet)		(CDN 023702)
BL	362	Telecommunications (Telecommunications Adviser)	Ed Magnin	Telephone Software Connection Inc. June 1983 (CDN 023703-23704)
BL	363	Cider BOOK SHELF		June 1983 (CDN 023705-23706)
BL	364	Telecommunications (Telecommunications Adviser) "Acoustic"	Ed Magnin	Telephone Software Connection Inc. June 1983 (CDN 023707-23709)
BL	365	Downloader's Supermarket		June 1983 (CDN 023710)
BL	366	LETTERS (Krell Responds to review of LOGO)		(CDN 023711)
BL	367	Display (Apple Orchard) Peelings II responds.		November 2 1983 (CDN 023712-23713)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
<i>BL</i>	368	Display (NIBBLE IS TERRIFIC)		(CDN 023714)
<i>BL</i>	369	TECHNOLOGY (Electronic Software Delivery Threatens Mail And Store Sales)	William M. Bulkeley	April 11, 1983 (CDN 023716-23717) THE WALL STREET JOURNAL
<i>BL</i>	370	ET PHONES OFFICE (Electronic Transfer)		April 1983 (CDN 023718-23721) The Digest
<i>BL</i>	371	Western Union's Easylink Gets Direct Telex-To-PC Connection		March 21, 1983 (CDN 023722) Information System News
<i>BL</i>	372	The Book Of Software		1983 (CDN 02723-23725)
<i>BL</i>	373	SOFTALK CLASSIFIED ADVERTISING (THE PREDICTOR)		April 1983 (CDN023726-23729) SOFTALK
<i>BL</i>	374	Programs boogie with-o-tech (Sales styles and marking strategies: A hard look at software)	Joanne Cleaver	(CDN023730-23731) HOME COMPUTER
<i>BL</i>	375	MARKETING MOVES (Information services move modems)	Deborah de Peyster	March 7 1983 (CDN 023733) ISO WORLD
<i>BL</i>	376	Computer-Based Business Files (Available file transfer software)		March/April 1983 (CDN 023734-23735)
<i>BL</i>	377	CHAPTER II USING YOUR THUNDERCLOCK PLUS (APPLICATIONS SOFTWARE PACKAGES SUPPORTING THE THUNDERCLOCK PLUS)		(CDN 023736)
<i>BL</i>	378	THUNDERCLOCK PLUS (USER'S		(CDN 023737)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
		GUIDE)		
<i>DL</i>	379	Pinball wizardry's gone electronic (the home computer)	Duane Sandul	(CDN 023738)
<i>DL</i>	380	Programmed to trim that waistline (the home computer)	Duane Sandul	February 5, 1983 (CDN 023739)
<i>DL</i>	381	High adventure (the home computer)	Duane Sandul	(CDN 023740)
<i>DL</i>	382	VARIATION ON A THEME		December 1982 (CDN 023742)
<i>DL</i>	383	PROGRAMMERS LIBRARY	Paul Leighton	December 1982 (CDN 023743-23744)
<i>DL</i>	384	THE ARCADE MACHINE (INTRODUCTION)	Chris Jochumson Doug Carlston	(CDN 023745)
<i>DL</i>	385	Telephone Transfer II (INTRODUCTION)	Leifhton Paul Ed Magnin	November 1982 (CDN 023746)
<i>DL</i>	386	PRINTOGRAPHER (INTRODUCTION)	Stephen Billard	(CDN023747)
<i>DL</i>	387	CONNECTING YOUR COMPUTER TO A MODEM: WHERE TO START	Bill Chalgren	(CDN 023748-23756)
<i>DL</i>	388	L.I.S.A. (LASER SYSTEMS INTERACTIVE SYBOLIC ASSEMBLER) V. 1.5		(CDN 023757-23758)
<i>DL</i>	389	RECENT COMPUTER SCIENCE BOOKS		(CDN 023759-23763)
		MODIFYING YOUR MONITOR		

Examiner's Initials	TAB NO	DESCRIPTION	AUTHOR	PUBLICATION
<i>BL</i>	390	PROGRAM	Leighton Paul	(CDN023764-23765)
<i>BL</i>	391	Modems: Hooking your Computer to the World	Stan Miastkowski George Stewart	December 1982 (CDN 023766-23772)
<i>BL</i>	392	BUSINESS (Telephone Software Connection)		December 1982 (CDN 023774-23787)
<i>BL</i>	393	Displays (COOSOL COMPUTER PRODUCTS)		December 1982 (CDN 023788)
<i>BL</i>	394	Displays: APPLE (Amper-Magic)		December 1982 (CDN 023789)
<i>BL</i>	395	TOMORROW'S APPLES TODAY (TELEPHONE TRANSFER II)		November 1982 (CDN 023790-23792)
<i>BL</i>	396	Display: (Music Maker ETC.)		(CDN 023793)
<i>BL</i>	397	A GUIDE TO COMMUNICATION SOFTWARE PACKAGES (Cutting line cost)		October 1982 CDN 023794-23807)
<i>BL</i>	398	DATA COMMUNICATION PROFESSIONALS:(ENGINEERING DEPARTMENT MANAGER-SOFTWARE		October 1982 (CDN 023808)
<i>BL</i>	399	MODEMS AND THE MICROMODEM II	Athol H. Cohen	(CDN 023809-23818
<i>BL</i>	400	SOFTWARE (Arcade Math)		September/October 1982 (CDN 023819-23821)

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Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
SR	401	MARKETING (Makers Transform the Ways Computer Programs Are Sold)	Susan Chace	August 26, 1982 (CDN 023822)
SR	402	LETTER PERFECT DATA PERFECT EDIT 6502 (LETTER PERFECT)		(CDN023823-23826)
SR	403	PATCHING DOS THE EASY WAY	Leighton Paul	(CDN 023827)
SR	404	Display: TOGETHER, LOCKSMITH, THE INSPECTOR AND WATSON		(CDN 023828)
SR	405	ELECTRONIC MAIL SYSTEM ENHANCES DELPHI METHOD	Bernard S. Husbands	1982 (CDN 023829-23832)
SR	406	NEW PRODUCTS (Save Civilization in Your Spare Time)		May 1982 (CDN 023833-23843)
SR	407	JUST A CALL AWAY (Dial Up Software Service)		(CDN 023844)
SR	408	Display: RADIO & RECORDS		(CDN 023845)
SR	409	Display: SHE'S NO STRANGER NOW		(CDN 023846)
SR	410	Radio & Records: Letter to ED Magnin	Pam Bellamy	April 22, 1982 (CDN 023847)
SR	411	How to buy a personal computer (Here We Go Again)		(CDN 023849-23850)
SR	412	What's New? (Overlay Compiler)		March 1982 (CDN 023851-23852)
SR	413	Display: PURE POWER		February 1982 (CDN 023854)

Examiner's Initials	TAB NO:	DESCRIPTION	AUTHOR	PUBLICATION
BL	414	NEW PRODUCTS: Not Just Another Chess Game (Championship chess)		February 1982 (CDN 023855)
BL	415	NEW ELECTRONIC MAIL SERVICE ON-LINE		(CDN 023856)
BL	416	Display: Arithmetic Teacher (Problems for Solving Fractions)		(CDN 023857)
BL	417	A Guide to Personal Computers (PERSONAL-COMPUTER HARDWARE)	Steve Ditlea	December 14, 1981 (CDN 02386223870) NEW YORK
BL	418	A Line On Friendly Utilities	Theron Fuller	(CDN 023871-23874)
BL	419	Conferences Goes On-Line (Ethernet Online)		(CDN 023875-23881)
BL	420	TERMINAL DATA	Jeffrey Mazur	September 1981 (CDN 023882-23885)
BL	421	DATALOOP: Smartmodem announced at NCC '81		July 2, 1981 (CDN 023886-23893)
BL	422	RESEARCH:	George Bond	July 7, 1981 (CDN 023894-23896)
BL	423	MARKET CHARTER		June 1981 (CDN 023897-23901)
BL	424	TELEPHONE SOFTWARE CONNECTION (Phone Log)		February 1981 (CDN 023902)
BL	425	Display: FASTER THAN A SPEEDING TYPYST		(CDN 023903)
BL	426	MARKETALK NEWS (Multi-Media)		January 1981 (CDN 023904-23905)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
		Video)		
BL	427	DIAL-YO DIRECTORY (Talking Terminals)	Frank J. Derfler, Jr.	January 1981 (CDN 023906-23907)
BL	428	APPLE CART (Books)	Chuck Carpenter	(CDN 023908-23910)
BL	429	Display: SPACE WAR AND INVASION		(CDN 023911)
BL	430	MARKETALK NEWS (Hardhat Software)		November 1980 (CDN 023912-23913)
BL	431	ADMIN.:HELLO CBS NEWS (Letter to Ed)		(CDN 023915-23916)
BL	432	Display: ADVANCED ELECTRONICS		(CDN 023918)
BL	433	NOVATION PREMIERES NEW EXHIBIT AT TWO LOS ANGELES SHOWS		(CDN 023919-23923)
BL	434	MICROPROCESSOR NEWSLETTER : Microprocessor Training Center		June 5, 1980 (CDN 023924-23932)
BL	435	THE TELEPHONE SOFTWARE EXPERIENCE A REVIEW (OF SORTS)	Val J. Golding	May 1980 (CDN 023933-23935)
BL	436	BIBLIOGRAPHY (hand notes)		(CDN 023917-23732)
BL	437	Display ;Our Records of Growth		May 1979 (CDN 023937)
BL	438	Display: PURCHASE AND RECEIVE SOFTWARE		(CDN 023953)
BL	439	Letter from License Department to		July 19, 1979 (CDN 023938)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
		Edgar&Marilyn Magnin		
<i>BL</i>	440	COPY OF BUSINESS LICENSE (BUSINESS LICENSE APPLICATION)	Edgar & Marilyn Magnin	(CDN 023939-23940)
<i>BL</i>	441	Letter from J. Walker Owens RE: NEW BUSINESS OPERATOR (WELCOME)	J. Walker Owens	August 9, 1979 (CDN 023941-23944)
<i>BL</i>	442	Software for the Apple II (DYNAMAZE , ULTRA BLOCKADE) GAMES)		(CDN 023945-23946)
<i>BL</i>	443	Display : Telephone Software Connection (MANY THANKS FOR YOUR RECENT ORDER)		(CDN 023947)
<i>BL</i>	444	Price Log (ANSWERING MACHINES, WRITE-EDIT & SEND)		(CDN 023951-23952)
<i>BL</i>	445	Display : ADVERTISEMENT (DESK CALCULATOR II)		July 1980 (CDN 023950)
<i>BL</i>	446	Instructions: Computer with header		(CDN 023954)
<i>BL</i>	447	MICROSOFT CONSUMER PRODUCTS CONTINUING THE MICROSOFT TRADITION (ANNOUNCING MICROSOFT CONSUMER PRODUCTS)		(CDN 023955)
<i>BL</i>	448	THE APPLE ORCHARD (COMPUTERWORLD PRINTER INIT ROUTINE)		March/April 1980 (CDN 023956)

Examiner's Initials	TAB NO	DESCRIPTION	AUTHOR	PUBLICATION
BC	449	VOLUME TABLE OF CONTENTS (\$11,0)		July/August 1980 (CDN 023957-23959)
BC	450	SUP'R TERMINAL (SPECIFICATIONS)		(CDN 023960)
BC	451	CALL-APPLE (functions, remin.)		March/April 1980 (CDN 023961)
BC	452	CALL-APPLE (STOCK MARKET DATA RETRIEVAL ONE THE SOURCE)	Hersch Pilloff	March/April 1980 (CDN 023962)
BC	453	CBS NEWS CREW FROM WALTER CRONKITE	David Dow	September 9, 1980 (CDN 023963-23965)
BC	454	Telephone Software Connection (PHONE LOG)		(CDN 023966-23969)
BC	455	Advertising for quicker shopping over computer (GO-MOKU)		(CDN 023970-23971)
BC	456	Advertising for Pet and Apple II Users (PASCAL)		November/December 1980 (CDN 023973)
BC	457	Letter from Telephone software Connection (REGARDING THE ELECTRONIC COMMUNICATION SERVICE)		March (CDN 023977)
BC	458	Letter (OFFERING INTRODUCTION)		(CDN 023979-23983)
BC	459	Letter from Ed Magnin REF: TSC/TELEMAIL USER)	Ed Magnin	February 8, 1982 (CDN 023984)
BC	460	NOW YOUR HOME COMPUTER CAN CALL OTHER COMPUTERS ONE THE	Neil Shapiro	March 1981 (CDN 023985-23987)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
		TELEPHONE		
<i>BL</i>	461	Advertising (SHAPE BUILDER, TERMINAL PROGRAMS, DOUBLE DOS, MATH TUTOR)		March 1981 (CDN 023988-23990)
<i>BL</i>	462	SOFTALK (MICROMATE'S MICRONET-IT PLUGS IN THE GAME PORT)		May (CDN 023991)
<i>BL</i>	463	VOIDED BLANK CHECK #1513		May (CDN 023998)
<i>BL</i>	464	CORVUS CONTROLLING 3 APPLES (WE HAVE NEW PHONE NUMBERS)		May 18, 1981 (CDN 023999)
<i>BL</i>	465	PREDICTING THE FUTURE WITH ELECTRONIC MAIL (THE TELENET WAY)	Bernard S. Husbands	October 1981 (CDN 024000-24001)
<i>BL</i>	466	PROGRAM SHOPPING BY PHONE : SOFTWARE CO. DOWNLOADS PROGRAMS	Michael Swaine	October 19, 1981 (CDN 024002)
<i>BL</i>	467	TELEPHONE SOFTWARE CONNECTION, INC. (THE HAYES MICROMODEM II : I'VE NEVER BROUGHT A BETTER SLAVE		July 1981 (CDN 024003)
<i>BL</i>	468	ADVERTISING (SHAPE BUILDER)		CDN 024006-24008)
<i>BL</i>	469	ADVERTISING (TELEPHONE TRANSFER II)		(CDN 024009)
<i>BL</i>	<u>470??</u>			

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
BA	471	Display: THE FP REPORT		(CDN 024018) TELEPHONE SOFTWARE CONNECTION. INC.
BA	472	Display: ORDER VIA MODEM		(CDN 024019)
BA	473	PRICE LOG		June 2, 1982 (CDN 02492023422)
BA	474	PRICE LOG CONT.)		October 21, 1982 (CDN 024023)
BA	475	Display: TELEPHONE SOFTWARE CONNECTION (ADDRESS POSTAGE)		(CDN 024024-24025)
BA	476	TELEPHONE SOFTWARE CONNECTION (Letter to Apple Dealer)	Ed Magnin	(CDN 024026)
BA	477	Display (MR. SMARTYPANTS)		(CDN 024028-24030)
BA	478	Display (DISK-CRYPTO)		(CDN 024031-24032)
BA	479	Display (VIDEO LIBRARIAN)		(CDN 024033-24035)
BA	480	Display (WORLD CURRENCY TRADER)		(CDN 024036-24037)
BA	481	Display (WORKING MODEL OF TELEPHONE SOFTWARE)		(CDN 024038)
BA	482	TELEPHONE SOFTWARE CONNECTION (Letter to AppleCat Owner)	Ed Magnin	(CDN 024039-24040)
BA	483	TELEPHONE SOFTWARE CONNECTION : THE HAYES MICROMODEM II (I've never bought		May 1980 (CDN 024041-24042)

Examiner's Initials	TAB NO	DESCRIPTION	AUTHOR	PUBLICATION
		better slave)		
<i>BA</i>	484	SPECIAL MEMO TO EDUCATORS	Ed Magnin	(CDN 024043-24044)
<i>BA</i>	485	TELEPHONE SOFTWARE CONNECTION (BACKGROUND PIECE)		(CDN 024045-24049)
<i>BA</i>	486	Display : VEND-O-DISK		(CDN 024050-24052)
<i>BA</i>	487	Letter to Programmer	Ed Magnin	(CDN 024053-24054)
<i>BA</i>	488	NEWS FROM T.S.C.		April 1983 (CDN 024055-24058)
<i>BA</i>	489	NEWS FROM T.S.C.		June 1983 (CDN 024059-24062)
<i>BA</i>	490	WHAT IS VOICEMAIL?		(CDN 024063-24065)
<i>BA</i>	491	TELEPHONE SOFTWARE CONNECTION (INTRODUCTION)	ED Magnin	(CDN 024066-24067)
<i>BA</i>	492	NEWS FROM T.S.C.		October 1983 (CDN 024068-24071)
<i>BA</i>	493	HOW TO ORDER : MODEM		024072-24077)
<i>BA</i>	494	Telecommunication (TELEDELIVERY)		(CDN 024084)
<i>BA</i>	495	NEWS FROM T.S.C.		June 1984 (CDN 024085-24088)
<i>BA</i>	496	PlumbLine (BASE COMPUTERS)		(CDN 024089-24090)
<i>BA</i>	497	NEWS FROM T.S.C.		December 1984 (CDN 024091-24094)
<i>BA</i>	498	NEWS FROM T.S.C.		March 1985 (CDN 024095-24098)
<i>BA</i>	499	Display: PHONE SECRETARY		(CDN 024099-24100)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
<i>EE</i>	500	TELEPHONE SOFTWARE CONNECTION (BACKGROUND PIECES)		(CDN 024101-24106)
<i>EE</i>	501	TELEPHONE SOFTWARE CONNECTION (TOP SECRET) Displays		(CDN 02410724113)
<i>EE</i>	502	Display (Before 1984)		(CDN 024114)
<i>EE</i>	503	Display: IF YOU HAVE AN APPLE (phone list)		(CDN 024115-24117)
<i>EE</i>	504	Display (THE FP REPORT)		(CDN 024118-24119)
<i>EE</i>	505	THE HAYE'S MICROMODEM II		CDN 024120-24121)
<i>EE</i>	506	PRICE LOG		(CDN 024122-24123)
<i>EE</i>	507	NEWS FROM T.S.C.		October 1983 (CDN 024124)
<i>EE</i>	508	Display: Instructions on Software Delevery)		(CDN 024125)
<i>EE</i>	509	PRICE LOG		(CDN 024126-24127)
<i>EE</i>	510	NEWS FROM T.S.C.		June 1983 (CDN 024128-24129)
<i>EE</i>	511	PRICE LOG		(CDN 024130-24131)
<i>EE</i>	512	NEWS FROM T.S.C.		(CDN 024132-24133)
<i>EE</i>	513	Display (PHONE SECRETARY II (54)		CDN 024134)
<i>EE</i>	514	Letter to Programmer	Ed Magnin	(CDN 024135)

Examiner's Initials	TAB NO	DESCRIPTION	AUTHOR	PUBLICATION
AK	515	PROGRAMMERS' PIPELINE(DESCRIPTION SLIP)		(CDN 024136-24137)
AK	516	Display: WORLD CURRENCY TRADER		(CDN 024138)
AK	517	PRICE LOG		(CDN 024139-24140)
AK	518	Display: ORDER VIA MODEM		(CDN 024141)
AK	519	Display: SIX GREAT WAYS TO ADD TO YOUR SUMMER FUN!		CDN 024142)
AK	520	PHONE LOG		(CDN 024143-24144)
AK	521	NEWS FROM T.S.C. (RECENT OFFERINGS)		March 1985 (CDN 024145)
AK	522	SPOTLIGHT ON GRAPHICS (SHAPE BUILDER)		CDN 024146-24148)
AK	523	DISK. LABELMAKER (#73)		CDN 024149)
AK	524	NEWS FROM T.S.C. (TERNINAL PROGRAM II)		(CDN 024150-24152)
AK	525	FREE UPDATE TO DESK CALENDAR II		(CDN 024153)
AK	526	NEWS FROM T.S.C.		June 1984 (CDN 024154-24156)
AK	527	Display : (DISK-CRYPTION)		(CDN 024157-24158)
AK	528	Display: (PHONE SECRETARY) (#54)		(CDN 024159-24160)
AK	529	COMMUNICATION (TERMINAL)		(CDN 024161-24168)

Examiner's Initials	TAB NO	DESCRIPTION	AUTHOR	PUBLICATION
		PROGRAM)		
<i>EE</i>	530	DIALING INSTRUCTIONS		(CDN 024169)
<i>EE</i>	531	Telecommunications Adviser	Ed Magnin	November 1983 (CDN 024170-24171)
<i>EE</i>	532	GETTING ON COMMUNI ((PROVIDERS AND CONSUMERS)	Ed Magnin	March 1984 (CDN 021417224173)
<i>EE</i>	533	ONLINE TIPS		(CDN 024174)
<i>EE</i>	534	Display: List (SOFTWARE SALES)		April 11, 1983 (CDN 024175)
<i>EE</i>	535	A SOFTWARE VENDING MACHINE	Ed Magnin	March 1984 (CDN 024176)
<i>EE</i>	536	MARKETING (Makers Transform the Ways Computer Programs Are Sold)	Susan Chace	August 26, 1982 (CDN 024177) THE WALL STREET JOURNAL
<i>EE</i>	537	TECHNOLOGY (Electronic Software Delivery Threatens Mail and Store Sales)		May 6, 1983 (CDN 024178)
<i>EE</i>	538	Western Union: Mailgram (Letter to Microcomputer User)		(CDN 024179)
<i>EE</i>	539	Apple/c Baud Rate Problem (Dialing Instructions)		(CDN 024180)
<i>EE</i>	540	Display: Recent Offerings		March 1985 (CDN 024181-24184)
<i>EE</i>	541	Letter ti Prometheus Modem Owner	Ed Magnin	(CDN 024185)
<i>EE</i>	542	Display: PHONE SECRETARY// (54)		(CDN 024186-24187)
<i>EE</i>	543	FUTURE DEVELOPMENTS IN		(CDN 024188)

Examiner's Initials	TAB NO	DESCRIPTION	AUTHOR	PUBLICATION
		TELECOMMUNICATION		
<i>BE</i>	544	RESPONSES (FUTURE DEVELOPMENTS IN TELECOMMUNICATION)		(CDN 024189)
<i>BE</i>	545	CHARTS (USES FOR TELECOMMUNICATION LINKS)		(CDN 024190-24192)
<i>BE</i>	546	PROLOGUE (THE COMMUNICATION SATELLITE)		(CDN 024193-24194)
<i>BE</i>	547	ANALOG VERSUS DIGITAL TRANSMISSION		(CDN 024195-24206)
<i>BE</i>	548	CABLE TELEVISION AND ITS POTENTIAL		(CDN 024207-24209)
<i>BE</i>	549	Display : Qube gets you into the action		(CDN 024210)
<i>BE</i>	550	TERMINALS IN THE HOME		(CDN 024211-24223)
<i>BE</i>	551	A FUTURE SCENARIO		(CDN 024224-24246)
<i>BE</i>	552	SIGNAL COMPRESSION		(CDN 024247-24261)
<i>BE</i>	553	Letter from Ed Magnin (MONTHLY RENTAL)	Ed Magnin	(CDN 024262-24264)
<i>BE</i>	554	JITTERS		July 29, 1996 (CDN 024265) Business Week
<i>BE</i>	555	E-COMMERCE: WHO OWNS THE		July 29 1996(CDN 02466-24267)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
		RIGHTS?		
<i>JS</i>	556	"A pilot has to believe in his equipment. (ROLEX)		(CDN 024268)
<i>JS</i>	557	Retailers cheer end of patent challenge	Dan Goodin	April 2, 1999 (CDN 024269-24271)
<i>JS</i>	558	Patently Offensive	Shoshana Berger	(CDN 024272)
<i>JS</i>	559	Magnin & Associates (Video Game, Film & TV)		(CDN 024273-24274)
<i>JS</i>	560	Documents (Appendix F: Decimal Tokens for Keywords)		(CDN 024275-24276)
<i>JS</i>	561	Appendix F: Decimal Tokens For Key words		(CDN 024277)
<i>JS</i>	562	PRIVATE PEOPLE (Easing the way for libel suits)		(CDN 024278)
<i>JS</i>	563	MAY THE SOURCE BE WITH YOU	Christopher Byron	(CDN 024279)
<i>JS</i>	564	INFORMATION SERVICES: MODEMS		(CDN 024280)
<i>JS</i>	565	A SOURCE OF RICHES	Alfred Glossbrenner	August 1983 (CDN 024281-24284)
<i>JS</i>	566	ELECTRONIC JACKPOT	Alfred Glossbrenner	September 1983 (CDN 024285-24287)
<i>JS</i>		CONSUMER AND SPECIALIZED ON-		

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
<i>BL</i>	567	LINE SERVICES		(CDN 024288-24290)
<i>BL</i>	568	CALCULATION PROGRAMS		(CDN 024291-24293)
<i>BL</i>	569	WHAT IS VIEWDATA		CDN 024294-24302)
<i>BL</i>	570	PM ELECTRONICS MONITOR	Neil Shapiro	(CDN 024303)
<i>BL</i>	571	DIAL-UP SOFTWARE NETWORKS	Jules H. Gilder	May 1980 (CDN 024304-24306)
<i>BL</i>	572	SOFTWARE AND DATA VIA TELEPHONE		October 1980 (CDN 024307-24310)
<i>BL</i>	573	DIAL-UP SOFTWARE NETWORKS	Herb Friedman	October 1992 (024311-24314)
<i>BL</i>	574	Documents (Ticketmaster to Lick Competition by Buying It)		(CDN 024315-24316)
<i>BL</i>	575	TICKETMASTER (memo)	Alan Citron Michael Cieply	February 26, 1991 (CDN 024317-24318) Los Angeles Times
<i>BL</i>	576	TICKETMASTER: 20 Years (INDUSTRY'S #1 HAS A TICKET TO RULE)	Adam Sandler	(CDN 024319-24321)
<i>BL</i>	577	ELECTRONIC LIFE	Michael Crichto	1983 (CDN 024322)
<i>BL</i>	578	THE NAKED COMPUTER (Telesoftware ?)	Rochester, Gantz, William Marrow + Co.	(CDN 024323)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
<i>JK</i>	579	COMPUTERS FOR EVERYBODY (Downloading Programs)	Jerry Willis	1984 (CDN 024324-24328)
<i>JK</i>	580	TELECOMMUNICATIONS IN THE INFORMATION AGE (Videotext Chapter 12)	Singleton	1983 (CDN 024329-24340)
<i>JK</i>	581	UNITED STATES PATENT (LOCKWOOD)		May 3, 1994 (CDN 024341-24343)
<i>JK</i>	582	UNITED STATES PATENT (YURIS, et. al.)		January 27, 1981 (CDN 024344)
<i>JK</i>	583	UNITED STATES PATENT (KELLY, et. al.)		May 15, 1984 (CDN 024345)
<i>JK</i>	584	UNITED STATES PATENT (HELLMAN)		April 14, 1987 (CDN 024346-24347)
<i>JK</i>	585	Documents (THE WIRED SOCIETY)	James Martin	(CDN 02434824349)
<i>JK</i>	586	NEW USE OF TELEVISION (VIEWDATA)		(CDN 024350)
<i>JK</i>	587	NEWS (DO-IT-YOURSELF NEWSPAPERS)		(CDN 024351)
<i>JK</i>	588	SPIDERWEBS (PIERRE TELHARD de CHARDIN)		(CDN 024352-24353)
<i>JK</i>	589	INSTANT MAIL (DIGITIZED MESSAGES)		(CDN 024354)
<i>JK</i>	590	INFORMATION DELUGE		(CDN 024355)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
<i>ts</i>	591	SATELLITE AGE (Chapter Fourteen HOME)		CDN 024356-24366)
<i>BL</i>	592	James Martin & Co. Executive Profiles (James Martin)		October 25, 1996 (CDN 024367-24368) JM & Co.
<i>BL</i>	593	2. NEWS (Dow Jones News/ Retrieval's Free-Text Search)		1985 (CDN 024369-24383)
<i>BL</i>	594	COMPUTERS (TELESUN)		(CDN 024384-24387)
<i>BL</i>	595	16 FULL-SERVICE (THE SOURCE)		(CDN 024388-24408)
<i>BL</i>	596	Article 49 of 88 PATNEWS : Another reason why the E-Data patent is invalid	Gregory Atharonian	October 16, 1996 (CDN 024409-24410) Deja News
<i>BL</i>	597	Article 1 of 25 PATNEWS: Mor PTO gossip on Zache,Edata, Hyatt	Gregory Atharonian	October 18, 1996 (CDN 024411-24412)
<i>BL</i>	598	Display: TSC Rreview		(CDN:024413)
<i>BL</i>	599	UNITED STATES POSTAL SERVICE (Documents & Letters)		(CDN 024414-24423)
<i>BL</i>	600	THE HOME ACCOUNTANT, REVISITED (Responds to reviews)		(CDN 024424-24426)
<i>BL</i>	601	DFX (Introductions)	Graeme Scott	(CDN 024427-24442)
<i>BL</i>	602	PEELINGS REVIEW (Introductions)		November 12, 1982 (CDN 024443)
<i>BL</i>	603	PELLINGS II (Programmers Library)		NOVEMBER 10, 1982 (CDN 024444-24454)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
<i>KE</i>	604	Letter (TRIAL TERMINAL)	K.F. MOSELEY	March 10, 1981 (CDN 024455)
<i>KE</i>	605	K.F. MOSELEY'S TVINTERFACE 8 EVALUATION (TIME AND MONEY METER)	Ed Magnin	(CDN 024456-24457)
<i>KE</i>	606	A.D.A.M. II NEWSLETTER (ACKNOWLEDGEMENT)		May 13, 1981 (CDN 024458-24465)
<i>KE</i>	607	PEELINGS II (Publication of Apple Software Reviews)		August 6, 1980 (CDN 024467-24500)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
<i>KE</i>	608	Apple-Cart (Input From Readers)	Chuck Carpenter	(CDN 024501-24503) CREATIVE COMPUTING
<i>KE</i>	609	CALL-APPLE (THE TELEPHONE SOFTWARE EXPERIENCE A REVIEW (OF SORT))	Val Golding	(CDN 024504)
<i>KE</i>	610	SOFTALK (Peachy Writer)		September 1982 (CDN 024505) (CDN 024506)
<i>KE</i>	611	SOFTALK (Preformer Printer Format Board)		(CDN 024507-24508)
<i>KE</i>	612	Extra Copy RE: KM		
<i>KE</i>	613	MARKETING (Makers Transform Ways Computer Programs Are Sold)	Susan Chace	August 26, 1982 (CDN 024509) THE WALL STREET JOURNAL

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
<i>BC</i>	614	MARKETING (SOME COMPUTER JUNKIES)	Susan Chace	August 26, 1982 (CDN 024510) THE WALL STREET JOURNAL
<i>BC</i>	615	EXTRA		(CDN 024511)
<i>BC</i>	616	New Products (Save Civilization in Your Spare Time)		May 1982 (CDN 024512) POPULAR COMPUTING
<i>BC</i>	617	EXTRA		(CDN 024513)
<i>BC</i>	618	What's New? (Overlay Compiler)		March 1982 (CDN 024514)
<i>BC</i>	619	The Information Directory Says It All! (SUBJECT INDEX)		(CDN 024515)
<i>BC</i>	620	Tap New Markets! (Information Directory)		(CDN 024516)
<i>BC</i>	621	THE 21ST CENTURY LIBRARY (Information Directory)	Anne M. Helfrich	March 16, 1982 (CDN 024517-24524)
<i>BC</i>	622	ELECTRONIC MAIL (APPLICATIONS FOR MANAGEMENT)		(CDN 024525-24534)
<i>BC</i>	623	InfoWorld (AVL Eagle)		October 19, 1981
<i>BC</i>	624	TSC (MICROCOMPUTING)		October 15, 1981 (CDN 024536)
<i>BC</i>	625	ELECTRONIC DISTRIBUTION (Trial Builder)		(CDN 024537-24546)
<i>BC</i>	626	MUSIC (Honey. They're Downloading Our Song)	Patrick M. Reilly	(CDN 024547-24548)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
bc	627	WHO'S NEWS (Foundation Health Names Malik Hasan As CEO and President)		May 13, 1997 (CDN 024549)
bc	628	INDUSTRY FOCUS (Middlemen Find Ways to Survive Cyberspace Shopping)	David Bank	December 12, 1996 (CDN 024550)
bc	629	Egghead Inc. Ships Software Over Internet (Ingram Micro Inc.)	David Bannk	November 8, 1996 (CDN 024551)
bc	630	Tom Clancy, Virtus Start Firm for On-Line Games		November 13, 1996 (CDN 024552)
bc	631	N2K Hires Phil Ramone to Start Up A Music Label Linked to the Internet	Patrick M. Reilly	November 18, 1996 (CDN 024553)
bc	632	BUSINESS BRIEFS (AT&T UNVEILS A SERVICES TO HELP BUSINESSES SET UP SHOP ON INTERNET)	James Sanberg	October 9, 1996 (CDN 024554)
bc	633	TECHNOLOGY & HEALTH (Industry. Net Customers to Be Offered On-Line Payment Services From PNC)	Raju Narisetti	September 25, 1996 (CDN 024555)
bc	634	Vague New World (Digital Media Business Takes Form as a Battle Of Complex Alliances)		(CDN 024556-24558)
bc	635	Music Firms Vow to Block New CD System	Meg Cox	May 14, 1993 (CDN 024559-24560)
bc	636	BUSINESS (Blockbuster plans to stock CDs electronically)		May 12, 1993 (CDN 024561)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
<i>bl</i>	637	TECHNOLOGY & HEALTH (Bellcore to Demonstrate System For Delivering Movies By Phone)	Mary Lu Carnevale	November 9, 1992 (CDN 024562)
<i>bl</i>	638	TECHNOLOGY (IBM COMMITS MORE THAN \$100 MILLION ON VENTURE TO RELAY VIDEO, OTHER DATA)	Michael W, Miller	September 16, 1992 (CDN 024563-24564)
<i>bl</i>	639	IBM TO UNVEIL PLAN TO SKIP DISKS, SEND SOFTWARE BY SATELLITE (GM's Hughes Network Joins Big Blue Alliance to Serve Retailers and Corporations)	Bart Ziegler	November 1, 1994 (CDN 024565-24566)
<i>bl</i>	640	Software Industry Bulletin (SIB THIRD QUARTER 1985 SOFTWARE EMPLOYMENT SURVEY)		October 14, 1985 (CDN 024567-24568)
<i>bl</i>	641	DOWNLOAD (VENDORS KICK OFF FALL SEASON WITH TELEDELIVERY VENTURES)		September 1985 (CDN 024569-24583)
<i>bl</i>	642	SPEED>S (ELECTRONIC DELIVERY OF SOFTWARE)		(CDN 024584-24595)
<i>bl</i>	643	PHONE MEMO		April 19, 1985 (CDN 024596-24600)
<i>bl</i>	644	Letter to Nathaniel Forbes (MCI MAIL LETTER)	Ed Magnin	April 8, 1985 (CDN 024601-24607)
<i>bl</i>	645	SPEED>S (THE INSIDE STORY)		April 8, 1985 (CDN 024608-24623)
<i>bl</i>		Document: Letter to Nathaniel Forbes		

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
<i>EM</i>	646	(EXPRESS MAIL)	Ed Magnin	March 29, 1985 (CDN 024624-24630)
<i>EM</i>	647	GIMCRAX, INC (The leader in electronic delivery of software)		December 5, 1984 (CDN024631-24636)
<i>EM</i>	648	SPEED>S (New Edition of SPEED>S disk Now Available)		(CDN 024637)
<i>EM</i>	649	SPEED>S (Postage)		(CDN 024638)
<i>EM</i>	650	SPEED>S (Over 50 Lotus 1-2-3 templates to be available exclusively on SPEED>S!)		(CDN 024639)
<i>EM</i>	651	SPEED>S (Postage)		(CDN 024640)
<i>EM</i>	652	SPEED>S (Open An Electronic Library for Your Company Software)		(CDN 024641)
<i>EM</i>	653	SPEED>S (Postage)		January 27, 1986 (CDN 024642)
<i>EM</i>	654	GIMCRAX LAUNCHES FILE DELIVERY SERVICE		December 23, 1985 (CDN 24643)
<i>EM</i>	655	SPEED>S (WHAT MODEM SHOULD I BUY)		November 22, 1985 (CDN 024644)
<i>EM</i>	656	Display (SPEED>S)		December 2, 1985 (CDN 024645)
<i>EM</i>	657	SPEED>S (NOW! Try SPEED>S Electronic Delivery!)		October 21, 1985 (CDN 024646)
<i>EM</i>	658	SPEED>S (YOUR FIRST ISSUE ON THE SPEED>S PASSWORD!)		(CDN 024647)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
<i>BL</i>	659	INTERNATIONAL VIDEOTEX TELETEXT NEWS (GIMCRAX TO DOWNLOAD)		August 1984 (CDN 024648)
<i>BL</i>	660	SPEED>S (SPEED>S MEAN BUSINESS)		(CDN 024649-24652)
<i>BL</i>	661	NEWS FROM THE SOURCE (NAT FORBES PROMOTED TO DIRECTOR OF SALES FOR STC)		(CDN 024653-24654)
<i>BL</i>	662	SPEED>S (SPEED>S MEAN BUSINESS)		(CDN 024655-24658)
<i>BL</i>	663	HANDWRITTEN NOTES		(CDN 024659-24665)
<i>BL</i>	664	HANDWRITTEN NOTES (NAT FORBES)		March 28, 1985 (CDN 24666-24668)
<i>BL</i>	665	NET TO TRANSMIT VIDEOTEX, GAMES TO 12 MILLION USER	Jim Bartimo	June 13, 1983 (CDN 024669) COMPUTER WORLD
<i>BL</i>	666	Vending machines for software: What will Japan think up next? (Games only)		June 1985 (CDN 024670) Data Communications
<i>BL</i>	667	Electronic Software Distributor To Show System to Retailers	Rory J. O'Connor	May 30, 1983 (CDN 024671)
<i>BL</i>	668	Software Industry Bulletin (ELECTRONIC SOFTWARE DISTRIBUTORS)		(CDN 024672-24675)
<i>BL</i>	669	SOFTWARE (Why try to stock software like physical goods? Why not just reproduce it as needed)		(CDN 0924676-24683)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
<i>BL</i>	670	Mr. Download: An Interview with William von Meister		(CDN 024684-24693)
<i>BL</i>	671	Letter to Bob Peyser (Telephone Software Connections)	Ed Magnin	March 25, 1985 (CDN 02469424700)
<i>BL</i>	672	DIRECT -NET (Micro Marketworld Readers)	Bill James	February 1, 1985 (CDN 024701-24702)
<i>BL</i>	673	Cutting Out the Middleman (Looking to expand their customer base)	Myron Berger	(CDN 024703-24708)
<i>BL</i>	674	SHOP BY MODEM (Software Without Manuals)		(CDN 024709)
<i>BL</i>	675	Speak the Universal Lanaguage (POWERHOUSE)		(CDN 024710)
<i>BL</i>	676	Letter to Ed Magnin (SOFTWARE AUTHOR ROYALTY AGREEMENT)	Fonnie Clifton	October 17, 1983 (CDN 024711-24733)
<i>BL</i>	677	BUY SOFTWARE VIA MODEM (DEFINE THE NEED)	Elizabeth Ferrarini	(CDN 024734-24745)
<i>BL</i>	678	ABC VIDEO ENTERPRISES TELEFIRST PROJECT HAD BOOSTERS & DOUBTERS		May 1, 1984 (CDN 024746)
<i>BL</i>	679	DOWNLOAD (MICRPRO & ADAPSO SUE AMERICAN BRANDS, ALLEGE SOFTWARE PIRACY)		February 1985 (CDN 024747-24762)
<i>BL</i>	680	Coleco, AT&T Unit to Form Joint Venture	Bob Davis	(CDN 024763)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
		To Distribute Video Games By Telephone		
<i>BC</i>	681	ELECTRONIC(PULLING THE PLUG ON ELECTRONIC PUBLISHING)		(CDN 024764-24766)
<i>BC</i>	682	SOFTWARE (SOFTWARE DIRECTORIES GO ON-LINE)	Joanne Gamlin	(CDN 024767-24780)
<i>BC</i>	683	SAY IT WITH REMOTE ROM SOFTWARE DELIVERY (Looking Ahead With Software News)		(CDN 024781)
<i>BC</i>	684	IT'S NOT THE SAME OLD 'HELP' ANYMORE (Buzz Word)	Mary-Beth Santarelli	(CDN 024782)
<i>BC</i>	685	ARE YOU GETTING READY FOR ELECTRONIC SOFTWARE DELIVERY?	Richard Lewis	February 1984 (CDN 024783-24788)
<i>BC</i>	686	Hammerly files suit against PC Telelmart		(CDN 024789)
<i>BC</i>	687	MICRO SOFTWARE TODAY (EDUCATION: ENTERTAINMENT)		(CDN 024790)
<i>BC</i>	688	DISTRIBUTION & RETAILING (XANTE TO DISTRIBUTE SOFTWARE ELECTRONICALLY TO MASS MERCHANTISERS)		(CDN 024791)
<i>BC</i>	689	SYSTEMS : Software Engineering (Letter from Phil Klamum)	Phil Klamum	January 20, 1984 (CDN 024792)
<i>BC</i>	690	ROM-LABS (ELECTRONIC SOFTWARE DISTRIBUTION SYSTEM)		January 3, 1984 (CDN 024793-24802)

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<i>BB</i>	691	VAN DIVER'S (The Most Resourceful Directories for the IBM PC		(CDN 024803)
<i>BB</i>	692	SOFTWARE DISTRIBUTION: SMOOTH GOING NOW : ROCKY ROAD AHEAD	Steve Burke	(CDN 024804)
<i>BB</i>	693	Romox is hoping to have system in 3,000 stores by end of '84		(CDN 024805)
<i>BB</i>	694	Display (SOFT TOUCH)		January 12, 1984 (CDN 024806)
<i>BB</i>	695	BUGS IN ELECTRONIC SOFTWARE DISTRIBUTION NOT WORKED OUT (ELECTRONIC DISTRIBUTION)	Lisa Raleigh	(CDN 024807-24809)
<i>BB</i>	696	ANNOUNCING A NEW IN-DEPTH STUDY AND ANALYSIS OF (Downloading & Teledelivery of Computer Software, Music & Video)	Nancy L. Stocker	March 11, 1986 (CDN 024810-24824)
<i>BB</i>	697	CERTIFICATE OF COPY REGISTRATION (TIME AND MONEY METER)	Edgar J. Magnin	March 8, 1982 (CDN 024825-24840)
<i>BB</i>	698	CERTIFICATE OF COPY REGISTRATION (QUICK CLOCK ADJUST)	Edgar J. Magnin	(CDN 024841-24847)
<i>BB</i>	699	CERTIFICATE OF COPY REGISTRATION (MATH TUTOR)	Edgar J. Magnin	July 18, 1981 (CDN 024848-24864)
<i>BB</i>	700	Document: DELIVERY NOTICE ((CDN 024865)

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Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
		CERTIFIED)		
<i>EM</i>	701	Document: POSTAL RECEIPT (CERTIFIED) From : Ed & Marilyn Magnin		March 27, 1981 (CDN 024866)
<i>EM</i>	702	RECEIPT FOR CERTIFIED MAIL #288727		March 6, 1981 (CDN 024867)
<i>EM</i>	703	INSTRUCTIONS :CERTIFIED MAIL FEE, OPTIONAL SERVICES		(CDN 024868)
<i>EM</i>	704	Letter from Edgar J. Magnin (COPYRIGHTS REGISTRATION: TERMINAL PROGRAMS	Edgar J. Magnin	March 5, 1981 (CDN 024869-24889)
<i>EM</i>	705	RECEIPT (REGISTER OF COPYRIGHTS)		November 4,1980 (CDN 024890-24905
<i>EM</i>	706	RECEIPT (REGISTER OF COPYRIGHTS: LIBRARY OF CONGRESS		September 3,1980 (CDN 024906-24927)
<i>EM</i>	707	CERTIFICATE OF COPYRIGHT REGISTRATION (PHONE SECRETARY)	Edgar J. Magnin	November 4,1980 (CDN 024929-24934)
<i>EM</i>	708	Letter from Edgar J. Magnin (COPYRIGHT REGISTRATION: PHONE SECRETARY)	Edgar J. Magnin	August 27, 1980 (CDN 024935-24946)
<i>EM</i>	709	Letter from Edgar J. Magnin (CALL TSC, PICTURE TRANSFER, GO-MOKU, CHESS CONNECTION	Edgar J. Magnin	May 30,1980 (CDN 024947-24951)
<i>EM</i>	710	CERTIFICATE OF COPYRIGHT REGISTRATION (GO-MOKU)	Edgar J. Magnin	June 9,1980 (CDN 024952-24960)

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Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
<i>CC</i>	711	CERTIFICATE OF COPYRIGHT REGISTRATION (CHESS CONNECTION)	Craig Crossman	(CDN 024961-24971)
<i>EM</i>	712	CERTIFICATE OF COPYRIGHT REGISTRATION (GO-MOKU)	Edgar J. Magnin	(CDN 024972-24981)
<i>EM</i>	713	CERTIFICATE OF COPYRIGHT REGISTRATION (CALL TSC)	Edgar J. Magnin	(CDN 024982-24986)
<i>EM</i>	714	CERTIFICATE OF COPYRIGHT REGISTRATION (PICTURE TRANSFER PROGRAM)	Edgar J. Magnin	(CDN 024987-25002) April 1980
<i>EM</i>	715	Letter from Edgar J. Magnin : APPLICATIONS FOR COPYRIGHT (ANSWERING MACHINE, WRITE-EDIT & SEND, TELEPHONE TRANSFER PROGRAM)	Edgar J. Magnin	March 28, 1980 (CDN 025003-25007)
<i>EM</i>	716	CERTIFICATE OF COPYRIGHT REGISTRATION (WRITE-EDIT & SEND)	Edgar J. Magnin	(CDN 025008-25018)
<i>EM</i>	717	CERTIFICATE OF COPYRIGHT REGISTRATION (TELEPHONE TRANSFER PROGRAM)	Edgar J. Magnin	(CDN 025019-25033)
<i>EM</i>	718	CERTIFICATE OF COPYRIGHT REGISTRATION (ANSWERING MACHINE)	Edgar J. Magnin	(CDN 025035-25046)
<i>EM</i>	719	CERTIFIED RECEIPTS: CERTIFICATE	Leighton Paul	October (CDN 025047-25095)

Examiner's Initials	TAB No	DESCRIPTION	AUTHOR	PUBLICATION
		OF COPYRIGHT REGISTRATION (TELEPHONE TRANSFER II)		
<i>AM</i>	720	CERTIFICATE OF COPYRIGHT REGISTRATION (TELEGAMMON)	Anton Dahbura, JR.	(CDN 025096-25139)
<i>AM</i>	721	Letter to Mr. Ledbetter RE: Correspondence of 3/12/82 control # 2-054-0414(M)	Edgar J. Magnin	October 4, 1982 (CDN 025140-25212)
<i>AM</i>	722	CERTIFICATE OF COPYRIGHT REGISTRATION (PHONE SECRETARY II)	Edgar J. Magnin	September 6, 1983 (CDN 025213-25253)
<i>AM</i>	723	CERTIFICATE OF COPYRIGHT REGISTRATION (FIFTEEN. PUZZLE)	Edgar J. Magnin	7, 1985 (CDN 025254-25313)
<i>AM</i>	724	Letter to Mr. Magnin: RE: FRACTION TUTOR (TX 1 384 355) sand TYPING SPEED BUILDER (CERTIFICATE OF COPYRIGHT REGISTRATION (FRACTION TUTOR)	Edgar J. Magnin · Larry M. Schultz	January 4, 1985 (CDN 025314-25344)
<i>AM</i>	725	RECEIPT FOR CERTIFIED MAIL (CERTIFICATE OF COPYRIGHT REGISTRATION (PICTURE PUZZLE PROGRAMS)	Edgar J. Magnin	(CDN 25345-25380)
<i>AM</i>	726	CERTIFICATE OF COPYRIGHT REGISTRATION (QUICK COMPARE)	Leighton Paul	(CDN 025381-25405)
<i>AM</i>	727	Telephone Software Connection, Inc. (PROGRAM LISTING)		(CDN 025406-25408)

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<i>BE</i>	728	SERIAL LISTING		(CDN 025409)
<i>BE</i>	729	SERIAL LISTING (CON'T)		(CDN 025410)
<i>BE</i>	730	COPYRIGHT STATUS (PROGRAMS,COPYRIGHT NOTICE ETC.)		(CDN 02541125412731)
<i>BE</i>	731	RECEIPTS FOR CERTIFIED MAIL : Letter from Edgar J. Magnin to Register of Copyrights (INSTANT MENU) CERTIFIED OF COPYRIGHT REGISTRATION	Edgar J. Magnin	June 6/11 1985 (CDN 025413-25448)
<i>BE</i>	732	RECEIPTS FOR CERTIFIED MAIL: Letter from Edgar J. Magnin to Register of Coping (CERTIFIED OF COPYRIGHT REGISTRATION) : MORTGAGE ANALYZER	Eagar J. Magnin	(CDN 025449-25475)
<i>BE</i>	733	CompuSonics Version 1.05 (THE DRIVE EVENT CONTROL LOOP FOR THE DSP-1000)		July 17, 1987 (CDN 025476-255545)
<i>BE</i>	734	Documents (ROUTING FOR THE MACHINE, ROUTINES REQUIRED TO READ AND TO THE FRONT PANES)''		March 11, 1987 (CDN 025546-25667)
<i>BE</i>	735	CompuSonics D S P 2002 version 1.00 (PRELIMINARY USER MANUAL		August 28,1985 (CDN 025668-25707)
<i>BE</i>	736	AUDIO COMPUTER OWNERS GUIDE		(CDN 025708)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
		(ADVERTISING)		
<i>BE</i>	737	QUICK REFERENCE CARD (OPERATIONS)		(CDN 025709-25767)
<i>BE</i>	738	AN ALGORITHM AND ARCHITECTURE FOR CONSTANT-Q SPECTRUM ANALYSIS (ABSTRACT)	Gary W. Schwede	April 1983 (CDN 025768-25771)
<i>BE</i>	739	AES (PRESENTED AT THE 76th CONVENTION 1984 OCTOBER 8-11 NEW YORK)		(CDN 025772-025775)
<i>BE</i>	740	COMMAND AND STATUS REGISTERS (RECEIVE DATA COUNT REGISTER)		CDN 025776-25786)
<i>BE</i>	741	Letter to David M. Schwartz (RE: THE PREPRINTS FROM THE AES 78th CONVENTION)	Patricia M. MacLonald	November 18, 1985 (CDN 25787-25817)
<i>BE</i>	742	EFFICIENT DATA REDUCTION FOR DIGITAL AUDIO USING A DIGITAL FILTER ARRAY (PURPOSE)	John P. Stautner David M. Horowitz	1986 (CDN 025818-25821)
<i>BE</i>	743	AES (PRESENTED AT THE 83rd CONVENTION 1987 OCTOBER 16-19 NEW YORK)	David M. Schwartz	(CDN 025822-25829)
<i>BE</i>	744	AES (PRESENTED AT THE 83rd CONVENTION 1987 OCTOBER 16-19 NEW YORK)	John Stautner Sriram Jayasimba	(CDN 025830-25836)

Examiner's Initials	TAB NO:	DESCRIPTION	AUTHOR	PUBLICATION
<i>JS</i>	745	AES (PRESENTED AT THE 84th CONVENTION 1988 MARCH 1-4 PARIS	J.P. Stautner	(CDN 025837-25854)
<i>JS</i>	746	THE DIGITAL AUDIO CARTRIDGE DISK RECORDER, REPRODUCER AND EDITOR FOR BROADCAST USE	David M. Schwartz	(CDN 025855-25866)
<i>JS</i>	747	TOWARDS ELECTRONIC DELIVERY OF MUSIC(1.0 INTRODUCTION	John P. Stautner	(CDN 025867-25873)
<i>JS</i>	748	ARCHITECTURE OF A REAL TIME DIGITAL FILTERBANK PROCESSOR FOR TEMPERED, AUDITORY, AND CRITICAL-BAND ANALYSIS/SYNTHESIS	Gary W. Schwede	(CDN 025874-25875)
<i>JS</i>	749	A FUNCTIONAL OVERVIEW OF THE COMPUSONICS DSP-2000 SERIES		(CDN 025876-25877)
<i>JS</i>	750	MUSICAL RECORDING, EDITING AND PRODUCTION USING THE COMPUSONICS DSP-2004	John P. Stautner	(CDN 025878-258790)
<i>JS</i>	751	STRATEGIES FOR THE REPRESENTATION AND DATA REDUCTION OF DIGITAL MUSIC SIGNALS (WORK PERFORMED AND METHODS EMPLOYED	John P. Stautner	June 20, 1984 (CDN 025880-25881)
<i>JS</i>	752	ANALYSIS AND SYNTHESIS OF MUSIC USING THE AUDITORY TRANSFORM	J. Stautner	Submitted to Dept. of Electrical Engineering and Computer Science, Massachusetts Institute of Technology

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				May, 1983 CDN025895
<i>JS</i>	753	ALGORITHMS AND ARCHITECTURES FOR CONSTANT-Q FOURIER SPECTRUM ANALYSIS	G. Schwede	Dissertation submitted to University of California, Berkeley November 28, 1983 CDN026097
<i>JS</i>	754	Letter to Shareholders	D. Schwartz	CompuSonics CDN026261
<i>JS</i>	755	From the News Desk		InfoWorld Newsweekly, June 4, 1984 Volume 6, Issue 23 CDN026263
<i>JS</i>	756	Manufacturing Update		International Audio Video, June 1984 CDN026264
<i>JS</i>	757	CompuSonics Pro Equipment & Services		Cover of Billboard Newspaper CDN026265
<i>JS</i>	758	CompuSonics Fuses Computer, Audio Into "World's First" Home Digital Recorder	M. Golden	CES Trade News Daily, p. 10 June 4, 1984 CDN026266
<i>JS</i>	759	Digital Sound Now On Computer Disks	S. Booth	Consumer Electronics Show Daily June 3, 1984 CDN026267
<i>JS</i>	760	CompuSonics Reads Floppy Disk to Record and Play Back Music		HFD - The Weekly Home Furnishings Newspaper June 4, 1984

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Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
				CDN026268
<i>BC</i>	761	Technology Awards to CompuSonics		CDN026269
<i>BC</i>	762	CompuSonics DSP 1000 Digital Audio Disk Recorder Specifications		CompuSonics Corporation CDN026270
<i>BC</i>	763	CompuSonic Bows Totally Digital		Pro Sound News, New York, NY June 8, 1984
<i>BC</i>	764	Floppy Disks May Be the Next Music Makers		Business Week May 28, 1984 CDN026272
<i>BC</i>	765	Studio Design Special		Mix - The Recording Industry Magazine August 1984
<i>BC</i>	766	CompuSonics: Another Digital Audio Standard	N. Weinstock	Mix, Vol. 8, No. 8, p. 24 CDN026274
<i>BC</i>	767	CompuSonics: Another Digital Audio Standard	N. Weinstock	Mix, Vol. 8, No. 8, p. 26 CDN026275
<i>BC</i>	768	CompuSonics Readies Floppy Disk to Record and Play Back Music		HFD, Electronics, Section 1 June 4, 1984 CDN026276
<i>BC</i>	769	The State of RCA		TV Digest, p. 14 May 21, 1984 CDN026277
<i>BC</i>	770	Display - CompuSonics Photographs		CDN026278

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<i>JS</i>	771	Display - CES Exhibition Design and Engineering 1984		CDN026280
<i>JS</i>	772	Specifications - CompuSonics DSP 1000 Digital Disk Recorder/Player		CompuSonics Corporation CDN026281
<i>JS</i>	773	Article - Watch Out Digital Discs: Here Comes Floppy Audio		Unknown
<i>JS</i>	774	Specifications - CompuSonics DSP 1000 Digital Disk Recorder/Player		CompuSonics Corporation
<i>JS</i>	775	Optical-Disk-Digital Audio System Premieres	B. Robinson	Electronic Engineering Times, Issue 397 September 1, 1986 CDN026284
<i>JS</i>	776	Specifications - CompuSonics DSP 1000 Digital Disk Recorder/Player		CompuSonics Corporation
<i>JS</i>	777	CompuSonics Business Plan Overview		June 14, 1984 CDN026286
<i>JS</i>	778	Cover - Fortune Magazine		November 12, 1984 CDN026289
<i>JS</i>	779	Advertisement - CompuSonics Corporate Profile	D. Schwartz	Audio Video International CDN026290
<i>JS</i>	780	Toward Electronic Delivery of Music: Sending and Receiving High Fidelity Digital Music	J. Stautner	CompuSonics Corporation CDN026291
<i>JS</i>	781	Company Sees Future in Digital Recorders	J. Hendon	Rocky Mountain News

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				July 22, 1984
<i>AE</i>	782	Floppy-Disk Audio System	A. Mereson	Science Digest November, 1984 CDN026299
<i>AE</i>	783	Recording Music on Floppy Disks	A. Zuckerman	High Technology May 1986 CDN026300
<i>AE</i>	784	Article - Sound is Big at Consumer Show	L. Mortwaki	Seattle Washington Times June 8, 1984 CDN026301
<i>AE</i>	785	Digital Recording System Uses Floppy Disks		Audio Times, Vol. 26, No. 5 May, 1984 CDN026302
<i>AE</i>	786	CompuSonics Advertisement		CDN026304
<i>AE</i>	787	Advertisement - MicroPro's WordStar 2000		CDN026305
<i>AE</i>	788	Hi-Fi Floppy	K. Yates	PC World, Vol. 3, Issue 4 CDN026306
<i>AE</i>	789	The Digitization of Music	K. Yates	PC World, Vol. 3, Issue 4 CDN026308
<i>AE</i>	790	A Sonic Glossary	K. Yates	PC World, Vol. 3, Issue 4 CDN026311
<i>AE</i>	791	New Hi-Fi Horizons	D. Ranada	Stereo Review, December 1984 CDN026313

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<i>DL</i>	792	Specifications and Implementation of a Computer Audio Console for Digital Mixing and Recording	D. Schwartz	AES 76th Convention, NYC June 20, 1984 CDN026317
<i>DL</i>	793	A High Speed Telecommunications Interface for Digital Audio Transmission and Reception	H. Sohn	Abstract CDN026319
<i>DL</i>	794	The Audio Computer and Its Applications	D. Schwartz; J. Stautner	CompuSonics Corporation CDN026332
<i>DL</i>	795	Engineering Your Own Digital Audio Broadcast System	D. Schwartz	CompuSonics Corporation CDN026343
<i>DL</i>	796	Tab - Pay 2 Tape '90		CDN026362
<i>DL</i>	797	Fax Cover Sheet to Michael Kapp from D. Schwartz	D. Schwartz	April 26, 1990 CDN026363
<i>DL</i>	798	Fax Memo to Michael Kapp from D. Schwartz	D. Schwartz	April 26, 1990
<i>DL</i>	799	Pay Per Listen Cable Audio System - Notes to Viewgraph Presentation	CompuSonics	CDN026365
<i>DL</i>	800	Pay Per Listen Cable Audio System - System Payback Analysis	CompuSonics	CDN026366
<i>DL</i>	801	Pay Per Listen Cable Audio System - Provide the In-Home Music Taper with a Wide Variety of Source Material	CompuSonics	CDN026367
<i>DL</i>		Pay Per Listen Cable Audio System -		

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<i>BE</i>	802	Provide the In-Home Music Taper with a Wide Variety of Source Material	CompuSonics	CDN026368
<i>BE</i>	803	Pay Per Listen Cable Audio System - Audio Database Format Options	CompuSonics	CDN026374
<i>BE</i>	804	Pay Per Listen Cable Audio System - Billboard Top 100 LPS Format	CompuSonics	CDN026375
<i>BE</i>	805	Pay Per Listen Cable Audio System - Program Publication Options	CompuSonics	CDN026379
<i>BE</i>	806	Letter to Shareholder from D. Schwartz	D. Schwartz	November 21, 1984 CDN026381
<i>BE</i>	807	Letter to Shareholder from D. Schwartz	D. Schwartz	October 10, 1985 CDN026382
<i>BE</i>	808	Display Photograph		CDN026384
<i>BE</i>	809	Display Photograph		CDN026385
<i>BE</i>	810	CompuSonics DSP2002 Preliminary User Manual		CDN026386
<i>BE</i>	811	Display - Hardware Spec		CDN026387
<i>BE</i>	812	Internal Data		CDN026388
<i>BE</i>	813	DSP-1000 Series		CDN026389
<i>BE</i>	814	Digital Marketing Corporation Video Real Estate System		June 7, 1986 CDN026390

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<i>BE</i>	815	Agenda for June 7, 1988 Meeting		CDN026393
<i>BE</i>	816	Agenda for May 31, 1988 Meeting	CompuSonics	CDN026394
<i>BE</i>	817	Advertisement - Digilist Video Multiple Listing Service	Digital Marketing Corporation	CDN026395
<i>BE</i>	818	Advertisement - Digilist Video Multiple Listing Service	Digital Marketing Corporation	CDN026396
<i>BE</i>	819	Advertisement - Digilist Video Multiple Listing Service	Digital Marketing Corporation	CDN026398
<i>BE</i>	820	Memo to B. Holmbraker, B. Alderfer, R. Dahl, H. Fong from D. Schwartz	D. Schwartz	CompuSonics Financial/Technical Status January 12, 1987 CDN026399
<i>BE</i>	821	Manual - Assembly Procedure for the DSP1500		CDN026401
<i>BE</i>	822	Specifications - CompuSonic DSP 1000		CDN026440
<i>BE</i>	823	DSP 1000 Digital Audio Disk Recorder Application Notes		CDN026489
<i>BE</i>	824	The Home Terminal		International Resource Development, pp. 149-158 August 1978 CDN026745

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<i>BL</i>	825	ROLM PLUGS CBX INTO IBM WORLD		Electronic Mail & Message Systems Vol. 7, No. 9 May 2, 1983 CDN026768
<i>BL</i>	826	CONTROL VIDEO ENTERS DOWNLINE LOADING BUSINESS		Electronic Mail & Message Systems Vol. 7, No. 11 June 1, 1983 CDN026771
<i>BL</i>	827	EMMS Article		Electronic Mail & Message Systems Vol. 7, No. 14, p. 17 July 15, 1983 CDN026775
<i>BL</i>	828	THE OTHER HALF OF THE IBM PC		Electronic Mail & Message Systems Vol. 7, No. 16 August 15, 1983 CDN026776
<i>BL</i>	829	ELECTRONIC MESSAGE SYSTEMS AND THE HOME TERMINAL		Electronic Mail & Message Systems Vol. 3, No. 12 June 15, 1979 CDN026779
<i>BL</i>	830	EMMS Article		Electronic Mail & Message Systems Vol. 3, No. 15, p. 13 August 1, 1979 CDN026784
<i>BL</i>	831	EMMS Article		Electronic Mail & Message Systems Vol. 6, No. 11, p. 20

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				June 1, 1982 CDN026785
<i>BE</i>	832	EMMS Article		Electronic Mail & Message Systems Vol. 6, No. 15, p. 14 August 2, 1982 CDN026786
<i>BE</i>	833	EMMS Article		Electronic Mail & Message Systems Vol. 6, No. 23 December 1, 1982 CDN026789
<i>BE</i>	834	FIBER-OPTICS WILL SHAKE THE UTILITIES		Electronic Mail & Message Systems Vol. 9, No. 20 November 1, 1985 CDN026792
<i>BE</i>	835	BRITISH TELECOM OFFERS FREE ELECTRONIC MAIL SERVICES		Electronic Mail & Message Systems Vol. 10, No. 7 April 1, 1986 CDN026797
<i>BE</i>	836	PROFIT PROTECTION - RISKY BUSINESS		Electronic Mail & Message Systems Vol. 12, No. 16 August 15, 1988 CDN026801
<i>BE</i>	837	EMMS Article		Electronic Mail & Message Systems Vol. 12, No. 21 November 1, 1988

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				CDN026811
<i>BE</i>	838	CompuSonics to Bow Digital Audio Floppy Disk Player/Recorder; CD Rival?	C. Kaplan	Consumer Electronics Daily, Vol. VIII, No. 5, Issue 8 May 10, 1984 CDN026255
<i>BE</i>	839	HOME TELECOMMUNICATIONS IN THE 1980's		International Resource Development, Inc. April 1980, Report 150 CDN026812
<i>BE</i>	840	THE FUTURE OF TELEVISION		International Resource Development, Inc. August 1981, Report 176 CDN026914
<i>BE</i>	841	HEALTH, WEALTH & SELF-IMPROVEMENT HOME SOFTWARE		International Resource Development, Inc. September 1985, Report 670 CDN026935
<i>BE</i>	842	TELECOMMUNICATIONS MARKET OPPORTUNITIES		International Resource Development, Inc. November 1985, Report 676 CDN026955
<i>BE</i>	843	TELEPAY VS. VIDEODISC		International Resource Development, Inc. September 1982, Report 510 CDN027013
<i>BE</i>	844	VIDEOGAMES & ELECTRONIC TOYS		International Resource Development, Inc. May 1983, Report 550 CNDN027034
<i>BE</i>	845	DELIBERATELY LEFT BLANK		

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<i>BL</i>	846	PAYMENTS RECEIVED FOR REPORT #558 DOWNLOADING AND TELEDELIVERY OF COMPUTER SOFTWARE, GAMES & MUSIC	Kenneth G. Bosomworth	January 9, 2001 CDN027138
<i>BL</i>	847	ARTICLE - COMPUSONICS/CARTS AT&T DEMO		Pro Sound News September 9, 1985 CDN027183
<i>BL</i>	848	INTENTIONALLY OMITTED DOCUMENTS CDN027190-CDN027734		3/13/01 Letter to N. Bigas from R. Gruwell 03/09/01 Letter M. Neblett from N. Bigas 03/05/01 Letter to M. Neblett from N. Bigas
<i>BL</i>	849	TRANSCRIPTION OF VIDEOTAPE		EE 380 - 2/18/87 - ALLISON 7 CDN027735
<i>BL</i>	850	THE DIGITAL AUDIO PROCESSING STATION: A NEW CONCEPT IN AUDIO POSTPRODUCTION	J. Mooret; C. Abbott; Peter Nye et al.	Journal of Audio Engineering Society, Vol. 34, No. 6, June, 1986, pp. 454-464 CDN027783
<i>BL</i>	851	ON DIGITAL I/O FORMAT	T. Doi	Sony Corporation Presented at AES Digital Audio Technical Committee, Hamburg, West Germany March 16, 1981 CDN027794
<i>BL</i>	852	PCM PROGRAM TRANSMISSION AND COMMUNICATION NETWORK FOR THE NORWEGIAN BROADCASTING	R. Andersen; K. Ronning	Journal of the Audio Engineering Society Volume 28, Number 4 April, 1980

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		CORPORATION		
<i>BL</i>	853	A FIBRE OPTIC MULTI-CHANNEL COMMUNICATION LINK DEVELOPED FOR REMOTE INTERCONNECTION IN A DIGITAL AUDIO CONSOLE	P. Lidbetter S. Douglas	Presented at the 80th Convention, Audio Engineering Society Reprint (Preprint 2330 D6) March 4-7, 1986 CDN027830
<i>BL</i>	854	BBC DIGITAL AUDIO -- A DECADE OF ON-AIR OPERATION	D. Stripp	BBC, London, United Kingdom Collected Papers from the Audio Engineering Society Premiere Conference, Rye, New York June 3-6, 1982 CDN027846
<i>BL</i>	855	PROCESSING SYSTEMS FOR THE DIGITAL AUDIO STUDIO	M. Jones	Neve Electronics International Limited, Royston, Hertfordshire, United Kingdom Collected Papers from the Audio Engineering Society Premiere Conference, Rye, New York June 3-6, 1982 CDN027852
<i>BL</i>	856	LARGE SCALE ACOUSTICS	D. Hawkins	Studio Sound and Broadcast Engineering March, 1985
<i>BL</i>	857	BBC DIGITAL CONTROL VEHICLE 12 MONTHS ON	K. Spencer-Allen	Diary-Diary, Studio Sound, p. 32-33 November, 1986
<i>BL</i>	858	WDR NEVE DSP NOW IN USE		Diary-Diary, Studio Sound, p. 18 August, 1986

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<i>BL</i>	859	DIGITAL MASTERING TAPE ONE		Studio Sound, pp. 36, 38, 40 August, 1986
<i>BL</i>	860	DIGITAL SOUND SIGNALS: THE PRESENT BBC DISTRIBUTION SYSTEM AND A PROPOSAL FOR BIT-RATE REDUCTION BY DIGITAL COMPANDING	M. Croll; D. Osborne; C. Spicer	International Broadcasting Convention September 23-27, 1974
<i>BL</i>	861	AUDIO ENGINEERING HANDBOOK	K. Benson	AUDIO ENGINEERING HANDBOOK All-Digital Studio, pp. 4.37 - 4.38 Transmission Systems, pp. 4.57 Stereo with Television, p. 4.59 © 1988 CDN027884
<i>BL</i>	862	HANDBOOK OF RECORDING ENGINEERING	J. Eargle	The All-Digital Studio, pp. 373-375 © 1986 CDN027892
<i>BL</i>	863	ROUTING OF DIGITAL AUDIO SIGNALS IN A RADIO BROADCASTING CENTRE	N. Gilchrist; G. Crowe G. Legg	Eleventh International Broadcasting Convention September 19-23, 1986 CDN027897
<i>BL</i>	864	SIGNAL ROUTING IN A DIGITAL SOUND STUDIO	G. Roe; C. Caine	Eleventh International Broadcasting Convention September 19-23, 1986 CDN027902
<i>BL</i>	865	MULTI-PURPOSE RADIO LINKS	P. Marchant;	International Broadcasting Convention September 18-21, 1982

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Examiner's Initials	TAB NO	DESCRIPTION	AUTHOR	PUBLICATION
		SYSTEM FOR NEWS COVERAGE	I. Buffham	CDN027907
<i>BL</i>	866	DOCAT - DIGITAL, OPTICAL CATV TRUNK SYSTEM	G. Mogensen; B. Petersen; H. Steffensen	International Broadcasting Convention September 18-21, 1982 CDN027913
<i>BL</i>	867	DIGITAL TRANSMISSION SYSTEM FOR TELEVISION, SOUND AND ASSOCIATED DATA	A. Jones; D. Kitson	Tenth International Broadcasting Convention September 21-25, 1984 CDN027918
<i>BL</i>	868	DIGITAL SOUND MIXING IN THE ANALOGUE STUDIO	M. Jones; D. Langford; D. Tilsley	Tenth International Broadcasting Convention September 21-25, 1984 CDN027923
<i>BL</i>	869	DIGITAL SPEECH NETWORKS	B. Gold	Proceedings of the IEEE, Vol. 65, No. 12 December, 1977 CDN027939
<i>BL</i>	870	THE DIGITAL CODING OF HIGH-QUALITY MUSICAL SOUND	J. Moorer	Journal of the Audio Engineering Society Vol. 27, No. 9, pp. 657-666 September, 1979 CDN027962
	TAB	PATENT NO.	INVENTOR	FILING DATE
<i>BL</i>	871	Japanese Patent No. 62-284496		December 12, 1987
<i>BL</i>	872	3,602,891	Clark et al.	March 10, 1969

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
	TABS	TITLE	AUTHOR	SOURCE
BL	873	DIGITAL AUDIO FOR CABLE TELEVISION	C. Robbins	1986 NCTA Technical Papers, pp. 21-24 CDN028131
BL	874	SPEECH UNDERSTANDING SYSTEMS	Massachusetts Inst. of Technology, Lincoln Lab.	U.S. Department of Commerce, National Technical Information Service May 31, 1973 CDN028138
BL	875	SPEECH UNDERSTANDING SYSTEMS	Massachusetts Inst. of Technology, Lincoln Lab.	U.S. Department of Commerce, National Technical Information Service January 15, 1974 CDN028166
BL	876	INFORMATION PROCESSING TECHNIQUES PROGRAM, VOLUME I. PACKET SPEECH/ACOUSTIC CONVOLVERS	Massachusetts Inst. of Technology, Lincoln Lab.	U.S. Department of Commerce, National Technical Information Service June 30, 1976 CDN028198
	TAB	PATENT NO.	INVENTOR	FILING DATE
BL	877	Japanese Laid Open Kokai Patent Application 62-284496	Hisanobu Akashi	June 3, 1986
	TABS	TITLE	AUTHOR	SOURCE
BL	878	SPEECH ANALYSIS SYNTHESIS AND PERCEPTION	J. Flanagan	Bell Laboratories Channel Vocoders, pp. 323-405 CDN028247
BL	879	DIGITIZATION OF AUDIO: A	B. Blesser	Journal of the Audio Engineering Society

DC01 363825 v 1

Examiner's Initials	TAB NO	DESCRIPTION	AUTHOR	PUBLICATION
		COMPREHENSIVE EXAMINATION OF THEORY, IMPLEMENTATION AND CURRENT PRACTICE		Volume 26, Number 10 October, 1978 CDN028268
BC	880	PERSONAL COMPUTERS AND MUSIC: THE STATE OF THE ART	C. Yavelow	Journal of the Audio Engineering Society Volume 35, No. 3 March, 1987 CDN028301
BC	881	MIDI: MUSICAL INSTRUMENT DIGITAL INTERFACE	B. Moog	Journal of the Audio Engineering Society Volume 34, No. 5 May, 1986 CDN028325
BC	882	HOW DOES A COMPUTER MAKE MUSIC?	J. Moorer	Computer Music Journal, Volume II, Number 1 pp. 32-37 CDN028357
BC	883	LOSSLESS CODING FOR AUDIO DISCS	P. Craven M. Gerzon	Journal of the Audio Engineering Society Volume 44, No. 9 September, 1996 CDN028342
BC	884	AC-3: FLEXIBLE PERCEPTUAL CODING FOR AUDIO TRANSMISSION AND STORAGE	C. Todd; G. Davidson; M. Davis, et al.	Paper presented at the 96th Convention of the Audio Engineering Society, February 26-March 1, 1994 Dolby Laboratories, San Francisco CDN028365
BC	885	MASTERLINE SOFTWARE BY PHONE		APPLE II USER'S MANUAL

DC01 363825 v 1

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
				KH000015
<i>BL</i>	886	MASTERLINE SOFTWARE BY PHONE		COMMODORE 64 USER'S MANUAL KH000017
<i>BL</i>	887	MASTERLINE SOFTWARE BY PHONE		COMMODORE SOFTWARE EDITION FOR THE BELLSOUTH MASTER MODULE KH000028
<i>BL</i>	888	ELECTRONIC GAMES MAGAZINE		June 1983 KH000055
<i>BL</i>	889	GAMELINER MAGAZINE		October 1983 KH0000181
<i>BL</i>	890	MASTERLINE SOFTWARE BY PHONE, ISSUE TWO		APPLE SOFTWARE EDITION FOR THE BELLSOUTH MASTER MODULE KH000209
<i>BL</i>	891	ELECTRONIC GAMES MAGAZINE		October, 1983 KH000245
<i>BL</i>	892	APPLE II REFERENCE MANUAL		N2K04850
<i>BL</i>	893	VAX/VMS ACCOUNTING UTILITY REFERENCE MANUAL		September, 1984 N2K05242
<i>BL</i>	894			
<i>BL</i>	895	U.S. Patent 4,654,799 to Ogaki		March 31, 1987
<i>BL</i>	896	U.S. Patent 5,191,193 to Le Roux		March 2, 1993

DC01 363825 v 1

64660 U.S. PTO

AMENDMENT TRANSMITTAL LETTER (Large Entity) Applicant(s): Arthur R. Hair	Docket No. 219099/573
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Serial No. 90/007,402	Filing Date 31 January 2005	Examiner Benjamin E. Lanier	Group Art Unit 2132
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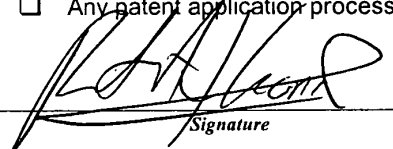
Invention: **Method for Transmitting Desired Digital Video or Audio Signals**
CUSTOMER NUMBER: 23973

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application.
 The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	43 -	20 =	23 x	\$50.00	\$1,150.00
INDEP. CLAIMS	10 -	3 =	7 x	\$200.00	\$1,400.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$2,550.00

- No additional fee is required for amendment.
- Please charge Deposit Account No. _____ in the amount of _____
A duplicate copy of this sheet is enclosed.
- A check in the amount of **\$2,550.00** to cover the filing fee is enclosed.
- The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **50-0573**
A duplicate copy of this sheet is enclosed.
 - Any additional filing fees required under 37 C.F.R. 1.16.
 - Any patent application processing fees under 37 CFR 1.17.



Signature

Dated: **27 December 2005**

Robert A. Koons, Jr., Esq. Reg. No. 32,474
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CUSTOMER NUMBER: 23973
 cc:

01/11/2006 HCOI PAID

I certify that this document and fee is being deposited on **02 FC:1821** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)Applicant(s): **Arthur R. Hair**

Docket No.

219099/573

Serial No.

90/007,402

Filing Date

31 January 2005

Examiner

Benjamin E. Lanier

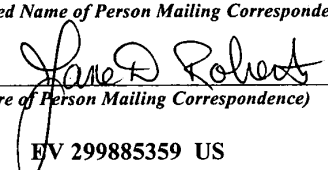
Group Art Unit

2132Invention: **Method for Transmitting Desired Digital Video or Audio Signals****CUSTOMER NUMBER: 23973**

I hereby certify that the following correspondence:

**Revocation/New POA with Statement under 3.73b with copies of assignment documents; New Assignment
Change of Entity Status; Response to Office Action with Exhibits A-D; Check for \$2550.00
Return Receipt Postcard***(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under
37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

27 December 2005*(Date)***Jane D. Roberts***(Typed or Printed Name of Person Mailing Correspondence)*
*(Signature of Person Mailing Correspondence)***EV 299885359 US***("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**

Change of Entity Status

<u>US 5,191,573</u>	<u>2998</u>	<u>2132</u>
US PATENT NUMBER	CONFIRMATION NO.	ART UNIT
<u>90/007,402</u>	<u>31 January 2005</u>	
RE-EXAM CONTROL NO.	FILING DATE	

Method for Transmitting Desired Digital Video or Audio Signals
TITLE OF INVENTION

Arthur R. Hair
INVENTOR

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this paper, along with any documents referred to as being enclosed therewith, is being deposited with the United States Postal Service on **27 December 2005** in an envelope as "Express Mail Post Office to Addressee," Mailing Label No. **EV 299885359 US**, addressed to Mail Stop Ex Parte ReExam, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

JANE D. ROBERTS


Mail Stop Ex Parte ReExam
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

We respectfully request that the Entity status for the subject patent be changed to reflect **Large Entity**. Due to a recent change of ownership, the Small Entity status under 37 C.F.R. 1.27 can no longer be claimed for the subject patent.

Please contact me if further clarification is needed.

Respectfully submitted,


Robert A. Koons, Jr., Esq.
Registration No. 32,474

Date: **December 27, 2005**
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
ARTHUR R. HAIR)
Reexamination Control No. 90/007,402)
Reexamination Filed: January 31, 2005) METHOD FOR TRANSMITTING
Patent Number: 5,191,573) A DESIRED DIGITAL VIDEO OR
Examiner: Benjamin E. Lanier) AUDIO SIGNAL
)

Mail Stop *Ex Parte* Reexamination
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

In response to the Office Action for the above-identified reexamination dated
October 26, 2005, please enter the following amendments and remarks.

Amendments to the Claims begin on page **2** of this paper.

Remarks begin on page **15** of this paper.

Listing of the Claims:

1. (Original) A method for transmitting a desired digital audio signal stored on a first memory of a first party to a second memory of a second party comprising the steps of:

transferring money electronically via a telecommunications line to the first party at a location remote from the second memory and controlling use of the first memory from the second party financially distinct from the first party, said second party controlling use and in possession of the second memory;

connecting electronically via a telecommunications line the first memory with the second memory such that the desired digital audio signal can pass therebetween;

transmitting the desired digital audio signal from the first memory with a transmitter in control and possession of the first party to a receiver having the second memory at a location determined by the second party, said receiver in possession and control of the second party; and

storing the digital signal in the second memory.

2. (Original) A method as described in Claim 1 including after the transferring step, the steps of searching the first memory for the desired digital audio signal; and selecting the desired digital audio signal from the first memory.

3. (Original) A method as described in Claim 2 wherein the transferring step includes the steps of telephoning the first party controlling use of the first memory by the second

party; providing a credit card number of the second party controlling the second memory to the first party controlling the first memory so the second party is charged money.

4. (Original) A method for transmitting a desired digital video signal stored on a first memory of a first party to a second memory of a second party comprising the steps of:

transferring money electronically via a telecommunications line to the first party location remote from the second memory and controlling use of the first memory, from a second party financially distinct from the first party, said second party in control and in possession of the second memory;

connecting electronically via a telecommunications line the first memory with the second memory such that the desired digital video signal can pass therebetween;

transmitting the desired digital video signal from the first memory with a transmitter in control and possession of the first party to a receiver having the second memory at a location determined by the second party, said receiver in possession and control of the second party; and

storing the digital signal in the second memory.

5. (Original) A method as described in Claim 4 including after the transferring money step, the step of searching the first memory for the desired digital signal and selecting the desired digital signal from the first memory.

6. (Original) A method as described in Claim 5 wherein the transferring step includes the steps of telephoning the first party controlling use of the first memory by the second

party controlling the second memory; providing a credit card number of the second party controlling the second memory to the first party controlling the first memory so the second party controlling the second memory is charged money.

7. (New) A method for transmitting a desired digital audio signal stored on a first memory of a first party to a second memory of a second party comprising the steps of:

- transferring money electronically via a telecommunications line to the first party at a location remote from the second memory and controlling use of the first memory from the second party financially distinct from the first party, said second party controlling use and in possession of the second memory;
- connecting electronically via a telecommunications line the first memory with the second memory such that the desired digital audio signal can pass therebetween;
- transmitting the desired digital audio signal from the first memory with a transmitter in control and possession of the first party to a receiver having the second memory at a location determined by the second party, said receiver in possession and control of the second party;
- storing the digital audio signal in the second memory; and
- listing/scrolling digital audio signals from the second memory.

8. (New) A method as described in Claim 7 wherein the transferring step comprises the steps of telephoning the first party controlling use of the first memory by the second party; providing a credit card number of the second party controlling the second memory to the first party controlling the first memory so the second party is charged money.

9. (New) A method as described in Claim 7 further comprising the step of displaying a name of a digital audio signal from the second memory.

10. (New) A method as described in Claim 7 further comprising the step of displaying a duration of the digital audio signal from the second memory.

11. (New) A method as described in Claim 7 further comprising the step of displaying a name of an artist of the digital audio signal from the second memory.

12. (New) A method as described in Claim 7 further comprising the step of displaying a name of an album associated with the digital audio signal from the second memory.

13. (New) A method as described in Claim 7 further comprising the step of randomly selecting digital audio signals from the second memory by a second party integrated circuit of a second party control unit.

14. (New) A method for transmitting a desired digital video signal stored on a first memory of a first party to a second memory of a second party comprising the steps of:

transferring money electronically via a telecommunications line to the first party location remote from the second memory and controlling use of the first memory, from a second party financially distinct from the first party, said second party in control and in possession of the second memory;

connecting electronically via a telecommunications line the first memory with the second memory such that the desired digital video signal can pass therebetween;

transmitting the desired digital video signal from the first memory with a transmitter in control and possession of the first party to a receiver having the second memory at a location determined by the second party, said receiver in possession and control of the second party;

storing the digital signal in the second memory; and

listing/scrolling digital video signals from the second memory.

15. (New) A method as described in Claim 14 wherein the transferring step comprises the steps of telephoning the first party controlling use of the first memory by the second party controlling the second memory; providing a credit card number of the second party controlling the second memory to the first party controlling the first memory so the second party controlling the second memory is charged money.

16. (New) A method as described in Claim 14 further comprising the step of displaying a name of a digital video signal from the second memory.

17. (New) A method as described in Claim 14 further comprising the step of listing/scrolling queued digital video signals stored in the second memory.

18. (New) A method as described in Claim 14 further comprising the step of displaying a duration of the digital video signal from the second memory.

19. (New) A method as described in Claim 14 further comprising the step of displaying a name of an artist of the digital video signal from the second memory.

20. (New) A method as described in Claim 14 further comprising the step of displaying a name of an album associated with the digital video signal from the second memory.

21. (New) A method as described in Claim 14 further comprising the step of randomly selecting digital video signals from the second memory by a second party integrated circuit of a second party control unit.

22. (New) A method for transmitting a desired digital audio signal stored on a first memory of a first party to a second memory of a second party comprising the steps of:

transferring money electronically via a telecommunications line to the first party at a location remote from the second memory and controlling use of the first memory from the second party financially distinct from the first party, said second party controlling use and in possession of the second memory;

connecting electronically via a telecommunications line the first memory with the second memory such that the desired digital audio signal can pass therebetween;

transmitting the desired digital audio signal from the first memory with a transmitter in control and possession of the first party to a receiver having the second memory at a location determined by the second party, said receiver in possession and control of the second party;

storing the digital audio signal in the second memory; and

randomly selecting digital audio signals from the second memory by a second party integrated circuit of a second party control unit.

23. (New) A method as described in Claim 22 wherein the transferring step further comprises the step of providing a credit card number of the second party controlling the second memory to the first party controlling the first memory so the second party is charged money.

24. (New) A method as described in Claim 22 further comprising the step of listing/scrolling queued digital audio signals stored in the second memory.

25. (New) A method as described in Claim 22 further comprising the step of displaying a name of a digital audio signal from the second memory.

26. (New) A method for transmitting a desired digital audio signal stored on a first memory of a first party to a second memory of a second party comprising the steps of:

transferring money electronically via a telecommunications line to the first party at a location remote from the second memory and controlling use of the first memory from the second party financially distinct from the first party, said second party controlling use and in possession of the second memory;

connecting electronically via a telecommunications line the first memory with the second memory such that the desired digital audio signal can pass therebetween;

transmitting the desired digital audio signal from the first memory with a transmitter in control and possession of the first party to a receiver having the second memory at a location determined by the second party, said receiver in possession and control of the second party;

storing the digital audio signal in the second memory; and

displaying a name of an artist of the digital audio signal from the second memory.

27. (New) A method as described in Claim 26 wherein the transferring step further comprises the step of providing a credit card number of the second party controlling the second memory to the first party controlling the first memory so the second party is charged money.

28. (New) A method as described in Claim 26 further comprising the step of listing/scrolling queued digital audio signals stored in the second memory.

29. (New) A method for transmitting a desired digital audio signal stored on a first memory of a first party to a second memory of a second party comprising the steps of:

transferring money electronically via a telecommunications line to the first party at a location remote from the second memory and controlling use of the first memory from the second party financially distinct from the first party, said second party controlling use and in possession of the second memory;

connecting electronically via a telecommunications line the first memory with the second memory such that the desired digital audio signal can pass therebetween;

transmitting the desired digital audio signal from the first memory with a transmitter in control and possession of the first party to a receiver having the second memory at a location determined by the second party, said receiver in possession and control of the second party;

storing the digital audio signal in the second memory; and

displaying a duration of the digital audio signal from the second memory.

30. (New) A method as described in Claim 29 wherein the transferring step further comprises the step of providing a credit card number of the second party controlling the second memory to the first party controlling the first memory so the second party is charged money.

31. (New) A method as described in Claim 29 including the step of listing/scrolling queued digital audio signals stored in the second memory.

32. (New) A method as described in Claim 29 including the step of displaying a name of a digital audio signal from the second memory.

33. (New) A method for transmitting a desired digital video signal stored on a first memory of a first party to a second memory of a second party comprising the steps of:

transferring money electronically via a telecommunications line to the first party at a location remote from the second memory and controlling use of the first memory from the

second party financially distinct from the first party, said second party controlling use and in possession of the second memory;

connecting electronically via a telecommunications line the first memory with the second memory such that the desired digital video signal can pass therebetween;

transmitting the desired digital video signal from the first memory with a transmitter in control and possession of the first party to a receiver having the second memory at a location determined by the second party, said receiver in possession and control of the second party;

storing the digital video signal in the second memory; and

randomly selecting digital video signals from the second memory by a second party integrated circuit of a second party control unit.

34. (New) A method as described in Claim 33 wherein the transferring step further comprises the step of providing a credit card number of the second party controlling the second memory to the first party controlling the first memory so the second party is charged money.

35. (New) A method as described in Claim 33 further comprising the step of listing/scrolling queued digital video signals stored in the second memory.

36. (New) A method as described in Claim 33 including the step of displaying a name of a digital video signal from the second memory.

37. (New) A method for transmitting a desired digital video signal stored on a first memory of a first party to a second memory of a second party comprising the steps of:

transferring money electronically via a telecommunications line to the first party at a location remote from the second memory and controlling use of the first memory from the second party financially distinct from the first party, said second party controlling use and in possession of the second memory;

connecting electronically via a telecommunications line the first memory with the second memory such that the desired digital video signal can pass therebetween;

transmitting the desired digital video signal from the first memory with a transmitter in control and possession of the first party to a receiver having the second memory at a location determined by the second party, said receiver in possession and control of the second party;

storing the digital video signal in the second memory; and

displaying a name of an artist of the digital video signal from the second memory.

38. (New) A method as described in Claim 37 wherein the transferring step further comprises the step of providing a credit card number of the second party controlling the second memory to the first party controlling the first memory so the second party is charged money.

39. (New) A method as described in Claim 37 including the step of listing/scrolling queued digital video signals stored in the second memory.

40. (New) A method for transmitting a desired digital video signal stored on a first memory of a first party to a second memory of a second party comprising the steps of:

transferring money electronically via a telecommunications line to the first party at a location remote from the second memory and controlling use of the first memory from the second party financially distinct from the first party, said second party controlling use and in possession of the second memory;

connecting electronically via a telecommunications line the first memory with the second memory such that the desired digital video signal can pass therebetween;

transmitting the desired digital video signal from the first memory with a transmitter in control and possession of the first party to a receiver having the second memory at a location determined by the second party, said receiver in possession and control of the second party;

storing the digital video signal in the second memory; and

displaying a duration of the digital video signal from the second memory.

41. (New) A method as described in Claim 40 wherein the transferring step further comprises the step of providing a credit card number of the second party controlling the second memory to the first party controlling the first memory so the second party is charged money.

42. (New) A method as described in Claim 40 further comprising the step of listing/scrolling queued digital video signals stored in the second memory.

43. (New) A method as described in Claim 40 further comprising the step of displaying a name of a digital video signal from the second memory.

REMARKS

Claims 1-43 are currently active¹.

There have been no amendments to the previously pending claims, Claims 1 through 6, with this response. Claims 7-43 have been added. The newly added claims are fully supported by the specification. Support for new Claims 7-43 can be found in column 5, lines 5-25 of the specification.

In addition, all newly added claims contain at least the same limitations as set forth in pending Claims 1 and 4. As a result, all of the newly added claims are presumed to be allowable for at least the same reasons as set forth below with respect to pending independent Claims 1 and 4.

Rejections Under 35 U.S.C. § 103(a)

The Examiner has cited the combination of Akashi and Freeny in an effort to make out a *prima facie* case of obviousness of Claims 1-6 under 35 U.S.C. § 103(a). Applicant respectfully submits that the combination of Akashi and Freeny is inadequate to make out a *prima facie* case of obviousness of Claims 1-6.

¹ In considering these claims, Applicant wishes to direct the Examiner's attention to the reference identified as Number 849 in the Information Disclosure Statement filed July 21, 2005, which may not have been considered by the Examiner in the pending Office Action. Applicant does not believe this reference constitutes prior art that anticipates or renders obvious any of the original or newly added claims. Nonetheless, in view of the large number of references disclosed, Applicant wants to ensure that the Examiner has considered this reference.

Comments On Examiner's Response To Arguments

In the Office Action dated October 26, 2005, the Examiner states in his *Response to Arguments* that the "District Court decision was an analysis of Freeny as a Section 102 reference and not as a secondary reference." Applicant respectfully disagrees with this characterization of the District Court's opinion. Applicant maintains that a thorough review of the Opinion and Order of Court dated October 23, 2003 (the "Opinion") in the Sightsound v. N2K et al. litigation demonstrates that the District Court analyzed Freeny as a Section 103 reference. Applicant respectfully directs the Examiner to section 2 of the Opinion and Order beginning on page 45, titled "*Defendants' Examples of Prior Art giving Rise to Obviousness*" (emphasis added), attached hereto as Exhibit A. The District Court Judge goes on to analyze the Section 103 references cited by the defendants, including specifically "The Freeny Patent" at page 52 of the Opinion. Accordingly, Applicant respectfully disagrees with the Examiner's position that Freeny was not analyzed as a secondary reference in an obviousness context. Moreover, Applicant submits that, not only did the District Court consider Freeny as a secondary reference, but the Court also reasoned that Freeny teaches away from Applicant's claimed invention. See Opinion, page 52-53.

Applicant also respectfully points out that the District Court specifically considered the Examiner's primary reference, Akashi, in regard to obviousness in its Opinion. See Opinion, page 50. Although not binding on the Examiner in this proceeding, Applicant respectfully submits that a reasoned analysis by a competent Court should be regarded by the Examiner as strongly persuasive against the suggested combination of Freeny with Akashi and other references in the present Section 103(a) rejections.

A Prima Facie Case Of Obviousness Under 35 U.S.C. § 103(a) Over The Cited References Has Not Been Established In The Instant Office Action

MPEP 2144 explicitly requires the presentation of a rationale found “expressly or impliedly in the prior art or drawn from a convincing line of reasoning based on established scientific principles or legal precedent” in order to combine references under Section 103. Further, MPEP 2142 states that, “[t]o reach a proper determination under 35 U.S.C. 103, the examiner must step backward in time and into the shoes worn by the hypothetical ‘person of ordinary skill in the art’ when the invention was unknown and just before it was made.” These dual requirements ensure that an examiner does not fall into the trap of using hindsight based on his own knowledge of the Applicant’s disclosure to reconstruct the claimed invention from the prior art.

To avoid such hindsight reconstruction, the CAFC requires “a rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references.” *In re Beasley* 117 Fed.Appx. 739, 742 (Fed. Cir. 2004). “This is consonant with the obligation of the Board [of Patent Appeals and Interferences] to develop an evidentiary basis for its factual findings to allow for judicial review under the substantial evidence standard that is both deferential and meaningful.” *Id.* at 742-43. Neither an examiner nor the Board is entitled rely only on their own knowledge as skilled artisans. *Id.* at 743.

Applicant respectfully submits that, even assuming each and every element of Claims 1-6 has been located in the combination of Akashi and Freeny, there nonetheless has been no showing that one having ordinary skill in the art at the time of Applicant’s invention, over 17 years ago, would have found the requisite motivation and reasonable expectation of success in

combining these references.² Because a rigorous showing of teaching or motivation to combine the cited references has not been provided as required by the CAFC, a *prima facie* case of obviousness has not been established.

Applicant will demonstrate that the cited combination of references does not establish a *prima facie* case of obviousness.

Akashi discloses an automated sales system for music on record albums. Akashi teaches a recording reproducing apparatus with a built-in computer communication means which is connected by a telephone line to a host computer storing data representing music on record albums or similar information such as the composers, list of music stores, musicians and the like. The data representing music on record albums is sent from the aforesaid host computer to the recording reproducing apparatus when the host computer is accessed by the aforesaid recording reproducing apparatus. See Akashi para. 4. The recording reproducing apparatus may be either a digital audio tape recorder or a compact disk deck that employs a write-once, read-many times recordable optical disk that allows data to be read immediately after the data is written. See Akashi para. 6.

As recognized by the Examiner, Akashi discloses no means or method whatsoever of effecting payment. As also recognized by the Examiner, Akashi does not teach or suggest a hard disk used by the purchaser to store the data.

Further, as set forth in the Declaration of Kenneth Pohlmann, attached as Exhibit B, Akashi does not teach any playback capability. Akashi is a simple inexpensive digital audio tape recorder or compact disk device that has the ability to communicate with a host computer to

² The '573 Patent has a priority date of June 13, 1988. Thus, Applicant's invention was made at least as early as that date.

download music from the host computer onto an audio tape or an optical disk. It is submitted that once the music is stored on the tape or the optical disk, the tape or optical disk is then removed and carried away by the purchaser to be listened to on a completely distinct playback device separate and remote from the tape recorder or compact disk device. See Pohlmann Dec. para. 14.

The Examiner cites Freeny for the provision of video data and the element of making a payment by electronic means. Applicant submits that Freeny is non-analogous to, and plainly teaches away from, Akashi. Freeny discloses a material object offered for sale and purchasable at a point-of-sale location. As disclosed in Freeny, the information used to manufacture a material object is stored locally at the point of sale, such as a kiosk. Only the authorization to make a copy is obtained from a remote location by a communication link at the time of the sale. Freeny, col. 5, ln. 32 to col. 6, ln. 11. This is directly contrary to Akashi which teaches acquiring a recording from a remote location at the time of the sale. It is well established that, “[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the reference are insufficient to render the claims *prima facie* obvious.” *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). Thus, on this basis alone, the teachings of Freeny cannot be combined with Akashi because Freeny teaches a system that operates in a fundamentally different way than Akashi.

Moreover, Applicant submits that the rationale provided for combining selected elements of Freeny with Akashi is inadequate to make out a *prima facie* case of obviousness. As held by the CAFC in *Beasley*, “*conclusory* statements of generalized advantages and convenient *assumptions* about skilled artisans...are *inadequate* to support a finding of motivation, which is a factual question that cannot be resolved on subjective belief and unknown authority.” *Id.* at

744. (emphasis added) In the first instance, Applicant respectfully submits that the motivation asserted by the Examiner in Freeny to modify Akashi for the sale of video information is precisely the type of conclusory and generalized statements of advantage that the CAFC has determined are inadequate to show obviousness. The portion of Freeny cited by the Examiner is notably from the Background section of the patent, which states, unsurprisingly, that manufacturing facilities and distribution systems are expensive. From this general statement in Freeny, the Examiner concludes it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Akashi to provide video in addition to audio information to take advantage of cost savings from eliminating manufacturing facilities and distribution systems. Applicant submits this is not the necessary motivation to combine that must be found in the prior art or knowledge of one of ordinary skill in the art, as required by *In re Vaeck*, 947 F.2d 488, 493, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991). Applicant respectfully submits that, instead, this is the type of hindsight reconstruction, based on the Applicant's disclosure, that the CAFC has repeatedly held to be improper. See *Teleflex, Inc. v. KSR International Co.*, 119 Fed.Appx. 282, 285-86 (Fed. Cir. 2005) ("Combining prior art references without evidence of...a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability--the essence of hindsight.")

What has not been shown is some teaching in either Akashi or Freeny, or the knowledge generally available to one of ordinary skill in the art at the time of Applicant's invention, which would lead a person without knowledge of the claimed invention, to modify Akashi to provide video rather than audio information from a remote system via communication lines. Further, the

Examiner has provided no showing of the required reasonable expectation of success in thus modifying Akashi.

With respect to the teaching in Freeny of an electronic payment, the cited section of Freeny refers to a process whereby an authorization to manufacture a material object is received from a remote location. The information from which the material object is manufactured is stored locally at the point of sale. There is no suggestion in Freeny or Akashi that transmission of audio or video information from a remote location can be triggered by providing credit card account information at the point of sale. Again, no prior art or knowledge generally available to one of skill in the art has been pointed to that would lead a person of skill in the art at the time of Applicant's invention to that conclusion. Applicant therefore respectfully requests that Akashi and Freeny be withdrawn as references in the present case.

For the reasons set for the above regarding the improper combination of Akashi and Freeny, Applicant submits that a *prima facie* case of obviousness has not been established with respect to any of Claims 1-6. Rather, it appears that the references were surveyed to find individual elements that the Examiner believes correspond to the elements recited in the claims, without regard to demonstrating some rational line of reasoning as to why it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to combine the references' divergent teachings. Indeed, the Examiner has apparently overlooked teachings of the references that demonstrate their incompatibility with each other and thus militate *against* their combination.

Applicant respectfully submits this is precisely the type of hindsight reconstruction that the CAFC has proscribed. See *In re Fritch; Teleflex, supra*. To avoid hindsight reconstruction, Examiners are required to apply a rigorous "showing of the teaching or motivation to combine

prior art references.” *In re Beasley*. Applicant does not believe the Examiner has met the foregoing burden in the current case. Applicant therefore respectfully requests reconsideration and withdrawal of the rejections of Claims 1-6 under 35 U.S.C. § 103(a).

Secondary Considerations Of Non-Obviousness

In the Office Action response filed on July 21, 2005, Applicant provided evidence of secondary considerations of non-obviousness, including evidence of commercial success of distribution systems employing the claimed invention. The Examiner has indicated that he did not find the secondary evidence provided by Applicant persuasive. In support of his conclusion, the Examiner stated that “Applicant has not provided proof that the claimed features were responsible for the commercial success of the mentioned distribution systems (i.e., iTunes).” See Office Action, para. 3. The Examiner cites to *Ex parte Remark*, 15 USPQ2d 1498, 1502 for the proposition that merely showing that there was commercial success of an article which embodied the invention is not sufficient to provide a secondary consideration of non-obviousness.³

In view of Applicant’s arguments refuting the Examiner’s rejection of Claims 1-6 under 35 U.S.C. § 103(a), presented above, Applicant respectfully submits that a showing of secondary considerations is not strictly necessary to establish the non-obviousness of Applicant’s invention. However, further in view of the fact that such secondary considerations in fact do exist, Applicant feels compelled to at least set forth below a summary of such indicia.

³ Additionally, the Examiner cites to certain comments the Examiner believes were made by the Inventor during an Examiner’s Interview concerning the unavailability of content for sale via his invention. Applicant believes the Examiner misunderstood the comments made by the Inventor during the Interview and respectfully disagrees with the Examiner’s recollection of those comments. Nonetheless, in view of the additional ample evidence of secondary indicia submitted with the current response, including the Declaration of Arthur R. Hair attached hereto as Exhibit C, Applicant believes it unnecessary to pursue this issue here.

The CAFC has explicitly set forth the factors, such as commercial success, long felt but unresolved needs, skepticism by experts, and copying by competitors that can be used to establish non-obviousness. *Brown & Williamson Tobacco Corp. v. Philip Morris Inc.*, 229 F.3d 1120, 1129 (Fed. Cir. 2000).

The CAFC has held that a nexus must be established between the merits of a claimed invention and the evidence of non-obviousness offered if that evidence is to be given substantial weight enroute to a conclusion of non-obviousness. *Remark* at 1502. The CAFC has also held, however, that copying of a patented feature or features of an invention, while other unpatented features are not copied, gives rise to an inference that there is a nexus between the patented feature and the commercial success. *Hughes Tool Company v. Dresser Industries, Inc.* 816 F.2d 1549, 1556 (Fed. Cir. 1987). Moreover, it is well established that copying of a patented invention, rather than one within the public domain, is by itself indicative of non-obviousness. See *Windsurfing International Inc., v. AMF, Inc.*, 782 F.2d 995, 1000 (Fed. Cir. 1986).

The Present Invention Has Been Copied By Others With Commercial Success

The invention recited in Claims 1-6 generally comprises transferring “for pay” digital video or digital audio signals between a first memory controlled by a seller and a second memory at a remote location controlled by a buyer over a telecommunication line. As set forth in the Declaration of Arthur R. Hair attached hereto as Exhibit C, the invention has in the past achieved significant commercial success.

Moreover, the invention continues to achieve commercial success in that it has been copied by a major participant in the field. The features of the invention generally included in Claims 1-6 have been copied by at least one commercially successful system available today: Napster Light. The Napster Light system (“Napster”) for purchasing digital music files online at

www.napster.com is a commercially successful system that embodies the features of the claimed invention. Applicant's assertion that Napster is commercially successful and has copied the claimed invention is supported by the Declaration of Justin Douglas Tygar, Ph.D., is attached to this response as Exhibit D. Dr. Tygar is a professor at the University of California, Berkeley with a joint appointment in the Department of Electrical Engineering and Computer Science and the School of Information Management and Systems. See Tygar Dec., para. 1. Dr. Tygar is an expert in the field of computer science with significant experience in the field of electronic commerce. See Tygar Dec., paras. 2-4.

Dr. Tygar has determined that Napster has achieved a level of commercial success. See Tygar Dec., para. 6. Further, Dr. Tygar compared Napster to the invention recited in Claims 1-6 and determined Napster copied the invention. Specifically, Dr. Tygar found that Napster operates a music download system incorporating servers having hard disks and memory, through which it sells digital music files to a buyer for download over the internet. See Tygar Dec., para. 10. The buyer using Napster has a computer at a home, office, or other location remote from Napster. See Tygar Dec., para. 11. The buyer forms a connection between his or her computer and Napster via the Internet, selects digital music file(s) he or she wishes to purchase, provides a credit card number, and receives the music file via a download process where the file is transferred from Napster's server to the buyer's computer and stored on the hard drive. The buyer can then play the file using his or her computer system. See Tygar Dec., paras. 12-16. In view of this comparison, Dr. Tygar properly concludes that Napster has copied the features taught by the present invention. See Tygar Dec., para. 19.

Additionally, Applicant respectfully points out that Napster *does not* copy the closest prior art cited by the Examiner, i.e., Freeny and Akashi. Freeny teaches a point-of-sale device

(e.g., a kiosk) that dispenses a material object (e.g., tape) containing the music purchased. See Freeny, col. 1, line 64 to col. 2, line 12. These features of Freeny are plainly not found in Napster Light. See Tygar Dec., para. 16. Akashi teaches writing data to a digital audio tape recorder or a compact disk deck that employs a write-once, read-many times recordable optical disk which allows data to be read immediately after the data is written. The user downloads data to a RAM and then the data is written directly from the RAM to a recordable optical disk. See Akashi para. 6. This process of Akashi is not how Napster Light operates. See Tygar Dec. para. 18.

Therefore, it is apparent that Napster chose to copy the system taught by the '573 patent. See Tygar Dec. para. 19. It is also apparent that Napster choose *not* to copy the prior art systems of Freeny and Akashi. See Tygar Dec. para. 20 and 21. Applicant submits this selective copying by Napster of the invention recited in Claims 1-6, while Napster ignored the systems of Freeny and Akashi, provides a sound basis upon which the required nexus between commercial success and Applicant's claimed invention can be found. See *Hughes Tool*, 816 F.2d at 1556. Additionally, Napster's selective copying of Applicant's invention, coupled with Napster's disregard of the Freeny and Akashi systems, is itself substantive evidence of a recognized secondary indication of non-obviousness. See *Windsurfing International Inc.*, 782 F.2d 995.

Applicant therefore respectfully submits that the foregoing remarks and the attached Declaration of Dr. Tygar have established the requisite nexus between the commercial success of Napster and Applicant's claimed invention. Applicant also respectfully submits that these remarks and the attached Declaration of Dr. Tygar similarly have established copying by Napster as a secondary indicia of non-obviousness.

Newly Added Claims Are Not Taught by the Prior Art

It is well established that, in order to establish a *prima facie* case of obviousness of a claimed invention, all limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974), MPEP §2143.03. The elements added via newly presented Claims 7-43 are not taught or suggested in the cited prior art, i.e., Akashi and Freeny, or in any other art cited in the related co-pending reexaminations for U.S. Patent No. 5,675,734 and U.S. Patent No. 5,966,440. The newly added claims comprise various combinations of the following limitations, as applied to both digital audio signals and digital video signals:

- a) listing/scrolling the digital signals from the second memory (Claims 7-21, 24, 28, 31, 35, 39);
- b) displaying a name of a digital signal from the second memory (Claims 9, 16, 25, 32, 36)
- c) displaying a duration of the digital signal from the second memory (Claims 10, 18, 29-34);
- d) displaying a name of an artist of the digital signal from the second memory (Claims 11, 19, 26-28, 37-39);
- e) displaying a name of an album associated with the digital signal from the second memory (Claims 12 and 20); and
- f) randomly selecting digital signals from the second memory by a second party integrated circuit of a second party control unit (Claims 13, 22-25, 33-36).

All of the limitations set forth above involve features surrounding playback from the second memory. None of these limitations are taught in Akashi or Freeny.

More specifically, limitation (a) set forth above is listing/scrolling the digital signals from the second memory. Akashi teaches a recording reproducing apparatus that either may be a digital audio tape recorder or a compact disk deck which employs a write-once, read-many times recordable optical disk. Akashi does not teach any listing/scrolling feature of a second memory. Freeny teaches using information stored locally at the point of sale (e.g., kiosk) to manufacture a material object. There is no teaching of listing/scrolling digital signals from the second memory in Freeny.

Limitations (b), (c), (d) and (e) set forth above all provide for displaying information from the second memory regarding the digital audio or digital video signal. Specifically, a name, duration, name of an artist, and name of an album are displayed. Neither Akashi nor Freeny teaches or suggests any display features concerning information in the second memory.

Limitation (f) set forth above is randomly selecting digital signals from the second memory by a second party integrated circuit of a second party control unit. Neither Akashi or Freeny teaches or suggests a second party integrated circuit of a second party control unit that allows for random selection of the digital signal. No random selection of signals by any means is taught or suggested in either reference.

As a result, in addition to being allowable for the reasons previously set forth concerning Claims 1 through 6, Applicant respectfully submits that the newly added claims are allowable for the further reason that the limitations found in the newly added claims are not taught or suggested by the prior art.

CONCLUSION

Applicant believes the foregoing remarks have overcome or rendered moot all grounds for rejection of original Claims 1-6 and any potential grounds for rejection of newly added Claims 7-43. Applicant therefore believes that all such claims are patentable over the art cited by the Examiner. There being no other rejections or objections of record, Applicant believes that the application is in condition for allowance.

Applicant understands, however, that the Examiner may have additional questions or concerns prior to allowing Applicant's claims. Applicant therefore respectfully requests that the Examiner contact Applicant's undersigned attorney directly to schedule an Interview before the Examiner takes any further action in this case.

Respectfully submitted,

DRINKER BIDDLE & REATH LLP




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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Response in Reexamination No. 90/007,402 was served via First Class United States Mail, postage prepaid, this 27th day of December, 2005, on the following:

Mr. Albert S. Penilla
Martine, Penilla, & Gencarella, LLP
710 Lakeway Drive, Suite 200
Sunnyvale, CA 94085
Attorney for Third Party Reexamination Requester

By: 
Robert A. Koons, Jr.
Attorney for Patentee

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
ARTHUR R. HAIR)
Reexamination Control No. 90/007,402)
Reexamination Filed: January 31, 2005) A SYSTEM FOR TRANSMITTING
Patent Number: 5,191,573) DESIRED DIGITAL VIDEO OR
Examiner: Benjamin E. Lanier) AUDIO SIGNALS
)

December 23, 2005

Mail Stop *Ex Parte* Reexamination
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. §1.132

I, Justin Douglas Tygar, hereby declare that:

1. I am a tenured, full Professor at the University of California, Berkeley with a joint appointment in the Department of Electrical Engineering and Computer Science (Computer Science Division) and the School of Information Management and Systems.
2. I earned an A.B. degree in Math/Computer Science from the University of California, Berkeley, in 1982 and I earned a Ph.D. in Computer Science from Harvard University in 1986.
3. I am an expert in software engineering, computer security, and cryptography. I have taught courses in software engineering and computer security at the

undergraduate, master's, and doctorate level at both the University of California, Berkeley and Carnegie Mellon University.

4. I serve in a number of capacities on government, academic, and industrial committees that give advice or set standards in security and electronic commerce. In addition, I have authored numerous publications in the fields of computer science and security in electronic commerce. I have attached a copy of a recent curriculum vita to this declaration as Exhibit A.

5. At the request of counsel, I have compared a currently available system for purchasing digital audio files, namely the online music service offered at www.napster.com known as Napster Light¹ (hereinafter "Napster Light"), with the teachings of U.S. Patent 5,191,573 (the "'573 patent").

6. Napster Light is a currently operating service with an apparently wide user base. It is therefore apparent that Napster Light, which uses the teachings of the '734 Patent, has been commercially successful.

7. The '573 Patent generally discloses a method pertaining to the electronic sale and transfer of digital audio or video signals, which are signals containing recorded sound or

¹ It should be noted that the Napster Light service offered by the entity known currently as Napster, Inc. at www.napster.com is separate and distinct from a previous file sharing on-line service offered by an earlier entity entitled Napster. It is my understanding that this prior entity went out of business in 2002, at which time Roxio, Inc. acquired the Napster name and trademark rights. Subsequently, Roxio, Inc. changed their name to Napster, Inc., thus creating the current entity referred to herein as "the new Napster, Inc."

video, such as a musical or video recording, converted into binary form. The steps of the method pertain to the following:

- A first party who is a seller of digital audio or video signals through telecommunication lines. Telecommunication lines can include the Internet. The seller must have control over a computer memory, which includes a hard disk and RAM. The hard disk includes copies of encoded digital audio or video signals, which are the digital audio or video signals configured in a form that would prevent unauthorized copying.

- A second party who is a buyer of the digital audio or video signals. The buyer must possess and control his or her own computer memory. The buyer's memory must be located at a location remote from the location of the memory controlled by the seller.

8. The invention of the '573 patent comprises a number of steps, though not in any particular order except as indicated below. The steps are:

- Forming an end-to-end electronic connection over the telecommunications lines between the computer memory controlled by the seller and the buyer's computer memory, which is controlled by the buyer;

- Transmitting the desired digital audio signal from the first memory to the second memory; and

- Storing the transferred copy of the digital audio or video signals in the buyer's memory.

9. I have accessed Napster Light for the purpose of comparing it to the '734 patent. Based on my review, I have determined the following facts set forth in paragraphs 10 through 20 of this declaration.

10. The operator of Napster Light (i.e., the new Napster, Inc.), the "first party" for the purposes of this comparison, operates a music download system through which digital music files are sold to buyers for download over the internet. The digital music files contain digital representations of sound recordings. I have concluded from viewing information on www.napster.com that Napster Light uses a system that includes servers, which have memory that includes hard disks that store digital music for sale over the internet. The new Napster, Inc. appears to control the servers that contain the digital music files for sale.

11. The typical online buyer using Napster Light, the "second party" for the purposes of this comparison, controls a personal computer. For instance, the buyer controls which software to install and run on the computer, what data to store in the computer, and when to operate the computer. The buyer has the computer at a home, office, or other location remote from Napster Light.

12. Using a software application downloaded from a website associated with Napster Light, the online buyer may connect to Napster Light's online music library over the Internet and browse online music catalogs. The buyer forms a connection between his or her computer and the Internet through an Internet Service Provider (ISP) that may be accessed via a dial-up connection using a modem and a telephone line.

13. Using the downloaded software application, the online buyer browses Napster Light's online music catalogs. The online buyer can select a particular digital music file he or she desires.

14. The digital music file is delivered to the online buyer via a download operation that is automatically initiated between Napster Light's servers and the online buyer's computer.

15. The download process occurs by transmitting a copy of the digital music file over the Internet to the online buyer's computer. The transmitted copy is stored in the online buyer's computer hard drive. Throughout this downloading process, the online buyer is in control of his or her computer's memory.

16. The downloaded copy of the digital music is stored to the hard drive of the buyer's computer, from which it can be written to other media such as an optical disk or memory of a portable device.

17. Napster Light does not include a point-of-sale device such as a kiosk, as used in United States Patent No. 4,528,643 to Freeny (the "Freeny Patent").

18. Napster Light does not writing a digital signal from memory directly to an optical disk or digital tape, as taught in Japanese Patent Publication 62-284496 to Akashi (the "Akashi Patent").

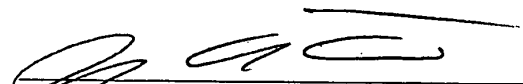
19. In view of the foregoing, I have determined that Napster Light embodies the elements taught in the '573 Patent. As a result, it can be concluded that Napster Light has copied the teachings of the '573 Patent.

20. Also in view of the foregoing, I have determined that the Napster system does not embody essential elements of the Freeny patent. As a result, it can be concluded that Napster Light has not copied the Freeny patent.

21. Also in view of the foregoing, I have determined that the Napster system does not embody essential elements of the Akashi patent. As a result, it can be concluded that Napster Light has not copied the Akashi patent.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

26 Dec 05
Date


Justin Douglas Tygar, Ph.D.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
ARTHUR R. HAIR)
Reexamination Control No. 90/007,402)
Reexamination Filed: January 31, 2005) METHOD FOR TRANSMITTING A
Patent Number: 5,191,573) DESIRED DIGITAL VIDEO OR
Examiner: Benjamin E. Lanier) AUDIO SIGNALS
)

Pittsburgh, Pennsylvania 15213

December 23, 2005

Mail Stop *Ex Parte* Reexamination
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. §1.132

I, Arthur R. Hair, hereby declare that:

1. I am the sole inventor of United States Patent Nos. 5,191,573; 5,675,734; and 5,966,440.
2. I am Chairman of the Board and Chief Technology Officer of SightSound Technologies, Inc.
3. I assigned my rights in United States Patent Nos. 5,191,573; 5,675,734; and 5,966,440 to the company that ultimately became SightSound Technologies, Inc ("SightSound").
These patents served SightSound Technologies well and were essential in raising the

capital necessary to launch a company that would build eCommerce systems protected by the patents.

4. With the foregoing three patents in hand, SightSound Technologies achieved many notable firsts, including:
 - first to electronically sell a music download via the Internet;
 - first to electronically sell a movie download via the Internet;
 - first to produce a motion picture specifically for simultaneous electronic distribution worldwide via the Internet;
 - first to electronically sell encrypted movies legally through the Gnutella file-sharing networks, without being in violation of copyrights;
 - first to develop a legal system to sell encrypted music legally through the Napster file-sharing networks, without being in violation of copyrights;
 - first to electronically sell a movie into a movie theater projection booth via the Internet for digital exhibition from a windows workstation; and
 - first to electronically sell a movie into a handheld unit, a Compaq iPac Pocket PC.

5. SightSound built five Media eCommerce Systems. Over time, these systems grew from a single server located in Pittsburgh to a geographically distributed system with a central core in Pittsburgh that controlled remote servers located in New York, Los Angeles, Santa Clara, Seattle, Chicago, Washington D.C. and Boston. Version 1 was built in 1995

and Version 2 was built in 1998, both of these versions only sold music. Version 3.1, 3.2 and 3.3 were built between 1999 and 2001 and sold both music and movies. The fifth system built at SightSound Technologies (which we called Version 3.3) was a fully automated, database driven secure Media eCommerce System that had the hardware capacity to rent and/or sell 380,000 movies a day.

6. The foregoing Media eCommerce Systems were covered by one or more claims in each of United States Patent Nos. 5,141,573, 5,675,734 and 5,966,440.

7. The Media eCommerce Systems were designed to support:
 - official movie websites;
 - banner ads that automatically invoke a download;
 - digital cinema (download to the projection booth);
 - portable audio/video devices
 - database driven websites; and
 - peer-to-peer file-sharing networks.

8. Using its Media eCommerce Systems, SightSound Technologies provided client services releasing motion pictures and music for Internet download sale for more than 40 filmmakers, special interest video production companies and recording artists. SightSound Technologies first offered music for sale via the Internet in download fashion in September 1995. At that time, SightSound Technologies offered music from the band

“The Gathering Field.” Individual songs were priced at 99 cents and the entire album was available for \$6.00. SightSound Technologies went on to build a respectable client roster that included over 65 companies and individuals, including:

- Miramax Films (a subsidiary of the Walt Disney Company)
- Showtime Networks (the Tyson –vs– Norris boxing match)
- Comedy Central (half owned by Fox and half owned by Warner Brothers)
- Lyric Studios (the children’s television program “Barney”)
- WQED TV

9. I have attached as part of this Declaration several announcements and media coverage illustrating the many accomplishments that United States Patent Nos. 5,191,573; 5,675,734; and 5,966,440 assisted SightSound Technologies to achieve.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

23 DECEMBER 2005
Date

Arthur R. Hair
Arthur R. Hair

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
ARTHUR R. HAIR)
)
Reexamination Control No. 90/007,402)
)
Reexamination Filed: January 31, 2005) METHOD FOR TRANSMITTING
) A DESIRED DIGITAL VIDEO OR
Patent Number: 5,191,573) AUDIO SIGNAL
)
Examiner: Benjamin E. Lanier

Mail Stop *Ex Parte* Reexamination
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION UNDER 37 C.F.R. § 1.132

I, Kenneth C. Pohlmann declare that,

1. I am a tenured Professor at the University of Miami in Coral Gables, Florida, and the director of the Music Engineering Technology program at the University's Frost School of Music. I have been a faculty member at the University of Miami since 1977.

2. I hold Bachelor of Science and Master of Science degrees in Electrical Engineering from the University of Illinois in Urbana-Champaign. My master's thesis was completed in 1976 and described the use of a digital computer to enter, store and play back digitally synthesized music. I have been continuously involved in digital audio

technology since that time, and have a good personal knowledge of the progress of the state of the art over the intervening years.

3. In 1986 I founded the first Masters degree program in Music Engineering Technology in the United States. I have initiated new undergraduate and graduate courses in digital audio, advanced digital audio, Internet audio, acoustics and psychoacoustics, and studio production.

4. I have written or co-authored several books, including "Principles of Digital Audio" (McGraw-Hill), "The Compact Disc Handbook" (A-R Editions), and "Advanced Digital Audio" (Howard W. Sams). My books have been translated into Dutch, German, Spanish, and Chinese.

5. Since 1982, I have written numerous articles for publications including Audio magazine, dB magazine, Handbook for Sound Engineers, IEEE Spectrum, Journal of the Audio Engineering Society, National Association of Broadcasters Handbook, PC magazine, Scientific American, and World Book Encyclopedia. Additionally, I am a contributing technical editor and columnist for Sound & Vision magazine.

6. I chaired the Audio Engineering Society's International Conference on Digital Audio in Toronto in 1989 and co-chaired the Society's International Conference on Internet Audio in Seattle in 1997. I was presented two AES Board of Governor's Awards (1989 and 1998) and an AES Fellowship Award (1990) by the Audio Engineering Society for my work as an educator and author in the field of audio engineering. In 1991, I was elected to serve on the AES Board of Governors, and in 1993 to serve as the AES Vice President of the Eastern U.S. and Canada Region.

7. I serve as a consultant in the design of digital audio systems, the development of sound systems for automobile manufacturers, and as a consultant and expert witness in music technology and related patent litigation. I have attached a copy of a recent *curriculum vitae* to this declaration as Exhibit A.

8. Sightsound's counsel requested that I evaluate Great Britain Patent App. No. 2-178-275-A, filed by Bernard Gallagher ("Gallagher"), U.S. Patent 4,528,643 ("Freeny"), Japanese Patent No. 62-284496 ("Akashi"), U.S. Patent 4,896,2327 ("Ohta"), U.S. Patent 4,920,432 ("Eggers"), U.S. Patent 4,792,974 ("Chace"), and U.S. Patent 4,739,398 ("Thomas") separately and in combination in the context of whether their respective disclosures are compatible, and whether there is some teaching in their disclosures that would suggest combining them.

9. In the context of my work on this matter, I have drawn on my experience and knowledge as a researcher and professor of music engineering, digital audio and studio production. As an electrical engineer, for many years I have kept abreast of developments in electronics and audio, including reading technical magazines, journals, and research papers on the topics of recorded music and audio systems.

10. In preparation for my evaluation regarding the Gallagher, Freeny, Akashi, Thomas, Eggers, Chace, and Ohta documents, I familiarized myself with the following materials: Preliminary and Supplemental Amendments of the Hair application (serial no. 09/286,892) and the Patent Office Detailed Action dated April 5, 2005 for that application; U.K. patent application 2-178-275-A ("Gallagher"); U.S. Patent 4,528,643 ("Freeny"); Japanese Patent No. 62-284496 ("Akashi"); U.S. Patent 4,896,2327 ("Ohta"), U.S. Patent

4,920,432 (“Eggers”); U.S. Patent 4,792,974 (“Chace”); U.S. Patent 4,739,398 (“Thomas”); as well as U.S. Patent No. 5,191,573 (“the ‘573 Patent”), U.S. Patent No. 5,675,734 (“the ‘734 Patent”) and U.S. Patent No. 5,966,440 (“the ‘440 Patent”) (collectively, the “Hair Patents”); and the Patent Office Detailed Action October 26, 2005 for the Reexamination of the ‘440 Patent, the Patent Office Detailed Action October 26, 2005 for the Reexamination of the ‘734 Patent, and the Patent Office Detailed Action October 26, 2005 for the Reexamination of the ‘573 Patent.

11. The following discussions present the results of my review of the Gallagher, Akashi, Eggers, Thomas, Chace, Ohta, and Freeny references in the context described above. This discussion also draws upon my general knowledge, information and belief as an expert in music engineering, digital audio and studio production.

EVALUATION OF THE REFERENCES

12. I have reviewed the reference referred to as Akashi. In Akashi, there is disclosed an automated sales system for music on record albums. Akashi teaches a recording reproducing apparatus with a built-in computer communication means connected by a telephone line to a host computer storing data representing music on record albums and other information on the record albums such as the composers, list of music stores, musicians and the like. The data representing the music on record albums is sent from the host computer to the recording reproducing apparatus when the host computer is accessed by the recording reproducing apparatus. See paragraph 4 of Akashi. The recording reproducing apparatus may be either a digital audio tape recorder or a compact disk deck that employs a write-once, read-many recordable optical disk that allows data to be read immediately after the data is written. See paragraph 6 of Akashi.

13. On reviewing Akashi, I find that Akashi reveals no means or method whatsoever of effecting payment. Further, I find that Akashi does not discuss any method or structure for playback of the downloaded music. Akashi also does not teach or suggest a hard disk used by the purchaser to store the digital signals. Akashi further does not teach or suggest digital video signals.

14. Akashi is an inexpensive digital audio tape recorder or compact disk device that has the ability to communicate with a host computer to download music from the host computer onto an audio tape or an optical disk. It is further apparent from the disclosure of Akashi that once the music is stored on the tape or the optical disk, the tape or optical disk is then removed and carried away by the purchaser to be listened to on a completely distinct playback device separate and remote from the tape recorder or compact disk device.

15. I have reviewed the reference referred to as Freeny. Freeny discloses sale of a material object, purchasable at a point-of-sale location. This is contrary to the teaching of Akashi, which discloses sending data representing music on record albums from a host computer to a recording reproducing apparatus when the host computer is accessed by the recording reproducing apparatus.

16. Freeny contains no disclosure that would lead one to believe that its method of credit card payment would be applicable to any other system than the one disclosed in Freeny. The system disclosed by Freeny simply requires obtaining a credit card authorization from a remote location. Once the authorization is obtained, all copying of audio and video is from information stored locally at the point of sale.

17. I have reviewed the reference referred to as Gallagher. Gallagher discloses a recorded data transfer system. The system taught by Gallagher comprises a data base, user units and a source unit. The data is transferred from the source unit to the data base where it is processed for storage in library form whereby selected data can be transmitted to any user and/or source unit in national or foreign territories. See column 1, lines 39-43 of Gallagher. The source unit could belong to a recording artist, the main unit to a major record company and user units to the general public. The artist would transfer the master mix to the record company who would store it, having processed it if necessary, and recall it, when necessary for sale to the general public via their user units. See lines 39-50 of page 1 of Gallagher.

18. Gallagher teaches the user unit comprises a parallel receiver/transmitter 30, a serial/parallel and parallel/serial converter 31, a storage medium 32 such as videotape or optical disk, a decoder 33 and suitable conversion apparatus 34 for audio and/or visual reproduction, means for storing/recalling and/or processing data received from the data banks. See lines 19-23 and 87-92 of page 1 of Gallagher. A playback apparatus is also taught to be part of the user unit. See the abstract of Gallagher.

19. Similar to Akashi, Gallagher does not teach a hard disk associated with the user unit, digital video signals, any way of effecting payment, or an integrated circuit with the user unit. Gallagher also does not teach a video display.

20. Gallagher is a data transfer system with a simple inexpensive user unit that can receive encrypted recorded music and store it on a videotape or optical disk. The user unit can then listen to the music that has been downloaded from the data base with means

for storing/recalling the received data of a playback apparatus, but because of the concerns regarding piracy which dictate the encryption of the music, the user unit may only receive the recorded material.

21. In order to combine the teachings of Gallagher with Akashi would dictate a wholesale conversion and redesign of the recording reproducing apparatus of Akashi to a single unit recording reproducing apparatus and audio playback device as taught by Gallagher. It requires that Akashi be somehow or other redesigned to include audio playback components. This would not be obvious to one skilled in the art.

22. This encryption teaching also dictates the further teaching in the context of Gallagher that the user unit may only receive recorded material, (page 1, lines 95 and 96 of Gallagher- in contrast the source unit and the database can both also send recorded material) and for the teaching of eliminating the possibility of material being used to be borrowed or copied (page 1, lines 98 and 99 of Gallagher). The teaching of encryption and the specific teachings to eliminate material being borrowed or copied, completely precludes the commercial operability of the recording reproducing apparatus of Akashi if the teachings of Gallagher were applied to Akashi. This is because Akashi does not teach or suggest the playback to occur in the recording reproducing apparatus itself, but the optical disk or the tape be carried away from the recording reproducing apparatus and played somewhere else. For the optical disk or the tape to be carried away from the recording reproducing apparatus, as found in Akashi, directly conflicts with the teachings of Gallagher that the user unit may only receive information and play it at the user unit, and that the possibility of the received material being usefully borrowed or copied is eliminated. Carrying the optical disk or tape away from the recording reproducing

apparatus to be played someplace else means that the tape or disk can be copied or is being borrowed and that the received information is not just being received and played at the user unit. Thus, the teachings of Gallagher cannot be combined with the teachings of Akashi because the recording reproducing apparatus taught by Akashi would be commercially unusable since the purchaser could then not carry the tape or optical disk away from the recording reproducing apparatus and play it someplace else so it could be listened to.

23. Similar to my analysis of Akashi, there is no indication in either of Gallagher or Freeny that the credit card payment method of Freeny would be applicable to the system of Gallagher.

24. There is no teaching or suggestion in Akashi, Freeny or Gallagher to combine their teachings. Akashi and Gallagher both teach specifically designed simple devices for their respective purpose. Nowhere does Akashi teach or suggest the need, or the desire to be modified to include playback capabilities. In fact, this would add substantial relative cost to the device taught by Akashi which would be a deterrent to add or redesign the recording reproducing apparatus taught by Akashi. Similarly, there is no teaching or suggestion anywhere in Gallagher that the user units be simply a receiver. To redesign the recording reproducing apparatus of Akashi into a player would also be contrary to the operation of the apparatus taught by Akashi, which is to take the audio tape or optical disk to a separate device for playback. Also, as noted above, the acquisition of audio information from a separate remote database in Akashi and Gallagher is fundamentally different from the copying of information stored at a point of sale location as in Freeny. There is no indication that the credit card payment method in Freeny could be modified to work with either Akashi or Gallagher.

25. I have reviewed the reference referred to as Chace. Chace discloses an automated stereo synthesizer for audiovisual programs. Chace teaches a method and apparatus for converting the monaural audio tracks of audiovisual programs into surround stereo signal which are mono-compatible and storable and which are synchronized with the video portion of the program. See column 1, lines 5-12. Chace teaches a conventional television monitor 12 receives the video signals from a VCR 10 and displays the video program on the monitor display screen. A video time code is also displayed in a code display region 14 of the monitor's screen. The working cassette is played by the VCR 10 in order to program the sound cues. The sound cues are a series of commands which are selected and programmed into a system computer 16 by an operator who watches the video program being displayed on the monitor 12. These sound cues are used during a play back mode of operation to alter the signals which are produced by a monaural sound track and thus create stereo sound signals. See column 5, lines 50-69.

26. Chace teaches a system that does not address distribution of audio and/or video information as in Akashi, Freeny and Gallagher. There is no teaching or suggestion whatsoever regarding the transfer of audio or video digital signals between a first party and a second party. The architecture that is involved with the method and apparatus taught by Chace is basically a television, a VCR connected to the television and a computer 16 for programming the sound cues. It is therefore apparent that Chace has nothing at all to do with the systems disclosed by Akashi, Freeny and Gallagher.

27. There is no reason to combine the teachings of Chace with the teachings of the other references for the reason stated above. Further, neither Akashi nor Freeny teach or suggest playback of the recording produced. Thus, Akashi and Freeny not only do

not teach or suggest combining their teachings with Chace, but have no need or desire for being able to play stereo from a monaural sound track.

28. I have reviewed the reference referred to as Eggers. Eggers discloses a system for random access to an audio/video data library with independent selection and display at each of a plurality of remote locations. Eggers teaches a modified vendor model. A second party is given the privilege of using the audio/video data library when the second party views or listens to the video or audio data in the hotel room or in the hospital room in which the second party resides.

29. Eggers teaches there is a need for selective access to pre-recorded audio-video data from a common library in which selection and display may be at any of a plurality of remote locations for providing information and entertainment to occupants of hotels, hospitals, and the like. See column 1, lines 35-42. Eggers teaches that in a hotel that devices such as message monitors 7 may inform room service that a guest has placed a food order. See column 4, lines 51 and 52.

30. Eggers teaches that the common library of audio and video titles is stored as a collection of video tape cartridges. See abstract and column 3, line 38. The collection is accessed using a mechanical retrieval filer that transports the discrete tape cartridges to playback devices. See column 3, lines 36-40. The audio and video information itself is not distributed remotely or stored remotely. Further, Eggers does not discuss the production of copies of the audio or video information. In both of these respects, Eggers is in contrast to Akashi and Gallagher which distribute copies audio information from a remote location.

Eggers is also contrary to Freeny, which leaves a purchaser in possession of a material object embodying the audio and/or video information.

31. On reviewing Eggers, it is apparent that its primary purpose is to provide access to a library of recorded audio or video information, which can be accessed for viewing, but not copying. There is no indication in Eggers of the desirability of allowing a user to produce a copy of the audio or video information. In contrast, the main purpose of Akashi, Freeny and Gallagher is to allow a user to make a copy of desired audio and/or video information.

32. I have reviewed the reference referred to as Thomas. Thomas discloses a method, apparatus and a system for recognizing broadcast segments. Thomas teaches that the method, apparatus and system relate to the automatic recognition of broadcast segments, particularly commercial advertisements broadcast by television stations. Thomas teaches that it is an object to provide an automated method, apparatus and system for logging commercial broadcast data which does not rely for recognition on the insertion of special codes or run cues occurring in the signal. Real time continuous pattern recognition of broadcast segment is accomplished by constructing a digital signature from a known specimen of a segment which is to be recognized. See column 1, lines 6-9 and 27-43.

33. Thomas uses a workstation to construct a digital signal from a known specimen of a segment which is to be recognized, which is the key to achieving the object of the method, apparatus and system taught by Thomas. Thomas is totally silent in regard

to the commercial distribution of audio or video information. The disclosure of Thomas is simply unrelated to any of Akashi, Freeny, Gallagher, Eggers or Chace.

34. I have reviewed the reference referred to by the examiner as Ohta. Ohta, discloses a magnetic tape cartridge compatible with a disk drive and tape drive mechanism therefore. On reviewing Ohta, it is completely silent regarding the download of audio or video digital signals between a first party and a second party. Ohta is drawn solely to a particular design for a removable magnetic tape cartridge. There is no indication in Ohta that its teaching that some computers have hard drives would be particularly valuable to one having knowledge of any of Akashi, Freeny, Gallagher, Eggers, Thomas or Chace.

35. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements in the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 12/23/2005

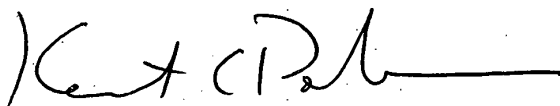
By: 
Kenneth C. Pohlmann

EXHIBIT A

KENNETH C. POHLMANN
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HIGHER EDUCATION

Master of Science in Electrical Engineering, 1976

University of Illinois in Urbana-Champaign, Illinois

Bachelor of Science in Electrical Engineering, 1974

University of Illinois in Urbana-Champaign, Illinois

ACADEMIC EMPLOYMENT

Professor of Music (tenured), University of Miami, School of Music, 1987 -

Director of Music Engineering, University of Miami, School of Music, 1983 -

Department Chairman, Music Media and Industry, University of Miami, School of Music, 1993-1998

Assistant Director of Music Engineering, University of Miami, School of Music, 1977-83

PUBLICATIONS

BOOKS

Principles of Digital Audio, McGraw-Hill, Inc., 5th edition, March, 2005

Principles of Digital Audio, McGraw-Hill, Inc., 4th edition, 2002 (Chinese translation)

Principles of Digital Audio, McGraw-Hill, Inc., 4th edition, 2002 (Spanish translation)

Principles of Digital Audio, McGraw-Hill, Inc., 4th edition, 2000

Writing for New Media: The Essential Guide to Writing for Interactive Media, CD-ROMs, and the Web, John Wiley & Sons, Inc., 1998 (co-author)

Compact Disc Handbuch, International Thompson Publishing, 1994 (German translation)

The Compact Disc Handbook, A-R Editions, Inc., Oxford University Press, 1989, 2nd edition, 1992

Advanced Digital Audio, Howard W. Sams & Co., Inc., 1991 (editor, co-author)

Digitale Audio Principes, Registratie En Opslag, Kluwer Technische Boeken, 1988. (Dutch translation)

ARTICLES/PAPERS

"Audio Compression using Repetitive Structures," co-inventor, Patent application filed USPTO, February 3, 2005

"High Frequency Effects on Localization and Sound Perception in a Small Acoustic Space," presented to the Society of Automotive Engineers. 2002 (co-author)

"Compact Discs, SACD and DVD," Handbook for Sound Engineers, Focal Press,, 3rd edition, 2002

"Music Wars," Scientific American, November, 2000

"Compact Disk," McGraw-Hill Encyclopedia of Science & Technology, 9th edition, 2000

"Compact Disk," McGraw-Hill Yearbook of Science & Technology, 1999

<http://www.music.miami.edu>, 1995 (co-author)

"Digital Audio Technology," National Association of Broadcasters Handbook, 8th Edition, 1992

"Compact Discs," Handbook for Sound Engineers, Howard W. Sams & Co., Inc., 2nd edition, 1991

"Residue Method for the Objective Evaluation of Digital Program

Degradation," AES Convention, October, 1991 (co-author)

"The Compact Disc," NARAS Journal, 1990

"Compact Disc Recording Technologies: State of the Art," The CD-ROM Yearbook, 1989

"Preface and Conference Opening Remarks," Proceedings of the AES 7th International Conference - Audio in Digital Times, May 14-17, 1989

"The Compact Disc Formats: Technology and Applications," Journal of the Audio Engineering Society, April, 1988

"Technical Overview of the CD-I Format," The Proceedings of the AES 5th International Conference, May 1-3, 1987

OTHER PUBLICATIONS

Author of more than 2,200 published articles for periodicals including:

Audio, Billboard, Car Stereo Review, dB, Digital Audio and Compact Disc

Review, Digital Recording Report, Electronics Australia, IEEE Spectrum,

Journal of the Audio Engineering Society, Laserdisk Professional, Mix,

Mobile Entertainment, PC Magazine, Scientific American, Sound and Image, Sound and Vision, Spektrum der Wissenschaft, Stereo Review, and Video Magazine, World Book Encyclopedia

Editorial responsibilities include:

Contributing technical editor, regular columnist for Sound and Vision Magazine

Contributing technical editor, regular columnist for Mobile Entertainment Magazine

ENGINEERING EXPERIENCE

Vice President, Infotainment Ltd., 1991-95

Vice President, U.S. Digital Disc Corporation, 1986-88

Independent audio engineering consultant, 1983 -

partial client list: Alpine Electronics, Analog Devices, Blockbuster Entertainment, DaimlerChrysler, Eclipse, Ford Motor Company, Fujitsu Ten, Harman International, Hughes Electronics, Hyundai Motors, IBM, Kia Motors, Lexus Division, Lucent Technologies, Microsoft Corporation, Mitsubishi Electronics, Motorola, Onkyo, Philips, RealNetworks, Samsung, Sensormatic, Sony Classical, Sony Corporation, TDK, Time Warner, Toyota Motors, United Technologies, Urocket

Research and development engineer, International Business

Information Systems, Inc., Miami, 1980-83

Research and development engineer, Microcomputer Arts, Inc., Miami, 1979-81

Chief Audio Engineer, Greater Miami Opera, 1979-89

Circuit designer, Sal Mar Construction, Urbana, 1976-78

Design engineer, minicomputer music system, Master's thesis project,

Experimental Music Studios, University of Illinois, Urbana, 1974-76

TEACHING EXPERIENCE

Founded Bachelor of Science degree in Electrical Engineering with Audio Emphasis, 1992

Founded Master of Science degree in Music Engineering, 1986

Master of Science Research Project Thesis Advisor 1988 -

partial list: Kirk Lampert, Robert Dunn, Matt Fellers, Thomas Zudock, John Anthony, Ricardo Garcia, Ted Tanner, William Johnson, Marc Bavay, Frank Filipanits, Michael Ballman, Jayant Datta, Aurika Hays, Brent Karley, Glenn Josefiak, Timothy Onders, Luis Martinez, Ali Habashi, Eduardo Trama, Vishweshwara Rao, Jonathon Boley, Robert Burke, Chhabra Vaibhav.

Lecturer on audio topics for educational and corporate institutions, 1978 -

partial client list: Canadian Broadcasting Corporation, Conde Nast, Hogskolan I Lulea, Recording Industry Association of America, Times Mirror, Tweeter, Inc., U.S. Justice Department Anti-Trust Division, Yamaha Corporation.

Initiated new undergraduate and graduate courses in acoustics, digital audio, recording techniques, studio production, Internet audio 1977 -

BUSINESS EXPERIENCE

Co-Founder of Infotainment, Ltd., CD-I publishing company, New York, 1991 -

Consultant or Expert Witness on copyright, patent infringement and other issues, 1989 - partial client list: Arnold & Porter (Recording Industry Association of America); Baker & McKenzie (Microsoft); Christie Parker & Hale (Kawai); Cushman Darby & Cushman (MCA Discovision); Dewey Ballantine (Apple Computer), Fish & Richardson (Microsoft), Greenberg, Glusker, Fields, Claman, Machtinger & Kinsella (Pueblo Films); Darby & Darby (Nice Systems); Firmstone & Feil (K-Mart Australia); Fish & Neave (Time Warner et al); Herman Roof Borgognoni & Moore (Elk Industries); Hunton & Williams (Sonopress); Paul, Weiss, Rifkind, Wharton & Garrison (Time-Warner); Barnes & Thornburg (Sanyo Laser Products, Inc.); Young & Thompson (Nippon Columbia).

Co-Founder of U.S. Digital Disc Corporation, Compact Disc consulting,

New York, 1986-88

Director of Gusman Concert Hall recording services, University of Miami, 1980-82

Co-Founder and Vice President of International Business Information Systems, computer wholesalers, Miami, 1980-83

Co-Founder and Vice President of Microcomputer Arts, audio synthesis design and development, Miami, 1979-81

Independent consultant for acoustics, audio engineering, 1976 -

HONORS, GRANTS AND SERVICE

Member of the Board of Directors of the New World Symphony, 2000 -

Non-Board Member of the National Public Radio Distribution/Interconnection Committee, 2000 - 03

Audio Engineering Society Board of Governors Award, 1998

Co-Chairman, AES 14th International Conference, Internet Audio, 1997

Audio Engineering Society Vice President Eastern Region U.S and Canada, 1993

Audio Engineering Society Convention Papers Co-Chairman 1993

Phillip Frost Award for Excellence in Teaching and Scholarship 1991-92

Audio Engineering Society Fellowship Award 1991

Audio Engineering Society Board of Governors 1991

Chairman, AES 7th International Conference, Digital Audio, 1989

Audio Engineering Society Board of Governors Award 1989

Audio Engineering Society Convention Seminars Chairman 1985

Audio Engineering Society Convention Papers Chairman 1984

University of Miami Research Grant 1984

School of Music Most Meritorious Faculty Member 1983-84

University of Miami Honors Lecturer 1980

University of Miami Academic Computing Grant 1979

Thomas Organ Company Financial Fellowship 1976

Eta Kappa Nu Electrical Engineering Award 1974

James Scholar Award 1974

parameters of the patented invention, [rather] there must be a teaching or suggestion within the prior art, within the nature of the problem to be solved, or within the general knowledge of a person of ordinary skill in the field of the invention, to look to particular sources, to select particular elements, and to combine them as combined by the inventor." Crown Operations, 289 F.3d at 1376. What the prior art teaches and whether it teaches away from the claimed invention are questions of fact. In re Bell, 991 F.2d 781, 784 (Fed. Cir. 1993).

At the summary judgment stage, the party claiming obviousness must come forward with clear and convincing evidence to satisfy the first three prongs of the test set out in Graham, i.e., (1) the scope and content of the prior art, (2) differences between the prior art and the allegedly infringed claims, and (3) the level of ordinary skill in the pertinent art. Id., 383 U.S. at 17; see also Winner Int'l Royalty Corp. v. Wang, 202 F.3d 1340, 1350 (Fed. Cir. 2000). If the defendant satisfies the *prima facie* showing of obviousness, the burden shifts to the patent owner to come forward with objective evidence demonstrating secondary considerations of non-obviousness, i.e., the fourth Graham factor. Winner Int'l, id.

2. Defendants' Examples of Prior Art Giving Rise to Obviousness:

Defendants argue that the Asserted Claims would have been obvious to a person of ordinary skill in the art because the subject matter of those claims consists "of an utterly conventional implementation of two technologies: the absolute basics of the download of digital audio and the absolute basics of electronic sales." (Defs.' Brief at 37.) They claim that "there are so many routes to demonstrating the

obviousness of the enabled Asserted Claims that it would be extremely redundant to go through a detailed analysis for all prior art references." (Id. at 38.) They concentrate on four single references – Akashi and PAN (discussed above), a non-technical article published in 1986, and descriptions of technology developed in the mid-1980s by Compusonics Corporation. The arguments with regard to Akashi and PAN are parallel, i.e., that each discloses the identical subject matter as the Sightsound Patents and that any differences in implementation of particular functions between Akashi or PAN and the Sightsound Patents are so insignificant that someone with a working knowledge of Akashi or PAN would find everything in the Sightsound Patents to be obvious and would learn nothing new from reading them. (Id. at 39-41.) Rather than review the arguments with regard to Akashi and PAN in detail, I will concentrate on the other prior art references²⁴ which Defendants argue would have allowed one skilled in the art to find the Sightsound Patents obvious.

Defendants argue that the essence of the entire Hair invention is encapsulated in an interview with Jimmy Bowen, president of the Nashville Division of MCA Records, published in October 1986.²⁵ In that interview, Bowen stated:

²⁴ Defendants also summarize two other instances of alleged prior art, specifically a company called Telephone Software Connection, founded in 1979, by which consumers could purchase and download software via telephone connections, and a patent issued in 1978 to Robin Elkins for an "Audio Storage and Distribution System" which allowed selection and transmission of digital signals over a telecommunications line. (Def.'s Brief at 11-12.) These are not used by Defendants as examples of prior art references in either the anticipation or obviousness arguments and thus I do not consider them herein.

²⁵ Plaintiff points out that the Bowen Article was considered by the Patent and Trademark Office during prosecution of the '440 Patent. (Plf.'s Brief in Opp. at 19, n.12.) When the prior art was before the PTO examiner during prosecution, the burden of the party alleging invalidity is

I see the time down the road, probably 10 years, when you'll be able to dial a series of numbers on your telephone and get a digital album over the phone line into your incoder (sic) in your home. In five minutes, you can have a new album. It's on your telephone bill or it's on your credit card or whatever.

(Exhibits to the Declaration of Michael I. Shamos, Docket No. 165, Exh. 1, "the Bowen Article.")

Defendants contend that this description by Bowen "includes all of the aspects of the asserted claims except for the copy prevention feature. . . . A straightforward and completely conventional implementation (of the method described in the Bowen Article) by one of ordinary skill in the art would yield the same invention that the Hair patents assert." (Defs.' Brief at 38.)

Defendants offer another indication of obviousness arising from the fact that by 1984, Compusonics Corporation had developed a system that incorporated all the necessary hardware components for transmission and downloading of digital audio signals over telecommunications lines between two computers for storage and playback. (Defs.' Brief at 41-42; see also Hayes Decl. Exh. 18.) Compusonics publicly demonstrated its system in 1985 and "expressly contemplated the application of their system to the sale and teledelivery of digital audio music into the consumer's home." (Hayes Decl. Exhs. 19-21; 35.) According to Defendants, the Compusonics system exactly corresponded to the claims of Sightsound Patents, and any differences in implementation between the two were "so trivial" that one of ordinary skill in the art who was familiar with the Compusonics system would find

"especially difficult." Hewlett-Packard Co. v. Bausch & Lomb, 909 F.2d 1464, 1467 (Fed. Cir. 1990).

the Sightsound Patents obvious. (Defs.' Brief at 41-42.)

Finally, Defendants argue that someone familiar with the art of digital audio transmission in 1988 would also be familiar with the concept of copy prevention as applied to the arts of digital download and electronic sales. (Defs.' Brief at 43-44.) Therefore, any elements of copy protection derived from the Sightsound Patents would have been obvious from prior art suggested by (1) a patent issued to Charles Freeny in 1985 ("the Freeny Patent"), (2) reports published in 1983 and 1986 ("the IRD Reports"); and (3) a patent issued to Martin Hellman in 1987. When the prior art of copy protection suggested by these references is combined with Akashi, PAN, Compusonics or Bowen, the invention claimed in the Sightsound Patents would have been obvious to a person of ordinary skill in the art in June 1988. (*Id.* at 44.)

3. Plaintiff's Arguments in Opposition to the Obviousness Claims:

In response, Plaintiff makes three arguments. First, Sightsound argues that Defendants have not presented "a rigorous comparison" of the claims to the prior art references, but offer "little more than the unsupported accusation that Mr. Hair's claimed invention is so simple that it does not deserve a patent." (Plif.'s Brief in Opp. at 16-18.) Sightsound contends that summary judgment must be denied because Defendants have failed to establish the scope and content of the prior art, the level of ordinary skill in the art, and differences between the Hair invention and the prior art. Second, Defendants have also failed to show that there was "a suggestion or motivation to modify the prior art teaching to obtain the claimed invention." (*Id.* at 17, quoting Beckson Marine, supra, 292 F.3d at 727.) Particularly, with regard to

the copy protection elements, Plaintiff contends that it has presented evidence contradicting the contention that one skilled in the art would have combined the cited references to arrive at the Sightsound Patents and that references cannot be combined when a reference teaches away²⁶ from the combination. Finally, Plaintiff points out that Defendants have entirely omitted any discussion of secondary considerations of non-obviousness. (Plf.'s Brief in Opp. at 31-36.)

4. Analysis:

I agree with Plaintiff that there are questions of material fact with regard to the obviousness claims sufficient to preclude summary judgment. Although Defendants have outlined numerous ways in which they argue one or more of the prior art references would render the Sightsound Patents obvious, those arguments are rebutted by Plaintiff. I mention only a few examples.

a. The Bowen Article:

As Plaintiff's expert, Dr. Tygar, points out, the Bowen reference provides no indication of how dialing a series of numbers on a telephone in order to get a digital album via a telephone line into an "incoder" in the purchaser's home would actually be accomplished. (Tygar Rebuttal at 55.) He then lists six points which are not addressed in the Bowen Article and notes as well that nothing in this reference

²⁶ "Teaching away" describes a situation in which a person of ordinary skill who read the reference would be discouraged from following the reference, would be led in a direction different from that taken by the patentee, or would believe that the result of following the reference's disclosure would not be likely to produce the result sought by the patentee. Furthermore, if combining references would produce a seemingly inoperative device, they teach away from their combination. Tec Air, Inc. v. Denso Mfg. Mich., Inc., 192 F.3d 1353, 1360-61 (Fed. Cir. 1999) (internal quotations and citations omitted).

addresses in any way the electronic sales aspect of the Sightsound Patents. His conclusion is that because the Bowen Article not only fails to supply answers to the questions, but also fails to suggest any means by which the questions would be answered, nothing in this prior reference would make the Asserted Claims obvious. (Id. at 56.)

b. The Akashi Patent:

As discussed above, this prior art reference incorporates no means for electronic sale of the desired digital signals; playback capacity, integrated speakers, or copy protection. There is also, at a minimum, a question of fact whether it teaches removable media or hard disk storage of the downloaded signals. (Plf.'s Brief in Opp. at 32.)

c. PAN:

As Dr. Tygar points out, one skilled in the art would not be motivated to augment the PAN system with a means to prevent unauthorized reproduction of the downloaded signals because the purpose of PAN was to provide "access to a free and unrestrained exchange of information." (Tygar Rebuttal at 78.) When coupled with the fact that the PAN system provided only incidentally for the electronic sale of digital signals (as discussed above), PAN thus teaches away from the Hair invention. (Plf.'s Brief in Opp. at 22;32.)

d. Compusonics:

Plaintiff points out that Dr. Moorner, one of Defendants' experts, admitted at his deposition that although developers of the Compusonics system "had the intent

and desire to offer music in the form of digital audio for pay," the system did not incorporate certain elements that would make obvious the Asserted Claims regarding electronic sales using the control units of the buyer's and seller's computers. That is, Dr. Moorer admitted that the Compusonics system was not configured to accept credit card information and transmit it to the seller's mainframe as a preliminary step to downloading the signals. (Plf.'s Brief in Opp. at 23, citing Moorer Depo. at 146-149.) Moreover, the Compusonics system could be expected to teach away from integrating a means of copy protection since its entire purpose was to allow the consumer to edit the signals he received.

e. The IRD Reports:

These reports, published by International Resource Development between 1982 and 1986, addressed such topics as downloading and teledelivery of music, video and software over telecommunications lines, generally on a pay-per-use basis. At least two IRD Reports, numbers 588 and 684, discuss the problem of illegal copying. (Defs.' Brief at 12-13.) Plaintiff's expert offers numerous reasons why none of the IRD Reports renders the Sightsound Patents obvious. (Tygar Rebuttal at 61-67.) For example, IRD 684 is silent regarding the fee aspect of downloading digital music files. While IRD 588 discusses the problem of illegal copying of music, there is no corresponding discussion of potential or actual solutions, and it concentrates on legal rather than technological means to prevent such copying. IRD 510 describes a music service similar to current cable television services with some pre-programmed channels and others available on a pay-per-view basis, a system which

is entirely inconsistent with the Hair invention. On the other hand, Dr. Tygar considered IRD 684 valuable because it reflects the perception among those skilled in the art that the companies which dominated the music distribution business in 1986 had no incentive to support teledelivery systems of digital music and were in fact actively refusing to cooperate with companies which attempted to do so. (Tygar Rebuttal at 62-63.) In his opinion, "IRD 684 makes it clear that one of ordinary skill in the art in 1986 would not be encouraged to develop music teledelivery systems and might very well be led away from that goal." (Id. at 63.)

f. The Freeny Patent:

Charles Freeny, Jr., received a patent in July 1985 for a "System for Reproducing Information in Material Objects at a Point of Sale Location." (Hayes Decl. Exh. 22, U.S. Patent No. 4,528,643.) Briefly stated, the Freeny Patent describes a "point-of-sale kiosk" that delivers information on demand. A consumer selects the desired information from a catalog, enters a computer code, and, when the sale is approved, the part of the kiosk known as the information manufacturing machine ("IMM") copies the information onto a "material object," i.e., a portable medium which is delivered to the consumer. (Tygar Rebuttal at 73-76; Defs.' Brief at 10.) In Dr. Tygar's opinion, the Freeny Patent teaches away from the Hair invention, primarily because the device to which the information is downloaded is not the device on which the consumer plays back the recording, an element which is critical to the Asserted Claims of the Sightsound Patents. Dr. Tygar also concluded from the Freeny Patent that the "point of sale kiosk" was located in a public place such as a